



Virginia Register of Regulations

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to

provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **William R. Janis**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **Jane M. Roush**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

May 2010 through June 2011

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
26:18	April 21, 2010	May 10, 2010
26:19	May 5, 2010	May 24, 2010
26:20	May 18, 2010 (Tuesday)	June 7, 2010
26:21	June 2, 2010	June 21, 2010
26:22	June 16, 2010	July 5, 2010
26:23	June 30, 2010	July 19, 2010
26:24	July 14, 2010	August 2, 2010
26:25	July 28, 2010	August 16, 2010
26:26	August 11, 2010	August 30, 2010
27:1	August 25, 2010	September 13, 2010
27:2	September 8, 2010	September 27, 2010
27:3	September 22, 2010	October 11, 2010
27:4	October 6, 2010	October 25, 2010
27:5	October 20, 2010	November 8, 2010
27:6	November 3, 2010	November 22, 2010
27:7	November 16, 2010 (Tuesday)	December 6, 2010
27:8	December 1, 2010	December 20, 2010
27:9	December 14, 2010 (Tuesday)	January 3, 2011
27:10	December 29, 2010	January 17, 2011
27:11	January 12, 2011	January 31, 2011
27:12	January 26, 2011	February 14, 2011
27:13	February 9, 2011	February 28, 2011
27:14	February 23, 2011	March 14, 2011
27:15	March 9, 2011	March 28, 2011
27:16	March 23, 2011	April 11, 2011
27:17	April 6, 2011	April 25, 2011
27:18	April 20, 2011	May 9, 2011
27:19	May 4, 2011	May 23, 2011
27:20	May 18, 2011	June 6, 2011
27:21	June 1, 2011	June 20, 2011

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Initial Agency Notice

Title of Regulation: 12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-30 to (i) add statements to the definitions of "department" and "provider" that exclude the Department of Corrections and (ii) remove the Department of Corrections exclusion from the definitions of "abuse" and "neglect."

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-54; Filed April 15, 2010, 3:23 p.m.

Initial Agency Notice

Title of Regulation: 12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-30 to change the phrase: "mental health, mental retardation, and substance abuse services" to "behavioral health and developmental services" in the definitions of "community services board" and "neglect."

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and

Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-55; Filed April 15, 2010, 3:15 p.m.

Initial Agency Notice

Title of Regulation: 12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-10 to remove the adjectives "public or private" to describe "providers" as redundant and remove the phrase "excluding the Department of Corrections", which appears twice in this section.

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-56; Filed April 15, 2010, 3:26 p.m.

Initial Agency Notice

Title of Regulation: 12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-70 B 8 b (3) by (i) creating a new subparagraph, 12VAC35-115-70 B 8 b (4), based on commitment status (Chapter 11 and 11.1); (ii) leaving the information related to commitments under Chapter 11 in 12VAC35-115-70 B 8 b (3); and (iii) providing additional information for commitments under Chapter 11.1 in a new subparagraph, 12VAC35-115-70 B 8 b (4) as follows:

- a) The 2003 Guidelines For The Management of Individuals Found Not Guilty By Reason of Insanity (NGRI Manual) does not make the statement on how and

Petitions for Rulemaking

when the Forensics Review Panel (FRP) reviews annual reports and their recommendations for disposition,

b) The NGRI Manual makes the statement that completing the privilege process is the criteria for the FRP approving the treatment team's submission to the court recommending release,

c) The NGRI Manual does not state whether the packet for conditional release or unconditional release is an annual report or a report for clinical findings attached to and in support of the Commissioner's petition for release,

d) The NGRI Manual does not state the Commissioner's statutory function within the statute on Annual Continuation of Confinement Hearings (§ 19.2-182.5 B of the Code of Virginia), which the FRP approval requirement derives its statutory authority from, for attaching itself to the submission of annual reports with recommendations other than continued hospitalization,

e) The NGRI Manual states the FRP reviews treatment team submissions recommending release without declaring whether treatment team submissions are annual reports or reports for clinical findings attached to and in support of the Commissioner's petition for release,

f) The NGRI Manual makes the statement that the NGRI acquittees may request release, resulting in the acquittee's need for inpatient hospitalization, and

g) The NGRI Manual does not state that the annual report recommending release results in the court of committing jurisdiction ordering a second evaluation to assess and report on the NGRI acquittee's need for inpatient hospitalization.

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-57; Filed April 15, 2010, 3:31 p.m.

Initial Agency Notice

Title of Regulation: **12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-90 to prohibit physicians or clinical psychologists involved in denying or limiting an individual's access to his service record from selecting second evaluators to review the denial of the individual's request to access his service record.

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-58; Filed April 15, 2010, 3:41 p.m.

Initial Agency Notice

Title of Regulation: **12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Amend 12VAC35-115-60 to only allow providers to return discharged individual's mail to senders when the providers do not have the discharged individual's address and the providers have made every attempt to ascertain the discharged individual's current address without success.

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-59; Filed April 15, 2010, 3:44 p.m.

Initial Agency Notice

Title of Regulation: **12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

Statutory Authority: § 37.2-400 of the Code of Virginia.

Name of Petitioner: Steven Shoon.

Nature of Petitioner's Request: Establish a new regulation requiring all providers receiving public funding to physically post Freedom of Information Act information.

Agency's Plan for Disposition of the Request: The board will consider the petition and public comments at its next scheduled meeting on June 25, 2010.

Public Comment Deadline: May 31, 2010.

Agency Contact: Linda B. Grasewicz, Regulatory Coordinator, Department of Behavioral Health and Developmental Services, 1220 Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0040, or email linda.grasewicz@dbhds.virginia.gov.

VA.R. Doc. No. R10-60; Filed April 15, 2010, 3:39 p.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider promulgating the following regulations: **9VAC25-800, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Pesticide Discharges.** The purpose of the proposed action is to develop and issue a VPDES general permit for discharges from pesticides applied (i) directly to surface waters to control pests or (ii) to control pests that are present in or over, including near, surface waters. This general permit regulation is necessary to comply with court ordered requirements for the federal Environmental Protection Agency and states to issue National Pollutant Discharge Elimination System permits for both chemical pesticide applications that leave a residue or excess in water and all biological pesticide applications that are made in or over, including near, waters of the United States.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register of Regulations.

Statutory Authority: § 62.1-44.1 of the Code of Virginia; § 402 of the federal Clean Water Act.

Public Comment Deadline: June 18, 2010.

Agency Contact: William K. Norris, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4022, FAX (804) 698-4347, or email william.norris@deq.virginia.gov.

VA.R. Doc. No. R10-2390; Filed April 19, 2010, 12:46 p.m.

therefore, this regulatory action is no longer necessary to have enforceable standards.

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Agency Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4424, FAX (804) 527-4637, or email lisa.hahn@dhp.virginia.gov.

VA.R. Doc. No. R10-2118; Filed April 13, 2010, 4:19 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Withdrawal of Notice of Intended Regulatory Action

The Board of Funeral Directors and Embalmers has withdrawn the Notice of Intended Regulatory Action for **18VAC65-20, Regulations of the Board of Funeral Directors and Embalmers**, published in 26:7 VA.R. 771 December 7, 2009, relating to establishing standards for refrigeration, transportation, and storage of human remains.

Chapter 823 of the 2010 Acts of Assembly includes standards for refrigeration, storage, and handling of human remains;

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

COMMON INTEREST COMMUNITY BOARD

Final Regulation

REGISTRAR'S NOTICE: The Common Interest Community Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Common Interest Community Board will receive, consider, and respond to petitions from any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC48-50. Common Interest Community Manager Regulations (amending 18VAC48-50-140).**

Statutory Authority: § 54.1-2349 of the Code of Virginia.

Effective Date: July 1, 2010.

Agency Contact: Trisha Henshaw, Executive Director, Common Interest Community Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8510, FAX (804) 527-4298, or email cic@dpor.virginia.gov.

Summary:

Chapter 557 of the 2009 Acts of Assembly changed the board's authority as it is applicable to any person licensed or certified by the board who violates any statute or regulation pertaining to the board and who is not criminally prosecuted. The amendment to the regulation reflects the change from § 54.1-2351 H of the Code of Virginia to § 54.1-202 of the Code of Virginia.

Part V

Standards of Conduct and Practice

18VAC48-50-140. Grounds for disciplinary action.

The board may place a regulant on probation, impose a monetary penalty in accordance with ~~§ 54.1-2351 H~~ § 54.1-202 of the Code of Virginia, or revoke, suspend, or refuse to renew any license when the regulant has been found to have violated or cooperated with others in violating any provisions of the regulations of the board or Chapter 23.3 (§ 54.1-2345 et seq.) of Title 54.1 of the Code of Virginia.

VA.R. Doc. No. R10-2372; Filed April 22, 2010, 1:15 p.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Final Regulation

REGISTRAR'S NOTICE: The Board of Funeral Directors and Embalmers is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Board of Funeral Directors and Embalmers will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC65-20. Regulations of the Board of Funeral Directors and Embalmers (amending 18VAC65-20-240).**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: June 9, 2010.

Agency Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4424, FAX (804) 527-4637, or email lisa.hahn@dhp.virginia.gov.

Summary:

The amendments correct the name of the national examining body to "International Conference of Funeral Service Examining Boards" and remove language stating the examination is administered in accredited schools of embalming or mortuary science.

18VAC65-20-240. Requirements for funeral service licensure by examination.

A. Application requirements.

1. Applicants shall submit school transcripts and national examination board scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

2. An individual applying for the state examination shall submit the application package not less than 30 days prior to an examination date. The board may, for good cause shown by the applicant, waive the time for the filing of any application.

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the International Conference of Funeral Service Examining Boards ~~of the United States~~.

Regulations

~~Inc., administered in accredited schools of embalming or mortuary science.~~

C. State examination requirements. All applicants shall pass the Virginia State Board Examination.

VA.R. Doc. No. R10-2358; Filed April 13, 2010, 2:33 p.m.

◆ ————— ◆

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20VAC5-315. Regulations Governing Net Energy Metering (amending 20VAC5-315-10, 20VAC5-315-20, 20VAC5-315-40, 20VAC5-315-50, 20VAC5-315-70).

Statutory Authority: §§ 12.1-13 and 56-594 of the Code of Virginia.

Effective Date: April 28, 2010.

Agency Contact: Cody Walker, Assistant Director, Energy Division, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9611, FAX (804) 371-9350, or email cody.walker@scc.virginia.gov.

Summary:

Pursuant to Chapter 804 of the 2009 Acts of Assembly, § 56-594 of the Code of Virginia was amended to (i) authorize utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW; (ii) permit customers who are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators; and (iii) provide that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity and has a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission, with the supplier's costs of acquiring the certificates recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause.

The amendments to the rules reflect the statutory increase of allowable total capacity of net metering customers, permit certain time-of-use customers to participate as customer-generators, and establish a mechanism for eligible customer-generators to sell renewable energy certificates to their electric distribution company at rates established by the State Corporation Commission. Changes from the proposed regulation include changing the definitions of "demand charge-based time-of-use tariff" and "energy service provider" to refer to electricity supply service, rather than electricity supply. In addition, the proposed rules have been modified to clarify that an electric distribution company may change the otherwise-applicable alternating current capacity limit by tariff for nonresidential customers only. In addition, the proposed rules have been amended to provide that a cooperative purchasing renewable energy certificates may require that the certificates be certified, tradable, marketable commodities or instruments issued by a regional transmission entity. Finally, the proposed rules have been revised to clarify that a renewable energy certificate represents the total output of the customer's renewable fuel generator, and not the net power produced.

AT RICHMOND, APRIL 13, 2010

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUE-2009-00105

Ex Parte: In the matter of amending regulations governing net energy metering

ORDER ADOPTING REGULATIONS

The Regulations Governing Net Energy Metering, 20 VAC 5-315-10 et seq. ("Net Energy Metering Rules"), adopted by the State Corporation Commission ("Commission") pursuant to § 56-594 of the Virginia Electric Utility Regulation Act ("Regulation Act"), and Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia ("Code"), establish the requirements for participation by an eligible customer-generator in net energy metering in the Commonwealth. The Net Energy Metering Rules include conditions for interconnection and metering, billing, and contract requirements between net metering customers, electric distribution companies, and energy service providers.

On November 16, 2009, the Commission entered an Order Establishing Proceeding to amend the Net Energy Metering Rules ("Order") to reflect statutory changes enacted by Chapter 804 of the 2009 Acts of Assembly ("Chapter 804"), which amended § 56-594 of the Code to: (1) authorize utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW; (2) permit customers who are served on time-of-use tariffs that have

electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators; and (3) provide that a participating customer-generator owns any renewable energy certificate ("REC" or "certificate") associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the Commission, with the utility's costs of acquiring the certificates recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause.

The Commission appended to its Order proposed amendments revising the Net Energy Metering Rules ("Proposed Rules"), which were prepared by the Commission Staff to reflect the permitted increase in the nonresidential capacity, to permit certain time-of-use customers to participate as customer-generators, and to establish a mechanism for eligible customer-generators to sell RECs to their electric distribution company at rates established by the Commission.

Notice of the proceeding was published in the Virginia Register of Regulations on December 7, 2009 and in newspapers of general circulation throughout the Commonwealth.¹ Interested persons were directed to file any comments and requests for hearing on the Proposed Rules on or before December 21, 2009.

The Virginia, Maryland & Delaware Association of Electric Cooperatives², Virginia Electric and Power Company ("Virginia Power"), and the Interstate Renewable Energy Council ("IREC") filed timely comments. The Commission also received public comments from several individuals including some who participate in net metering. No requests for hearing on the Proposed Rules were filed.

NOW THE COMMISSION, upon consideration of the record and applicable statutes, is of the opinion and finds that the regulations attached hereto as Appendix A should be adopted as final rules. To the extent parties have requested changes to the Proposed Rules that go beyond the scope of such rules, we will not expand the scope of this proceeding to consider issues beyond those required to implement the amendments to § 56-594 of the Regulation Act.

The Proposed Rules define "Demand charge-based time-of-use tariff" as "a retail tariff for electric supply service that has two or more time-of-use tiers for energy-based charges and an electricity supply demand (kilowatt) charge" and define "Energy service provider" as the entity providing electricity supply to a net metering customer. Virginia Power proposes that each definition be changed to refer to electricity supply service, rather than electricity supply. We agree, and the Proposed Rules will be amended accordingly. Virginia Power also requests that the term "generation demand charge" be added to the definition of "Demand charge-based time-of-use tariff." We disagree that such a change is necessary.

As required by Chapter 804, the Proposed Rules revised the definition of "Renewable fuel generator" to provide that an electric distribution company may change the otherwise-applicable alternating current capacity limit for certain customers by tariff. Virginia Power requests that the Proposed Rules be changed to clarify that the electric distribution company may only elect a higher capacity limit for nonresidential customers. Although we believe that the language in the Proposed Rules is consistent with the statutory language, the clarification requested by Virginia Power is reasonable, and we will amend the Proposed Rules accordingly.

The Cooperatives argue that the Commission has not provided adequate guidance regarding the mechanism to be used in setting higher capacity limits for nonresidential customers, and express concern that setting a fixed higher capacity limit (rather than, for example, a variable limit based on the size of the nonresidential customer's load) could lead to abuse of the net metering program through installation of generation in excess of that required to offset the customer's load. The Commission does not believe that such a change in the Proposed Rules, which the Cooperatives concede are consistent with the statute, is necessary at this time. The Commission will review such matters as they arise on a case-by-case basis.

The Proposed Rules define "Renewable Energy Certificate (REC)" as "the renewable energy attributes associated with the production of one megawatt-hour (MWh) of electrical energy generated by a renewable fuel generator." The Cooperatives suggest that this definition does not provide a sufficient description for purposes of recognizing and establishing its value, and argue that a REC only has value if it is a tradable, marketable commodity. We find, however, that the scope of the proposed definition is reasonable for purposes of these rules. IREC proposes that RECs be defined in terms of kWh produced, rather than MWh, given that most customers will produce only a fraction of a MWh each year. The extent of the Commission's regulations, however, are set by the statute, which does not provide for fractional RECs. Furthermore, the change proposed by IREC would not eliminate the need to account for fractional RECs, as there would still remain fractions of such kWh-based RECs.

IREC requests that the Commission eliminate the Conditions of Interconnection set forth in 20 VAC 5-315-40, and instead incorporate the distributed generation interconnection standards established in Case No. PUE-2008-00004. We note that the distributed generation and net metering interconnection rules are based on different statutory standards and have evolved largely independently. Thus, the Commission believes the existing regulatory regime remains appropriate. We will not adopt IREC's recommendations.

The Proposed Rules provide that a net metering customer owns any RECs associated with its renewable fuel generator

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and may sell those RECs to any willing buyer at any time. The Proposed Rules further provide that the net metering customer has a one-time option at the time of signing a power purchase agreement with its supplier to require the purchase, by the supplier, of all generated RECs over the duration of the power purchase agreement. The Cooperatives have requested clarification regarding whether a REC represents the total energy produced or the net power produced. We will revise the Proposed Rules to clarify that a REC represents the total output of the customer's renewable fuel generator.

Virginia Power proposes that the Rules be clarified to provide that the supplier is obligated to purchase only "generated RECs associated with excess generation purchased by the company in accordance with a power purchase agreement." Chapter 804, however, is quite explicit on this point, providing that "the customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates." The statute and the Proposed Rules provide that the supplier may be required to purchase all RECs associated with the customer's generating facility, so we decline to make the change requested by Virginia Power.

The Proposed Rules require that the rate of the payment by the supplier for the customer's RECs shall be the daily unweighted average of the "CR" component of Virginia Power's Rider G tariff in effect over the period for which the rate of payment for the excess generation is determined. Virginia Power states that it is concerned that future changes to its tariff may require changes to the rules, and suggests that the Proposed Rules be revised to provide more generally that the applicable rate "shall be the daily unweighted average of the applicable REC commodity price component of that supplier's retail renewable energy tariff as approved by the Commission, if the utility has such a tariff." The Proposed Rules, which apply the CR component of the Virginia Power rate in effect at the time of delivery, recognize that the CR rate will change from time to time. The Commission believes that this approach is reasonable, and will not adopt the change to the rules proposed by Virginia Power.

The Cooperatives believe the Proposed Rules go beyond the statutory mandate by providing that a customer may sell its RECs to a willing buyer at any time. The Commission disagrees. The statute provides that the customer owns the RECs associated with its generating facility. As such, the customer is free to sell such RECs to any third party upon mutually agreeable terms. While only the supplier is required to buy such RECs, any third party remains free to do so voluntarily. The Cooperatives also complain that while the statute speaks of the customer's one-time option to sell the RECs to its supplier, the Proposed Rules require the supplier to purchase the RECs. The Proposed Rules are fully consistent with the statute, which provides the customer a

right to sell the RECs to the supplier at a Commission-defined price. If the customer has a right to sell, it is clear that the supplier has a corresponding obligation to purchase. The Commission will not revise the Proposed Rules as requested by the Cooperatives.

The Cooperatives complain that the Proposed Rules' requirement that suppliers develop and implement billing and accounting systems to deal with multiple time-of-use tiers may prove costly and discouraging. The Cooperatives further state that the Proposed Rules are ambiguous regarding how credits and charges over time-of-use tiers are to be accounted for. The Commission agrees that time-of-use rates for net metering customers is likely to be complicated, and may require special billing procedures by the supplier for such customers. However, Chapter 804 mandates that the Commission's regulations permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as eligible customer-generators. The Proposed Rules are consistent with this statutory mandate.

Finally, the individual customer-generators who provided comments suggest that the Proposed Rules are complicated and suggest several changes to make the rules easier to understand. The Commission is sympathetic with these concerns, and agrees that the rules, as well as the statute upon which the rules are based, are complex. However, given that the Proposed Rules are consistent with Chapter 804, the Commission will not make further revisions at this time.

Accordingly, IT IS ORDERED THAT:

(1) The Regulations Governing Net Energy Metering are hereby adopted as shown in Appendix A to this Order, effective as of April 28, 2010.

(2) A copy of this Order with Appendix A including the Regulations Governing Net Energy Metering shall be forwarded to the Registrar of Regulations for publication in the Virginia Register of Regulations.

(3) On or before June 2, 2010, all electric utilities in the Commonwealth subject to Chapter 10 (§ 56-232 et seq.) of Title 56 of Code of Virginia shall file with the Commission's Division of Energy Regulation any revised tariff provisions necessary to implement the regulations as adopted herein.

(4) There being nothing further to come before the Commission, this case shall be removed from the docket and the papers filed herein be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all electric distribution companies licensed in Virginia as shown on Appendix A, hereto; and a copy shall also be sent to the Commission's Office of General Counsel and Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

¹ See Memoranda from Laura S. Martin and Affidavits of Publication, filed in this docket on December 10, 2009.

² The Association submitted its comments along with and on behalf of its Virginia members: A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative (collectively, the "Cooperatives").

20VAC5-315-10. Applicability and scope.

These regulations are promulgated pursuant to the provisions of § 56-594 of the Virginia Electric Utility ~~Restructuring Regulation~~ Act (§ 56-576 et seq. of the Code of Virginia). They establish requirements intended to facilitate net energy metering for customers owning and operating, or contracting with persons to own or operate, or both, an electrical generator that uses renewable energy, as defined by § 56-576 of the Code of Virginia as its total fuel source. These regulations will standardize the interconnection requirements for such facilities and will govern the metering, billing, payment and contract requirements between net metering customers, electric distribution companies and energy service providers.

20VAC5-315-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Billing period" means, as to a particular customer, the time period between the ~~dates on two meter readings upon~~ which the electric distribution company ~~or~~ and the energy service provider, ~~as the case may be, issues~~ calculate the customer's bills.

"Billing period credit" means, for a nontime-of-use net metering customer, the quantity of electricity generated and fed back into the electric grid by the customer's renewable fuel generator in excess of the electricity supplied to the customer over the billing period. For time-of-use net metering customers, billing period credits are determined separately for each time-of-use tier.

"Demand charge-based time-of-use tariff" means a retail tariff for electric supply service that has two or more time-of-use tiers for energy-based charges and an electricity supply demand (kilowatt) charge.

"Electric distribution company" means the entity that owns and/or operates the distribution facilities delivering electricity to the net metering customer's premises.

"Energy service provider (supplier)" means the entity providing ~~electric energy~~ electricity supply [service] to a net metering customer, either as a ~~tariffed, or~~ competitive, ~~or~~ default service pursuant to § 56-585 of the Code of Virginia.

"Excess generation" means the amount ~~by which of~~ electricity generated by the renewable fuel generator ~~exceeds in excess of~~ the electricity consumed by the ~~net metering customer for~~ over the course of the net metering period. For time-of-use net metering customers, excess generation is determined separately for each time-of-use tier.

"Net metering customer (customer)" means a customer owning and operating, or contracting with other persons to own or operate, or both, a renewable fuel generator under a net metering service arrangement.

"Net metering period" means each successive 12-month period beginning with the first meter reading date following the date of final interconnection of the renewable fuel generator with the electric distribution company's facilities.

"Net metering service" means providing retail electric service to a customer operating a renewable fuel generator and measuring the difference, over the net metering period, between electricity supplied to a ~~net metering the~~ customer from the electric grid and the electricity generated and fed back to the electric grid by the ~~net metering customer, using a single meter or, as provided in 20VAC5-315-70, additional meters.~~

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity and the Commonwealth or any municipality.

"Renewable Energy Certificate (REC)" represents the renewable energy attributes associated with the production of one megawatt-hour (MWh) of electrical energy generated by a renewable fuel generator.

"Renewable fuel generator" means an electrical generating facility that:

1. Has an alternating current capacity of not more than 10 kilowatts for residential customers and not more than 500 kilowatts for nonresidential customers unless the electric distribution company has chosen a higher capacity limit [for nonresidential customers] in its net metering tariff;
2. Uses renewable energy, as defined by § 56-576 of the Code of Virginia, as its total fuel source;
3. The net metering customer owns and operates, or has contracted with other persons to own or operate, or both;
4. Is located on the customer's premises and is connected to the customer's wiring on the customer's side of its interconnection with the distributor;
5. Is interconnected pursuant to a net metering arrangement and operated in parallel with the electric distribution company's facilities; and
6. Is intended primarily to offset all or part of the net metering customer's own electricity requirements.

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"Time-of-use net metering customer (time-of-use customer)" means a net metering customer receiving retail electricity supply service under a demand charge-based time-of-use tariff.

"Time-of-use period" means an interval of time over which the energy (kilowatt-hour) rate charged to a time-of-use customer does not change.

"Time-of-use tier (tier)" means all time-of-use periods given the same name (e.g., on-peak, off-peak, critical peak, etc.) for the purpose of time-differentiating energy (kilowatt-hour)-based charges. The rates associated with a particular tier may vary by day and by season.

20VAC5-315-40. Conditions of interconnection.

A. A prospective net metering customer may begin operation of his renewable fuel generator on an interconnected basis when:

1. The net metering customer has properly notified both the electric distribution company and energy service provider (in accordance with 20VAC5-315-30) of his intent to interconnect.
2. If required by the electric distribution company's net metering tariff, the net metering customer has installed a lockable, electric distribution company accessible, load breaking manual disconnect switch.
3. A licensed electrician has certified, by signing the commission-approved notification form, that any required manual disconnect switch has been installed properly and that the renewable fuel generator has been installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code.
4. The vendor has certified, by signing the commission-approved notification form, that the renewable fuel generator being installed is in compliance with the requirements established by Underwriters Laboratories or other national testing laboratories in accordance with IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003.
5. In the case of static inverter-connected renewable fuel generators with an alternating current capacity in excess of 10 kilowatts, the net metering customer has had the inverter settings inspected by the electric distribution company. The inspecting electric distribution company may impose a fee on the net metering customer of no more than \$50 for such inspection.
6. In the case of nonstatic inverter-connected renewable fuel generators, the net metering customer has interconnected according to the electric distribution company's interconnection guidelines and the electric distribution company has inspected all protective equipment settings. The inspecting electric distribution

company may impose a fee on the net metering customer of no more than \$50 for such inspection.

7. In the case of renewable fuel generators with an alternating current capacity greater than 25 kilowatts, the following requirements shall be met before interconnection may occur:

- a. Electric distribution facilities and customer impact limitations. A renewable fuel generator shall not be permitted to interconnect to distribution facilities if the interconnection would reasonably lead to damage to any of the electric distribution company's facilities or would reasonably lead to voltage regulation or power quality problems at other customer revenue meters due to the incremental effect of the generator on the performance of the electric distribution system, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.
- b. Secondary, service, and service entrance limitations. The capacity of the renewable fuel generator shall be less than the capacity of the electric distribution company-owned secondary, service, and service entrance cable connected to the point of interconnection, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.
- c. Transformer loading limitations. The renewable fuel generator shall not have the ability to overload the electric distribution company transformer, or any transformer winding, beyond manufacturer or nameplate ratings, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.
- d. Integration with electric distribution company facilities grounding. The grounding scheme of the renewable fuel generator shall comply with IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003, and shall be consistent with the grounding scheme used by the electric distribution company. If requested by a prospective net metering customer, the electric distribution company shall assist the prospective net metering customer in selecting a grounding scheme that coordinates with its distribution system.
- e. Balance limitation. The renewable fuel generator shall not create a voltage imbalance of more than 3.0% at any other customer's revenue meter if the electric distribution company transformer, with the secondary connected to the point of interconnection, is a three-phase transformer, unless the customer reimburses the electric distribution company for its cost to modify any facilities needed to accommodate the interconnection.

B. A prospective net metering customer shall not be allowed to interconnect a renewable fuel generator if doing so will cause the total rated generating alternating current capacity of all interconnected renewable fuel generators within that customer's electric distribution company's Virginia service territory to exceed 1.0% of that company's Virginia peak-load forecast for the previous year. In any case where a prospective net metering customer has submitted a notification form required by 20VAC5-315-30 and that customer's interconnection would cause the total rated generating alternating current capacity of all interconnected renewable fuel generators within that electric distribution company's service territory to exceed 1.0% of that company's Virginia peak-load forecast for the previous year, the electric distribution company shall, at the time it becomes aware of the fact, send written notification to such prospective net metering customer and to the commission's Division of Energy Regulation that the interconnection is not allowed. In addition, upon request from any customer, the electric distribution company shall provide to the customer the amount of capacity still available for interconnection pursuant to § 56-594 D of the Code of Virginia.

C. Neither the electric distribution company nor the energy service provider shall impose any charges upon a net metering customer for any interconnection requirements specified by this chapter, except as provided under subdivisions A 5 and 6 of this section, and 20VAC5-315-50 as related to off-site additional metering.

D. The net energy metering customer shall immediately notify the electric distribution company of any changes in the ownership of, operational responsibility for, or contact information for the generator.

20VAC5-315-50. Metering, billing, payment and contract or tariff considerations.

Net metered energy shall be measured in accordance with standard metering practices by metering equipment capable of measuring (but not necessarily displaying) power flow in both directions. Each contract or tariff governing the relationship between a net metering customer, electric distribution company or energy service provider shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the contract or tariff under which the same customer would be served if such customer was not a net metering customer with the exception that time-of-use metering under an electricity supply [service] tariff having no demand charges is not permitted. Said contract or tariff shall be applicable to both the electric energy supplied to, and consumed from, the grid by that customer.

In instances where a net metering ~~customers'~~ customer's metering equipment is of a type for which meter readings are made off site and where this equipment has, or will be, installed for the convenience of the electric distribution

company, the electric distribution company shall provide the necessary additional metering equipment to enable net metering service at no charge to the net metering customer. In instances where a net metering customer has requested, and where the electric distribution company would not have otherwise installed, metering equipment ~~which that~~ is intended to be read off site, the electric distribution company may charge the net metering customer its actual cost of installing any additional equipment necessary to implement net metering service. A time-of-use net metering customer shall bear the incremental metering costs associated with net metering. Any incremental metering [expense costs] associated with measuring the [total] output of the renewable fuel generator for the purposes of receiving renewable energy certificates shall be installed at the customer's expense unless otherwise negotiated between the customer and the REC purchaser.

~~If electricity generated by the net metering customer and fed back to the electric grid exceeds the electricity supplied to the net metering customer from the grid during a net metering period, the~~ A net metering customer shall receive no compensation ~~from the electric distribution company nor the energy service provider~~ for excess generation unless that the net metering customer has entered into a power purchase agreement with ~~the electric distribution company and/or the energy service provider~~ its supplier.

~~If the electric distribution company is also the energy service provider of the net metering customer, the electric distribution company, upon~~ Upon the written request of the net metering customer, the customer's supplier shall enter into a power purchase agreement for the excess generation for one or more net metering periods, as requested by the net metering customer, ~~that begin on or after July 1, 2007. For net metering periods beginning during the time period July 1, 2007, through December 31, 2008, the written request of the net metering customer shall be submitted prior to the end of the net metering period. For net metering periods beginning on or after January 1, 2009, the~~ The written request of the net metering customer shall be submitted prior to the beginning of the first net metering period covered by the power purchase agreement. The power purchase agreement shall be consistent with this chapter ~~and obligate the~~. If the customer's supplier is an investor-owned electric distribution company, the supplier shall be obligated by the power purchase agreement to purchase the excess generation for the requested net metering periods at a price equal to the PJM Interconnection, L.L.C. (PJM) zonal day-ahead annual, simple average LMP (locational marginal price) for the PJM load zone in which the electric distribution company's Virginia retail service territory resides (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the electric distribution company and

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the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology. If the Virginia retail service territory of the investor-owned electric distribution company does not reside within a PJM load zone, the power purchase agreement shall obligate the electric distribution company to purchase excess generation for the requested net metering periods at a price equal to the systemwide PJM day-ahead annual, simple average LMP (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the electric distribution company and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

~~The~~ If the customer's supplier is a member-owned electric cooperative ~~electric distribution company~~, the supplier shall be obligated by the power purchase agreement to purchase excess generation for the requested net metering periods at a price equal to the simple average (by tiers for time-of-use customers) of the cooperative electric distribution company's cooperative's hourly avoidable cost of energy, including fuel, based on the energy and energy-related charges of its primary wholesale power supplier for the net metering period, unless the electric distribution company and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

If the customer's supplier is a competitive supplier, the supplier shall be obligated by the power purchase agreement to purchase the excess generation for the requested net metering periods at a price equal to the systemwide PJM day-ahead annual, simple average LMP (simple average of hourly LMPs, by tiers, for time-of-use customers), as published by the PJM Market Monitoring Unit, for the most recent calendar year ending on or before the end of each net metering period, unless the supplier and the net metering customer mutually agree to a higher price or unless, after notice and opportunity for hearing, the commission establishes a different price or pricing methodology.

The ~~electric distribution company~~ customer's supplier shall make full payment annually to the net metering customer within 30 days following the latter of the end of the net metering period or, if applicable, the date of the PJM Market Monitoring Unit's publication of the previous calendar-year's applicable zonal or systemwide PJM day-ahead annual, simple average LMP (locational marginal price), or hourly LMP, as appropriate. The ~~electric distribution company~~ supplier may offer the net metering customer the choice of an account credit in lieu of a direct payment. The option of a net metering customer to request payment from its supplier for excess generation for the net metering period and the

~~corresponding price or pricing formula applicable to such excess generation and the price or pricing formula shall be clearly delineated in the net metering tariff of the electric distribution company or timely provided by the customer's competitive supplier, as applicable.~~ A copy of such tariff, or an Internet link to such tariff, at the option of the customer, shall be provided to each customer requesting interconnection of a renewable fuel generator. A competitive supplier shall provide in its contract with the net metering customer the price or pricing formula for excess generation.

~~If electricity generated by the net metering customer and fed back to the electric grid exceeds the electricity supplied to the net metering customer from the grid during any billing period (billing period credit), For a nontime-of use net metering customer, in any billing period in which there is a billing period credit, the net metering customer shall be required to pay only the nonusage sensitive charges for that billing period. Such~~ For a time-of-use net metering customer, in any billing period for which there are billing period credits in all tiers, the customer shall be required to pay only the demand charge or charges and nonusage sensitive charges for that billing period. Any billing period credits shall be accumulated, carried forward, and applied at the first opportunity to any billing periods having positive net consumptions (by tiers, in the case of time-of-use customers). However, any accumulated billing period credits remaining unused at the end of a net metering period shall be carried forward into the next net metering period only to the extent that such accumulated billing period credits carried forward do not exceed the net metering customer's billed consumption for the current net metering period, adjusted to exclude accumulated billing period credits carried forward and applied from the previous net metering period (recognizing tiers for time-of-use customers).

A net metering customer owns any renewable energy certificates associated with [the total output of] its renewable fuel generator [and may sell those RECs to any willing buyer at any time at a mutually agreeable price]. [The A supplier is only obligated to purchase a] net metering [customer customer's RECs if the net metering customer] has [a exercised its] one-time option at the time of signing a power purchase agreement with its supplier to include a provision requiring the purchase by the supplier of all generated RECs over the duration of the power purchase agreement.

Payment for all whole RECs [generated purchased by the supplier] during a net metering period [covered by in accordance with] the purchase power agreement shall be made at the same time as the payment for any excess generation. The supplier will post a credit to the customer's account, or the customer may elect a direct payment. Any fractional REC remaining shall not receive immediate payment, but may be carried forward to subsequent net metering periods for the duration of the power purchase agreement.

The rate of the payment by the supplier for a customer's RECs shall be the daily unweighted average of the "CR" component of Virginia Electric and Power Company's Virginia jurisdiction Rider G tariff in effect over the period for which the rate of payment for the excess generation is determined, unless the customer's supplier is not Virginia Electric and Power Company, and that supplier has an applicable Virginia retail renewable energy tariff containing a comparable REC commodity price component, in which case that price component shall be the basis of the rate of payment. The commission may, with notice and opportunity for hearing, set another rate of payment or methodology for setting the rate of payment for RECs.

[To the extent that RECs are not sold to the net metering customer's supplier, they may be sold to any willing buyer at any time at a mutually agreeable price.]

20VAC5-315-70. Additional controls and tests.

Except as provided in 20VAC5-315-40 A 5 and 6 and 20VAC5-315-50 as related to ~~off-site~~ additional metering, no net metering customer shall be required to pay for additional metering, testing or controls in order to interconnect with the electric distribution company or energy service provider. However, this chapter shall not preclude a net metering customer, an electric distribution company or an energy service provider from installing additional controls or meters, or from conducting additional tests. The expenses associated with these additional meters, tests or equipment shall be borne by the party desiring the additional meters, tests or equipment.

DOCUMENTS INCORPORATED BY REFERENCE

1547, IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems, July 2003, The Institute of Electrical and Electronics Engineers, Inc.

Rider G. Renewable Energy Program, Virginia Electric and Power Company, January 1, 2009.

VA.R. Doc. No. R10-2151; Filed April 14, 2010, 9:50 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF TRANSPORTATION

Final Regulation

REGISTRAR'S NOTICE: The Department of Transportation is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 11 of the Code of Virginia, which exempts regulations relating to traffic signs, markers, or control devices.

Title of Regulation: 24VAC30-360. Notice of Reduction of Weight Limits (Posted Structures Report M-50) (repealing 24VAC30-360-10).

Statutory Authority: § 46.2-1104 of the Code of Virginia.

Effective Date: April 27, 2010.

Agency Contact: Anwar S. Ahmad, P.E., Assistant Division Administrator, Structure and Bridge Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-2853, FAX (804) 786-7787, or email anwar.ahmad@vdot.virginia.gov.

Summary:

This action repeals 24VAC30-360 relating to the notice of reduction of weight and other limits of vehicles. Section 46.2-1104 of the Code of Virginia authorizes the Commonwealth Transportation Commissioner to "prescribe the weight, width, height, length, or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the interstate, primary, or secondary system of highways." It further authorizes the commissioner to limit these dimensions beyond what is prescribed by statute subject to the findings of an engineering study. Any such reduction of limits is required to be kept on file at the Virginia Department of Transportation (VDOT) and is currently done so in the Posted Structures Report. 24VAC30-360 simply incorporated this document by reference and provided an address where the document was available.

The Posted Structures Report is available in VDOT's Highway Traffic Records Information System (HTRIS) and can be updated and produced at any time. To provide public access to the report, a posted structures list file can be downloaded directly from the Dashboard on VDOT's website. The Dashboard information is updated nightly and provides essentially the same information as the Posted Structures Report; therefore, technology has made it advisable to repeal the regulatory entry for this report.

CHAPTER 360

NOTICE OF REDUCTION OF WEIGHT LIMITS (POSTED STRUCTURES REPORT M-50) (REPEALED)

~~24VAC30-360-10. Notice of reduction of weight limits (Posted Structures Report M-50) (filed by description with the Registrar of Regulations). (Repealed.)~~

~~Description: The regulations governing the reduction of weight limits establish limitations less than those prescribed in the Code of Virginia whenever an engineering study discloses that it would promote the safety of travel or is necessary for the protection of any such highway.~~

Regulations

~~The document is available to businesses and citizens for public review and is available for inspection at the following location:~~

~~Virginia Department of Transportation~~

~~Maintenance Division~~

~~Old Highway Building~~

~~1221 E. Broad Street, 4th Floor~~

~~Richmond, VA 23219~~

VA.R. Doc. No. R10-2377; Filed April 27, 2010, 10:01 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Proposed Consent Special Order for the Industrial Development Authority of Washington County

Purpose of notice: To seek public comment on the terms of a proposed Consent Special Order (order) issued to the Industrial Development Authority of Washington County.

Public comment period: May 10, 2010, through June 8, 2010.

Summary of proposal: The proposed order describes a settlement between the Virginia Soil and Water Conservation Board and the Industrial Development Authority of Washington County to resolve alleged past violations of the Virginia Stormwater Management Act and Regulations at the Oak Park Center for Business and Industry Phase III Building Pad Development construction site located in Washington County. The proposed order requires payment of a \$15,000 civil charge.

How to comment: The Virginia Department of Conservation and Recreation accepts written comments from the public by mail, email, or facsimile. All comments must include the name, address, and telephone number of the person commenting. Comments must be received during the comment period. A copy of the proposed order is available on request from the person identified directly below as the contact.

Contact for public documents and additional information: Edward A. Liggett, Virginia Department of Conservation and Recreation, 900 Natural Resources Drive, Suite 800-DCR, Charlottesville, VA 22903, telephone (434) 220-9067, FAX (804) 786-1798, or email ed.liggett@dcr.virginia.gov.

Contact Information: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, or email david.dowling@dcr.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Consent Special Order for Town of Ferrum Sewage Treatment Plant

An enforcement action has been proposed for the Town of Ferrum Sewage Treatment Plant for violations in Franklin County, Virginia. The Special Order by Consent will address and resolve violations of environmental law and regulations. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Jerry Ford, Jr. will accept comments by email at jerry.ford@deq.virginia.gov or postal mail at Department of Environmental Quality, Blue Ridge Regional Office, 3019

Peters Creek Road, Roanoke, VA 24019, from May 11, 2010, to June 9, 2010.

Restore Water Quality for Portions of Fontaine Creek

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation are announcing a study to restore water quality for portions of Fontaine Creek that stretches across Brunswick and Greensville Counties. This notice also announces the first public meetings and a public comment opportunity.

Public meetings: Wednesday, May 26, 2010, from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. at the Richardson Memorial Library located at 100 Spring Street, Emporia, VA 23847. Both meetings are open to the public.

Meeting description: Overview and summary of the research to date of the water quality impairments of the recreation use for portions of Fontaine Creek that are impaired due to bacterial violations.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination for portions of Fontaine Creek. This impairment spans approximately 32 miles. These waterways are impaired for failure to meet the recreational designated use due to exceedances of the bacterial water quality standard.

Waterbody	Location	Impaired Length (mi)	Impairment
Fontaine Creek (K11R-01-BAC)	Rt 633 Bridge to the tributary between Rts 627 and 639 Greensville Co.	9.87	Recreational Use
Fontaine Creek (K11R-04-BAC)	I-95 Bridge to Rt 301 Bridge Greensville Co.	9.12	
Fontaine Creek (K12R-01-BAC)	Route 301 Bridge to confluence with Meherrin River Greensville Co.	13.29	
Total Impairment Length		32.28	

The study reports on the current status of Fontaine Creek and its tributaries via sampling performed by the Virginia Department of Environmental Quality and the possible sources of bacterial contamination. The study recommends total maximum daily loads (TMDLs) for the above impairments. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality the bacteria levels have to be reduced to the TMDL amount.

General Notices/Errata

How to comment: DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting and be received by DEQ during the comment period, which expires June 28, 2010. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Margaret Smigo, TMDL Coordinator, Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or email margaret.smigo@deq.virginia.gov.

Proposed Consent Order for Mr. Kurt A. Lorenz

An enforcement action has been proposed for Mr. Kurt A. Lorenz for alleged violations in Chesapeake, Virginia. A consent order describes a settlement to resolve unpermitted wetland impacts that occurred at 1949 Centerville Turnpike South. The order requires corrective action and payment of a civil charge. A description of the proposed order is available at the DEQ office named below or online at www.deq.virginia.gov. Daniel J. Van Orman will accept comments by email at daniel.vanorman@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, from May 10, 2010, to June 9, 2010.

Proposed Consent Order for Manakin Water and Sewerage Corporation

An enforcement action has been proposed for Manakin Water and Sewerage Corporation for alleged violations at the wastewater treatment facility located at Route 6 & Hermitage Road in Manakin, Virginia. The company plans to sell the facility and the order provides interim limits until the sale and requires corrective action in the event the sale does not succeed. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX at (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from May 10, 2010, to June 10, 2010.

Total Maximum Daily Load for Upper Nansemond River Watershed

Purpose of notice: The Department of Environmental Quality (DEQ), the Department of Conservation and Recreation, the Hampton Roads Planning District Commission, Isle of Wight County, and the City of Suffolk invite citizens to a public meeting to discuss the development of an implementation plan (IP) to address fecal bacteria impairments in the Upper Nansemond River watershed. Water quality monitoring

indicates that bacteria levels in the Nansemond River violate Virginia's water quality standards for shellfishing and primary contact recreation. A total maximum daily load (TMDL) study for the impairments was approved by EPA in 2006 and is available on DEQ's website at <http://www.deq.virginia.gov/tmdl/apptmdls/jamesrvr/nanshgl.pdf>.

The implementation plan will identify ways to meet the pollutant reductions outlined in the TMDL study.

Public meeting: The final public meeting to review the draft TMDL implementation plan will be held on Tuesday, May 18, 2010, at 6 p.m., City of Suffolk, Human Resources Training Room, 440 Market Street, Suffolk, VA 23434.

Meeting description: Discussion of the proposed management actions to reduce bacteria concentrations in the affected watersheds and to solicit public comment on the draft implementation plan. The IP includes the corrective actions needed to reduce bacteria and the associated costs, benefits, and environmental impacts. The IP also provides measurable goals and a timeline of expected achievement of water quality objectives.

How to comment: The public comment period on the development of the IP will end on June 18, 2010. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jennifer Howell. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Jennifer Howell at Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23262, telephone (757) 518-2111, FAX (757) 518-2003, or email jshowell@deq.virginia.gov, or Jennifer Tribo at Hampton Roads Planning District Commission, 723 Woodlake Dr., Chesapeake, VA 23320, telephone (757) 366-4344, FAX (757) 523-4881, or email jtribo@hrpdc.org.

Proposed Consent Order for Town of Stanley

An enforcement action has been proposed for the Town of Stanley for violations in Page County. A proposed consent order describes a settlement to resolve a significant unauthorized discharge and to further address inflow and infiltration in the town's sewage collection system. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Steven W. Hetrick will accept comments by email at steven.hetrick@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, 4411 Early Road, Harrisonburg, VA 22801, from May 10, 2010, to June 9, 2010.

Proposed Consent Order for Town of Surry

An enforcement action has been proposed for the Town of Surry for alleged violations at the wastewater treatment facility on 11463 Rolfe Highway in Surry, Virginia. The consent order requires corrective action in the form of a facility upgrade/expansion and requires the town to adjust its sewer rates to 1.25% of median household income. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Frank Lupini will accept comments by email at frank.lupini@deq.virginia.gov, FAX at (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from May 10, 2010, to June 10, 2010.

Proposed Consent Order for City of Waynesboro

An enforcement action has been proposed for the City of Waynesboro for violations in Augusta County. A proposed consent order describes a settlement to resolve effluent limitation violations and unpermitted discharges and to further address inflow and infiltration in the city's sewage collection system. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Steven W. Hetrick will accept comments by email at steven.hetrick@deq.virginia.gov, FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, 4411 Early Road, Harrisonburg, VA 22801, from May 10, 2010, to June 9, 2010.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Order of the State Lottery Department was filed with the Virginia Registrar of Regulations on April 20, 2010.

Director's Order Number Thirty-Nine (10)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B 15 and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on April 23, 2010.

Game 1061	Dazzler Jewels
Game 1063	Hot 100's
Game 1093	Sizzlin' 7's
Game 1127	Right on the Money
Game 1131	Molten Money
Game 1132	High Card
Game 1143	Hot \$100,000
Game 1146	Virginia Lucky Dog II
Game 1150	Ace in the Hole

The last day for lottery retailers to return for credit unsold tickets from any of these games will be May 28, 2010. The last day to redeem winning tickets for any of these games will be October 20, 2010, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of October 20, 2010, or earlier, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 900 East Main Street, Richmond, Virginia; and at any Virginia Lottery regional office. A copy may be requested by mail by writing to Director's Office, Virginia Lottery, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Paula I. Otto
Executive Director
April 20, 2010

STATE WATER CONTROL BOARD

Proposed Consent Special Order for Imperial Transport of Tennessee, Inc.

An enforcement action has been proposed for Imperial Transport of Tennessee, Inc. for violations in Wise County, Virginia. The Special Order by Consent describes a settlement for violations related to an oil discharge to the South Fork Pound River near Pound, Virginia. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Dallas R. Sizemore will accept comments by email at dallas.sizemore@deq.virginia.gov, FAX at (276) 676-4899, or postal mail at Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212, from May 10, 2010, to June 9, 2010. The office is located at 355 Deadmore Street, Abingdon, Virginia.

Proposed Consent Order for Louisa County Water Authority

An enforcement action has been proposed for Louisa County Water Authority for alleged violations in Louisa County at the Zion Crossroads Wastewater Treatment Plant. The proposed Consent Order describes a settlement of violations of Virginia Pollutant Discharge Elimination System Permit No. VA0090743. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Sarah Baker will accept comments by

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email at sarah.baker@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from May 11, 2010, through June 10, 2010.

Proposed Consent Order for Prince William County Service Authority

An enforcement action has been proposed for the Prince William County Service Authority for alleged violations in Prince William County. The violations to be addressed include discharge of sewage from the Prince William County Service Authority Sanitary Sewer System and permit effluent violations associated with H.L. Mooney Wastewater Treatment Works (Virginia Pollutant Discharge Elimination System Permit No. VA0025101). A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Daniel Burstein will accept comments by email at daniel.burstein@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from May 11, 2010, through June 10, 2010.

Proposed Consent Order for Salt Ponds Marina Resort, L.L.C.

An enforcement action has been proposed for Salt Ponds Marina Resort, L.L.C., for alleged violations of the state water control law in the City of Hampton concerning the operation of unregistered underground storage tanks. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Paul R. Smith will accept comments by email at paul.smith@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, from May 10, 2010, to June 9, 2010.

Proposed Consent Order for Stafford County Board of Supervisors

An enforcement action has been proposed for the Stafford County Board of Supervisors for alleged violations in Stafford County. The violations to be addressed include discharge of sewage from the treatment works associated with Virginia Pollutant Discharge Elimination System Permit No. VA0060968 to state waters not in compliance with a permit. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Stephanie Bellotti will accept comments by email at stephanie.bellotti@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from May 11, 2010, to June 10, 2010.

Proposed Action for the United States Department of the Navy

An enforcement action has been proposed for the United States Department of the Navy for alleged violations of the state water control law at the Naval Air Station Oceana Dam Neck Annex in the City of Virginia Beach concerning the unauthorized discharge of pollutants to state waters. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Paul R. Smith will accept comments by email at paul.smith@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, from May 10, 2010, to June 9, 2010.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed

Beginning with Volume 26, Issue 1 of the Virginia Register of Regulations dated September 14, 2009, the Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed will no longer be published in the Virginia Register of Regulations. The cumulative table may be accessed on the Virginia Register Online webpage at <http://register.dls.virginia.gov/cumultab.htm>.

Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.