



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, and notices of public hearings on regulations.

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.

A 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. **26:20 VA.R. 2510-2515 June 7, 2010**, refers to Volume 26, Issue 20, pages 2510 through 2515 of the *Virginia Register* issued on June 7, 2010.

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: **John S. Edwards**, Chairman; **Bill Janis**, Vice Chairman; **James M. LeMunyon**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Jane M. Roush**; **Patricia L. West**.

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>).

November 2010 through December 2011

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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 28, 2010 (Tuesday)	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
27:22	June 15, 2011	July 4, 2011
27:23	June 29, 2011	July 18, 2011
27:24	July 13, 2011	August 1, 2011
27:25	July 27, 2011	August 15, 2011
27:26	August 10, 2011	August 29, 2011
28:1	August 24, 2011	September 12, 2011
28:2	September 7, 2011	September 26, 2011
28:3	September 21, 2011	October 10, 2011
28:4	October 5, 2011	October 24, 2011
28:5	October 19, 2011	November 7, 2011
28:6	November 2, 2011	November 21, 2011
28:7	November 15, 2011 (Tuesday)	December 5, 2011

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Initial Agency Notice

Title of Regulation: None specified.

Statutory Authority: § 32.1-12 of the Code of Virginia.

Name of Petitioner: Kenneth Strong.

Nature of Petitioner's Request: The petitioner requests that the Board of Health adopt, promulgate, and enforce a policy aimed at educating the public and decision makers in the environmental and health effects of extremely low frequency magnetic fields located inside high voltage electric power line right-of-ways.

Agency's Plan for Disposition of Request: The agency anticipates it will consider public comments, information submitted by the petitioner, and any additional information before determining what appropriate action is required.

Public Comment Deadline: December 12, 2010.

Agency Contact: Dwight Flammia, Ph.D., Public Health Toxicologist, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-8127.

VA.R. Doc. No. R11-18; Filed October 28, 2010, 9:04 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PSYCHOLOGY

Initial Agency Notice

Title of Regulation: **18VAC125-30. Regulations Governing the Certification of Sex Offender Treatment Providers.**

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

Name of Petitioner: Maria S. Stransky.

Nature of Petitioner's Request: To amend regulations for supervision of applicants for certification as sex offender treatment providers to allow a percentage of supervision sessions by videoconference.

Agency's Plan for Disposition of Request: The board will discuss the petition at its meeting on February 8, 2011, and make a decision on whether to initiate regulatory action.

Public Comment Deadline: December 15, 2010.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 9960 Mayland Drive, Henrico, VA

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

PESTICIDE CONTROL BOARD

Withdrawal of Notice of Intended Regulatory Action

The Pesticide Control Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **2VAC20-60, Regulations Governing Pesticide Containers and Containment Under Authority of the Virginia Pesticide Control Act**, which was published in 26:7 VA.R. 771 December 7, 2009.

Agency Contact: Liza Fleeson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 372-6371 ext: 559, FAX (804) 786-9149, or email liza.fleeson@vdacs.virginia.gov.

VA.R. Doc. No. R10-2121; Filed November 4, 2010, 11:08 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Education intends to consider promulgating the following regulation: **8VAC20-740, Regulations Governing Nutritional Guidelines for Competitive Foods Sold in Virginia Public Schools**. The purpose of the proposed action is to establish nutritional guidelines for all foods sold to students in public schools during the regular school day that are not part of the national school lunch or school breakfast programs. The promulgation of this regulation is in compliance with Chapter 718 of the 2010 Acts of Assembly.

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

Statutory Authority: § 22.1-207.4 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: Mrs. Catherine Digilio-Grimes, Director of School Nutrition Programs, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2074, or email catherine.digilio-grimes@doe.virginia.gov.

VA.R. Doc. No. R11-2611; Filed October 29, 2010, 9:56 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Health intends to consider promulgating the following regulation: **12VAC5-105, Rabies Regulations**. The purpose of the proposed action is to implement the revisions made to certain rabies related sections of the Code of Virginia by the 2010 Acts of Assembly. These regulations will inform and add detail to the five rabies related sections of the Code of Virginia that were modified and one completely new section that was developed as part of Chapters 182 and 834 of the 2010 Acts of Assembly. Specific goals of these regulations include: developing a system for rabies vaccine exemptions, creating definitions for common terms in the rabies related laws, and developing a model plan for rabies exposure response at the local level.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 32.1-12 of the Code of Virginia and the second enactment of Chapter 834 of the 2010 Acts of Assembly.

Public Comment Deadline: December 22, 2010.

Agency Contact: Julia Murphy, DVM, State Epidemiological Veterinarian, Department of Health, 109 Governor Street, 5th Floor, Richmond, VA 23219, telephone (804) 864-8113, FAX (804) 864-8131, or email julia.murphy@vdh.virginia.gov.

VA.R. Doc. No. R11-2637; Filed October 26, 2010, 10:09 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects intends to consider amending the following regulation: **18VAC10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations**. Per Executive Order 14 (10), a general review

Notices of Intended Regulatory Action

of each regulation is required at least every four years. The purpose of the general review of this regulation is to update regulatory standards for experience, education, and training to reflect current industry standards. Additional changes to the regulation will be made as necessary.

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

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: Kathleen R. Nosbisch, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (804) 527-4294, or email apelscidla@dpor.virginia.gov.

VA.R. Doc. No. R11-2357; Filed October 26, 2010, 1:48 p.m.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Virginia Board for Asbestos, Lead, and Home Inspectors intends to consider amending the following regulation: **18VAC15-30, Virginia Lead-Based Paint Activities Regulations**. The purpose of the proposed action is to review and amend the regulation to remove the requirement that the lead license expiration date corresponds with the lead training expiration date. The current result is that lead license expiration dates may vary from one license cycle to another causing confusion among regulants. Most licenses issued under the Department of Professional and Occupational Regulation (DPOR) have a license cycle of one or two years and the expiration date is the last day of the month wherein issued. Amending these regulations will make the lead program license cycle consistent with other programs housed under DPOR, which will in turn lessen the confusion among regulants.

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

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (804) 527-4297, or email alhi@dpor.virginia.gov.

VA.R. Doc. No. R11-2634; Filed October 22, 2010, 3:39 p.m.

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Contractors intends to consider amending the following regulation: **18VAC50-22, Board for Contractors Regulations**. The purpose of the proposed action is to add Accessibility Services Contracting as a new specialty and to amend the definition of "modular/manufactured building contracting" to comply with new federal Housing and Urban Development requirements.

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

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (804) 527-4401, or email contractors@dpor.virginia.gov.

VA.R. Doc. No. R11-2636; Filed October 26, 2010, 9:05 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Contractors intends to consider amending the following regulation: **18VAC50-30, Individual License and Certification Regulations**. The purpose of the proposed action is to add a definition of "certified accessibility mechanics," the criteria for such certification, the fees associated with such certification, the continuing education associated with such certification, prohibited acts, and the jurisdiction of the board over such regulants. The proposed amendments also include an endorsement for limited use/limited application elevators.

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

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (804) 527-4401, or email contractors@dpor.virginia.gov.

VA.R. Doc. No. R11-2485; Filed October 26, 2010, 1:46 p.m.

Notices of Intended Regulatory Action

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Real Estate Board intends to consider amending the following regulation: **18VAC135-50, Fair Housing Regulations**. The purpose of the proposed action is to make clarifying changes and ensure consistency with federal and state law. Other changes that may be necessary may also be considered.

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

Statutory Authority: §§ 36-96.8 and 54.1-2105 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Agency Contact: Christine Martine, Executive Director, Real Estate Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 527-4299, or email reboard@dpor.virginia.gov.

VA.R. Doc. No. R11-2269; Filed October 26, 2010, 9:15 a.m.

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 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Final Regulation

REGISTRAR'S NOTICE: The Department of Agriculture and Consumer Services is claiming an exemption from the Administrative Process Act in promulgating 2VAC5-325, Regulations Governing Pine Shoot Beetle. This regulation is promulgated pursuant to § 3.2-703 of the Code of Virginia, which provides authority for the Board of Agriculture and Consumer Services to quarantine this Commonwealth or any portion thereof when it determines that such action is necessary to prevent or retard the spread of a pest into, within, or from this Commonwealth.

Title of Regulation: **2VAC5-325. Regulations Governing Pine Shoot Beetle (amending 2VAC5-325-30).**

Statutory Authority: §§ 3.2-701 and 3.2-703 of the Code of Virginia.

Effective Date: November 5, 2010.

Agency Contact: Larry Nichols, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-3515, FAX (804) 371-7793, or email larry.nichols@vdacs.virginia.gov.

Summary:

By authority granted under § 3.2-703 of the Code of Virginia, the Commissioner of Agriculture and Consumer Services has extended the area regulated under the Regulations Governing Pine Shoot Beetle due to the detection of adult Pine Shoot Beetle in Loudoun County. The amendment will add the county of Loudoun to the Regulations Governing Pine Shoot Beetle to delay the long distance (artificial) spread of the pine shoot beetle from infested areas to noninfested areas.

The quarantine restricts the movement of regulated articles, as defined in 2VAC5-325-20, from regulated localities to nonregulated localities. The regulated articles include pine products that pose a significant risk of transporting the pine shoot beetle, such as bark nuggets (including bark chips), Christmas trees, logs with bark attached, lumber with bark attached, nursery stock, raw pine material for wreaths and garland, and stumps. Regulated articles may move freely within the regulated areas.

2VAC5-325-30. Regulated areas.

The following areas in Virginia:

The entire ~~county~~ counties of:

Clarke

Loudoun

VA.R. Doc. No. R11-2629; Filed November 5, 2010, 3:43 p.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Final Regulation

REGISTRAR'S NOTICE: The Department of Conservation and Recreation is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **4VAC5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (amending 4VAC5-36-50 through 4VAC5-36-120, 4VAC5-36-140, 4VAC5-36-150, 4VAC5-36-160, 4VAC5-36-180 through 4VAC5-36-210).**

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: January 1, 2011.

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

Summary:

These amendments alter fees in the following regulations: parking and launch fees (4VAC5-36-50); admission fees (4VAC5-36-60); swimming fees (4VAC5-36-70); commercial and nonprofit user fees (4VAC5-36-80); camping fees; (4VAC5-36-90); cabin fees (4VAC5-36-100); picnic shelter fees (4VAC5-36-110); amphitheater

Regulations

and gazebo fees (4VAC5-36-120); interpretive canoe, boat, and paddleboat fees (4VAC5-36-140); interpretive and educational tours and program fees (4VAC5-36-150); outdoor skill program fees (4VAC5-36-160); state park performing arts center fees (4VAC5-36-180); environmental education center fees (4VAC5-36-190); miscellaneous rental fees (4VAC5-36-200); and conference center and meeting facility fees (4VAC5-36-210).

Increases to these rates and prices represent changes to maintain fair market value, the addition of new facilities and offerings, updates to ensure consistency with the private sector, and revisions to reflect private concessionaires' new seasonal prices.

4VAC5-36-50. Parking and launch fees.

PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), and motorcycles.		
All parks unless listed below.	\$2.00	\$3.00
Parks under construction and having only limited facilities and services.	\$2.00	\$2.00
Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows, Chippokes	\$3.00	\$4.00
Leesylvania, First Landing, Lake Anna, Pocahontas	\$4.00	\$5.00
York River Croaker Landing/Pier Area (also requires boat launch fee for all vehicles)	\$3.00	\$3.00
Horse Trailer Parking Fee (also requires vehicle parking fee.) All parks unless listed below.	\$3.00 per trailer	\$3.00 per trailer

Lake Anna	\$4.00 per trailer	\$4.00 per trailer
Surcharge for additional horse in same trailer.	\$2.00 per horse	\$2.00 per horse
Other Trailer Parking Fee: Applies to other trailers not covered by camping, horse trailer and boat launch fee. (Add to daily parking fee.)	\$2.00 per trailer	\$2.00 per trailer
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.		
All parks unless listed below.	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.	\$2.00	\$2.00
Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. Required for all vehicles using York River Croaker Landing/Pier Area. May not apply to small "car-top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.		
Daily Launch Fees: All Seasons		
All parks unless listed below.	\$3.00	\$3.00
Claytor Lake	\$2.00	\$2.00

Regulations

First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	\$4.00	\$4.00
Kiptopeke (without Marine Fishing License), Leesylvania	\$8.00	\$8.00
Surcharge for second boat on same trailer: jet ski	\$2.00	\$2.00
Overnight parking at boat launch: where available	\$10	\$10
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	\$3.00	\$3.00
Boat Tournament Fee for Fishing Tournaments: Registration fee is based on the number of boats registered and is nonrefundable regardless of number that actually participates. This fee is in addition to the applicable daily launch fee.	No charge	\$2.00 per boat

Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.	\$36
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.	\$33
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.	\$22
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.	No Charge
<p>Disabled Veterans Passport</p> <p>Admission, parking, and launch pass to all state parks, plus 50% discount on camping fees, swimming fees, shelter rentals, and department equipment rentals when provided by the department. Where equipment rentals are provided by private concessionaires, this passport does not apply.</p> <p>The passport shall be issued upon request to a veteran of the armed forces of the United States with a letter from the U.S. Department of Veterans Affairs, or from the military service that discharged the veteran, certifying that such veteran has a service-connected disability rating of 100%. This passport coverage shall be valid for as long as that determination by the U.S. Department of Veterans Affairs remains in effect.</p>	No Charge
Annual Horse Trailer-Vehicle Pass: 12-months from date of purchase admission and park pass, including horse trailer, good at all parks.	\$79
Annual Horse Trailer-Vehicle Pass: Pocahontas and New River Trail Only. Valid only in combination with purchase of \$30 horse arena annual pass.	\$70
Annual Horse Trailer-Vehicle Pass: Occoneechee and Staunton River Only	\$50
Annual and Lifetime Park/Launch Fees:	
Lifetime Naturally Yours Passport Plus for Boaters: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	
Age up to 40	\$606
Age 41-45	\$545

	FEE
Annual and Lifetime Parking Fees:	
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	
Age up to 40	\$303
Age 41-45	\$273
Age 46-50	\$242
Age 51-55	\$212
Age 56-61	\$182
Senior Lifetime Naturally Yours Passport Plus (Age 62 or older): See Lifetime Naturally Yours Passport Plus above.	\$110
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$61

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Age 46-50	\$485
Age 51-55	\$424
Age 56-61	\$364
Senior Lifetime Naturally Yours Passport Plus for Boaters (Age 62 or older): See Lifetime Naturally Yours Passport Plus for Boaters above.	\$314
Naturally Yours Passport Plus for Boaters: 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$152
Park/Launch Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$128
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$97
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$79
Senior Naturally Yours Passport Plus for Boaters: Annual permit for all parks including Leesylvania.	\$121
Senior Park/Launch Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$109
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$79
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$66
Buggs Island Lake Special Annual Pass: Good only at Occoneechee and Staunton River State Parks.	\$50
Leesylvania Annual Overnight Boating/Parking Pass.	\$67

Disabled Visitor Annual Boat Launch Pass (in addition to disabled tags).	\$44
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Special Event Fees:	EVENT FEE
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	\$10 per vehicle
Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
Sky Meadows: Strawberry Festival-	
Advance payment	\$15 per vehicle
Day of Event	\$20 per vehicle
New River Trail: Wythe County Heritage Day- Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival-	\$6.00 per vehicle
Claytor Lake Arts and Crafts Festival-	\$5.00 per vehicle with canned food donation on designated day \$10 per vehicle
Kiptopeke: Eastern Shore Birding Festival-	Parking Fee waived to registered festival guests; otherwise standard fees apply
Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.	\$5.00 per vehicle/ boat combination
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free

Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment-	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show-	\$5.00 per person Children under 12 free
Chippokes Plantation Christmas-	\$5.00 per person
Chippokes Gospel Explosion-	\$10 per person \$7.00 for advance ticket purchase Children under 12 free
Chippokes Pork, Peanut & Pine Festival-	\$5 per person Children under 13 free
Grayson Highlands Wayne C. Henderson Music Festival-	\$10 per person Children under 12 free
York River Estuaries Day-	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Natural Tunnel Special Event Parking Fee-	\$2.00 per person \$6.00 per vehicle
Occoneechee Pow Wow-	\$5.00 per person (13 years and older) \$3.00 per child, 3 through 12 years \$3.00 Seniors (62 and over) Children under 3 free
Occoneechee Pow Wow School Groups	\$4.00 per student Teachers and Chaperones free

Notes on parking fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.
- ~~2. No parking fee is required for up to two vehicles per campsite and per cabin at any state park during the period of overnight stay. Vehicles in excess of two shall pay the prevailing daily parking fee for each day that the vehicle is parked in the park.~~
- ~~3. 2.~~ Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite ~~or a cabin, lodge, camping cabin, travel trailer, or camping lodge.~~
4. ~~3.~~ Parking fees are waived for any vehicle displaying disabled license plates or temporary disabled parking identification issued by any state or the federal government. However, the fee for any additional types of trailers, the boat launch fee or the portion of any combined parking-launching fee that applies to boat launching shall be collected from such vehicles. Additionally, the price for annual passes and lifetime passes that include boat launching for qualified disabled individuals shall be calculated by subtracting the applicable parking pass fee from the park/launch pass fee.
- ~~5. 4.~~ Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school, home school, or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form, or in the case of home school groups, proof of home school status such as current ID card from a state or national home school organization (HEAV, HSLDA, etc.) or a copy of the letter from the school district that acknowledges "Notice of Intent" to home school for that school year.
- ~~6. 5.~~ Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.
- ~~7. 6.~~ Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences, visitors to staff residences, and park volunteers entering the park to perform volunteer duties.
- ~~8. 7.~~ Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit as required in 4VAC5-30-50.
- ~~9. 8.~~ The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight

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parking when and where available (e.g., backpackers, overnight fishermen, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).

~~10-~~ 9. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.

~~11-~~ 10. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.

~~12-~~ 11. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, Envirothons, March for Parks, Operation Spruce-Up Day, Stewardship Virginia, National Trails Day, and other park-sanctioned public service events as approved by the director.

~~13-~~ 12. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.

~~14-~~ 13. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.

~~15-~~ 14. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.

~~16-~~ 15. Annual Park/Launch pass also covers the park entrance or parking fee for horse trailers or other allowable trailers. Annual and Lifetime parking-only passes do not include trailers.

~~17-~~ 16. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.

~~18-~~ 17. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.

~~19-~~ 18. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.

~~20-~~ 19. Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.

~~21-~~ 20. Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.

~~22-~~ 21. Annual parking passes that do not include boat launch require payment of daily launch fee if launching a boat at any park or for all vehicles using Croaker Landing/Pier Area at York River State Park.

~~23-~~ 22. Annual parking pass holders are not guaranteed the parking privileges of the pass should parking places be unavailable.

~~24-~~ 23. Parking fees are waived at Mason Neck during the park's annual Elizabeth Hartwell Eagle Festival.

~~25-~~ 24. The payment of a parking fee at one park shall be applied to parking at any state park on the same day provided that the visitor supplies evidence of the paid parking fee.

25. Annual passes are issued to the purchaser and members of the same household and may not be transferred. Improper transfer or use may result in revocation of the pass without refund.

26. Parking fees are waived at all state parks on Veterans Day, November 11, of each year.

4VAC5-36-60. Admission fees.

ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	NA
Southwest VA Museum	\$1.50 (Groups of 10 or more: age 6 through 12) \$3.00 (Groups of 10 or more: age 13 and up)	NA
	\$2.00 (Ages 6 through 12)	\$5.00 (age 6 through 12) per year
	\$4.00 (Age 13 and up)	\$10 (age 13 and over) per year
	NA	\$15 (family: up to 2 adults and 2 children) per year
Kiptopeke Fishing Pier Fishing Fee	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA

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Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits	\$20 per 10 Passes	NA
Annual Night Fishing: All parks where available (also requires parking fee)	\$15 per person per year	
Late Night Fishing: All parks where available (also requires parking fee)	\$3.00 per person per night	
		ADMISSION
Natural Tunnel Chairlift:		
Children under age 6		Free
Round trip per person		\$3.00
One-way per person		\$2.00
Group Rate Round Trip per person (10 or more)		\$2.00
Season Pass		\$20
Daily Pass (Good for unlimited trips on date of issue, good for one person only)		\$6.00
Archery Range: All parks where available; per person user fee		\$2.00 per day (over 12) \$1.00 per day (age 3 through 12) \$15 per year (any age)
Bear Creek Lake		\$5.00 per day (over 12) \$3.00 per day (age 3 through 12) \$45 per year (any age) \$3.00 per person, per day group fee (minimum of 10 participants)
Pocahontas & New River Trail Horse Show Admission		\$5.00 per person Children 12 & under free
Park Sponsored Special Event Vendor Fees. All parks where available unless otherwise noted		\$125 per merchandise vendor \$150 per food vendor

Occoneechee Pow Wow	\$150 per merchandise vendor \$175 per food vendor
Mason Neck Fall Special Event	\$50 per vendor
Caledon Art & Wine Festival	\$50 per artist vendor \$100 per winery vendor
New River Trail	\$25 per merchandise vendor \$25 per food vendor

Notes on admission/entrance fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.
2. Museum entrance fees are waived at the Southwest Virginia Museum during the "Festival of Trees" event for members of groups who submitted trees for the display.
3. For park museums and historic features that charge an entrance fee, visitors participating in the Time Travelers program of the Virginia Association of Museums shall be charged the existing per person group rate for that facility.
4. Entrance fees are waived at the Southwest Virginia Museum on Veteran's Day, November 11, of each year.

4VAC5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

Daily Swimming Fees	WEEKDAYS	WEEKENDS
All parks with fee swimming areas unless noted.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
Staunton River, Natural Tunnel, and Westmoreland	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)	Under age 3 Free \$4.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Pocahontas	Under age 3 Free \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	Under age 3 Free \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)

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Group campers utilizing primitive group camps. All parks where available unless otherwise noted.	\$1.00 (all ages)	\$1.00 (all ages)
Pocahontas (Group Cabin Guests)	\$3.00 (all ages)	\$3.00 (all ages)
Chippokes Plantation: Recreation/Education Fun Package: Swimming, Mansion, and Farm & Forestry Museum (Memorial Day—Labor Day—Wed.—Sun—)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)
Deposit on all locker keys: Refunded when key is returned.	\$2.00 each	
Swimming Coupon Book: (Age 3 and over). All parks where available unless otherwise noted.	\$21 per 10 coupons \$40 per 20 coupons	
Staunton River, Natural Tunnel, and Westmoreland	\$28 per 10 coupons \$53 per 20 coupons	
Pocahontas	\$45 per 10 coupons \$86 per 20 coupons	
	WEEKDAYS	WEEKENDS
Group Swimming: per person (10 persons or more). All parks where available unless otherwise noted.	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)

Staunton River, Natural Tunnel, and Westmoreland Group Swimming (20 persons or more). Five-day advanced registration required.	\$2.50 (all ages)	\$3.50 (all ages)
Pocahontas Group Swimming (20 persons or more). Five-day advanced registration required.	\$4.00 (all ages)	\$5.00 (all ages)
Season Swimming Permit: All parks where available unless otherwise noted.	\$40 (Age 3 through 12) \$50 (Age 13 and over)	
Staunton River, Natural Tunnel, and Westmoreland	\$50 (Age 3 through 12) \$60 (Age 13 and over)	
Pocahontas	\$60 (Age 3 through 12) \$70 (Age 13 and over)	
After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.	\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee	

Swimming lessons. All parks where available unless otherwise noted. Package of eight 45-minute lessons (includes parking)	\$30 per person \$25 per person if two or more from same family
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The agency reserves the right to withhold this or any other permit or license for commercial use of parks when such use is deemed to be not in keeping with the mission or intended purpose of the park, conflicts or interferes with other use of the park, or creates an unreasonable burden on the management of the park. Licensed commercial fishermen are not required to pay this fee, but are required to pay the applicable public user fee for the use of state park boat launches.

For 1 or 2 vehicles (passenger vehicles up to 15-passenger vans) or one bus and one passenger vehicle	\$10	NA
For 1 to 6 vehicles (passenger vehicles up to 15-passenger vans) or two buses and two passenger vehicles	NA	\$250

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children age 12 and under.
2. Rain check Policy for Swimming: All state parks will issue a rain check, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rain checks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rain checks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.
5. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.

Commercial Parking/Launching/Horse Riding Fees: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services.

For 1 or 2 vehicles (passenger vehicles up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination	\$14	NA
For 1 to 6 vehicles (passenger vehicles up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicles and/or passenger vehicle with trailer combinations	NA	\$300

4VAC5-36-80. Commercial and nonprofit user fees.

COMMERCIAL AND NONPROFIT ORGANIZATIONAL USERS FEES (NONTAXABLE)

PERMIT TYPE:	DAILY FEE	ANNUAL FEE
Commercial Parking and State Park Use Permit Fees: Required for for-profit companies and businesses that use the lands and/or facilities of a state park to deliver services to the public for a fee, and when such use is similar or the same as the general public use, unless permitted by other means. May not be used to establish exclusive or continuous concession-type services. Activities of this type include but are not limited to canoe, horse, bicycle, or hiking trip outfitters and rental agencies (if they deliver equipment or services on park property), caterers, and for-profit day care centers (note that some day care centers are government or nonprofit).		

Nonprofit Organization Parking Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.

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For 1 or 2 vehicles (passenger vehicles up to 15-passenger vans) or one bus and one passenger vehicle	\$4.00	\$30	<p>Standard Sites: No hookup; access to bathhouse and restrooms.</p> <p>All parks with standard sites unless noted below.</p> <p>Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee (nonwaterfront), Claytor Lake, Raymond R. "Andy" Guest, Jr. Shenandoah River, Smith Mountain Lake.</p> <p>Occoneechee Waterfront Sites_</p> <p>Douthat, Kiptopeke, First Landing, Lake Anna.</p> <p>Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.</p> <p>All parks where available unless noted below.</p> <p>Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee (nonwaterfront), Staunton River, Westmoreland, Pocahontas, Smith Mountain Lake, Belle Isle, James River.</p> <p>Occoneechee Waterfront Sites_</p> <p>Kiptopeke, First Landing, Lake Anna, Shenandoah.</p> <p>Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.</p> <p>Kiptopeke_</p> <p>Hungry Mother_</p> <p>Primitive Camping Sites: primitive restrooms; no showers.</p> <p>All parks where available unless noted below.</p> <p>James River, Sky Meadows.</p> <p>Grayson Highlands: Sites with electricity (November, March and April when bathhouses are closed)_</p> <p>Occoneechee (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).</p>
For 1 to 6 vehicles (passenger vehicles up to 15-passenger vans) or two buses and two passenger vehicles	\$9.00	\$70	
<p>Nonprofit Organization Parking/Launching Fees: These fees may be utilized only by nonprofit organizations engaged in the activities or purposes of the organization.</p>			
For 1 or 2 vehicles (passenger vehicles up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or one bus and one passenger vehicle and/or passenger vehicle with trailer combination	\$6.00	\$65	
For 1 to 6 vehicles (passenger vehicles up to 15-passenger vans) and/or passenger vehicle with trailer combinations; or two buses and two passenger vehicles and/or passenger vehicle with trailer combinations	\$10	\$130	
<p>Notes on commercial and nonprofit user fees:</p> <p><u>Annual permits issued under this section are not transferable but may be used by the employees, volunteers, or agents of the company, business, or organization to which the permit was issued provided that such use is limited to the official business or activities of the company, business, or organization.</u></p> <p>4VAC5-36-90. Camping fees.</p> <p>CAMPING FEES (TAXABLE, Price here does not include tax)</p>			
<p>Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household.</p>			
<p>ALL SEASONS (Per site fees)</p>			

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New River Trail Primitive camping sites at Foster Falls and Cliffview, <u>Primitive Sites at Sky Meadows.</u>	\$15 per night
New River Trail Water Trail Camping (no potable water).	\$12 per night
Horse Camping	
Horse Stall Fee.	\$7.00 per night (Outside Stalls) \$9.00 per night (Inside Stall)
Standard Rates	
Primitive Group Camp Rental (camping in special primitive group areas). All parks where available.	
Up to 20 campers.	\$61 for entire area per night
Up to 30 campers.	\$91 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$122 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$15 per site per night
Special Group Camping Areas:	
Fairy Stone Group Campsites.	\$20 per site per night
Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum. Natural Tunnel Group Area. Grayson Highlands Group Area. James River Group Area. Shenandoah Group Area. <u>Sky Meadows Group Area.</u>	\$67 per night (only available as entire group area)
<u>Sky Meadows 6 Site Group Area.</u>	<u>\$100 per night</u>
Westmoreland Group Area.	\$122 per night
Standard Buddy Sites: All parks where available unless noted below.	\$78 per night
Douthat Buddy Sites. <u>Holliday Lake Group Camp.</u>	\$97 per night
James River Equestrian Group Area (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).	\$216 per night

Camping – Other Fees	
Camping Site Transaction Fee: Applies to each purchase transaction of a camping visit to a campsite (i.e., one transaction fee per camping visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00
Pet <u>Dog</u> Fees (this fee does not apply to service or hearing dogs identifiable in accordance with § 51.5-44 of the Code of Virginia).	\$5.00 per pet <u>dog</u> per night
Dump Station Fee: Free to state park campers during stay.	\$5.00 per use
Camping Reservation Cancellation Fee Individual Site.	\$10 per reservation
Camping Reservation Cancellation Fee Group Sites.	\$30 per reservation
Hiker or noncamper Shower Fee at Virginia State Parks.	\$5.00 per person

Notes on camping:

1. Check-out time is 3 p.m. and check-in time is 4 p.m.
2. Camping Transfer/Cancellation/Early Departure Policy.
 - a. Any fees to be refunded are calculated less the applicable cancellation fee(s).
 - b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
 - c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
 - d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will not be open again prior to the start date of the reservation, transferring is not an option. There is no fee to transfer.
 - e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.
 - f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.
 - g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.

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h. There is a one-night penalty, deducted from any amount available for refund, for early departure.

3. Campers are allowed two vehicles per campsite per day without charge of a parking fee. Additional vehicles, beyond two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.

4. Each member of the camping party, except in primitive group areas, up to the maximum allowable per site, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of camping. Passes only issued during days and seasons of operation of the swimming facility and only good during the member's registered stay.

5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.

6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.

7. Horse stalls may only be rented in conjunction with the rental of a campsite in the equestrian campground and a person must occupy the campsite. All horses brought to the park by overnight guests must be kept in rental stalls except in primitive equestrian areas at New River Trail and James River State Parks.

4VAC5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

	BASE RATE		VIRGINIA RESIDENTS	
PRIME SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$84	\$502	\$75	\$450
One Bedroom, Standard	\$98	\$589	\$88	\$529
One Bedroom, Waterfront or Water View	\$108	\$652	\$97	\$582

One Bedroom, Chippokes Plantation	\$113	\$686	\$104	\$617
Two Bedroom, Standard, all parks where available unless noted below	\$112	\$680	\$102	\$613
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, <u>Natural Tunnel</u>	\$118	\$713	\$106	\$643
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$125	\$749	\$112	\$674
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$130	\$784	\$118	\$706
Two Bedroom, First Landing, Chippokes Plantation	\$132	\$791	\$119	\$712
Three Bedroom, Standard, all parks where available unless noted below	\$129	\$771	\$116	\$692
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$149	\$898	\$134	\$809
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$149	\$888	\$130	\$798
Hill Lodge (Twin Lakes)	\$167	\$1,002	\$150	\$902
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$301	\$1,802	\$270	\$1,622
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$354	\$2,124	\$318	\$1,913

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6-Bedroom Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$371	\$2,226	\$334	\$2,004
MID-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$74	\$446	\$67	\$401
One Bedroom, Standard	\$87	\$523	\$80	\$470
One Bedroom, Waterfront or Water View	\$96	\$574	\$86	\$519
One Bedroom, Chippokes Plantation	\$101	\$611	\$93	\$549
Two Bedroom, Standard, all parks where available unless noted below	\$101	\$605	\$91	\$545
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, <u>Natural Tunnel</u>	\$105	\$634	\$96	\$570
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$111	\$666	\$100	\$599
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$117	\$697	\$104	\$627
Two Bedroom, First Landing, Chippokes Plantation	\$117	\$704	\$106	\$634
Three Bedroom, Standard, all parks where available unless noted below	\$113	\$686	\$104	\$617
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$133	\$799	\$119	\$720

Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$133	\$790	\$116	\$710
Hill Lodge (Twin Lakes)	\$149	\$891	\$133	\$802
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$267	\$1,603	\$240	\$1,442
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$315	\$1,892	\$284	\$1,702
6-Bedroom Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$331	\$1,982	\$297	\$1,783
OFF-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$62	\$372	\$57	\$335
One Bedroom, Standard	\$72	\$436	\$65	\$392
One Bedroom, Waterfront or Water View	\$81	\$478	\$71	\$432
One Bedroom, Chippokes Plantation	\$84	\$508	\$77	\$457
Two Bedroom, Standard, all parks where available unless noted below	\$84	\$504	\$75	\$454
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah, <u>Natural Tunnel</u>	\$88	\$528	\$79	\$475
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$92	\$554	\$83	\$499

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Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$97	\$581	\$87	\$522
Two Bedroom, First Landing, Chippokes Plantation	\$98	\$585	\$88	\$527
Three Bedroom, Standard, all parks where available unless noted below	\$95	\$570	\$85	\$512
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$110	\$664	\$99	\$597
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$110	\$657	\$96	\$591
Hill Lodge (Twin Lakes)	\$124	\$741	\$111	\$667
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$222	\$1,332	\$201	\$1,199
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland) (<u>Westmoreland</u>)	\$263	\$1,573	\$237	\$1,415
6-Bedroom Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah, <u>Natural Tunnel, Douthat</u>	\$275	\$1,649	\$249	\$1,483
CAMPING CABINS, CAMPING LODGES, YURTS, AND TRAVEL TRAILERS (camping cabins, camping lodges, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground)	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Camping Cabin rental rate: (2-night minimum rental required)	\$49	NA	\$45	NA

Yurt rental: Standard fee	\$98	\$589	\$88	\$529
Travel Trailers: 25-30' Standard fee	\$98	\$589	\$88	\$529
Camping Lodges: Standard fee	\$98	\$589	\$88	\$529
Additional Cabin Fees:				
Cabin Transaction Fee: Applies to each purchase transaction of a visit to a cabin (i.e., one transaction fee per cabin visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00			
Additional Bed Rentals	\$3.00 per rental night			
Additional linens at all parks unless otherwise noted. One set of linens is 1 sheet set (1 fitted sheet, 1 flat sheet, and 1 pillowcase) or 1 towel set (1 bath towel, 1 hand towel, and 1 washcloth or 2 bath towels and 1 washcloth)	\$2.00 per sheet set \$2.00 per towel set			
Cabin Cancellation Fee: Applies to all lodging in this section except as described below in "Lodge Cancellation Fee"	\$20 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy.			
Lodge Cancellation Fee: Applies to Fairy Stone Lodge, Douthat Lodge, Hungry Mother Lodge, Potomac River Retreat, and all 6-bedroom park lodges	\$50 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy			
Pet Fee (this fee does not apply to service or hearing dogs identifiable in accordance with § 51.5-44 of the Code of Virginia).	\$10 per pet per night			
Pocahontas Group Cabins	DAY	WEEK		
Algonquian Ecology Camp Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$236	\$1,181		

Swift Creek Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$275	\$1,375
Dining Hall: fee for partial day rental when associated with full day rental as noted above	\$140	NA
Cabin Units: per unit, per night	\$112	\$560
Complete Algonquian Ecology Camp (4 units: 112 capacity) with Dining Hall	\$460	\$2,300
Complete Swift Creek Camp (2 units: 56 capacity) with Dining Hall	\$375	\$1,875
Refundable security deposit charged for all reservations	\$100 per reservation	

PARK	PRIME SEASON	MID-SEASON	OFF-SEASON
Bear Creek Lake Belle Isle Chippokes Plantation First Landing Kiptopeke Lake Anna Occoneechee Southwest Virginia Museum Staunton River Twin Lakes Westmoreland	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30	December 1 through March 31
Claytor Lake Douthat Fairy Stone Hungry Mother James River Smith Mountain Lake Shenandoah <u>Natural Tunnel</u>	Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31	April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through November 30	December 1 through March 31

Notes on Pocahontas Group Cabins:

Pocahontas Group Cabins: Reservations of \$200 or more require a 25% prepayment, due within 14 days of making the reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation, due within 14 days of making the reservation. Cancellations made 30 days or more prior to the first day of the reservation shall receive a refund less a \$30 per unit cancellation fee. Cancellations made less than 30 days prior to the first date of the reservation receive no refund unless the units are subsequently rented, in which case the refund shall be full price minus \$30 per unit.

Notes on cabins and lodges:

1. Seasonal cabin and lodge rates shall be in effect according to the following schedule, except for camping cabins, camping lodges, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. In the event that a weekly rental period includes two seasonal rates, the higher rate will apply for the entire weekly rental period.

2. All dates refer to the night of the stay; checkout time is 10 a.m. and check-in time is 3 p.m.

3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; and Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.

4. Cabin guests are allowed two vehicles per for a one or two bedroom cabin, and three vehicles for a three bedroom cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.

5. ~~Lodge~~ Six-bedroom lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles

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must park in designated parking areas, either at the lodge or in the designated overflow parking area.

6. Damage to cabins and other rental units under this section, not considered normal wear and tear, may be billed to the person registered for the cabin or rental unit on an itemized cost basis.

7. Each member of the cabin rental party, up to the maximum allowable for the rented unit, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of rental. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.

8. Employees of DCR and the members of committees and boards of DCR shall receive a discount of 50% on applicable cabin or lodge rates for any season, when the rental of such cabins or lodge is in connection with the official business of DCR or its committees or boards.

Notes on cabin or lodge transfer/cancellation/early departure policy:

1. Any fees to be refunded are calculated less the applicable cancellation fees listed below.
2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
4. A customer may move a cabin or lodge reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 5 p.m. on the Monday before the scheduled date of arrival. After 5 p.m. on the Monday before the scheduled date of arrival, cancellation is the only option (see note 5 below) except that transfers to a different cabin or lodge for the same rental nights shall be allowed, subject to availability, up to the check in time for the original reservation.
5. Once the reservation is paid for, a customer may cancel in full with payment of the required cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the cancellation fee is charged for each night cancelled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.

6. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two night minimum charge associated with all cabin, lodge, camping cabin, travel trailer, and camping lodge stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

4VAC5-36-110. Picnic shelters and event tents fees.

PICNIC SHELTERS AND EVENT TENTS (TAXABLE)

The shelter rental periods shall be from park opening until park closing, unless otherwise specified.	DAY
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo), Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$53
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Westmoreland, York River, and all other large park picnic shelters.	\$84
Shenandoah Large Group Shelter	\$95
Leesylvania Shelter Rental	\$126
Leesylvania: Lee's Landing Picnic Area Rental	\$58
Leesylvania: Lee's Landing Picnic Shelter	\$315
With 15 tables and 100 chairs	\$735
Mason Neck Picnic Area Rental	
Without tent shelter	\$58
With tent shelter (seasonably available)	\$126
Chippokes Plantation Conference Shelter (with kitchen)	\$105 per function
Chippokes Plantation Conference Shelter (without kitchen)	\$63 per function
Mini-Shelter: All parks where available unless otherwise noted.	\$21
Event Tent Rental: Full day in-park rental only. Price includes set up and take down.	

Standard fee: All parks where available unless otherwise noted.	\$0.38 <u>\$0.45</u> per square foot
Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Smith Mountain Lake, York River.	\$0.45 <u>\$0.55</u> per square foot
False Cape, First Landing, Leesylvania, Mason Neck.	\$0.50 <u>\$0.60</u> per square foot
Standard 10' x 10' event tent	\$25 per day
Westmoreland, Caledon Natural Area: 20' x 40' tent with tables and chairs	\$400 per day
White String Lights for Tent	\$0.80 per foot
Side Panels for Tent	\$1.50 per foot
Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10

4VAC5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee: The amphitheater or gazebo rental periods shall be from park opening until park closing unless otherwise specified.	DAY
Leesylvania, Fairy Stone, Staunton River, Kiptopeke and all other amphitheaters and gazebos unless noted below.	\$32
Hungry Mother, Occoneechee, Westmoreland, New River Trail; Shenandoah River (overlook).	\$53
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River; First Landing (gazebo at Chesapeake Bay Center).	\$74
Claytor Lake (gazebo), First Landing (gazebo at Chesapeake Bay Center).	\$84
York River and Douthat Amphitheater.	\$105
Shenandoah Overlook Rental	\$16 per half-day \$32 per full day

Natural Tunnel and First Landing Amphitheaters: Private group or company rate-	\$315
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$158
Natural Tunnel Amphitheater Wedding Package: Three consecutive half-day rental periods.	\$420 per package
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$788
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$11 per hour
First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$53 per hour
Fishing Tournament Staging. All parks where available.	\$26
Pocahontas Amphitheater Area: Without Heritage Center. Includes Amphitheater, Exhibit Area, Restrooms and use of sound system.	\$630
Pocahontas Amphitheater Area Plus Heritage Center	\$840
Parking Attendant (per attendant).	\$11 per hour
Law Enforcement Officer (per officer).	\$26 per hour
Natural Tunnel: Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.	\$300 per 4 hours
Natural Tunnel Amphitheater Concession Building	\$42
Natural Tunnel: Sound System Rental	\$32
Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.	\$11
All parks unless listed below.	\$11
Pocahontas Amphitheater or First Landing Courtyard	\$105

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4VAC5-36-140. Interpretive canoe, boat, and paddleboat fees.

INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

Interpretive Canoe, Boat, and Paddleboat Tours:	FEE
Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 10 persons. Mason Neck and all other parks where available unless otherwise noted.	\$3.00 per person
Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.	
Individuals at all parks unless noted below.	\$5.00 per person
Individuals at Leesylvania, York River, Pocahontas, Kiptopeke, <u>Chippokes</u> .	\$9.00 per person
Individuals at Mason Neck.	\$15 per person
Individuals at Natural Tunnel.	\$12 per person
Individuals at False Cape: Back Bay Interpretive Tour.	\$16 per person
Family Groups at all parks unless noted below. Minimum 4 paying customers.	\$4.00 per person
Family Groups at Leesylvania, Pocahontas, York River, Kiptopeke. Minimum 4 paying customers.	\$6.00 per person
Family Groups at Mason Neck.	\$9.00 per person
Group rate at Natural Tunnel (minimum 10 paying customers).	\$12 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.	
All parks where offered unless noted below.	\$6.00 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, <u>Chippokes</u> , <u>Kiptopeke</u> .	\$11 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: New River Trail, Mason Neck.	\$15 per person

Extended Canoe Interpretive Tour Fee for Individuals: Grayson Highlands, <u>Hungry Mother</u> , <u>New River Trail</u> .	\$25 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, <u>Chippokes</u> .	\$13 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck.	\$20 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum four paying customers.	
All parks where offered unless otherwise noted.	\$5.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River, <u>Chippokes</u> . Requires 4 or more paying customers.	\$7.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: New River Trail, Mason Neck.	\$11 per person
Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River. Requires 4 or more paying customers.	\$8.00 per person
Extended Canoe Interpretive Tour Fee for Family Groups: Grayson Highlands.	\$25 per person
Bear Creek Lake: Willis River Interpretive Canoe Tour	
Short Trip.	\$8.00 per person
Long Trip.	\$10 per person
Natural Tunnel Clinch River:	
Half-Day Trip Group Rate. Requires 10 or more paying customers.	\$12 per person
Full-Day Trip. Group Rate. Requires 10 or more paying customers.	\$20 per person
Half-Day Trip. Individuals.	\$15 per person
Full-Day Trip. Individuals.	\$25 per person
Overnight Trip. Individuals.	\$45 per person
Short Trip. Clinchport to Copper Creek	\$7.00 per person

Interpretive Kayak Tour, Solo Kayak: All parks where available unless otherwise noted.	\$16 per person
Interpretive Kayak Tour, Solo Kayak: Westmoreland, Caledon	\$19 per person
Interpretive Kayak Tour, Tandem Kayak: All parks where available unless otherwise noted.	\$22 per kayak
Interpretive Kayak Tour, Tandem Kayak: Westmoreland, Caledon	\$25 per kayak
Tag-along Fee: Participant provides their own canoe or kayak. Not available at all sites.	\$10 per person
Interpretive Pontoon Boat Tour: All parks where available.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Interpretive Tube Tour: all parks where available unless otherwise noted.	\$6.00 per person
Lake Excursion and Ecology Tour	
Claytor Lake	\$10 (Age 13 and over) \$7.00 (Age 3 through 12)
Rental of Entire Boat (Exclusive Use): All parks where available	\$60 per tour

Notes on Interpretive Canoe, Boat, and Paddleboat Programs:

1. Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.

2. Additional costs for supplies and materials may apply.

4VAC5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs		
PARK	PROGRAM	FEE
All parks unless otherwise noted:	Standard Interpretive Program or Tour: (Fee does not apply to informational programs such as typical staff led nature hikes or campfire programs or roving interpretation).	\$2.00 per person \$6.00 per family Free

Fee-based Interpretive Program or Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$2.00 per person \$6.00 per family
Standard Fee-based Night Hike or Evening Program or Evening Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$3.00 per person \$8.00 per family
Standard Workshop Fee	\$5.00 per child (Age 12 and under) \$15 per adult (Age 13 and over)
Standard Wagon Ride Program	\$3.00 per person \$8.00 per family \$25 exclusive group
Extended or Special Event Wagon Ride Program	\$4.00 per person \$10 per family \$75 exclusive group booking
Park Outreach Program: Price per park staff member conducting program	\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus
Standard Junior Ranger Program: 4-day program. All parks unless noted below.	\$10 full program \$3.00 per day
Haunted Hike	\$1.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Geo Caching or Orienteering Interpretive Program.	\$3.00 per person \$8.00 per family \$25 per group

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	Nature-Themed Birthday Party: Includes a nature talk, hike, games, songs, and time in the Nature Center for gifts and cakes. At least one staff member is present to conduct activities.	\$96 per hour plus materials cost for 12 children \$8.00 per additional child	Curious Kids	\$3.00 per program
	Standard Orienteering Program	\$3.00 per person \$25 per group (20 maximum)	Nature and Discovery Programs (School/Groups Outreach)	\$4.00 per child \$80 minimum \$15 additional if program is outside of Chesterfield County
	Standard Women's Wellness Weekend Program	\$149 per person	Sky Meadows	Interpretive Program Series: 6-program series \$15 per person per program \$45 per person per 4 programs \$60 per person per 6 programs
Chippokes	Photography Class	\$45 per person	Nature and Discovery Programs (School/Groups Outreach)	\$2.00 per child \$50 minimum \$15 additional if program is outside of the following counties: Fauquier, Frederick, Clark, and Loudoun
Grayson Highlands	Junior Ranger Program	\$5.00 per person per day	House and Grounds Tour	\$3.00 per person age 13 and older \$2.00 per child age 6 through 12 \$8.00 per family
	Hayrides	\$2.00 per child \$3.00 per adult	Smith Mountain Lake	Nature and Discovery Programs (School/Groups Outreach)
	Adventure Rangers Interpretive Program	\$10 per person per day	Southwest Virginia Museum	How Our Ancestors Lived
	Make a Birdhouse Program	\$5.00 per person	Special Themed Interpretive Program	\$10 per person
	Make Your Own Hiking Stick Program	\$3.00 per person	Music or Literary Event	\$5.00 per person
	2-Day Photography Class	\$35 per person	Workshop (Adult)	\$10 per person
Oconeechee, Caledon, Sky Meadows	Individual interpretive program pass: (Allows admission for one person to 4 interpretive programs valued at \$3.00 or less)	\$6.00 per pass	Workshop (Children)	\$5.00 per person
	Family interpretive program pass: (Allows admission for members of the same family to 4 interpretive programs valued at \$8.00 or less)	\$18 per pass	Nature and Discovery Programs (School/Groups Outreach)	\$25 for under 2 hours \$50 from 2 hours to under 4 hours \$75 for 4 or more hours
Pocahontas	Nature Camps	\$100 per child per program plus materials cost		
		\$30 per child plus materials cost for Jr. Assistant. The Jr. Assistant helps the park staff in conducting camp programs.		

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	Guided Tour or Activity	School Groups: \$1.50 per person Public Groups: \$2.50 per person		Birding Program (Group Rates)	\$35 (Corporate) \$25 (Nonprofit)	
	Step-On Tour Guide Service	\$7.00 per person		York River	Guided Adventure Programs	\$4.00 per person \$40 per group (Minimum 12 persons)
Caledon	Caledon Eagle Tours	\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)			York River Children's Programs	\$2.00 per person, single program \$10 unlimited participation throughout Interpretive Season
	All Group Programs up to 2 hours long	\$5.00 per person			"Nature Party": Nature Themed Birthday Party for Children	\$10 per person
	Haunted Hay Ride	\$5.00 per person (age 7 and over) Children under 7 free		Westmoreland	Guided Program Fee	\$25 per person
	Special Program Bus Fee: Programs involving transportation within the natural area.	\$3.00 per person		Natural Tunnel	Junior Ranger Program (Includes T-Shirt)	\$35 per person
	Workshop (Adult)	\$15 per person			Wagon Ride Program	\$50 Exclusive Education Group Booking
	Workshop (Children)	\$5.00 per person			Hay Wagon and Hot Dog Roast	\$10 per person
	Natural Tunnel: Cove Ridge	Guided Programs	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)		Bike Tours - 2 hours	\$10 per person
Environmental Education (Children's Activities)		\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)		Extended Bike Tours - 4 hours	\$15 per person	
Environmental Education (Adult Facilitation)		\$15 per person		Canoe and Bike Tour - 4 hours	\$20 per person	
Hungry Mother/Hemlock Haven	Junior Naturalist Program	\$4.00 per person per week \$12 unlimited participation in interpretive season		Halloween Haunted House/Hay Wagon Ride	\$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)	
			Mason Neck	Junior Ranger Program	\$50 per person	
Kiptopeke	Birding Program (Hawk observatory/bird banding station)	\$4.00 per person		Holliday Lake	Field Archaeology Workshop	\$25 per person
					Junior Ranger Program (3 half-day workshop) (Ages 6 to 13)	\$25 per child
			False Cape	Wildlife Watch Tour – Per Person	\$8.00 per person	
				Astronomy Program	\$10 per person	
			Staunton River	Interpretive Craft	\$2.00 per person	

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First Landing	Junior Ranger Program <u>3 Hour Program</u> <u>6 Hour Program</u>	\$25 per person <u>\$50 per person</u>
Bear Creek Lake	Junior Ranger Program	\$20 per person
Leesylvania	Junior Ranger Program	\$50 per person
	Halloween Haunted Hike	\$2.00 per person \$6.00 per group (4 person maximum)
	Interpretive Programs	\$2.00 per person
	Kids Fishing Tournament	\$2.00 per child
Natural Tunnel	Pannel Cave Tour	\$10 per person \$7.00 per person (Family-Group; 8-person minimum)
	Bolling Cave Tours	\$15 per person \$12 per person (Family-Group; 8-person minimum)
	Stock Creek Tunnel Tour	\$5.00 per person
New River Trail	New River Trail Seniors Van Tour Full Day	\$25 per person
	New River Trail Seniors Van Tour Half Day	\$15 per person
	Bertha Cave Tour	\$10 per person
James River	Haunted Wagon Ride	\$5.00 per person (Age 7 and over) Children 6 and under free
Belle Isle	Triple Treat Program: Hayride/Canoe/Campfire	\$10 per person
	Junior Ranger 3-day program	\$5.00 per class
	Bike Tour: visitors can supply their own bike or rent separately	\$2.00 per person \$6.00 per family

Additional costs for supplies and materials may apply.

4VAC5-36-160. Outdoor skill program fees.

OUTDOOR SKILL PROGRAMS (NONTAXABLE)

Outdoor Skill Programs		FEE
Grayson Highlands	Outdoor Survival Skills and Backpacking	\$95 per person
	Basic Map and Compass	\$25 per person
	Beginning Rock Climbing and Backpacking	\$95 per person
	Advanced Map and Compass Skills	\$25 per person
Westmoreland, Douthat, Hungry Mother, False Cape	Photography Workshop, with meals and lodging	\$325 per person
	Photography Workshop, with meals, no lodging	\$295 per person
	Photography Workshop, no meals, no lodging	\$225 per person
	Nonparticipant Lodging and Food	\$235 per person
	Nonparticipant Meals only	\$125 per person
Lake Anna	Prospecting for Gold Workshop	\$50 per person
Hungry Mother	Mountain Empire Fly Fishing School	\$225 per person
Grayson Highlands	Guided Fly Fishing Trip: Half-day	\$50 per person
	Guided Fly Fishing Trip: Full-day	\$75 per person
Sky Meadows	<u>Outdoor Skills Workshop</u>	<u>\$5.00 per class per person</u> <u>\$10 per class per family</u>
	<u>Primitive Camping Series (3 classes = 1 series)</u>	<u>\$15 per series per person</u> <u>\$30 per series per family</u>

Notes on interpretive and educational tours and programs:

Backpacking Series
(4 classes = 1 series)

\$20 per series per person

\$40 per series per family

will be given for any reason other than event cancellation.

4VAC5-36-190. Environmental education center fees.

ENVIRONMENTAL EDUCATION SERVICES AND FACILITIES FEES (TAXABLE unless otherwise noted)

4VAC5-36-180. State park performing arts events fees.

STATE PARK PERFORMING ARTS EVENTS (NONTAXABLE)

State Parks Performing Arts Events:	FEE
All parks unless otherwise noted below:	Under age 3 is free \$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Pocahontas Premier Shows	\$8.00 per person advance tickets, includes daily parking fee \$10 per person day of show Children 12 and under free \$40 per person season tickets- includes daily parking fee for day of all Premier shows <u>\$5.00 per person the day of show with coupon and the purchase of one ticket at full price</u>
Natural Tunnel Gospel Singing Festival	\$5.00 per vehicle
Douthat Performing Arts in the Park	Under age 3 is free \$4.00 (Age 3 through 12) \$9.00 (Age 13 and over)
Smith Mountain Lake: Music in the Park (per event)	Under age 12 is free \$3.00 (Age 13 and over)
Pass for 10 events	\$20
Pass for 15 events	\$28

PARK	SERVICE OR FACILITY	FEE
Caledon	Rental of Environmental Education Center	\$60 per day \$40 per half-day
First Landing	Chesapeake Bay Center Exhibit Area. Fee required after 5 p.m. or after regular operating hours	\$25 per hour
False Cape State Park	Wash Woods Environmental Education Center - Use by educational group	\$200 per night \$60 day use
	Wash Woods Environmental Education Center - Use by noneducational group	\$300 per night \$100 day use
	Deposit to accompany reservation application	\$40
	Environmental Education Programs (Nontaxable)	\$75
	Bus transportation for educational group (Nontaxable)	\$36 round trip \$18 one way
	Bus transportation for noneducational group (Nontaxable)	\$48 round trip \$24 one way
	Bus transportation within the park (Nontaxable)	\$18 per hour
	Beach vehicle transportation for educational group (10 person minimum)	\$100 round trip
	Beach vehicle transportation for noneducational group (10 person minimum)	\$160 round trip
	Beach vehicle transportation, individual rate on regularly scheduled dates	\$8.00 round trip per person
	Transportation, Additional Park Vehicle (Nontaxable)	\$36 round trip
	Transportation for nonemergency but unplanned trips out of park:	

Note on Performing Arts Event Fees:

Cancellation Policy for Performing Arts Programs:

- Generally, all events go on rain or shine and no refunds will be given. If an event is canceled by management, a full refund will be provided to ticket holders if rescheduling is not an option. No refunds will be given for any reason other than event cancellation.
- "Ticket as Voucher" policy for Performing Arts Series: Generally, all events go on rain or shine. Should a specific event/program in the series be canceled by management, the cancellation policy regarding refunds (see 1 above) applies. However, unused tickets, including tickets not used due to purchaser's own decision, retain face value that may be applied to entry to subsequent events, including events in future seasons. No refunds

Regulations

	Transportation for Camper	\$18 per trip	First Landing	\$5.00 per hour \$16 per day
	Transportation for Camper with Canoe or Kayak	\$24 per trip	Bike Helmet without bike rental	\$1.00
	Kayak/Canoe Trailer Transportation for Campers	\$100 per trip	Child Cart for bike	\$5.00
	After hours transportation surcharge	\$8.00 per trip	Boat Rentals	
	Equipment Rental	\$25	Standard Paddle Boat Rental:	
			All parks where available unless otherwise noted	\$4.00 per half-hour \$6.00 per hour
Mason Neck	Hartwell Environmental Education Center <u>Mason Neck State Park Conference Room</u> (Includes wet lab sampling and A.V. equipment)	\$50 per half-day \$80 per full-day	Fairy Stone, Westmoreland, Hungry Mother	\$5.00 per half-hour \$8.00 per hour
	Environmental Education Equipment only: Excludes center and wet lab conference room – outdoor activity only	\$25 per half-day \$40 per full-day	Smith Mountain Lake	\$10 per half-hour \$15 per one hour \$80 for 24 hours \$30 additional for each day after first day
Leesylvania	Discovery Room		Standard Canoe Rental:	
	Teacher-Led Programs Up to 4 hours (Nontaxable)	\$50	All parks where available unless otherwise noted.	\$8.00 per hour \$15 per half-day \$25 per full-day \$40 for 24 hours \$100 per week
	Ranger-Led Programs Up to 4 hours (Nontaxable)	\$85	Smith Mountain Lake	\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$30 additional for each day after first day
	Menu Programs: Picked by instructor – led by ranger; 1-hour 15-minute minimum (Nontaxable)	\$30	Claytor Lake	\$10 \$12 per hour \$35 per half-day \$50 per day
	Equipment Rental: For use outside of Visitor Center; 4 hour maximum	\$20	Leesylvania, Mason Neck	\$7.00 per half-hour \$12 per hour \$35 per half-day \$50 per day

Note on Environmental Education Center Fees:

Environmental Education Center Cancellation Policy: For day-use E.E.C. cancellation policy, Picnic Shelter cancellation policy shall apply. For overnight-use E.E.C. cancellation policy, cabin cancellation policy shall apply.

4VAC5-36-200. Miscellaneous rental fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals (includes helmet)	FEE
All parks where available unless otherwise noted	\$3.00 per hour \$8.00 per half-day \$15 per full-day
Claytor Lake	\$4.00 per hour \$25 per day
New River Trail, James River, Mason Neck	\$5.00 per hour \$12 per half-day \$18 per day

James River	\$10 per hour (does not include shuttle) \$40 per day (does not include shuttle) \$120 per week (does not include shuttle) \$12 per half hour past return time
Standard Float Trips:	
James River	
Bent Creek to Canoe Landing:	
Canoe	\$45 Max 3 people
Single Kayak	\$35 per kayak
Double Kayak	\$45 per kayak

Regulations

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Canoe Landing to Dixon Landing:</td> </tr> <tr> <td style="width: 30%;">Tubes</td> <td>\$12 per tube</td> </tr> <tr> <td>Group of four or more</td> <td>\$10 per tube</td> </tr> <tr> <td>Canoe</td> <td>\$15 per canoe</td> </tr> <tr> <td>Single Kayak</td> <td>\$15 per kayak</td> </tr> <tr> <td>Double Kayak</td> <td>\$15 per kayak</td> </tr> <tr> <td colspan="2">Bent Creek to Dixon Landing:</td> </tr> <tr> <td>Canoe</td> <td>\$50 per canoe</td> </tr> <tr> <td>Single Kayak</td> <td>\$40 per kayak</td> </tr> <tr> <td>Double Kayak</td> <td>\$50 per kayak</td> </tr> <tr> <td colspan="2">Shuttle Service Only:</td> </tr> <tr> <td><u>Canoe Landing to Dixon Landing, canoe or single kayak, scheduled or unscheduled</u></td> <td><u>\$2.00 per person</u> <u>\$5.00 per canoe/kayak</u></td> </tr> <tr> <td>Bent Creek Shuttle (Scheduled)</td> <td>\$5.00 per boat (canoe/kayak) \$5.00 per person</td> </tr> <tr> <td>Bent Creek Shuttle (Unscheduled)</td> <td>\$15 per boat (canoe/kayak) \$15 per person</td> </tr> <tr> <td>Tubes</td> <td>\$5.00 per person/Bent Creek Shuttle \$2.00 between landings in park</td> </tr> <tr> <td>Late Rental Fee</td> <td>\$15 per half hour past return time</td> </tr> <tr> <td>New River Trail</td> <td>\$7.00 per hour \$20 per half-day \$30 per day \$35 per half-day, includes canoe rental and shuttle \$50 per full day, includes canoe rental and shuttle</td> </tr> <tr> <td colspan="2">Canoe Rental (includes shuttle)</td> </tr> <tr> <td>Trip A: Austinville to Foster Falls</td> <td>\$35 per canoe</td> </tr> <tr> <td>Trip B: Ivanhoe to Austinville</td> <td>\$45 per canoe</td> </tr> <tr> <td>Trip C: Ivanhoe to Foster Falls</td> <td>\$50 per canoe</td> </tr> <tr> <td>Trip D: Foster Falls to Route 100</td> <td>\$45 per canoe</td> </tr> </table>	Canoe Landing to Dixon Landing:		Tubes	\$12 per tube	Group of four or more	\$10 per tube	Canoe	\$15 per canoe	Single Kayak	\$15 per kayak	Double Kayak	\$15 per kayak	Bent Creek to Dixon Landing:		Canoe	\$50 per canoe	Single Kayak	\$40 per kayak	Double Kayak	\$50 per kayak	Shuttle Service Only:		<u>Canoe Landing to Dixon Landing, canoe or single kayak, scheduled or unscheduled</u>	<u>\$2.00 per person</u> <u>\$5.00 per canoe/kayak</u>	Bent Creek Shuttle (Scheduled)	\$5.00 per boat (canoe/kayak) \$5.00 per person	Bent Creek Shuttle (Unscheduled)	\$15 per boat (canoe/kayak) \$15 per person	Tubes	\$5.00 per person/Bent Creek Shuttle \$2.00 between landings in park	Late Rental Fee	\$15 per half hour past return time	New River Trail	\$7.00 per hour \$20 per half-day \$30 per day \$35 per half-day, includes canoe rental and shuttle \$50 per full day, includes canoe rental and shuttle	Canoe Rental (includes shuttle)		Trip A: Austinville to Foster Falls	\$35 per canoe	Trip B: Ivanhoe to Austinville	\$45 per canoe	Trip C: Ivanhoe to Foster Falls	\$50 per canoe	Trip D: Foster Falls to Route 100	\$45 per canoe	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Trip E: Route 100 to Allisonia</td> <td style="width: 50%;">\$50 per canoe</td> </tr> <tr> <td>Trip F: Foster Falls to Allisonia</td> <td>\$55 per canoe</td> </tr> <tr> <td colspan="2" style="text-align: center;">Kayak Rental (includes shuttle)</td> </tr> <tr> <td>Trip A: Austinville to Foster Falls</td> <td>\$25 per kayak</td> </tr> <tr> <td>Trip B: Ivanhoe to Austinville</td> <td>\$35 per kayak</td> </tr> <tr> <td>Trip C: Ivanhoe to Foster Falls</td> <td>\$40 per kayak</td> </tr> <tr> <td>Trip D: Foster Falls to Route 100</td> <td>\$35 per kayak</td> </tr> <tr> <td>Trip E: Route 100 to Allisonia</td> <td>\$40 per kayak</td> </tr> <tr> <td>Trip F: Foster Falls to Allisonia</td> <td>\$45 per kayak</td> </tr> <tr> <td colspan="2" style="text-align: center;">Standard Rowboat Rental, without motor:</td> </tr> <tr> <td>All parks where available unless otherwise noted</td> <td>\$6.00 per hour \$12 per half-day \$22 per full-day \$36 per 24 hours \$80 per week</td> </tr> <tr> <td>Hungry Mother: Rowboats</td> <td>\$4.00 per hour \$15 per day \$40 per week</td> </tr> <tr> <td>New River Trail: Rafts and flat-bottom boats</td> <td>\$7.00 per hour \$20 per half-day \$30 per day</td> </tr> <tr> <td>Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted</td> <td>\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week</td> </tr> <tr> <td>Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. 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Regulations

Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$4.00 additional per hour after first hour \$60 per 24 hours \$30 additional per day after first day	Smith Mountain Lake	\$10 per half-hour \$15 per hour \$80 for 24 hours \$30 additional for each day after first day
Barracuda Boat. All parks where available	\$10 per hour	Mason Neck	\$8.00 per half-hour \$15 per hour \$45 per 4 hours \$60 per day
Solo Kayak Rental:		Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3 hours \$10 additional per hour after first 3 hours \$150 for 24 hours \$30 additional per day after first day
All parks where available unless otherwise noted	\$8.00 per hour \$20 per half-day \$30 per day \$40 for 24 hours \$100 per week	Claytor Lake: 14-foot v hull boat with 25 16-foot Bass Tracker with 60 hp motor. Damage deposit of 50% required	\$25 \$30 per hour \$65 \$75 per half-day \$100 \$115 per day
Westmoreland	\$9.00 per hour \$17 per half-day \$30 per day	Claytor Lake: 17-foot bowrider with 135 hp motor. Damage deposit of 50% required	\$40 \$45 per hour \$115 \$120 per half day \$180 \$185 per day
Smith Mountain Lake	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$30 additional per day after first day	Claytor Lake: 20-foot pontoon boat with 90 hp motor. Damage deposit of 50% required	\$40 \$45 per hour \$110 \$120 per half-day \$175 \$185 per day
Mason Neck	\$6.00 per half-hour \$10 per hour \$35 per half-day \$50 per day	Claytor Lake: 24-foot pontoon boat with 75 hp motor. Damage deposit of 50% required	\$45 \$50 per hour \$125 \$140 per half-day \$200 \$210 per day
James River	\$7.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$80 per week (does not include shuttle) \$12 per half hour past return time	Claytor Lake: 30-foot pontoon boat with 115 hp motor. Damage deposit of 50% required	\$60 per hour \$160 \$165 per half-day \$250 per day
Claytor Lake	\$8.00 \$10 per hour \$25 per half-day \$40 per day	Claytor Lake: 18-foot bowrider with 190 hp motor. Damage deposit of 50% required	\$45 \$50 per hour \$125 \$135 per half-day \$200 \$205 per day
Tandem Kayak Rental:		Claytor Lake: 19-foot bowrider with 220 hp motor, Damage deposit of 50% required.	\$50 \$55 per hour \$135 \$150 per half-day \$220 \$225 per day
All parks where available unless otherwise noted.	\$10 per hour \$20 per half-day \$30 per full-day \$45 for 24 hours \$120 per week	Occoneechee: 17-1/2-foot fishing boat. Rental includes 30 gallons of fuel. Damage deposit of \$200 required	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Claytor Lake	\$10 per hour \$35 per half day \$50 per day	Occoneechee: 20-foot pontoon boat with motor (8 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Westmoreland	\$12 per hour \$22 per half-day \$36 per day		

Regulations

<p>Occoneechee: 22-foot pontoon boat with motor (10 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.</p>	<p>\$95 per hour \$20 additional per hour after first hour \$185 per 8 hours \$925 per 7 day week</p>	<p>Throw Cushion</p>	<p>\$10</p>
<p>Occoneechee: 25-foot pontoon boat with motor (14 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.</p>	<p>\$110 per hour \$25 additional per hour after first hour \$230 per 8 hours \$1,150 per 7 day week</p>	<p>Propeller (small)</p>	<p>\$100</p>
<p>Smith Mountain Lake: 18-20-foot Runabout with 190 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.</p>	<p>\$165 for 3 hours \$20 additional per hour after first 3 hours \$255 per 8 hours \$320 for 24 hours \$100 additional per day after first day</p>	<p>Propeller (large)</p>	<p>\$135</p>
<p>Claytor Lake: 18-foot pontoon boat (7 person capacity) or 21-foot pontoon boat (9 person capacity). Damage deposit of 50% required</p>	<p>\$35 \$40 per hour \$100 \$110 per half-day \$165 \$170 per day</p>	<p>Personal Flotation Device (PFD): replacement fee for lost/damaged PFD</p>	<p>\$25 each</p>
<p>Claytor Lake: Jet Ski 15.5 hp (for use with rental of pontoon boat only).</p>	<p>\$125 \$110 per half-day \$200 \$170 per day</p>	<p>Other Rentals:</p>	
<p>Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity). Damage deposit of \$200 required.</p>	<p>\$90 for 3 hours \$20 additional per hour after first 3 hours \$165 per 8 hours \$215 for 24 hours \$80 additional each day after first day</p>	<p>Personal Flotation Device (PFD): When separate from boat rental.</p>	<p>\$1.00 per day</p>
<p>Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.</p>	<p>\$180 for 3 hours \$20 additional per hour after first 3 hours \$270 per 8 hours \$335 for 24 hours \$130 additional per day after first day</p>	<p>Smith Mountain Lake, James River: Personal Flotation Device, type II.</p>	<p>\$5.00 for first day \$1.00 additional days</p>
<p>Belle Isle: Motorboat less than 25 horsepower (3 gallons of fuel included, 2 hour minimum)</p>	<p>\$15 per hour \$60 per half-day \$100 per day</p>	<p>Smith Mountain Lake: Personal Flotation Device, type III</p>	<p>\$7.00 for first day \$2.00 additional days</p>
<p>Belle Isle: Motorboat 25-49 horsepower (11 gallons of fuel included, 2 hour minimum)</p>	<p>\$22 per hour \$70 per half-day \$110 per day</p>	<p>Canoe/Kayak Paddles: All parks where available unless otherwise noted.</p>	<p>\$5.00 per day</p>
<p>Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.</p>		<p>New River Trail: Float Tubes</p>	<p>\$5.00 per hour \$12 per half-day \$18 per day</p>
<p>Paddle</p>	<p>\$20</p>	<p>James River:</p>	
<p>Anchor/Rope</p>	<p>\$40</p>	<p>Cooler Tubes</p>	<p>\$3.00 per day</p>
<p>Fuel Tank/Hose</p>	<p>\$60</p>	<p>Seat Backs (kayaks)</p>	<p>\$3.00 per day</p>
<p>Fire Extinguisher</p>	<p>\$25</p>	<p>Tubes</p>	<p>\$8.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$12 per half hour past return time</p>
		<p>Claytor Lake: 2-person tow tube and towrope (with rental of boat only)</p>	<p>\$20 per 2 hours \$25 per half-day \$30 per day</p>
		<p>Claytor Lake: Water skis and towrope (with rental of boat only)</p>	<p>\$20 per 2 hours \$25 per half-day \$30 per day</p>
		<p>Claytor Lake: Kneeboard and towrope (with rental of boat only)</p>	<p>\$15 per 2 hours \$20 per half-day \$25 per day</p>
		<p>Smith Mountain Lake: Tow tube; Water Skis; Knee Board</p>	<p>\$15 per day with boat rental \$5.00 per additional day \$25 per day without boat rental</p>
		<p>Smith Mountain Lake: Wake Board</p>	<p>\$25 per day with boat rental \$10 per additional day \$30 per day without boat rental</p>

Regulations

Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day	Coin-Operated Washing Machine: All parks where available unless otherwise noted.	\$1.25 per load, tax included
GPS Units	\$6.00 per unit per half-day \$10 per unit per day	First Landing	\$1.50 per load, tax included
Volleyball Net and Ball Rental: All parks where available.	\$10	Coin Operated Dryer: All parks where available unless otherwise noted.	\$1.25 per load, tax included
Binocular Rentals (2 hours): All parks where available.	\$2.00	First Landing	\$1.50 per load, tax included
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day	6-Foot Table (Includes 6 chairs) Additional chairs: All parks where available unless otherwise noted.	\$20 per rental period \$3.00 each per rental period
Surf Lounge Floating Chair Rental. All parks where available.	\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair	Caledon	\$8.00 per 6' round table \$1.50 per white padded seat chair
Body Board: First Landing	\$6.00 per day	Pump Out: All parks where available unless otherwise noted.	\$5.00
Beach Umbrella: All parks where available unless otherwise noted.	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day	Horse Rentals:	
First Landing	\$6.00 per day	All parks where available unless otherwise noted.	\$20 per one-hour ride \$40 per two-hour ride \$100 per full day ride
Beach Chair: All parks where available	\$5.00 per day	Pony Rides: All parks where available unless otherwise noted.	\$5.00 per 15 minutes
First Landing	\$6.00 per day	Horseback Riding Lessons: All parks where available unless otherwise noted.	\$25 per lesson on group basis \$30 per lesson for individual
Fishing Rods: All parks where available unless otherwise noted.	\$5.00 per half-day	Horseback Summer Day Camp: All parks where available unless otherwise noted.	\$180 per person per week
First Landing	\$6.00 per day \$3.00 per rod per fishing program	Horseshoe or Croquet Rental for Campers. All parks where available.	\$1.00 per hour \$5.00 per day \$20 deposit
Tents with a group camp reservation. All parks where available.		4VAC5-36-210. Conference center and meeting facility fees.	
2-person tent	\$12 per day	CONFERENCE CENTERS (TAXABLE)	
3-person tent	\$20 per day	Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.	FEE
4-person tent	\$25 per day	Hemlock Haven Conference Center at Hungry Mother	
5-person tent	\$30 per day	Main Hall (Capacity: 375)	\$275 per day
Coleman Camp Stove Rental, includes fuel	\$10 per day	Upper Level (Capacity: 50)	\$175 per day
Tabletop Propane Grill, includes fuel	\$15 per day		

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Redbud Room: (Capacity 35)	\$75 per day	Mansion or Historic Area Grounds (Includes parking for party rental).	\$525 per 4 hours	
Laurel Room (Capacity: 20)	\$40 per day	Mansion Board Room	\$105 per 4 hours	
Entire Meeting Room Complex	\$420 per day	Chippokes Plantation Conference Shelter (Available on reservation basis only).	\$105 per 4 hours	
Day Use Recreational Package (Includes all outside recreational facilities)		Wedding Package (includes historic area grounds, gardens, tent set up and take down, 10 60-inch round tables, 10 standard size rectangle tables, 100 folding chairs, Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).	\$1,412 per 4 hours \$2,073 per 8 hours \$50 nonrefundable reservation fee	
0 – 250 Persons	\$300 per half-day \$600 per full-day			
250 – 500 Persons	\$425 per half-day \$850 per full-day			
500 + persons	\$575 per half-day \$1,200 per full-day			
Cedar Crest Conference Center at Twin Lakes		Southwest Virginia Museum – Victorian Parlor Room Rental (Based on 4 hour rental)	DAY	EVENING
Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$229 per 4 hours \$459 per day \$53 each extra hour		Victorian Parlor	
Doswell Meeting Room: Meeting Room Only; no kitchen or dining room.	\$164 per room per 4 hours \$328 per room per day \$37 each extra hour	Up to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)	\$42	\$68
Small breakout rooms with main room: Latham and Hurt.	\$65 per room per 4 hours \$131 per room per day \$21 each extra hour	Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.		
Small breakout rooms without main room.	\$98 per room per 4 hours \$196 per room per day \$37 each extra hour			
Picnic Shelter or Gazebo at Cedar Crest.	\$68 per 4 hours \$131 per day \$11 each extra hour	Hallway (downstairs) (Includes three existing tables with linens)	\$11	\$11
Kitchen rental Only available with complex rental.	\$105 per event	Additional Hours	\$10 per hour	\$10 per hour
Kitchen Cleaning Fee: Deposit.	\$150 per event	Exceeding approved hours	\$20 per hour	\$20 per hour
Chippokes Plantation Meeting, Conference, and Special Use Facilities		Wedding Portraits	\$52 per 2 hours	\$78 per 2 hours
Mansion Conference Room.	\$26 per hour			

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<u>Wedding Packages</u>	<u>EVENT</u>	<u>Reception Packages</u>	
<p><u>Wedding Package A: Accommodates 100 people. Use of arbor in Victorian Garden. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).</u></p>	<p><u>\$500</u></p>	<p><u>Casual Reception Package A: May be reserved with Wedding Package A or B. Use of Victorian Parlor or foyer; parlor set with serving tables and linens. Use of serving kitchen.</u></p>	<p><u>\$200</u></p>
<p><u>Wedding Package B: Accommodates 100 people. Use of a 40x40 Tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).</u></p>	<p><u>\$1,500</u></p>	<p><u>Casual Reception Package B: May be reserved with Wedding Package A or B. Use of 20x30 tent; set with tables and linens. Use of serving kitchen.</u></p>	<p><u>\$300</u></p>
<p><u>Wedding Package C: Accommodates 200 people (this requires an off-site reception area). Use of a 40x60 tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 200 chairs. Two parking attendants. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).</u></p>	<p><u>\$2,500</u></p>	<p><u>Formal Reception Package C: May be reserved with Wedding Package A or B. Use of 40x60 tent; sit-down reception for 100 to include tables, linens and chairs. Use of serving kitchen.</u></p>	<p><u>\$2,250</u></p>
		<u>Wedding and Reception Combination Package</u>	
		<p><u>Wedding and Reception Combination Package: Accommodates 100 people. Both wedding and reception are held under the same tent. Use of a 40x60 tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled). Back of tent set with serving tables and linens. Use of serving kitchen.</u></p>	<p><u>\$2,500</u></p>

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<u>Damage Fee: a minimal damage fee will be assessed the person(s) renting the property for damage to the site.</u>	\$200		Wedding Package Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for three consecutive half-day rental periods, and parking passes.	\$525	NA
Wilderness Road (Mansion and Ground Rental)					
<u>Mansion or Lawn: separately</u>	\$63 for 4 hours		Wedding Package Overnight: Includes Day Use Package plus one dorm for one night and swimming (in season).	\$919	NA
<u>Mansion and Lawn: combined</u>	\$105 for 4 hours				
<u>Additional hours beyond scheduled operating hours</u>	\$11 per hour		Wedding Package Overnight: Includes Day Use Package plus both dorms for one night and swimming (in season).	\$1,102	NA
<u>Karlan Mansion and Grounds Rental</u>	\$350 for first day \$150 for each additional day				
Cove Ridge Center at Natural Tunnel:	PRIVATE FEE	EDUCATIONAL FEE	Wedding Package with Amphitheater: Rental of the park amphitheater in conjunction with any of the above wedding packages.	\$236 for the rental period	NA
Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.	\$1,050 per year	\$525 per year			
Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for two consecutive half-day rental periods, and parking passes.	\$315	\$210	Removal of furniture from great room (only available with exclusive use of the center).	\$42	\$42
Overnight Use of one dorm: Includes Day Use Package plus one dorm rooms for one night and swimming (in season).	\$683	\$498	Additional seating on deck (only available with exclusive use of the center).	\$42	\$0
Overnight Use of both dorms: Includes Day Use Package plus two dorm rooms for one night and swimming (in season).	\$892	\$656	Auditorium	\$126 per half day \$231 per full day	\$99 per half day \$183 per full day
			Classroom – Library (half-day)	\$63	\$47
			One dorm: Overnight lodging for up to 30, includes swimming (in season) and parking passes.	\$420 per night April 1-October 31 \$378 per night November 1-March 31	\$315 per night April 1-October 31 \$283 per night November 1-March 31

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Both Dorms: Overnight lodging for up to 60, includes swimming (in season) and parking passes.	\$630 per night April 1-October 31 \$567 per night November 1-March 31	\$472 per night April 1-October 31 \$425 per night November 1-March 31	Fairy Stone
Per Person Student Rate for Overnight Dorm Use	\$13 per person	\$13 per person	Fayerdale Hall Meeting Facility Weekend Rental. Includes Friday, Saturday, and Sunday
Kitchen Use (when not included in package)	\$50 per event	\$50 per event	One Day Rental
Heritage Center at Pocahontas: All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)	PRIVATE FEE	EDUCATIONAL FEE	\$236 (8 a.m. to 10 p.m.)
Large Room (Capacity: seated at tables 50; reception style 125, auditorium 80: includes tables, chairs, and warming kitchen)	\$131 per 4 hours \$236 per full-day \$26 each extra hour	\$78 per 4 hours \$141 per full-day \$15 each extra hour	Two Consecutive Days Rental
Westmoreland	FEE		Three Consecutive Days Rental
Tayloe and Helen Murphy Hall Meeting Facility: Includes Main Meeting Room, Kitchen, and Grounds	\$500 (8 a.m. to 10 p.m.) \$350 additional rental days after first day \$75 per hour for usage beyond reservation period		Fayerdale Hall Meeting Facility Weekday Rental. Includes Monday through Thursday only.
Potomac Overlook Rental	\$55 per day		One Day Rental
Breakout Meeting Room (May be rented separately from main meeting room only within 45 days of event.	\$75 (8 a.m. to 10 p.m.)		Two Consecutive Days Rental
Kitchen Clean Up Fee: (Waived if renter cleans facility)	\$250 per event		Three Consecutive Days Rental
Wedding Package—Includes half day rental for wedding rehearsal, and a full day rental for wedding/reception	\$300		Four Consecutive Days Rental
Potomac River Retreat: Table and Chair Set-up	\$40		Douthat
			Restaurant (includes table set-up)
			\$236
			Allegheny Room: Up to 30 persons.
			\$158 per day
			Wedding Package: Conference room and amphitheater (see "amphitheater section") on day of wedding, plus an extra half-day amphitheater for rehearsal.
			\$289
			First Landing
			Trail Center Conference Room (Capacity: 45)
			\$42 per half-day \$63 per full-day
			Lake Anna
			Visitor Center
			\$32 per half-day \$53 per full day
			Concessions Building Rental
			\$100 per day

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Bear Creek Lake		<u>Chair Rentals</u>	
Meeting facility	\$236 per day \$25 each extra hour	<u>White, padded</u>	\$3.00
Wedding Package	\$315 per day	<u>White, plastic event chair</u>	\$1.50
Claytor Lake		<u>Standard folding chair</u>	\$1.00
Marina Meeting Facility: Includes facility, chairs, and tables.	\$550 per day \$825 per two days	<u>Table Rentals</u>	
Wedding Package: Includes rental of facility, chairs, tables, gazebo, and special use permit (\$10 permit fee is waived with package).	\$625 per day package \$995 per two-day package	<u>Rectangular, 6'</u>	\$7.50
Leesylvania Wedding/Function Package: Includes Rental of: Lee's Landing Picnic Shelter, 100 Chairs, 15 Tables, and Parking for up to 50 vehicles	\$840 per half-day \$945 per full-day	<u>Rectangular, 8'</u>	\$8.00
Mason Neck		<u>Round, 4'</u>	\$7.50
Wedding Package: 20 foot by 40 foot tent, 100 chairs, parking for up to 50 cars	\$788 per event	<u>Round, 5'</u>	\$8.75
Parking Attendant	\$53 per 4 hours	<u>Round, 6'</u>	\$15
Smith Mountain Lake		Linen Rentals:-	
Meeting room at Visitor Center	\$158 per day	Table cloth only	\$3.00 per table
Exceeding approved hours. All parks unless otherwise noted below.	\$25 per hour	Place settings	\$2.00 each
Sky Meadows		Twin Lakes	
Timberlake House Meeting Room Capacity 15 people	\$50 per day 8 a.m. to 5 p.m. \$75 per evening beyond 5 p.m.	Overlay	\$1.25 per table
Timberlake House Kitchen (in conjunction with rental of meeting room)	\$25 per day or part of day	Napkins	\$0.40 per napkin
Equipment and Services Associated with Meetings and Rentals:		Fax	First 2 pages free \$2.00 each extra page
Microphone/Podium Rental	\$15 per day	Copies	Single copy free \$0.15 each extra copy
		Lost Key Fee	\$10
		Easels	\$5.00 per day
		Overhead Projector	\$10 per day
		TV with VCR	\$10
		Second TV	\$10
		Overhead Projector with Screen	\$10
		Slide Projector with Screen	\$10
		Flip Chart	\$10
		Event Clean Up Fees	
		Park labor to clean up after special events and facility rentals if not done in accordance with rental agreement or use permit	\$50 per hour

Notes on conference and meeting facilities fees:

1. Conference and meeting facilities require a 30% prepayment due 10 days after making reservation, and

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payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

2. Alcohol use during weddings at the Southwest Virginia Museum: Weddings held during public operating hours of the museum will not be allowed to serve alcohol. Weddings held after regular operating hours of the museum must comply with ABC permit laws and have alcohol in the designated reception areas.

VA.R. Doc. No. R11-2624; Filed November 2, 2010, 3:42 p.m.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Final Regulation

REGISTRAR'S NOTICE: The Virginia Soil and Water Conservation 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 or the appropriation act where no agency discretion is involved. The Virginia Soil and Water Conservation Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4VAC50-20. Impounding Structure Regulations (amending 4VAC50-20-30, 4VAC50-20-50, 4VAC50-20-105, 4VAC50-20-175, 4VAC50-20-220; adding 4VAC50-20-53).

Statutory Authority: § 10.1-605 of the Code of Virginia.

Effective Date: December 22, 2010.

Agency Contact: 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.

Summary:

Chapters 249 and 270 of the 2010 Acts of Assembly resulted in modifications to certain technical elements of the Virginia Dam Safety Act requiring amendments to the Virginia Impounding Structure Regulations. Specifically, this action makes the following amendments to the regulations:

In 4VAC50-20-30, definitions are added that explain the difference between an existing impounding structure and new construction for the purposes of defining to which impounding structures the 0.9 PMP is applicable.

In 4VAC50-20-50, Table 1, the newly defined terms (new construction and existing impounding structures) are used to delineate spillway design standards, and a column is added to set out the revised spillway standards for existing impounding structures. The primary change is the reduction from a PMF spillway design flood standard to 0.90 PMP for high hazard dams. Also in Table 1, under the Minimum Threshold for Incremental Damage Analysis column, the threshold floor for high hazard dams is changed from 0.50 PMF to 100-year. Finally in Table 1, the action adds (i) subsection F to point to the location of the new definitions for existing impounding structures and for new construction; (ii) subsection G to indicate that a 0.6 PMP spillway design flood may be acceptable if the owner meets the requirements set out in a new section, 4VAC50-20-53; and (iii) subsection H that explains what probable maximum precipitation (PMP) means.

4VAC50-20-53 is a new section that sets out special criteria and certification requirements for a high hazard dam owner that wants to utilize a 0.6 PMP spillway design flood standard.

In 4VAC50-20-105, a requirement is added for the inclusion of the certification statement as part of a dam owner's regular operation and maintenance certificate application if the owner is claiming the 0.6 PMP standard that is set out in the new 4VAC50-20-53.

Also in 4VAC50-20-105, in the subsection regarding inspection frequency, a statement is added that references the annual inspection requirement by a licensed professional engineer for a dam owner who is claiming the 0.6 PMP standard pursuant to the new 4VAC50-20-53. Under 4VAC50-20-53, the inspections for a high hazard dam are annual rather than every two years.

4VAC50-20-175 clarifies via reference to the new 4VAC50-20-53 that a table-top exercise needs to be done at least once every two years if the dam owner is claiming the 0.6 PMP standard. The current standard is once every six years.

In 4VAC50-20-220, a statement is included regarding the ability for a dam owner to submit to the board his own plan to address deficiencies. This standard practice already is within the Dam Safety Program and the statement adds clarity.

4VAC50-20-30. Definitions.

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

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (equivalent to one foot of depth over one acre of area).

"Agricultural purpose" means the production of an agricultural commodity as defined in § 3.1-249.27 of the Code of Virginia that requires the use of impounded waters.

"Agricultural purpose dams" means impounding structures which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet, and operated primarily for agricultural purposes.

"Alteration" means changes to an impounding structure that could alter or affect its structural integrity. Alterations include, but are not limited to, changing the height or otherwise enlarging the dam, increasing normal pool or principal spillway elevation or physical dimensions, changing the elevation or physical dimensions of the emergency spillway, conducting necessary structural repairs or structural maintenance, or removing the impounding structure. Structural maintenance does not include routine maintenance.

"Alteration permit" means a permit required for any alteration to an impounding structure.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional Operation and Maintenance Certificate" means a certificate required for impounding structures with deficiencies.

"Construction" means the construction of a new impounding structure.

"Construction permit" means a permit required for the construction of a new impounding structure.

"Dam break inundation zone" means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

"Department" means the Virginia Department of Conservation and Recreation.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Drill" means a type of emergency action plan exercise that tests, develops, or maintains skills in an emergency response procedure. During a drill, participants perform an in-house exercise to verify telephone numbers and other means of communication along with the owner's response. A drill is considered a necessary part of ongoing training.

"Emergency Action Plan or EAP" means a formal document that recognizes potential impounding structure emergency conditions and specifies preplanned actions to be followed to minimize loss of life and property damage. The EAP specifies actions the owner must take to minimize or alleviate

emergency conditions at the impounding structure. It contains procedures and information to assist the owner in issuing early warning and notification messages to responsible emergency management authorities. It shall also contain dam break inundation zone maps as required to show emergency management authorities the critical areas for action in case of emergency.

"Emergency Action Plan Exercise" means an activity designed to promote emergency preparedness; test or evaluate EAPs, procedures, or facilities; train personnel in emergency management duties; and demonstrate operational capability. In response to a simulated event, exercises should consist of the performance of duties, tasks, or operations very similar to the way they would be performed in a real emergency. An exercise may include but not be limited to drills and tabletop exercises.

"Emergency Preparedness Plan" means a formal document prepared for Low Hazard impounding structures that provides maps and procedures for notifying owners of downstream property that may be impacted by an emergency situation at an impounding structure.

"Existing impounding structure" means any impounding structure in existence or under a construction permit prior to July 1, 2010.

"Freeboard" means the vertical distance between the maximum water surface elevation associated with the spillway design flood and the top of the impounding structure.

"Height" means the hydraulic height of an impounding structure. If the impounding structure spans a stream or watercourse, height means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the impounding structure to the top of the impounding structure. If the impounding structure does not span a stream or watercourse, height means the vertical distance from the lowest elevation of the downstream limit of the barrier to the top of the impounding structure.

"Impounding structure" or "dam" means a man-made structure, whether a dam across a watercourse or structure outside a watercourse, used or to be used to retain or store waters or other materials. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved

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pursuant to § 45.1-222 or § 45.1-225.1 of the Code of Virginia; or (e) obstructions in a canal used to raise or lower water.

"Impoundment" means a body of water or other materials the storage of which is caused by any impounding structure.

"Life of the impounding structure" and "life of the project" mean that period of time for which the impounding structure is designed and planned to perform effectively, including the time required to remove the structure when it is no longer capable of functioning as planned and designed.

"Maximum impounding capacity" means the volume of water or other materials in acre-feet that is capable of being impounded at the top of the impounding structure.

"New construction" means any impounding structure issued a construction permit or otherwise constructed on or after July 1, 2010.

"Normal or typical water surface elevation" means the water surface elevation at the crest of the lowest ungated outlet from the impoundment or the elevation of the normal pool of the impoundment if different than the water surface elevation at the crest of the lowest ungated outlet. For calculating sunny day failures for flood control impounding structures, stormwater detention impounding structures, and related facilities designed to hold back volumes of water for slow release, the normal or typical water surface elevation shall be measured at the crest of the auxiliary or emergency spillway.

"Operation and Maintenance Certificate" means a certificate required for the operation and maintenance of all impounding structures.

"Owner" means the owner of the land on which an impounding structure is situated, the holder of an easement permitting the construction of an impounding structure and any person or entity agreeing to maintain an impounding structure. The term "owner" may include the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities, any public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this Commonwealth or any other state or country, as well as any person or group of persons acting individually or as a group.

"Planned land use" means land use that has been approved by a locality or included in a master land use plan by a locality, such as in a locality's comprehensive land use plan.

"Spillway" means a structure to provide for the controlled release of flows from the impounding structure into a downstream area.

"Stage I Condition" means a flood watch or heavy continuous rain or excessive flow of water from ice or snow melt.

"Stage II Condition" means a flood watch or emergency spillway activation or impounding structure overtopping where a failure may be possible.

"Stage III Condition" means an emergency spillway activation or impounding structure overtopping where imminent failure is probable.

"Sunny day dam failure" means the failure of an impounding structure with the initial water level at the normal reservoir level, usually at the lowest ungated principal spillway elevation or the typical operating water level.

"Tabletop Exercise" means a type of emergency action plan exercise that involves a meeting of the impounding structure owner and the state and local emergency management officials in a conference room environment. The format is usually informal with minimum stress involved. The exercise begins with the description of a simulated event and proceeds with discussions by the participants to evaluate the EAP and response procedures and to resolve concerns regarding coordination and responsibilities.

"Top of the impounding structure" means the lowest point of the nonoverflow section of the impounding structure.

"Watercourse" means a natural channel having a well-defined bed and banks and in which water normally flows.

4VAC50-20-50. Performance standards required for impounding structures.

A. In accordance with the definitions provided by § 10.1-604 of the Code of Virginia and 4VAC50-20-30, an impounding structure shall be regulated if the impounding structure is 25 feet or greater in height and creates a maximum impounding capacity of 15 acre-feet or greater, or the impounding structure is six feet or greater in height and creates a maximum impounding capacity of 50 acre-feet or greater and is not otherwise exempt from regulation by the Code of Virginia. Impounding structures exempted from this chapter are those that are:

1. Licensed by the State Corporation Commission that are subject to a safety inspection program;
2. Owned or licensed by the United States government;
3. Operated primarily for agricultural purposes that are less than 25 feet in height or that create a maximum impoundment capacity smaller than 100 acre-feet;
4. Water or silt-retaining dams approved pursuant to § 45.1-222 or 45.1-225.1 of the Code of Virginia; or
5. Obstructions in a canal used to raise or lower water.

Impounding structures of regulated size and not exempted shall be constructed, operated and maintained such that they perform in accordance with their design and purpose throughout the life of the project. For impounding structures, the spillway(s) capacity shall perform at a minimum to safely

pass the appropriate spillway design flood as determined in Table 1. For the purposes of utilizing Table 1, Hazard Potential Classification shall be determined in accordance with 4VAC50-20-40.

Applicable to all impounding structures that are 25 feet or greater in height and that create a maximum impounding capacity of 15 acre-feet or greater, and to all impounding structures that are six feet or greater in height and that create a maximum impounding capacity of 50 acre-feet or greater and is not otherwise exempt from regulation by the Code of Virginia.			
Hazard Potential Class of Dam	Spillway Design Flood (SDF) ^B for <u>New Construction</u> ^F	<u>Spillway Design Flood (SDF)^B for Existing Impounding Structures</u> ^{F,G}	Minimum Threshold for Incremental Damage Analysis
High	PMF ^C	<u>0.9 PMP^H</u>	<u>.50 PMF</u> <u>100-YR^D</u>
Significant	.50 PMF	<u>.50 PMF</u>	100-YR ^D
Low	100-YR ^D	<u>100-YR^D</u>	50-YR ^E

B. The spillway design flood (SDF) represents the largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Reductions in the established SDF may be evaluated through the use of incremental damage analysis pursuant to 4VAC50-20-52. The SDF established for an impounding structure shall not be less than those standards established elsewhere by state law or regulations, including but not limited to the Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60). Due to potential for future development in the dam break inundation zone that would necessitate higher spillway design flood standards or other considerations, owners may find it advisable to consider a higher spillway design flood standard than is required.

C. PMF: Probable Maximum Flood is the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA. In some cases, a modified PMF may be calculated utilizing local topography, meteorological conditions, hydrological conditions, or PMP values supplied by NOAA. Any deviation in the application of established developmental procedures must be explained and justified by the owner's engineer. The owner's engineer must develop PMF hydrographs for 6-, 12-, and 24-hour durations. The hydrograph that creates the largest peak outflow is to be used to determine capacity for nonfailure and failure analysis. Present and planned land-use conditions shall

be considered in determining the runoff characteristics of the drainage area.

D. 100-Yr: 100-year flood represents the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1.0% chance of being equaled or exceeded in any given year. Present and planned land-use conditions shall be considered in determining the runoff characteristics of the drainage area.

E. 50-Yr: 50-year flood represents the flood magnitude expected to be equaled or exceeded on the average of once in 50 years. It may also be expressed as an exceedence probability with a 2.0% chance of being equaled or exceeded in any given year. Present and planned land-use conditions shall be considered in determining the runoff characteristics of the drainage area.

F. For the purposes of Table 1 "Existing impounding structure" and "New construction" are defined in 4VAC50-20-30.

G. An existing impounding structure as defined in 4VAC50-20-30, that is currently classified as high hazard, or is subsequently found to be high hazard through reclassification, shall only be required to pass the flood resulting from 0.6 PMP instead of the flood resulting from the 0.9 PMP SDF if the dam owner meets the requirements set out in 4VAC50-20-53.

H. PMP: Probable maximum precipitation means the theoretically greatest depth of precipitation for a given duration that is meteorologically possible over a given size storm area at a particular geographical location at a particular time of year with no allowance made for future long-term climatic trends. In practice, this is derived over flat terrain by storm transposition and moisture adjustment to observed storm patterns. In Virginia, the 0.9 PMP is meant to characterize the maximum recorded rainfall event within the Commonwealth.

4VAC50-20-53. Special criteria for reduced SDF requirement for certain high hazard dams.

A. An existing impounding structure that is currently classified as high hazard, or is subsequently found to be high hazard through reclassification, shall be allowed to pass the flood resulting from 0.6 PMP instead of the flood resulting from 0.9 PMP SDF if the dam owner certifies annually that such impounding structure meets each of the following conditions:

1. The owner has a current emergency action plan that is approved by the board and that is developed and updated in accordance with 4VAC50-20-175;
2. The owner has exercised the emergency action plan in accordance with 4VAC50-20-175 and conducts a table-top exercise at least once every two years;

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3. The department has verification that both the local organization for emergency management and the Virginia Department of Emergency Management have on file current emergency action plans and updates for the impounding structure;

4. The conditions at the impounding structure are monitored on a daily basis and as dictated by the emergency action plan;

5. The impounding structure is inspected at least annually by a professional engineer and all observed deficiencies are addressed within 120 days of such inspection. Such inspection reports shall be completed in accordance with 4VAC50-20-105 E and be submitted to the department with the owner's certification;

6. The owner has a dam break inundation zone map developed in accordance with the regulations that is acceptable to the department;

7. The owner is insured in an amount that will substantially cover the costs of downstream property losses to others that may result from a dam failure; and

8. The owner has the impounding structure's emergency action plan posted on his website, or upon the request of the owner, the department or another state agency responsible for providing emergency management services to citizens agrees to post the plan on its website. If the department or another state agency agrees to post the plan on its website, the owner shall provide the plan in a format suitable for posting.

A dam owner who meets the conditions of subdivisions 1 through 8 of this subsection, but has not provided record drawings to the department for his impounding structure, shall submit a complete record report developed in accordance with 4VAC50-20-70 J, excluding the required submittal of the record drawings.

B. The dam owner must retain documents for a six-year period that supports the certification of the elements set out in subsection A.

Part III Certificate Requirements

4VAC50-20-105. Regular Operation and Maintenance Certificates.

A. A Regular Operation and Maintenance Certificate is required for an impounding structure. Such six-year certificates shall include the following based on hazard classification:

1. High Hazard Potential Regular Operation and Maintenance Certificate;
2. Significant Hazard Potential Regular Operation and Maintenance Certificate; or

3. Low Hazard Potential Regular Operation and Maintenance Certificate.

B. The owner of an impounding structure shall apply for the renewal of the six-year Regular Operation and Maintenance Certificate 90 days prior to its expiration. If a Regular Operation and Maintenance Certificate is not renewed as required, the board shall take appropriate enforcement action.

C. Any owner of an impounding structure that does not have a Regular Operation and Maintenance Certificate or any owner renewing a Regular Operation and Maintenance Certificate shall file an Operation and Maintenance Certificate Application. A form for the application is available from the department (Operation and Maintenance Certificate Application for Virginia Regulated Impounding Structures). Such application shall be signed by the owner and signed and sealed by a licensed professional engineer. The following information shall be submitted on or with the application:

1. The application shall include the following required information:

- a. The name of structure and inventory number;
- b. The proposed hazard potential classification;
- c. Owner's name or representative if corporation, mailing address, residential and business telephone numbers, and other means of communication;
- d. An operating plan and schedule including a narrative on the operation of control gates and spillways and the impoundment drain;
- e. For earthen embankment impounding structures, a maintenance plan and schedule for the embankment, principal spillway, emergency spillway, low-level outlet, impoundment area, downstream channel, and staff gages;
- f. For concrete impounding structures, a maintenance plan and schedule for the upstream face, downstream face, crest of dam, galleries, tunnels, abutments, spillways, gates and outlets, and staff gages;
- g. An inspection schedule for operator inspection, maintenance inspection, technical safety inspection, and overtopping situations;
- h. A schedule including the rainfall amounts, emergency spillway flow levels or storm event that initiates the Emergency Action or Preparedness Plan and the frequency of observations;
- i. A statement as to whether or not the current hazard potential classification for the impounding structure is appropriate and whether or not additional work is needed to make an appropriate hazard potential designation;
- j. For newly constructed or recently altered impounding structures, a certification from a licensed professional

engineer who has monitored the construction or alteration of the impounding structure that, to the best of the engineer's judgment, knowledge, and belief, the impounding structure and its appurtenances were constructed or altered in conformance with the plans, specifications, drawings and other requirements approved by the board;

k. Certification by the owner's engineer that the Operation and Maintenance Certificate Application information provided pursuant to subdivision 1 of this subsection is true and correct in their professional judgment. Such certification shall include the engineer's signature, printed name, Virginia number, date, and the engineer's Virginia seal; and

l. Owner's signature certifying the Operation and Maintenance Certificate Application information provided pursuant to subdivision 1 of this subsection and that the operation and maintenance plan and schedule shall be conducted in accordance with this chapter.

2. An Inspection Report (Annual Inspection Report for Virginia Regulated Impounding Structures) in accordance with subsection E of this section;

3. An Emergency Action Plan in accordance with 4VAC50-20-175 or an Emergency Preparedness Plan in accordance with 4VAC50-20-177 and evidence that the required copies of such plan have been submitted to the local organization for emergency management and the Virginia Department of Emergency Management; ~~and~~

4. Any additional analysis determined necessary by the director, the board or the owner's engineer to address public safety concerns. Such additional analysis may include, but not be limited to, seismic stability, earthen spillway integrity, adequate freeboard allowance, stability assessment of the impoundment's foundation, potential liquefaction of the embankment, overturning or sliding of a concrete structure and other structural stress issues; and

5. If applicable, a current certification from the dam owner in accordance with 4VAC50-20-53.

D. If the Operation and Maintenance Certificate Application submittal is found to be not complete, the director shall inform the applicant within 30 days and shall explain what changes are required for an acceptable submission. Within 60 days of receipt of a complete application the board shall act upon the application. Upon finding that the impounding structure as currently operating is in compliance with this chapter, the board shall issue a Regular Operation and Maintenance Certificate. Should the board find that the impounding structure as currently operating is not in compliance with this chapter, the board may deny the permit application or issue a Conditional Operation and Maintenance Certificate in accordance with 4VAC50-20-150.

E. Inspections shall be performed on an impounding structure annually.

1. Inspection Reports (Annual Inspection Report for Virginia Regulated Impounding Structures) signed and sealed by a licensed professional engineer shall be submitted to the department in accordance with the following schedule:

a. For a High Hazard Potential impounding structure, every two years; ~~;~~

b. For a Significant Hazard Potential impounding structure, every three years; ~~;~~

c. For a Low Hazard Potential impounding structure, every six years; ~~;~~ or

d. For a High Hazard Potential impounding structure, annually in accordance with 4VAC50-20-53, where applicable.

In years when an Inspection Report signed and sealed by a licensed professional engineer is not required, an owner shall submit the Annual Inspection Report for Virginia Regulated Impounding Structures.

2. The Inspection Report shall include the following required information:

a. Project information including the name and inventory number of structure, name of the reservoir, and purpose of the reservoir;

b. City or county where the impounding structure is located;

c. Owner's name or representative if corporation, mailing address, residential and business telephone numbers, and other means of communication;

d. Owner's engineer's name, firm, professional engineer Virginia number, mailing address, and business telephone number;

e. Inspection observation of the impounding structure including the following:

(1) Earthen embankment information including any embankment alterations; erosion; settlement, misalignments or cracks; seepage and seepage flow rate and location;

(2) Upstream slope information including notes on woody vegetation removed, rodent burrows discovered, and remedial work performed;

(3) Intake structure information including notes on deterioration of concrete structures, exposure of rebar reinforcement, need to repair or replace trash rack, any problems with debris in the reservoir, and whether the drawdown valve operated;

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(4) Abutment contacts including notes on seepage and seepage flow rate and location;

(5) Earthen emergency spillway including notes on obstructions to flow and plans to correct, rodent burrows discovered, and deterioration in the approach or discharge channel;

(6) Concrete emergency spillway including notes on the deterioration of the concrete, exposure of rebar reinforcement, any leakage below concrete spillway, and obstructions to flow and plans to correct;

(7) Downstream slope information including notes on woody vegetation removed, rodent burrows discovered, whether seepage drains are working, and any seepage or wet areas;

(8) Outlet pipe information including notes on any water flowing outside of discharge pipe through the impounding structure and a description of any reflection or damage to the pipe;

(9) Stilling basin information including notes on the deterioration of the concrete, exposure of rebar reinforcement, deterioration of the earthen basin slopes, repairs made, and any obstruction to flow;

(10) Gates information including notes on gate malfunctions or repairs, corrosion or damage, and whether any gates were operated and if so how often and to what extreme;

(11) Reservoir information including notes on new developments upstream of the dam, slides or erosion of lake banks, and general comments to include silt, algae, or other influence factors;

(12) Instruments information including any reading of instruments and any installation of new instruments; and

(13) General information including notes on new development in the downstream dam break inundation zone that would impact hazard classification or spillway design flood requirements, the maximum stormwater discharge or peak elevation during the previous year, whether general maintenance was performed and when, and actions that need to be completed before the next inspection.

f. Evaluation rating of the impounding structure and appurtenances (excellent, good, or poor), general comments, and recommendations;

g. Certification by the owner and date of inspection; and

h. Certification and seal by the owner's engineer and date of inspection, as applicable.

F. The owner of an impounding structure shall notify the department immediately of any change in the use of the area

downstream that would impose hazard to life or property in the event of failure.

4VAC50-20-175. Emergency Action Plan (EAP) for High and Significant Hazard Potential impounding structures.

A. In order to protect life during potential emergency conditions at an impounding structure, and to ensure effective, timely action is taken should an impounding structure emergency occur, an EAP shall be required for each High and Significant Hazard Potential impounding structure. The EAP shall be coordinated with the Department of Emergency Management in accordance with § 44-146.18 of the Code of Virginia. The EAP required by these regulations shall be incorporated into local and interjurisdictional emergency plans pursuant to § 44-146.19 of the Code of Virginia.

B. It is the impounding structure owner's responsibility to develop, maintain, exercise, and implement a site-specific EAP.

C. An EAP shall be submitted every six years. The EAP shall be submitted with the owner's submittal of their Regular Operation and Maintenance Certificate application (Operation and Maintenance Certificate Application for Virginia Regulated Impounding Structures).

D. The owner shall update and resubmit the EAP immediately upon becoming aware of necessary changes to keep the EAP workable. Should an impounding structure be reclassified, an EAP in accordance with this section shall be submitted.

E. A drill shall be conducted annually for each high or significant hazard impounding structure. To the extent practicable, the drill should include a face-to-face meeting with the local emergency management agencies responsible for any necessary evacuations to review the EAP and ensure the local emergency management agencies understand the actions required during an emergency. Except as set out in 4VAC50-20-53, a table-top exercise shall be conducted once every six years, although more frequent table-top exercises are encouraged. Drills and table-top exercises for multiple impounding structures may be performed in combination if the involved parties are the same. Owners shall certify to the department annually that a drill, a table-top exercise, or both has been completed and provide any revisions or updates to the EAP or a statement that no revisions or updates are needed.

F. Impounding structure owners shall test existing monitoring, sensing, and warning equipment at remote or unattended impounding structures at least twice per year or as performed by the Virginia Department of Emergency Management pursuant to § 10.1-609.1 of the Code of Virginia and maintain a record of such tests.

G. An EAP shall contain the following seven basic elements unless otherwise specified in this subsection.

1. Notification chart. A notification chart shall be included for all classes of impounding structures that shows who is to be notified, by whom, and in what priority. The notification chart shall include contact information providing 24-hour telephone coverage for all responsible parties including, but not limited to, the impounding structure operator or manager, state and local emergency management officials, local police or sheriffs' departments, and the owner's engineer. The notification chart shall also identify the process by which downstream property owners will be notified, and what party or parties will be responsible for making such notifications.

2. Emergency Detection, Evaluation, and Classification. The EAP shall include a discussion of the procedures for timely and reliable detection, evaluation, and classification of emergency situations considered to be relevant to the project setting and impounding features. Each relevant emergency situation is to be documented to provide an appropriate course of action based on the urgency of the situation. Where appropriate, situations should address impounding structure failures that are imminent or in progress, a situation where the potential for impounding structure failure is rapidly developing, and a situation where the threat is slowly developing.

3. Responsibilities. The EAP shall specify responsibilities for EAP-related tasks. The EAP shall also clearly designate the responsible party for making the decision that an emergency condition no longer exists at the impounding structure. The EAP shall include procedures and the responsible parties for notifying to the extent possible any known local occupants, owners, or lessees of downstream properties potentially impacted by the impounding structure's failure.

4. Preparedness. The EAP shall include a section that describes preparedness actions to be taken both before and following development of emergency conditions.

5. Dam Break Inundation Maps. The EAP shall include dam break inundation maps developed in accordance with 4VAC50-20-54.

6. Appendices. The appendices shall contain information that supports and supplements the material used in the development and maintenance of the EAP such as analyses of impounding structure failure floods; plans for training, exercising, updating, and posting the EAP; and other site-specific concerns.

7. Certification. The EAP shall include a section that identifies all parties with assigned responsibilities in the EAP pursuant to subdivision 3 of this subsection. This will include certification that the EAP has been received by these parties. The preparer's name, title, and contact

information shall be printed in this section. The preparer's signature shall also be included in the certification section. The local organization for emergency management shall provide the owner and the department with any deficiencies they may note.

H. The development of the EAP shall be coordinated with all entities, jurisdictions, and agencies that would be affected by an impounding structure failure or that have statutory responsibilities for warning, evacuation, and postflood actions. Consultation with state and local emergency management officials at appropriate levels of management responsible for warning and evacuation of the public shall occur to ensure that there is awareness of their individual and group responsibilities. The owner shall also coordinate with the local organization for emergency management to identify properties that upon failure of the impounding structure would result in economic impacts.

I. The EAP, or any updates to an existing EAP, shall be submitted to the department, the local organization for emergency management, and the Virginia Department of Emergency Management. Two copies shall be provided to the department.

J. The following format shall be used as necessary to address the requirements of this section.

- Title Page/Cover Sheet
- Table of Contents
- I. Certifications
- II. Notification Flowchart
- III. Statement of Purpose
- IV. Project Description
- V. Emergency Detection, Evaluation, and Classification
- VI. General Responsibilities Under the EAP
 - A. Impounding Structure Owner Responsibilities
 - B. Responsibility for Notification
 - C. Responsibility for Evacuation
 - D. Responsibility for Termination and Follow-Up
 - E. EAP Coordinator Responsibility
- VII. Preparedness
- VIII. Inundation Maps
- IX. Appendices
 - A. Investigation and Analyses of Impounding Structure Failure Floods
 - B. Plans for Training, Exercising, Updating, and Posting the EAP

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C. Site-Specific Concerns

4VAC50-20-220. Unsafe conditions.

A. No owner shall maintain an unsafe impounding structure. Designation of an impounding structure as unsafe shall be made in accordance with § 10.1-607.1 of the Code of Virginia.

B. Imminent danger.

1. If an owner or the owner's engineer has determined that circumstances are impacting the integrity of the impounding structure that could result in the imminent failure of the impounding structure, temporary repairs may be initiated prior to approval from the board. The owner shall notify the department within 24 hours of identifying the circumstances impacting the integrity of the impounding structure. Such emergency notification shall not relieve the owner of the need to obtain an alteration permit as soon as may be practicable, nor shall the owner take action beyond that necessary to address the emergency situation.

2. When the director finds that an impounding structure is unsafe and constitutes an imminent danger to life or property, he shall immediately notify the Virginia Department of Emergency Management and confer with the owner who shall activate the Emergency Action Plan or Emergency Preparedness Plan if appropriate to do so. The owner of an impounding structure found to constitute an imminent danger to life or property shall take immediate corrective action to remove the imminent danger as required by § 10.1-608 of the Code of Virginia.

C. Nonimminent danger. The owner of an impounding structure who has been issued findings and recommendations, by the board, for the correction of deficiencies that may threaten life or property if not corrected, shall undertake to implement the recommendations for correction of deficiencies according to a schedule of implementation contained in that report as required by § 10.1-609 of the Code of Virginia. A dam owner may submit to the board his own plan, consistent with this chapter, to address the recommendations for correction of deficiencies and the schedule of implementation contained in the department's safety inspection report. The board shall determine if the submitted plan and schedule are sufficient to address deficiencies.

VA.R. Doc. No. R11-2417; Filed November 2, 2010, 3:41 p.m.



TITLE 9. ENVIRONMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

Final Regulation

Title of Regulation: **9VAC15-40. Small Renewable Energy Projects (Wind) Permit by Rule (adding 9VAC15-40-10 through 9VAC15-40-140).**

Statutory Authority: § 10.1-1197.6 of the Code of Virginia.

Effective Date: December 22, 2010.

Agency Contact: Carol C. Wampler, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4579, FAX (804) 698-4346, or email carol.wampler.renewable.energy@gmail.com.

Summary:

This action implements the requirements of Chapters 808 and 854 of the 2009 Acts of Assembly requiring the Department of Environmental Quality (DEQ) to develop one or more permits by rule for wind-energy projects with rated capacity not exceeding 100 megawatts. The permit by rule establishes requirements for potential environmental impacts analyses, mitigation plans, facility site planning, public participation, permit fees, interagency consultations, compliance, and enforcement. This final regulation constitutes DEQ's permit by rule for wind energy projects. Changes from the proposed include clarification of the public notice/meeting requirements and incorporation of specific requirements for offshore/coastal wind energy projects based on the recommendations of the offshore/coastal regulatory advisory panel.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

CHAPTER 40

SMALL RENEWABLE ENERGY PROJECTS (WIND) PERMIT BY RULE

Part I

Definitions and Applicability

9VAC15-40-10. Definitions.

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

"Applicant" means the owner or operator who submits an application to the department for a permit by rule pursuant to this chapter.

["~~Coastal zone~~" means the jurisdictions of Tidewater Virginia, as follows: the counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax,

Gloucester, Hanover, Henrico, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York; and the cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg.

"Coastal Avian Protection Zones" or "CAPZ" means the areas designated on the map of "Coastal Avian Protection Zones" generated on the department's Coastal GEMS geospatial data system (9VAC15-40-120 C 1).]

"Department" means the Department of Environmental Quality, its director, or the director's designee.

"DCR" means the Department of Conservation and Recreation.

"DGIF" means the Department of Game and Inland Fisheries.

"Disturbance zone" means the area within the site directly impacted by construction and operation of the wind energy project, and within 100 feet of the boundary of the directly impacted area.

"Ecological core" means an area of nonfragmented forest, marsh, dune, or beach of ecological importance that is at least 100 acres in size and identified in DCR's Natural Landscape Assessment web-based application [(9VAC15 40 120 B 2) (9VAC15-40-120 C 2)].

"Historic resource" means any prehistoric or historic district, site, building, structure, object, or cultural landscape that is included or meets the criteria necessary for inclusion in the Virginia Landmarks Register pursuant to the authorities of § 10.1-2205 of the Code of Virginia and in accordance with 17VAC5-30-40 through 17VAC5-30-70.

["Important Bird Areas" means the designation of discrete sites by the National Audubon Society as having local, regional, continental or global importance for birds because they support significant numbers of one or more high priority avian species (e.g., T&E, SGCN) during the breeding, wintering, or migration seasons.]

"Interconnection point" means the point or points where the wind energy project connects to a project substation for transmission to the electrical grid.

"Invasive plant species" means non-native plant species that cause, or are likely to cause, economic or ecological harm or harm to human health as established by Presidential Executive Order 13112 (64 FR 6183, February 3, 1999) and contained on DCR's Invasive Alien Plant Species of Virginia [(9VAC15-40-120 A 3) (9VAC15-40-120 B 3)].

["Migratory corridors" means major travel routes used by significant numbers of birds during biannual migrations between breeding and wintering grounds.

"Migratory staging areas" means those sites along migratory corridors where significant numbers of birds stop to feed and rest during biannual migrations between breeding and wintering grounds that are essential to successful migration.]

"Natural heritage resource" means the habitat of rare, threatened, or endangered plant and animal species, rare or state significant natural communities or geologic sites, and similar features of scientific interest benefiting the welfare of the citizens of the Commonwealth.

["Nearshore waters" means all tidal waters within the Commonwealth of Virginia and seaward of the mean low-water shoreline to three nautical miles offshore in the Atlantic Ocean.]

"Operator" means the person responsible for the overall operation and management of a wind energy project.

["Other avian mitigation factors" means Important Bird Areas, migratory corridors, migratory staging areas, and wintering areas within the Coastal Avian Protection Zones.]

"Owner" means the person who owns all or a portion of a wind energy project.

"Permit by rule" means provisions of the regulations stating that a project or activity is deemed to have a permit if it meets the requirements of the provision.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Phase of a project" means one continuous period of construction, startup, and testing activity of the wind energy project. A phase is deemed complete when 90 calendar days have elapsed since the last previous wind turbine has been placed in service, except when a delay has been caused by a significant force majeure event, in which case a phase is deemed complete when 180 calendar days have elapsed since the last previous wind turbine has been placed in service.

"Post-construction" means any time after the last turbine on the wind energy project or phase of that project has been placed in service.

"Pre-construction" means any time prior to commencing land-clearing operations necessary for the installation of energy-generating structures at the small wind energy project.

"Rated capacity" means the maximum capacity of a wind energy project based on the sum total of each turbine's nameplate capacity.

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"SGCN" or "species of greatest conservation need" means any vertebrate species so designated by DGIF as Tier 1 or Tier 2 in the Virginia Wildlife Action Plan [(9VAC15-40-120 A 6) (9VAC15-40-120 B 6)].

"Site" means the area containing a wind energy project that is under common ownership or operating control. Electrical infrastructure and other appurtenant structures up to the interconnection point shall be considered to be within the site.

"Small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from sunlight, wind, falling water, wave motion, tides, or geothermal power, or (ii) an electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste.

"Small wind energy project," "wind energy project," or "project" [~~(H)~~] means a small renewable energy project that [(i)] generates electricity from wind, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site; and (ii) is designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. Two or more wind energy projects otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single wind energy project. Nothing in this definition shall imply that a permit by rule is required for the construction of meteorological towers to determine the appropriateness of a site for the development of a wind energy project.

["State-owned submerged lands" means lands that lie seaward of the mean low-water mark in tidal waters or that have an elevation below the ordinary mean high-water elevation in nontidal areas that are considered property of the Commonwealth pursuant to § 28.2-1200 of the Code of Virginia.]

"T&E," "state threatened or endangered species," or "state-listed species" means any wildlife species designated as a Virginia endangered or threatened species by DGIF pursuant to the § 29.1-563-570 of the Code of Virginia and 4VAC15-20-130.

"VLR" means the Virginia Landmarks Register [(9VAC15-40-120 A 1) (9VAC15-40-120 B 1)].

"VLR-eligible" means those historic resources that meet the criteria necessary for inclusion on the VLR pursuant to 17VAC5-30-40 through 17VAC5-30-70 but are not listed in VLR.

"VLR-listed" means those historic resources that have been listed in the VLR in accordance with the criteria of 17VAC5-30-40 through 17VAC5-30-70.

["VMRC" means the Virginia Marine Resources Commission.]

"Wildlife" means wild animals; except, however, that T&E insect species shall only be addressed as part of natural heritage resources and shall not be considered T&E wildlife.

["Wintering areas" means those sites where a significant portion of the rangewide population of one or more avian species overwinter annually.]

9VAC15-40-20. Authority and applicability.

This regulation is issued under authority of Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1 of the Code of Virginia. The regulation contains requirements for wind-powered electric generation projects consisting of wind turbines and associated facilities with a single interconnection to the electrical grid that are designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. The department has determined that a permit by rule is required for small wind energy projects with a rated capacity [~~equal to or~~] greater than 5 megawatts and this regulation contains the permit by rule provisions for these projects in Part II (9VAC15-40-30 et seq.) of this chapter. The department has also determined that a permit by rule is not required for small wind energy projects with a rated capacity [~~less than~~ of] 5 megawatts [or less] and this regulation contains notification [and other] provisions for these projects in Part III (9VAC15-40-130) of this chapter.

Part II

Permit by Rule Provisions

9VAC15-40-30. Application for permit by rule for wind energy projects.

A. The owner or operator of a small wind energy project with a rated capacity [~~equal to or~~] greater than 5 megawatts shall submit to the department a complete application, in which he satisfactorily accomplishes all of the following:

1. In accordance with § 10.1-1197.6 B 1 of the Code of Virginia, [and as early in the project development process as practicable,] furnishes to the department a notice of intent, to be published in the Virginia Register, that he intends to submit the necessary documentation for a permit by rule for a small renewable energy project;
2. In accordance with § 10.1-1197.6 B 2 of the Code of Virginia, furnishes to the department a certification by the governing body of the locality or localities wherein the small renewable energy project will be located that the project complies with all applicable land use ordinances;
3. In accordance with § 10.1-1197.6 B 3 of the Code of Virginia, furnishes to the department copies of all

interconnection studies undertaken by the regional transmission organization or transmission owner, or both, on behalf of the small renewable energy project;

4. In accordance with § 10.1-1197.6 B 4 of the Code of Virginia, furnishes to the department a copy of the final interconnection agreement between the small renewable energy project and the regional transmission organization or transmission owner indicating that the connection of the small renewable energy project will not cause a reliability problem for the system. If the final agreement is not available, the most recent interconnection study shall be sufficient for the purposes of this section. When a final interconnection agreement is complete, it shall be provided to the department. The department shall forward a copy of the agreement or study to the State Corporation Commission;

5. In accordance with § 10.1-1197.6 B 5 of the Code of Virginia, furnishes to the department a certification signed by a professional engineer licensed in Virginia that the maximum generation capacity of the small wind energy project, as designed, does not exceed 100 megawatts;

6. In accordance with § 10.1-1197.6 B 6 of the Code of Virginia, furnishes to the department an analysis of potential environmental impacts of the small renewable energy project's operations on attainment of national ambient air quality standards;

7. In accordance with § 10.1-1197.6 B 7 of the Code of Virginia, furnishes to the department, where relevant, an analysis of the beneficial and adverse impacts of the proposed project on natural resources. The owner or operator shall perform the analyses prescribed in 9VAC15-40-40. For wildlife, that analysis shall be based on information on the presence, activity, and migratory behavior of wildlife to be collected at the site for a period of time dictated by the site conditions and biology of the wildlife being studied, not exceeding 12 months;

8. In accordance with § 10.1-1197.6 B 8 of the Code of Virginia, furnishes to the department a mitigation plan pursuant to [~~9VAC15-40-60~~ 9VAC15-40-60] that details reasonable actions to be taken by the owner or operator to avoid, minimize, or otherwise mitigate such impacts, and to measure the efficacy of those actions; provided, however, that the provisions of 9VAC15-40-30 A 8 shall only be required if the department determines, pursuant to 9VAC15-40-50, that the information collected pursuant to § 10.1-1197.6 B 7 of the Code of Virginia and 9VAC15-40-40 indicates that significant adverse impacts to wildlife or historic resources are likely. The mitigation plan shall be an addendum to the operating plan of the wind energy project, and the owner or operator shall implement the mitigation plan as deemed complete and adequate by the department. The mitigation plan shall be an enforceable part of the permit by rule;

9. In accordance with § 10.1-1197.6 B 9 of the Code of Virginia, furnishes to the department a certification signed by a professional engineer licensed in Virginia that the project is designed in accordance with 9VAC15-40-80;

10. In accordance with § 10.1-1197.6 B 10 of the Code of Virginia, furnishes to the department an operating plan that includes a description of how the project will be operated in compliance with its mitigation plan, if such a mitigation plan is required pursuant to 9VAC15-40-50;

11. In accordance with § 10.1-1197.6 B 11 of the Code of Virginia, furnishes to the department a detailed site plan meeting the requirements of 9VAC15-40-70;

12. In accordance with § 10.1-1197.6 B 12 of the Code of Virginia, furnishes to the department a certification signed by the applicant that the small wind energy project has applied for or obtained all necessary environmental permits;

13. Prior to authorization of the project and in accordance with §§ 10.1-1197.6 B 13 and 10.1-1197.6 B 14 of the Code of Virginia, conducts a 30-day public review and comment period and holds a public meeting pursuant to 9VAC15-40-90. The public meeting shall be held in the locality or, if the project is located in more than one locality, in a place proximate to the location of the proposed project [; however, for projects located in nearshore waters or on state-owned submerged lands, the meeting shall be held in the locality that is the closest distance from the approximate center of the project's disturbance zone]. Following the public meeting and public comment period, the applicant shall prepare a report summarizing the issues raised by the public and include any written comments received and the applicant's response to those comments. The report shall be provided to the department as part of this application; and

14. In accordance with 9VAC15-40-110, furnishes to the department the appropriate fee.

B. Within 90 days of receiving all of the required documents and fees listed in subsection A of this section, the department shall determine, after consultation with other agencies in the Secretariat of Natural Resources, whether the application is complete and whether it adequately meets the requirements of this chapter, pursuant to § 10.1-1197.7 A of the Code of Virginia.

1. If the department determines that the application meets the requirements of this chapter, then the department shall notify the applicant in writing that he is authorized to construct and operate a small wind energy project pursuant to this chapter.

2. If the department determines that the application does not meet the requirements of this chapter, then the

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department shall notify the applicant in writing and specify the deficiencies.

3. If the applicant chooses to correct deficiencies in a previously submitted application, the department shall follow the procedures of this subsection and notify the applicant whether the revised application meets the requirements of this chapter within 60 days of receiving the revised application.

4. Any case decision by the department pursuant to this subsection shall be subject to the process and appeal provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

9VAC15-40-40. Analysis of the beneficial and adverse impacts on natural resources.

A. Analyses of wildlife. To fulfill the requirements of § 10.1-1197.6 B 7 of the Code of Virginia, the applicant shall conduct pre-construction wildlife analyses. The analyses of wildlife shall include the following:

1. Desktop surveys and maps. The applicant shall obtain a wildlife report and map generated from DGIF's Virginia Fish and Wildlife Information Service [~~or Wildlife Environmental Review Map Service~~] web-based application [~~(9VAC15-40-120 B 3)~~ (9VAC15-40-120 C 3)] or from a data and mapping system including the most recent data available from DGIF's subscriber-based Wildlife Environmental Review Map Service] of the following: (i) [known] wildlife species and [~~habitats known to occur~~ habitat features] on the site or within two miles of the boundary of the site; (ii) [known] bat hibernacula [~~known to occur~~] on the site or within five miles of the boundary of the site; and (iii) [known] maternity and bachelor bat colonies [~~known to occur~~] on the site or within 12 miles of the boundary of the site [and (iv) known or potential sea turtle nesting beaches located within one mile of the disturbance zone].

2. Breeding bird surveys. If the desktop analyses prescribed in subdivision 1 of this subsection indicate the presence of or habitat for a state-listed T&E bird species or a Tier 1 or Tier 2 bird SGCN within the disturbance zone, then the applicant shall conduct a breeding bird survey to identify state T&E bird species and Tier 1 and Tier 2 bird SGCN occurring within the disturbance zone during the species' annual breeding season.

3. Field survey of nonavian resources. If the desktop analyses prescribed in subdivision 1 of this subsection indicate the presence of or habitat for a Tier 1 or Tier 2 vertebrate SGCN, other than a bird, within the disturbance zone, then the applicant shall conduct field surveys of suitable habitats for that species within the disturbance zone to determine the species' occurrence and relative distribution within the disturbance zone.

4. Raptor migration surveys. The applicant shall conduct one year of raptor migration surveys, in both the spring and fall seasons, to determine the relative abundance of migrant raptors moving through the general vicinity of the disturbance zone.

~~[5. Desktop surveys and maps of coastal avian migration corridors. When a proposed wind energy project site will be located in part or in whole within the coastal zone of Virginia, the applicant shall obtain a desktop report and maps generated from the department's Coastal GEMS geospatial data system (9VAC15-40-120 B 1) showing essential wildlife habitats, important bird areas, and migratory songbird stopover habitat.~~

5. Map and field studies for avian resources in Coastal Avian Protection Zones (CAPZ).

a. The applicant shall consult the "Coastal Avian Protection Zones" map generated on the department's Coastal GEMS geospatial data system (9VAC15-40-120 C 1) and determine whether the proposed wind energy project site will be located in part or in whole within one or more CAPZ.

b. When a proposed wind energy project site will be located in part or in whole within one or more Coastal Avian Protection Zones, then the applicant shall perform avian field studies, or shall rely on existing scientific analysis as reflected on the CAPZ map, for each zone where the project is located, as follows:

(1) Zone 1: Nearshore waters extending 1 - 4.83 km (0.62 - 3 mi) from Virginia's ocean-facing shoreline, excluding the mouth of the Chesapeake Bay. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (migratory Piping Plovers, Wilson's Plovers, Peregrine Falcons, Gull-billed Terns, and Roseate Terns); hemispherically important migratory corridor for shorebirds, seabirds and waterfowl; and hemispherically important migratory staging area and wintering area for seabirds and waterfowl. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources, or rely on existing scientific analysis as reflected on the CAPZ map.

(2) Zone 2: Nearshore waters that extend from Virginia's ocean-facing shoreline out to 1 km (0.62 mi), excluding the mouth of the Chesapeake Bay. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (migratory and breeding Piping Plovers, Wilson's Plovers, Peregrine Falcons and Gull-billed Terns, and migratory Roseate Terns) and hemispherically important migratory corridor, migratory staging area, and wintering area for shorebirds, seabirds and waterfowl. The applicant shall either perform avian field studies regarding the actual or likely occurrence of

these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(3) Zone 3: Barrier island/seaside lagoon system, including a 100 m (328 ft) offshore buffer. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding and migratory Piping Plovers, Wilson's Plovers, Gull-billed Terns, Peregrine Falcons and Bald Eagles) and hemispherically important staging area and wintering area for shorebirds, seabirds, and waterfowl. The applicant shall either perform avian field studies regarding the actual or likely occurrences of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(4) Zone 4: Southern end of the Delmarva Peninsula (mainland only), including a 10 km long (6.21 mi) strip along the western (bayside) fringe of the peninsula that extends from Wise Point to (and including) Savage Neck. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (migratory Peregrine Falcons and breeding and migratory Bald Eagles), the designation as an Important Bird Area, and hemispherically important migratory staging area for passerines and other landbirds. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(5) Zone 5: Delmarva Peninsula, excluding zones 3 and 4. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles) and regionally to hemispherically important fall migratory staging area for landbirds. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(6) Zone 6: Southern end and mouth of the Chesapeake Bay, including the waters off of the western shore of the Delmarva Peninsula that extend from Wise Point north to the mouth of Craddock Creek. In this zone, the relevant avian species and other avian mitigation factors are: migratory staging area and wintering area for seabirds and waterfowl that may be of hemispheric importance. The applicant shall conduct aerial transect surveys for waterfowl and seabirds during the fall migration, spring migration, and wintering seasons to determine the distribution, density, and relative abundance of these species within this zone throughout the nonbreeding season.

(7) Zone 7: Lower portions of the James, York, and Rappahannock Rivers and small tributaries along the south side of the lower Potomac River. In this zone, relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles), regionally important fall migratory staging areas and wintering

areas for waterfowl, and spring migratory staging areas of unknown significance. The applicant shall conduct aerial transect surveys for waterfowl during the spring migration season to determine the distribution, density, and relative abundance of these species within this zone during the spring season. The applicant shall either perform avian field studies regarding the actual or likely occurrences of breeding Bald Eagles and waterfowl during the fall and winter seasons or rely on existing scientific analysis as reflected on the CAPZ map.

(8) Zone 8: Western portions of the Chesapeake Bay. In this zone, the relevant avian species and other avian mitigation factors are: migratory staging area and wintering area for seabirds and waterfowl of unknown significance. The applicant shall conduct aerial transect surveys for waterfowl and seabirds in the fall migration, spring migration, and wintering seasons to determine the distribution, density, and relative abundance of these species within this zone throughout the nonbreeding season.

(9) Zone 9: Virginia's northeast sector of the Chesapeake Bay, including all nearshore waters, marshes, and islands within Tangier and Pocomoke Sounds and all islands and marshes located along the western fringe of the Delmarva Peninsula from Craddock Creek north to the Virginia/Maryland border. This zone is recognized as a migratory staging area and wintering area for seabirds and waterfowl of unknown significance. The applicant shall conduct aerial transect surveys for waterfowl and seabirds during the fall migration, spring migration, and wintering seasons to determine the distribution, density, and relative abundance of these species within this zone throughout the nonbreeding season. In this zone, additional relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles and Peregrine Falcons) and the designation as an Important Bird Area. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these additional resources or rely on existing scientific analysis as reflected on the CAPZ map.

(10) Zone 10: Upper reaches of the James, Rappahannock, and Potomac Rivers. In this zone the relevant avian species and other avian mitigation factors are T&E species (breeding Bald Eagles and continentally important Bald Eagle concentration areas), the designation as Important Bird Areas, and locally to continentally important waterfowl wintering areas. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

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(11) Zone 11: Lower reaches of the Mattaponi and Pamunkey tributaries. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles) and the designation as an Important Bird Area. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(12) Zone 12: Outer fringes of the lower, middle, and northern peninsulas. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles). The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources or rely on existing scientific analysis as reflected on the CAPZ map.

(13) Zone 13: Interior portions of the lower, middle, and northern peninsulas. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles, for which little information currently exists in this zone). The applicant shall perform ground surveys for breeding Bald Eagles to determine distribution and abundance of Bald Eagle nests within the disturbance zone and within .25 mile of the perimeter of the disturbance zone.

(14) Zone 14: Back Bay and surrounding private lands. In this zone, the relevant avian species and other avian mitigation factors are: T&E species (breeding Bald Eagles), the designation as Important Bird Area, and locally to continentally important migratory staging area and wintering area for waterfowl. The applicant shall either perform avian field studies regarding the actual or likely occurrence of these resources, or rely on existing scientific analysis as reflected on the CAPZ map.]

6. Bat acoustic surveys. The applicant shall conduct bat acoustic surveys to determine the presence of and level of bat activity and use within the disturbance zone.

7. Mist-netting or harp-trapping surveys. If the applicant identifies potential for T&E bat species [to occur] within the disturbance zone, the applicant shall conduct a season-appropriate mist-netting survey or harp-trapping survey or both.

8. Wildlife report. The applicant shall provide to the department a report summarizing the relevant findings of the desktop and field surveys conducted pursuant to subdivisions 1 through 7 of this subsection [, along with all data and supporting documents]. The applicant shall assess and describe the expected beneficial and adverse impacts, if any, of the proposed project on wildlife resources identified in subdivisions 1 through 7 of this subsection.

B. Analyses of historic resources. To fulfill the requirements of § 10.1-1197.6 B 7 of the Code of Virginia, the applicant

shall also conduct a pre-construction historic resources analysis. The analysis shall be conducted by a qualified professional meeting the professional qualification standards of the Secretary of the Interior's Standards for Archeology and Historic Preservation [(9VAC15-40-120 A 2) (9VAC15-40-120 B 2)] in the appropriate discipline. The analysis shall include each of the following:

1. Compilation of known historic resources. The applicant shall gather information on known historic resources within the disturbance zone and within five miles of the disturbance zone boundary and present this information on the context map referenced in 9VAC15-40-70 B, or as an overlay to this context map, as well as in tabular format.

2. Architectural survey. The applicant shall conduct a field survey of all architectural resources, including cultural landscapes, 50 years of age or older within the disturbance zone and within 1.5 miles of the disturbance zone boundary and evaluate the eligibility of any identified resource for listing in the VLR [; however, for wind energy projects located in nearshore waters, this field study shall include all architectural resources 50 years of age or older within five miles of the disturbance zone boundary, but shall not extend more than 1.5 miles inland from the mean low water mark].

3. Archaeological survey. The applicant shall conduct an archaeological field survey of the disturbance zone and evaluate the eligibility of any identified archaeological site for listing in the VLR [; however, the requirements of this subdivision shall not apply to any portion of the disturbance zone located on state-owned submerged lands that are subject to VMRC permitting pursuant to Title 28.2 of the Code of Virginia].

4. Historic resources report. The applicant shall provide to the department a report presenting the findings of the studies and analyses conducted pursuant to subdivisions 1 through [4 3] of this subsection [along with all data and supporting documents]. The applicant shall assess and describe the expected beneficial and adverse impacts, if any, of the proposed project on historic resources identified in subdivisions 1, 2, and 3 of this subsection.

C. Analyses of other natural resources. To fulfill the requirements of § 10.1-1197.6 B 7 of the Code of Virginia, the applicant shall also conduct pre-construction analyses of the impact of the proposed project on other natural resources, which have not been addressed pursuant to subsection A or B of this section, and as are specified in subdivisions 1 and 2 of this subsection. The analyses shall include:

1. Natural heritage resources. An analysis of the impact of the project on natural heritage resources, which shall include the following:

a. A desktop survey of natural heritage resources within the site and within two miles of the boundary of the site.

b. Field surveys within the disturbance zone mapping: (i) the ecological community groups as classified in accordance with DCR's The Natural Communities of Virginia, Classification of Ecological Community Groups [~~(9VAC15-40-120 A-4)~~ (9VAC15-40-120 B 4)]; (ii) natural heritage resources to include species and community identification, location, age, size, spatial distribution, and evidence of reproduction; (iii) caves; (iv) mines; (v) rock outcrops; (vi) cliffs; (vii) wetlands; and (viii) invasive plant species.

2. Scenic resources. An analysis of the impact of the project on scenic resources, as follows:

a. Pursuant to 9VAC15-40-70, for the area within the site and within five miles of the boundary of the site, a viewshed analysis of the impact of the proposed project on existing federally designated or state-designated scenic resources, including national parks, national forest-designated scenic areas, state parks, state natural area preserves, national scenic trails, national or state-designated scenic roads, national or state-designated scenic rivers, and those resources identified as potential candidates for such designation in DCR's Virginia Outdoors Plan [~~(9VAC15-40-120 A-5)~~ (9VAC15-40-120 B 5)].

b. The applicant shall conduct these analyses and shall show the potential impact of the proposed project on the viewshed from such identified resources, where applicable.

3. Other natural resources report. The applicant shall provide to the department a report, including maps, documenting the results of the analyses conducted pursuant to subdivisions 1 and 2 of this subsection. The applicant shall assess and describe the expected beneficial and adverse impacts, if any, of the proposed project on natural resources identified in subdivisions 1 and 2 of this subsection.

9VAC15-40-50. Determination of likely significant adverse impacts.

A. The department shall find that significant adverse impacts to wildlife are likely whenever the wildlife analyses prescribed in 9VAC15-40-40 A document that either of the following conditions exists:

1. Bats have been detected, or a hibernaculum exists, within the disturbance zone.
2. State-listed T&E wildlife are found to occur within the disturbance zone [; or the disturbance zone is located on or within one mile of a known or potential sea turtle nesting beach.
3. Within the Coastal Avian Protection Zones, the applicant's field studies indicate that significant adverse impacts to avian resources are likely, or the applicant

stipulates that existing scientific analysis, as reflected on the CAPZ map, supports a conclusion that significant adverse impacts to avian resources are likely].

B. The department shall find that significant adverse impacts to historic resources are likely whenever the historic resources analyses prescribed by 9VAC15-40-40 B indicate that the proposed project is likely to diminish significantly any aspect of a historic resource's integrity.

9VAC15-40-60. Mitigation plan.

A. If the department determines that significant adverse impacts to wildlife or historic resources or both are likely, then the applicant shall prepare a mitigation plan. The mitigation plan shall include a description of the affected wildlife or historic resources, or both, and the impact to be mitigated; a description of actions that will be taken to avoid the stated impact; and a plan for implementation. If the impact cannot reasonably be avoided, the plan shall include a description of actions that will be taken to minimize the stated impact and a plan for implementation. If neither avoidance nor minimization is reasonably practicable, the plan shall include a description of other measures that may be taken to offset the stated impact; and a plan for implementation.

B. Mitigation measures for significant adverse impacts to wildlife shall include:

1. For state-listed T&E wildlife, the applicant shall take all reasonable measures to avoid significant adverse impacts, or shall demonstrate in the mitigation plan what significant adverse impacts cannot practicably be avoided and why additional proposed actions are reasonable. These additional proposed actions may include best practices to avoid, minimize, or offset adverse impacts to resources analyzed pursuant to 9VAC15-40-40 A or 9VAC15-40-40 C 1.

[2. For proposed projects where the disturbance zone is located on or within one mile of a known or potential sea turtle nesting beach, the applicant shall take all reasonable measures to avoid significant adverse impacts, or shall demonstrate in the mitigation plan what significant adverse impacts cannot practicably be avoided and why additional proposed mitigation actions are reasonable. Mitigation measures shall include the following:

a. Avoiding construction within likely sea turtle crawl or nesting habitats during the turtle nesting and hatching season (May 20 - October 31). If avoiding construction during this period is not possible, then conducting daily crawl surveys of the disturbance zone (May 20 - August 31) and one mile beyond the northern and southern reaches of the disturbance zone (hereinafter "sea turtle nest survey zone") between sunrise and 9 a.m. by qualified individuals who have the ability to distinguish accurately between nesting and non-nesting emergences.

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b. If construction is scheduled during the nesting season, then including measures to protect nests and hatchlings found within the sea turtle nest survey zone.

c. Minimizing nighttime construction during the nesting season and designing project lighting during the construction and operational phases to minimize impacts on nesting sea turtles and hatchlings.

3. For avian resources within any of the Coastal Avian Protection Zones that are referenced in 9VAC15-40-40 A 5, the applicant shall take all reasonable measures to avoid significant adverse impacts, or shall demonstrate in the mitigation plan what significant adverse impacts cannot be practicably be avoided and why additional proposed mitigation actions are reasonable.]

[~~2- 4.~~] For bats, the mitigation plan shall include measures to curtail operation of wind turbines on low wind speed nights when bats are likely to be active within the disturbance zone and to monitor the efficacy of these measures; however, the combined cost of mitigation and post-construction monitoring, in each year after year one, shall not exceed 120 hours of curtailment per year per turbine, averaged. The combined cost of mitigation shall consist of lost revenue from curtailment of wind turbines, including lost production tax credits.

[~~3- 5.~~] Post-construction monitoring shall be designed to achieve the following:

a. Estimate the level of avian and bat fatalities associated with the wind energy project, accounting for scavenger removal and searcher efficiency [; however, estimates of avian and bat fatalities shall not be required for areas seaward of the mean low-water shoreline].

b. Investigate the correlation of bat fatalities with project operational protocols, weather-related variables, and the effectiveness of operational adjustments to reduce impacts.

[~~4- 6.~~] Post-construction wildlife mitigation and management shall include the following:

a. Post-construction mitigation. After completing the initial one year of post-construction monitoring, the owner or operator shall submit [the first year's monitoring data and] a [revised mitigation] plan [~~consisting of his proposed detailing the~~] monitoring and mitigation actions expected to be implemented for the remainder of the project's operating life. [Such mitigation actions shall be designed to address the impacts revealed by the initial year of post-construction monitoring. One year after the revised mitigation plan is submitted, and annually thereafter, the owner or operator shall submit a report consisting of the results of ongoing monitoring, including data and supporting documents, an explanation of how the mitigation measures reflect

results indicated by the monitoring data, and documentation showing expenditures and lost revenues attributable to curtailment, other mitigation actions, and monitoring.]

b. Amendment of mitigation plan. After three years of post-construction mitigation efforts, the owner or operator of the project may initiate a consultation with the department to propose amendments to the mitigation plan. The owner or operator shall submit any proposed amendments of the mitigation plan to the department. The department may approve the proposed amendments if the department determines that the proposed amendments will avoid or minimize adverse impacts to a demonstrably equal or greater extent as the mitigation measures being implemented at that time. Alternatively, the department may approve the proposed amendments to the mitigation plan if the owner or operator demonstrates that the mitigation measures being implemented at that time are not effectively avoiding or minimizing adverse impacts, [~~and the owner's or operator's proposed amendments are preferable methods to mitigate for ongoing adverse impacts. For example, proposed amendments may include~~ in which case the owner or operator may propose and the department may approve ways of offsetting ongoing adverse impacts, such as] funding research or preserving habitats.

C. Mitigation measures for significant adverse impacts to historic resources shall include:

1. Significant adverse impacts to VLR-eligible or VLR-listed architectural resources shall be minimized, to the extent practicable, through design of the wind energy project or the installation of vegetative or other screening.

2. If significant adverse impacts to VLR-eligible or VLR-listed architectural resources cannot be avoided or minimized such that impacts are no longer significantly adverse, then the applicant shall develop a reasonable and proportionate mitigation plan that offsets the significantly adverse impacts and has a demonstrable public benefit and benefit for the affected or similar resource.

3. If any identified VLR-eligible or VLR-listed archaeological site can not be avoided or minimized to such a degree as to avoid a significant adverse impact, significant adverse impacts of the project will be mitigated through archaeological data recovery.

9VAC15-40-70. Site plan and context map requirements.

A. The applicant shall submit a site plan that includes maps showing the physical features [, topography,] and land cover of the area within the site, both before and after construction of the proposed project. The site plan shall be submitted at a scale sufficient to show, and shall include, the following: (i) the boundaries of the site; (ii) the location, height, and dimensions of all existing and proposed wind turbines, other

structures, fencing, and other infrastructure; (iii) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road; ~~[(iv) existing topography;]~~ and ~~[(v) (iv)]~~ water bodies, waterways, wetlands, and drainage channels. [For any part of a site that is located in nearshore waters, the site plan shall also include bathymetry; the location and depth of underground cables, transmission lines, and pipelines; navigational channels; and beaches, marshes, and other emergent terrestrial features.]

B. The applicant shall submit a context map including the area encompassed by the site and within five miles of the site boundary. The context map shall show state and federal resource lands and other protected areas, [Coastal Avian Protection Zones,] historic resources, state roads, waterways, locality boundaries, forests, open spaces, and transmission and substation infrastructure. [If any part of a site is located in nearshore waters, the context map shall also include bathymetry; navigational channels; commercially licensed fixed fishing devices; permitted aquaculture operations; shellfish leases; public shellfish grounds; artificial reefs; and submerged aquatic vegetation.]

9VAC15-40-80. Small wind energy project design standards.

The design and installation of the small wind energy project shall incorporate any requirements of the mitigation plan that pertain to design and installation, if a mitigation plan is required pursuant to 9VAC15-40-50.

9VAC15-40-90. Public participation.

A. Before the initiation of any construction at the small wind energy project, the ~~[owner or operator applicant]~~ shall ~~[comply with this section. The owner or operator shall first]~~ publish a notice once a week for two consecutive weeks in a major local newspaper of general circulation informing the public that he intends to construct and operate a project eligible for a permit by rule. No later than the date of newspaper publication of the initial notice, the owner or operator shall submit to the department a copy of the notice along with electronic copies of all documents ~~[that the applicant plans to submit]~~ in support of the application. The notice shall include:

1. A brief description of the proposed project and its location, including the approximate dimensions of the site, approximate number of turbines, and approximate maximum blade-tip height;
2. A statement that the purpose of the public participation is to acquaint the public with the technical aspects of the proposed project and how the standards and the requirements of this chapter will be met, to identify issues of concern, to facilitate communication, and to establish a dialogue between the owner or operator and persons who may be affected by the project;

3. Announcement of a 30-day comment period in accordance with subsection ~~[D C]~~ of this section, and the name, telephone number, address, and email address of the ~~[owner's or operator's representative]~~ applicant] who can be contacted by the interested persons to answer questions or to whom comments shall be sent;

4. Announcement of the date, time, and place for a public meeting held in accordance with subsection ~~[E D]~~ of this section; and

5. Location where copies of the documentation to be submitted to the department in support of the permit by rule application ~~[are located in accordance with 9VAC15-40-90-B]~~ will be available for inspection].

B. The owner or operator shall place a copy of the documentation in a location accessible to the public ~~[during business hours for the duration of the 30-day comment period]~~ in the vicinity of the proposed project.

~~[C. The public shall be provided at least 30 days to comment on the technical and the regulatory aspects of the proposal. The comment period shall begin no sooner than 15 days after the applicant initially publishes the notice in the local newspaper.]~~

~~[C. D.]~~ The ~~[owner or operator applicant]~~ shall hold a public meeting not earlier than 15 days after the ~~[initial publication of the notice required in subsection A of this section]~~ beginning of the 30-day public comment period] and no later than seven days before the close of the 30-day comment period. The meeting shall be held in the locality or, if the project is located in more than one locality, in a place proximate to the location of the proposed project ~~[; however, for projects located in nearshore waters or on state-owned submerged lands, the meeting shall be held in the locality that is the closest distance from the approximate center of the project's disturbance zone]~~.

~~[D. The public shall be provided at least 30 days to comment on the technical and the regulatory aspects of the proposal. The comment period shall begin on the date the owner or operator initially publishes the notice in the local newspaper.]~~

E. For purposes of this chapter, the applicant and any interested party who submits written comments on the proposal to the ~~[owner's or operator's representative applicant]~~ during the public comment period or who signs in and provides oral comments at the public meeting shall be deemed to have participated in the proceeding for a permit by rule under this chapter and pursuant to § 10.1-1197.7 B of the Code of Virginia.

9VAC15-40-100. Change of ownership, project modifications, termination.

A. Change of ownership. A permit by rule may be transferred to a new owner or operator if:

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1. The current owner or operator notifies the department at least 30 days in advance of the transfer date by submittal of a notice per subdivision 2 of this subsection;

2. The notice shall include a written agreement between the existing and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The transfer of the permit by rule to the new owner or operator shall be effective on the date specified in the agreement described in subdivision 2 of this subsection.

B. Project modifications. Provided project modifications are in accordance with the requirements of this permit by rule and do not increase the rated capacity of the small wind energy project, the owner or operator of a project authorized under a permit by rule may modify its design or operation or both by furnishing to the department new certificates prepared by a professional engineer, new documentation required under 9VAC15-40-30, and the appropriate fee in accordance with 9VAC15-40-110. The department shall review the received modification submittal in accordance with the provisions of subsection B of 9VAC15-40-30.

C. Permit by rule termination. The department may terminate the permit by rule whenever the department finds that:

1. The applicant has knowingly or willfully misrepresented or failed to disclose a material fact in any report or certification required under this chapter; or

2. After the department has taken enforcement actions pursuant to 9VAC15-40-140, the owner or operator persistently operates the project in significant violation of the project's mitigation plan.

Prior to terminating a permit by rule pursuant to subdivision 1 or 2 of this subsection, the department shall hold an informal fact-finding proceeding pursuant to § 2.2-4019 of the Virginia Administrative Process Act in order to assess whether to continue with termination of the permit by rule or to issue any other appropriate order. If the department determines that it should continue with the termination of the permit by rule, the department shall hold a formal hearing pursuant to § 2.2-4020 of the Virginia Administrative Process Act. Notice of the formal hearing shall be delivered to the owner or operator. Any owner or operator whose permit by rule is terminated by the department shall cease operating his small wind energy project.

9VAC15-40-110. Fees.

A. Purpose. The purpose of this section is to establish schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit by rule or a modification to an existing permit by rule for a small wind energy project.

B. Permit fee payment and deposit. Fees for permit by rule applications or modifications shall be paid by the applicant as follows:

1. Due date. All permit application fees or modification fees are due on submittal day of the application or modification package.

2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240.

3. Incomplete payments. All incomplete payments shall be deemed nonpayments.

4. Late payment. No application or modification submittal will be deemed complete until the department receives proper payment.

C. Fee schedules. Each application for a permit by rule and each application for a modification of a permit by rule is a separate action and shall be assessed a separate fee. The amount of the permit application fee is based on the costs associated with the permitting program required by this chapter. The fee schedules are shown in the following table:

Type of Action	Fee
Permit by rule application (including first three years of operation)	\$16,000
Permit by rule modification (after first three years of operation)	\$5,000

D. Use of fees. Fees are assessed for the purpose of defraying the department's costs of administering and enforcing the provisions of this chapter including, but not limited to, permit by rule processing, permit by rule modification processing, and inspection and monitoring of small wind energy projects to ensure compliance with this chapter. Fees collected pursuant to this section shall be used for the administrative and enforcement purposes specified in this section and in § 10.1-1197.6 E of the Code of Virginia.

E. Fund. The fees, received by the department in accordance with this chapter, shall be deposited in the Small Renewable Energy Project Fee Fund.

F. Periodic review of fees. Beginning July 1, 2012, and periodically thereafter, the department shall review the schedule of fees established pursuant to this section to ensure that the total fees collected are sufficient to cover 100% of the department's direct costs associated with use of the fees.

9VAC15-40-120. Internet accessible resources.

[A.] This chapter refers to resources to be used [by applicants in gathering information to be submitted to the department]. These resources are available through the Internet; therefore, in order to assist the applicants, the

uniform resource locator or Internet address is provided for each of the references listed in this section.

[~~A. B.~~] Internet available resources.

1. The Virginia Landmarks Register, Virginia Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia. Available at the following Internet address: <http://www.dhr.virginia.gov/registers/register.htm>.

2. Professional Qualifications Standards, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, as amended and annotated (48 FR 44716-740, September 29, 1983), National Parks Service, Washington, DC. Available at the following Internet address: http://www.nps.gov/history/local-law/arch_stnds_9.htm.

3. Invasive alien plant species of Virginia, Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, Virginia. Available at the following Internet address: http://www.dcr.virginia.gov/natural_heritage/invspinfo.shtml.

4. The Natural Communities of Virginia, Classification of Ecological Community Groups, Second Approximation, [~~2006~~, Version 2.3, 2010,] Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA. Available at the following Internet address: http://www.dcr.virginia.gov/natural_heritage/ncintro.shtml.

5. Virginia Outdoors Plan, 2007, Virginia Department of Conservation and Recreation, Richmond, Virginia. Available at the following Internet address: http://www.dcr.virginia.gov/recreational_planning/vop.shtml.

6. Virginia's Comprehensive Wildlife Conservation Strategy, 2005 [(referred to as the Virginia Wildlife Action Plan)], Virginia Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. Available at the following Internet address: <http://www.bewildvirginia.org/wildlifeplan/>.

[~~B. C.~~] Internet applications.

1. Coastal GEMS application, 2010, Virginia Department of Environmental Quality. Available at the following Internet address: <http://www.deq.virginia.gov/coastal/coastalgems.html>.

NOTE: This website is maintained by the department. Assistance and information may be obtained by contacting Virginia Coastal Zone Management Program, Virginia Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia 23219, (804) 698-4000.

2. Natural Landscape Assessment, 2010, Virginia Department of Conservation and Recreation. Available at

the following Internet address: for detailed information on ecological cores go to http://www.dcr.virginia.gov/natural_heritage/vclnavnla.shtml. Land maps may be viewed at DCR's Land Conservation Data Explorer Geographic Information System website at <http://www.vaconservedlands.org/gis.aspx>.

NOTE: The website is maintained by DCR. Actual shapefiles and metadata are available for free by contacting a DCR staff person at vaconslands@dcr.virginia.gov or DCR, Division of Natural Heritage, 217 Governor Street, Richmond, Virginia 23219, (804) 786-7951.

3. [~~Virginia~~] Fish and Wildlife Information Service [~~or Wildlife Environmental Review Map Service~~], 2010, Virginia Department of Game and Inland Fisheries. Available at the following Internet address: <http://www.vafwis.org/fwis/>.

NOTE: This website is maintained by DGIF and [~~it requires registration for use~~ is accessible to the public as "visitors" or to registered subscribers. Registration, however, is required for access to resource-specific or species-specific locational data and records]. Assistance and information may be obtained by contacting DGIF, Fish and Wildlife [Information] Service, 4010 West Broad Street, Richmond, Virginia 23230, [~~(804) 367-1000~~ (804) 367-6913].

Part III

Notification [and Other] Provisions [for Projects of 5 Megawatts or Less]

9VAC15-40-130. Small wind energy projects [~~less than of~~] 5 megawatts [or less].

[~~A.~~] The owner or operator of a small wind energy project with a rated capacity equal to or less than 500 kilowatts is not required to submit any notification or certification to the department.

[~~B.~~] The owner or operator of a small wind energy project with a rated capacity greater than 500 kilowatts and [equal to or] less than 5 megawatts shall [~~notify~~ :

1. Notify] the department by submitting a certification by the governing body of the locality or localities wherein the project will be located that the project complies with all applicable land use ordinances and applicable local government requirements [; and

2. For projects located in part or in whole within zones 1, 2, 3, 4, 5, 10, 11, 12, or 14 on the Coastal Avian Protection Zones (CAPZ) map, contribute \$1,000 per megawatt of rated capacity, or partial megawatt thereof, to a fund designated by the department in support of scientific research investigating the impacts of projects in CAPZ on avian resources].

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Part IV Enforcement

9VAC15-40-140. Enforcement.

The department may enforce the provisions of this chapter and any permits by rule authorized under this chapter in accordance with §§ 10.1-1197.9, 10.1-1197.10, and 10.1-1197.11 of the Code of Virginia. In so doing, the department may:

1. Issue directives in accordance with the law;
2. Issue special orders in accordance with the law;
3. Issue emergency special orders in accordance with the law;
4. Seek injunction, mandamus or other appropriate remedy as authorized by the law;
5. Seek civil penalties under the law; or
6. Seek remedies under the law, or under other laws including the common law.

DOCUMENTS INCORPORATED BY REFERENCE
(9VAC15-40)

The Natural Communities of Virginia, Classification of Ecological Community Groups, Second Approximation (Version [~~2.2~~, 2006 2.3), 2010], Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, [~~VA~~ Virginia].

Virginia Outdoors Plan, 2007, Virginia Department of Conservation and Recreation, Richmond, Virginia.

Virginia's Comprehensive Wildlife Conservation Strategy, 2005, Virginia Department of Game and Inland Fisheries, Richmond, Virginia.

VA.R. Doc. No. R09-2090; Filed November 2, 2010, 1:04 p.m.

STATE WATER CONTROL BOARD

Fast-Track Regulation

Title of Regulation: **9VAC25-260. Water Quality Standards (amending 9VAC25-260-185).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC § 1251 et seq. of the federal Clean Water Act; 40 CFR Part 131.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 22, 2010.

Effective Date: January 6, 2011.

Agency Contact: Alan Pollock, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond,

VA 23218, telephone (804) 698-4002, FAX (804) 698-4116, or email alan.pollock@deq.virginia.gov.

Basis: Section 62.1-44.15 of the Code of Virginia mandates and authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. The federal Clean Water Act at § 303(c) mandates the State Water Control Board to review and, as appropriate, modify and adopt water quality standards. The promulgating entity is the State Water Control Board.

The corresponding federal water quality standards regulation at 40 CFR 131.6 describes the minimum requirements for water quality standards. The minimum requirements are use designations, water quality criteria to protect the designated uses, and an antidegradation policy. All of the citations mentioned describe mandates for water quality standards.

The U.S. Environmental Protection Agency (EPA) Water Quality Standards regulation (40 CFR 131.11) is the regulatory basis for the EPA requiring states to establish water quality criteria to protect designated uses and the criteria are used to assess whether a waterbody is meeting those uses.

Purpose: The proposed amendments to the regulation are essential to protect the health, safety, and welfare of the citizens of the Commonwealth by protecting the water quality and living resources of the Chesapeake Bay and its tidal rivers. EPA has continued to refine the assessment procedures as scientific research and management applications reveal new insights and knowledge about the Chesapeake Bay. The EPA's procedure documents being incorporated into Virginia regulation by this action replace or otherwise supersede similar criteria assessment procedures published in earlier documents, but not all of them. Therefore, it is necessary for the Virginia water quality standards to refer to each of the addenda published by EPA.

Rationale for Using Fast-Track Process: The proposed amendment to 9VAC25-260-185 B references assessment protocol documents published by EPA. These protocols have been developed by EPA through a collaborative process within the Chesapeake Bay Program. Other amendments are to correct reference to water quality standard sections, misspellings, and grammar and to add clarity. The proposed amendments are expected to be non-controversial and therefore justify using the fast track process.

Substance: The proposed substantive amendment to 9VAC25-260-185 B of the Water Quality Standards is a reference to the October 2007, September 2008, and May 2010 Chesapeake Bay Criteria Assessment Protocols Addenda. These recently published protocols are being used by EPA to develop the total maximum daily loads (TMDLs)

for the Chesapeake Bay and its tidal rivers. TMDLs must be developed in accordance with approved water quality standards. Therefore, it is necessary for the Virginia water quality standards to refer to each of the addenda published by EPA.

Issues: There are no primary advantages or disadvantages to the public. The primary advantage to the agency and the Commonwealth is having improved methods for assessing attainment of designated uses in the Chesapeake Bay. There is no disadvantage to the agency or the Commonwealth that will result from the adoption of this amendment.

The Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The State Water Control Board (Board) proposes to incorporate the latest United States Environmental Protection Agency (EPA) Chesapeake Bay Criteria Assessment Protocols Addenda into these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. In reference to whether various specified criteria for the protection of the Chesapeake Bay are met, the current and proposed regulations state that

Attainment of these criteria shall be assessed through comparison of the generated cumulative frequency distribution of the monitoring data to the applicable criteria reference curve for each designated use. If the monitoring data cumulative frequency curve is completely contained inside the reference curve, then the segment is in attainment of the designated use.

The regulations list the EPA documents that specify the reference curves and procedures to be followed. The Board proposes to add the October 2007, September 2008, and May 2010 Chesapeake Bay Criteria Assessment Protocols Addenda to the list of EPA documents that specify the reference curves and procedures to be followed.

In practice this will produce three changes. First, chlorophyll level data will be averaged with a geometric mean rather than an arithmetic mean. This will reduce the likelihood that a spike in the data will produce an average that is not reflective of the most common data readings. This will slightly reduce the chance that chlorophyll levels for a Chesapeake Bay segment will be deemed unacceptable due to a single outlier reading. Second, a different methodology that will more accurately reflect levels of dissolved oxygen will be used. Third, reference curves have been updated to reflect the best current available information. Neither the different methodology for measuring dissolved oxygen nor the updating of reference curves is expected to greatly affect the likelihood of whether a Chesapeake Bay segment will be deemed to be meeting water quality standards, but will be

beneficial in that the accuracy of information produced for consideration will likely be moderately improved.

Businesses and Entities Affected. These regulations affect entities with point source permitted discharges greater than 0.5 million gallons per day (MGD) with nutrients and oxygen demanding substances in their discharge. This includes sewage treatment plants, food processing (poultry and seafood), chemical and pulp and paper industries.

Localities Particularly Affected. These regulations particularly affect localities containing or adjacent to the Chesapeake Bay, Potomac River, Rappahannock River, Corrotoman River, Piankatank River, Mattaponi River, Pamunkey River, York River, Mobjack Bay, James River, Appomattox River, Chickahominy River, Elizabeth River, Lafayette River, Lynnhaven River, Pocomoke River, and Tangier Sound.

Projected Impact on Employment. The proposal amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property. The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed amendments are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed amendments are unlikely to significantly affect small businesses.

Real Estate Development Costs. The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a

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statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

Summary:

The proposed amendment to the Chesapeake Bay nutrient criteria section (9VAC25-260-185) of the Water Quality Standards regulation incorporates the October 2007, September 2008, and May 2010 Chesapeake Bay Criteria Assessment Protocols Addenda. The amendment also corrects grammatical errors to footnote 1 of 9VAC25-260-185 B and in 9VAC25-260-185 D 1.

9VAC25-260-185. Criteria to protect designated uses from the impacts of nutrients and suspended sediment in the Chesapeake Bay and its tidal tributaries.

A. Dissolved oxygen.

Designated Use	Criteria Concentration/ Duration	Temporal Application
Migratory fish spawning and nursery	7-day mean \geq 6 mg/l (tidal habitats with 0-0.5 ppt salinity)	February 1 - May 31
	Instantaneous minimum \geq 5 mg/l	
Open water ¹	30 day mean \geq 5.5 mg/l (tidal habitats with 0-0.5 ppt salinity)	year-round ²
	30 day mean \geq 5 mg/l (tidal habitats with $>$ 0.5 ppt salinity)	
	7 day mean \geq 4 mg/l	
	Instantaneous minimum \geq 3.2 mg/l at temperatures $<$ 29°C Instantaneous minimum \geq 4.3 mg/l at temperatures \geq 29°C	
Deep water	30 day mean \geq 3 mg/l	June 1 - September 30
	1 day mean \geq 2.3 mg/l	
	Instantaneous minimum \geq 1.7 mg/l	
Deep channel	Instantaneous minimum \geq 1 mg/l	June 1 - September 30

¹In applying this open water instantaneous criterion to the Chesapeake Bay and its tidal tributaries where the existing water quality for dissolved oxygen exceeds an instantaneous minimum of 3.2 mg/l, that higher water quality for dissolved oxygen shall be provided antidegradation protection in accordance with ~~9 VAC 25-610-30 A-2~~ 9VAC25-260-30 A.2.

²Open-water dissolved oxygen criteria attainment is assessed separately over two time periods: summer (June 1- September 30) and nonsummer (October 1-May 31) months.

B. Submerged aquatic vegetation and water clarity. Attainment of the shallow-water submerged aquatic vegetation designated use shall be determined using any one of the following criteria:

Designated Use	Chesapeake Bay Program Segment	SAV Acres ¹	Percent Light-Through-Water ²	Water Clarity Acres ¹	Temporal Application
Shallow Water Submerged Aquatic Vegetation Use	CB5MH	7,633	22%	14,514	April 1 - October 31
	CB6PH	1,267	22%	3,168	March 1 - November 30
	CB7PH	15,107	22%	34,085	March 1 - November 30
	CB8PH	11	22%	28	March 1 - November 30
	POTTF	2,093	13%	5,233	April 1 - October 31
	POTOH	1,503	13%	3,758	April 1 - October 31
	POTMH	4,250	22%	10,625	April 1 - October 31
	RPPTF	66	13%	165	April 1 - October 31
	RPPOH	4	13%	10	April 1 - October 31
	RPPMH	1700	22%	5000	April 1 - October 31
	CRRMH	768	22%	1,920	April 1 - October 31
	PIAMH	3,479	22%	8,014	April 1 - October 31
	MPNTF	85	13%	213	April 1 - October 31
MPNOH	-	-	-	-	
PMKTF	187	13%	468	April 1 - October 31	
PMKOH	-	-	-	-	
YRKMH	239	22%	598	April 1 - October 31	

YRKPH	2,793	22%	6,982	March 1 - November 30
MOBPH	15,901	22%	33,990	March 1 - November 30
JMSTF2	200	13%	500	April 1 - October 31
JMSTF1	1000	13%	2500	April 1 - October 31
APPTF	379	13%	948	April 1 - October 31
JMSOH	15	13%	38	April 1 - October 31
CHKOH	535	13%	1,338	April 1 - October 31
JMSMH	200	22%	500	April 1 - October 31
JMSPH	300	22%	750	March 1 - November 30
WBEMH	-	-	-	-
SBEMH	-	-	-	-
EBEMH	-	-	-	-
ELIPH	-	-	-	-
LYNPH	107	22%	268	March 1 - November 30
POCOH	-	-	-	-
POCMH	4,066	22%	9,368	April 1 - October 31
TANMH	13,579	22%	22,064	April 1 - October 31

¹The assessment period for SAV and water clarity acres shall be the single best year in the most recent three consecutive years. When three consecutive years of data are not available, a minimum of three years within the data assessment window shall be used.

²Percent Light through Water = $100e^{-K_d Z}$ where K_d is water column light attenuation coefficient and can be measured directly or converted from a measured secchi depth where $K_d = 1.45/\text{secchi depth}$. Z = depth at location of measurement of K_d .

C. Chlorophyll a.

Designated Use	Chlorophyll a Narrative Criterion	Temporal Application
Open Water	Concentrations of chlorophyll a in free-floating microscopic aquatic plants (algae) shall not exceed levels that result in undesirable or nuisance aquatic plant life, or render tidal waters unsuitable for the propagation and growth of a balanced, indigenous population of aquatic life or otherwise result in ecologically undesirable water quality conditions such as reduced water clarity, low dissolved oxygen, food supply imbalances, proliferation of species deemed potentially harmful to aquatic life or humans or aesthetically objectionable conditions.	March 1 - September 30

*See 9VAC25-260-310 special standard bb for numerical chlorophyll criteria for the tidal James River.

D. Implementation.

1. Chesapeake Bay program segmentation scheme as described in Chesapeake Bay Program, 2004 Chesapeake Bay Program Analytical Segmentation Scheme-Revisions, Decisions and Rationales: 1983—2003, CBP/TRS 268/04, EPA 903-R-04-008, Chesapeake Bay Program, Annapolis, Maryland, and the Chesapeake Bay Program published 2005 addendum (CBP/TRS 278-06; EPA 903-R-05-004) is listed below and shall be used as the spatial assessment unit to determine attainment of the criteria in this section for each designated use.

Chesapeake Bay Segment Description	Segment Name ¹	Chesapeake Bay Segment Description	Segment Name ¹
Lower Central Chesapeake Bay	CB5MH	Mobjack Bay	MOBPH
Western Lower Chesapeake Bay	CB6PH	Upper Tidal Fresh James River	JMSTF2
Eastern Lower Chesapeake Bay	CB7PH	Lower Tidal Fresh James River	JMSTF1

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Mouth of the Chesapeake Bay	CB8PH	Appomattox River	APPTF
Upper Potomac River	POTTF	Middle James River	JMSOH
Middle Potomac River	POTOH	Chickahominy River	CHKOH
Lower Potomac River	POTMH	Lower James River	JMSMH
Upper Rappahannock River	RPPTF	Mouth of the James River	JMSPH
Middle Rappahannock River	RPPOH	Western Branch Elizabeth River	WBEMH
Lower Rappahannock River	RPPMH	Southern Branch Elizabeth River	SBEMH
Corrotoman River	CRRMH	Eastern Branch Elizabeth River	EBEMH
Piankatank River	PIAMH	Lafayette River	LAFMH
Upper Mattaponi River	MPNTF	Mouth of the Elizabeth River	ELIPH
Lower Mattaponi River	MPNOH	Lynnhaven River	LYNPH
Upper Pamunkey River	PMKTF	Middle Pocomoke River	POCOH
Lower Pamunkey River	PMKOH	Lower Pocomoke River	POCMH
Middle York River	YRKMH	Tangier Sound	TANMH
Lower York River	YRKPH		

¹First three letters of segment name represent Chesapeake Bay segment description, letters four and five represent the salinity regime of that segment (TF = Tidal Fresh, OH = Oligohaline, MH = Mesohaline and PH = Polyhaline) and a sixth space is reserved for subdivisions of that segment.

2. The assessment period shall be the most recent three consecutive years. When three consecutive years of data are not available, a minimum of three years within the data assessment window shall be used.

3. Attainment of these criteria shall be assessed through comparison of the generated cumulative frequency distribution of the monitoring data to the applicable criteria reference curve for each designated use. If the monitoring data cumulative frequency curve is completely contained inside the reference curve, then the segment is in attainment of the designated use. The reference curves and procedures to be followed are published in the USEPA, Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries, EPA 903-R-03-002, April 2003 and the 2004 (EPA 903-R-03-002 October 2004) and 2007 (CBA/TRS (CBP/TRS 285-07, EPA 903-R-07-003), 2007 (CBP/TRS 288/07, EPA 903-R-07-005), 2008 (CBP/TRS 290-08, EPA 903-R-08-001), and 2010 (CBP/TRS 301-10, EPA 903-R-10-002) addenda. An exception to this requirement is in measuring attainment of the SAV and water clarity acres, which are compared directly to the criteria.

DOCUMENTS INCORPORATED BY REFERENCE (9VAC25-260)

[Chesapeake Bay Program Analytical Segmentation Scheme -- Revisions, Decisions and Rationales 1983-2003, EPA 903-R-04-008, CBP/TRS 268/04, October 2004, US EPA Region III Chesapeake Bay Office.](#)

[Chesapeake Bay Program Analytical Segmentation Scheme -- Revisions, Decisions and Rationales 1983-2003, EPA 903-R-05-004, CBP/TRS 278-06, 2005 Addendum, December 2005, US EPA Region III Chesapeake Bay Office.](#)

[Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries, EPA 903-R-03-002, April 2003 and 2004 Addendum, October 2004, US EPA Region III Chesapeake Bay Office](#)

[Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries, EPA 903-R-07-003, CBP/TRS 285/07 2007 Addendum, July 2007, US EPA Region III Chesapeake Bay Office.](#)

[Technical Support Document for Identification of Chesapeake Bay Designated Uses and Attainability, EPA 903-R-03-004, October 2003 and 2004 Addendum, October 2004, US EPA Region III Chesapeake Bay Office.](#)

[Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and its Tidal Tributaries - 2007 Chlorophyll Criteria Addendum, EPA 903-R-07-005, CBP/TRS 288/07, November 2007, U.S. EPA Region III Chesapeake Bay Office.](#)

[Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and its Tidal Tributaries - 2008 Technical Support for Criteria](#)

[Assessment Protocols Addendum, EPA 903-R-08-001, CBP/TRS 290-08, September 2008, U.S. EPA Region III Chesapeake Bay Office.](#)

[Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and its Tidal Tributaries - 2010 Technical Support for Criteria Assessment Protocols Addendum, EPA 903-R-10-002, CBP/TRS 301-10, May 2010, U.S. EPA Region III Chesapeake Bay Office.](#)

VA.R. Doc. No. R11-2439; Filed November 2, 2010, 1:06 p.m.

◆ ————— ◆

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Proposed 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: 10VAC5-200. Payday Lending (amending 10VAC5-200-100).

Statutory Authority: §§ 6.2-1815 and 12.1-13 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comment Deadline: December 10, 2010.

Agency Contact: E. J. Face, Jr., Bureau of Financial Institutions Commissioner, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 371-9659, FAX (804) 371-9416, or email joe.face@scc.virginia.gov.

Summary:

Based on Chapter 477 of the 2010 Acts of Assembly, which became effective on October 1, 2010, the State Corporation Commission is proposing changes to 10VAC5-200-100, which governs the conduct of other business in payday lending offices. The amendments to 10VAC5-200-100 A 2 prohibit the business of making loans under an open-end credit plan from a licensee's payday lending office. However, amendments to 10VAC5-200-100 F retain certain conditions for open-end auto title lending because Chapter 477 permits lenders to continue collecting payments on their outstanding open-end auto title loans. Amendments to 10VAC5-200-100 B clarify the

standards for approving the conduct of other business in payday lending offices, and the amendments to 10VAC5-200-100 G prescribe the uniform conditions that would be applicable to conduct a motor vehicle title lending business from a licensee's payday lending office. An additional disclosure requirement is added at the end of 10VAC5-200-100 J and K. Lastly, based on Chapter 794 of the 2010 Acts of Assembly, which recodified Title 6.1 of the Code of Virginia as Title 6.2 of the Code of Virginia effective October 1, 2010, the amendments update Code of Virginia citations.

AT RICHMOND, NOVEMBER 2, 2010

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2010-00253

Ex Parte: In re: other business
in payday lending offices

ORDER TO TAKE NOTICE

Section 6.2-1815 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall adopt such regulations as it deems appropriate to effect the purposes of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2 of the Code of Virginia. The Commission's payday lending regulations are set forth in Title 10 of the Virginia Administrative Code.

The Bureau of Financial Institutions ("Bureau") has submitted to the Commission proposed amendments to 10 VAC 5-200-100 ("Section 100") of the Virginia Administrative Code, which governs the conduct of other business in payday lending offices. The impetus for the proposed amendments is Chapter 477 of the 2010 Virginia Acts of Assembly ("Chapter 477"), which became effective on October 1, 2010, and primarily established a licensing and regulatory framework for motor vehicle title lenders and motor vehicle title loans. More significant to Section 100 is that Chapter 477 also amended Virginia's open-end lending statute, § 6.2-312 of the Code of Virginia (formerly § 6.1-330.78 of the Code of Virginia). As amended, § 6.2-312 C provides in pertinent part as follows:

- (i) A licensee, as defined in § 6.2-1800, shall not engage in the extension of credit under an open-end credit plan described in this section and, (ii) a third party shall not engage in the extension of credit under an open-end credit plan described in this section at any office, suite, room, or place of business where a licensee conducts the business of making payday loans.

The proposed regulation reflects this amendment, but retains certain conditions for open-end auto title lending because other business operators are permitted by Chapter 477 to continue collecting payments on any outstanding open-end loans. Also included in the proposal as a result of Chapter 477

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is a set of uniform conditions that would be applicable to the conduct of a motor vehicle title lending business from a licensee's payday lending offices. Notably, the proposed conditions for motor vehicle title lending are largely a subset of the conditions in Section 100 that have been applicable to the conduct of an open-end auto title lending business from a licensee's payday lending offices.

Another source of proposed changes to Section 100 is 10 VAC 5-210-70 of the Virginia Administrative Code, which was adopted by the Commission effective October 1, 2010, and governs the conduct of other business in motor vehicle title lending offices. Although 10 VAC 5-210-70 was initially proposed to mirror Section 100, the Commission ultimately clarified the standards for approving other business in motor vehicle title lending offices (subsection B) and added a disclosure requirement at the end of subsections E, H, and I when it adopted 10 VAC 5-210-70. Accordingly, in order to similarly clarify Section 100 and promote consistency between these two regulations, the proposal also includes modifications that track the Commission's changes to 10 VAC 5-210-70.

Lastly, based on Chapter 794 of the 2010 Virginia Acts of Assembly, which recodified Title 6.1 of the Code of Virginia as Title 6.2 of the Code of Virginia effective October 1, 2010, the Bureau is also proposing to update the affected statutory references that are found throughout Section 100.

NOW THE COMMISSION, based on the information supplied by the Bureau, is of the opinion and finds that the proposed regulation should be considered for adoption with an effective date of January 1, 2011.

Accordingly, IT IS ORDERED THAT:

(1) The proposed regulation, entitled "Other Business in Payday Lending Offices," is appended hereto and made a part of the record herein.

(2) Comments or requests for a hearing on the proposed regulation must be submitted in writing to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before December 10, 2010. Requests for a hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain a reference to Case No. BFI-2010-00253. Interested persons desiring to submit comments or request a hearing electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>.

(3) This Order and the attached proposed regulation shall be posted on the Commission's website at <http://www.scc.virginia.gov/case>.

(4) The Commission's Division of Information Resources shall send a copy of this Order, including a copy of the

attached proposed regulation, to the Virginia Registrar of Regulations for publication in the Virginia Register of Regulations.

AN ATTESTED COPY hereof, together with a copy of the proposed regulation, shall be sent by the Clerk of the Commission to the Commission's Office of General Counsel and the Commissioner of Financial Institutions, who shall send a copy of this Order, together with a copy of the proposed regulation, to all licensed payday lenders and other interested parties designated by the Bureau.

10VAC5-200-100. Other business in payday lending offices.

A. This section governs the conduct of any business other than payday lending where a licensed payday lending business is conducted. As used in this section, the term "other business operator" refers to a licensed payday lender or third party, including an affiliate of the licensed payday lender, who conducts or wants to conduct other business from one or more payday lending offices.

1. Pursuant to § ~~6-1-463~~ 6.2-1820 of the Code of Virginia, a licensee shall not conduct the business of making payday loans at any office, suite, room, or place of business where any other business is solicited or conducted, except a registered check cashing business or such other business as the commission determines should be permitted, and subject to such conditions as the commission deems necessary and in the public interest.

2. Notwithstanding any provision of this section or order entered by the commission prior to ~~February~~ October 1, 2010, the following other businesses shall not be conducted from any office, suite, room, or place of business where a licensed payday lending business is conducted:

a. Selling insurance or enrolling borrowers under group insurance policies.

b. Making loans under an open-end credit ~~or similar~~ plan as described in § ~~6-1-330.78~~ 6.2-312 of the Code of Virginia ~~unless the loans are secured by a security interest in a motor vehicle as this term is defined in § 46.2-100 of the Code of Virginia. However, if prior to October 1, 2010, a licensee received commission authority for an other business operator to conduct open-end credit business or open-end auto title lending business from the licensee's payday lending offices, the other business operator may continue collecting payments on any outstanding open-end loans (i) in accordance with the terms of its existing open-end credit agreements and (ii) subject to the conditions imposed by this section.~~

3. Pursuant to § ~~6-1-439~~ 6.2-2107 of the Code of Virginia, no person registered or required to be registered as a check

casher under Chapter 47-21 (§ ~~6.1-432~~ 6.2-2100 et seq.) of Title ~~6.1~~ 6.2 of the Code of Virginia shall make loans from any location, including an office, suite, room, or place of business where a licensed payday lending business is conducted, unless the person is licensed under the Act and the loans are made in accordance with the Act.

~~B. Upon the filing of a written application, provision of any information relating to the application as the Commissioner of Financial Institutions may require, and payment of the fee required by law, No other business may~~ shall be conducted in a location where a ~~licensed licensee~~ conducts a payday lending business ~~is conducted if the commission finds that (i) unless the proposed other business is financial in nature; (ii) the proposed other business is in the public interest; (iii) and the licensee obtains prior approval from the commission.~~ Applications for approval shall be made in writing on a form provided by the Commissioner of Financial Institutions, and shall be accompanied by payment of the fee required by law and any information relating to the application that the Commissioner of Financial Institutions may require. In acting upon an application, the commission shall consider (i) whether the other business operator has the general fitness to warrant belief that the business will be operated in accordance with law; and (iv) (ii) whether the applicant has been operating its payday lending business in accordance with the Act and this chapter; and (iii) any other factors that the commission deems relevant. The commission shall in its discretion determine whether a proposed other business is "financial in nature," and shall not be obliged to consider the meaning of this term under federal law. A business is financial in nature if it primarily deals with the offering of debt, money or credit, or services directly related thereto.

C. Nonfinancial other business may be conducted pursuant to any order of the commission entered on or before June 15, 2004. However, this subsection shall not be construed to authorize any person to begin engaging in such other business at payday lending locations where such other business was not conducted as of June 15, 2004.

D. Written evidence of commission approval of each other business conducted by an other business operator should be maintained at each location where such other business is conducted.

E. Except as otherwise provided in subsection ~~N~~ Q of this section, all approved other businesses in payday lending offices shall be conducted in accordance with the following conditions:

1. The licensee shall not make a payday loan to a borrower to enable the borrower to purchase or pay any amount owed in connection with the (i) goods or services sold, or (ii) loans offered, facilitated, or made, by the other business operator at the licensee's payday lending offices.

2. The other business operator shall comply with all federal and state laws and regulations applicable to its other business, including any applicable licensing requirements.

3. The other business operator shall not use or cause to be published any advertisement or other information that contains any false, misleading, or deceptive statement or representation concerning its other business, including the rates, terms, or conditions of the products, services, or loans that it offers. The other business operator shall not make or cause to be made any misrepresentation as to (i) its being licensed to conduct the other business, or (ii) the extent to which it is subject to supervision or regulation.

4. The licensee shall not make a payday loan or vary the terms of a payday loan on the condition or requirement that a person also (i) purchase a good or service from, or (ii) obtain a loan from or through, the other business operator. The other business operator shall not (a) sell its goods or services, (b) offer, facilitate, or make loans, or (c) vary the terms of its goods, services, or loans, on the condition or requirement that a person also obtain a payday loan from the licensee.

5. The other business operator shall maintain books and records for its other business separate and apart from the licensee's payday lending business and in a different location within the licensee's payday lending offices. The bureau shall be given access to all such books and records and be furnished with any information and records that it may require in order to determine compliance with all applicable conditions, laws, and regulations.

F. If a licensee ~~(i)~~ received commission authority for an other business operator to conduct open-end credit business or open-end auto title lending business from the licensee's payday lending offices, ~~or (ii) receives commission authority for an other business operator to conduct open-end auto title lending business from the licensee's payday lending offices,~~ the following additional conditions shall be applicable:

~~1. Any loan made by the other business operator pursuant to an open-end credit agreement shall be secured by a security interest in a motor vehicle, as defined in § 46.2-100 of the Code of Virginia. The other business operator shall not (i) enter into any new open-end credit agreements or (ii) make any new loans pursuant to its existing open-end credit agreements.~~

2. The licensee shall not make a payday loan to a person if (i) the person has an outstanding open-end loan from the other business operator, or (ii) on the same day the person repaid or satisfied in full an open-end loan from the other business operator.

~~3. The other business operator shall not make an open-end loan to a person pursuant to an open-end credit agreement if (i) the person has an outstanding payday loan from the~~

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licensee, or (ii) on the same day the person repaid or satisfied in full a payday loan from the licensee.

4. ~~The other business operator and the licensee shall not make an open end loan and a payday loan contemporaneously or in response to a single request for a loan or credit.~~

5. ~~The licensee and other business operator shall provide each applicant for a payday loan or open end credit plan with a separate disclosure, signed by the applicant, that clearly identifies all of the loan products available in the licensee's payday lending offices along with the corresponding Annual Percentage Rate, interest rate, and other costs associated with each loan product.~~

6. ~~Upon entering into an open end credit plan secured by a borrower's motor vehicle, the other business operator shall record its security interest with the Department of Motor Vehicles and maintain adequate supporting documentation thereof in its loan file.~~

7. ~~The other business operator shall not enter into an open end credit plan secured by a prospective borrower's motor vehicle if the motor vehicle is already subject to a purchase money security interest or other outstanding lien. The other business operator shall maintain adequate supporting documentation in its loan file that a borrower's motor vehicle was not subject to a purchase money security interest or other outstanding lien at the time the borrower entered into the open end credit plan.~~

G. If a licensee received or receives commission authority for an other business operator to conduct a motor vehicle title lending business from the licensee's payday lending offices, the following additional conditions shall be applicable:

1. The other business operator shall be licensed or exempt from licensing under Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2 of the Code of Virginia.

2. The licensee shall not make a payday loan to a person if (i) the person has an outstanding motor vehicle title loan from the other business operator, or (ii) on the same day the person repaid or satisfied in full a motor vehicle title loan from the other business operator.

3. The other business operator shall not make a motor vehicle title loan to a person if (i) the person has an outstanding payday loan from the licensee, or (ii) on the same day the person repaid or satisfied in full a payday loan from the licensee.

4. The other business operator and the licensee shall not make a motor vehicle title loan and a payday loan contemporaneously or in response to a single request for a loan or credit.

5. The licensee and other business operator shall provide each applicant for a payday loan or motor vehicle title loan

with a separate disclosure, signed by the applicant, that clearly identifies all of the loan products available in the licensee's payday lending offices along with the corresponding Annual Percentage Rate, interest rate, and other costs associated with each loan product. The disclosure shall also identify the collateral, if any, that will be used to secure repayment of each loan product.

H. If a licensee received or receives commission authority for an other business operator to conduct business as an authorized delegate or agent of a money order seller or money transmitter from the licensee's payday lending offices, the other business operator shall be and remain a party to a written agreement to act as an authorized delegate or agent of a person licensed or exempt from licensing as a money order seller or money transmitter under Chapter ~~12~~ 19 (§ ~~6.1-370~~ 6.2-1900 et seq.) of Title ~~6.1~~ 6.2 of the Code of Virginia. The other business operator shall not engage in money order sales or money transmission services on its own behalf or on behalf of any person other than a licensed or exempt money order seller or money transmitter with whom it has a written agreement.

H. I. If a licensee received or receives commission authority for an other business operator to conduct the business of (i) tax preparation and electronic tax filing services, or (ii) facilitating third party tax preparation and electronic tax filing services, from the licensee's payday lending offices, the following additional conditions shall be applicable:

1. The licensee shall not make, arrange, or broker a payday loan that is secured by an interest in a borrower's tax refund, or in whole or in part by (i) any other assignment of income payable to a borrower, or (ii) any assignment of an interest in a borrower's account at a depository institution. This condition shall not be construed to prohibit the licensee from making a payday loan that is secured solely by a check payable to the licensee drawn on a borrower's account at a depository institution.

2. The other business operator shall not engage in the business of (i) accepting funds for transmission to the Internal Revenue Service or other government instrumentalities, or (ii) receiving tax refunds for delivery to individuals, unless licensed or exempt from licensing under Chapter ~~12~~ 19 (§ ~~6.1-370~~ 6.2-1900 et seq.) of Title ~~6.1~~ 6.2 of the Code of Virginia.

I. J. If a licensee received or receives commission authority for an other business operator to conduct the business of facilitating or arranging tax refund anticipation loans or tax refund payments from the licensee's payday lending offices, the following additional conditions shall be applicable:

1. The other business operator shall not facilitate or arrange a tax refund anticipation loan or tax refund payment to enable a person to pay any amount owed to the licensee as a result of a payday loan transaction.

2. The other business operator and the licensee shall not facilitate or arrange a tax refund anticipation loan or tax refund payment and make a payday loan contemporaneously or in response to a single request for a loan or credit.

3. The licensee shall not make, arrange, or broker a payday loan that is secured by an interest in a borrower's tax refund, or in whole or in part by (i) any other assignment of income payable to a borrower, or (ii) any assignment of an interest in a borrower's account at a depository institution. This condition shall not be construed to prohibit the licensee from making a payday loan that is secured solely by a check payable to the licensee drawn on a borrower's account at a depository institution.

4. The other business operator shall not engage in the business of receiving tax refunds or tax refund payments for delivery to individuals unless licensed or exempt from licensing under Chapter ~~42~~ 19 (§ ~~6.1-370~~ 6.2-1900 et seq.) of Title ~~6.1~~ 6.2 of the Code of Virginia.

5. The licensee and other business operator shall provide each applicant for a payday loan or tax refund anticipation loan with a separate disclosure, signed by the applicant, that clearly identifies all of the loan products available in the licensee's payday lending offices along with the corresponding Annual Percentage Rate, interest rate, and other costs associated with each loan product. The disclosure shall also identify the collateral, if any, that will be used to secure repayment of each loan product.

~~J.~~ K. If a licensee received or receives commission authority for an other business operator to conduct a consumer finance business from the licensee's payday lending offices, the following additional conditions shall be applicable:

1. The licensee shall not make a payday loan to a person if (i) the person has an outstanding consumer finance loan from the other business operator, or (ii) on the same day the person repaid or satisfied in full a consumer finance loan from the other business operator.

2. The other business operator shall not make a consumer finance loan to a person if (i) the person has an outstanding payday loan from the licensee, or (ii) on the same day the person repaid or satisfied in full a payday loan from the licensee.

3. The licensee and other business operator shall not make a payday loan and a consumer finance loan contemporaneously or in response to a single request for a loan or credit.

4. The licensee and other business operator shall provide each applicant for a payday loan or consumer finance loan with a separate disclosure, signed by the applicant, that clearly identifies all of the loan products available in the licensee's payday lending offices along with the

corresponding Annual Percentage Rate, interest rate, and other costs associated with each loan product. The disclosure shall also identify the collateral, if any, that will be used to secure repayment of each loan product.

~~K.~~ L. If a licensee received or receives commission authority for an other business operator to conduct the business of operating an automated teller machine from the licensee's payday lending offices, the other business operator shall not charge a fee or receive other compensation in connection with the use of its automated teller machine by a person when the person is withdrawing funds in order to make a payment on a payday loan from the licensee.

~~L.~~ M. The commission may impose any additional conditions upon the conduct of other business in payday lending offices that it deems necessary and in the public interest.

~~M.~~ N. Except as otherwise provided in subsection ~~N.~~ O. of this section, the conditions set forth or referred to in subsections E through ~~L.~~ M. of this section shall supersede the conditions set forth in the commission's approval orders entered prior to ~~February 1, 2010~~ January 1, 2011.

~~N.~~ O. If prior to ~~February 1, 2010~~ January 1, 2011, a licensee received commission authority for an other business operator to conduct a business not identified in subsections F through ~~K.~~ L. of this section, the conditions that were imposed by the commission at the time of the approval shall remain in full force and effect.

~~O.~~ P. Failure by a licensee or other business operator to comply with any provision of this section or any condition imposed by the commission, or failure by a licensee to comply with the Act, this chapter, or any other law or regulation applicable to the conduct of the licensee's business, may result in ~~the~~ revocation of the authority to conduct other business, ~~fines, license suspension, license revocation, or other appropriate or any form of enforcement action specified in 10VAC5-200-120.~~

VA.R. Doc. No. R11-2641; Filed November 2, 2010, 2:43 p.m.



TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Suspension of Regulatory Process and Additional Public Comment Period

Title of Regulation: **13VAC5-51. Virginia Statewide Fire Prevention Code.**

Statutory Authority: § 27-97 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Regulations

Notice is hereby given that, pursuant to § 2.2-4007.06 of the Code of Virginia, the Board of Housing and Community Development is suspending certain provisions of the final Virginia Statewide Fire Prevention Code (13VAC5-51) published in 27:2 VA.R. 183-217 September 27, 2010, and is soliciting additional comments on changes made to these specific provisions between publication of the proposed regulations and publication of the final regulations. The specific provisions are set forth below.

The additional 30-day comment period ends on December 22, 2010. Written comment regarding these specific provisions may be submitted to the agency contact listed below.

13VAC5-51-81 P 5

5. Child day centers, assisted living facilities and adult day care centers licensed by the Virginia Department of Social Services based on licensed capacity as follows:

- 5.1. \$50 for 1 to 8.
- 5.2. \$75 for 9 to 20.
- 5.3. \$100 for 21 to 50.
- 5.4. \$200 for 51 to 100.
- 5.5. \$400 for 101 or more.

13VAC5-51-131 E and F

E. Change Section 315.1 to read:

315.1. General. Storage shall be in accordance with this section.

F. Change Section 315.2 to read:

315.2. Storage in buildings. Storage of materials in buildings shall be orderly and stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

13VAC5-51-133 C, H, and J

C. Add exception to Section 503.2.1 to read:

Exception: Fire apparatus access roads exclusively serving single family dwelling or townhouse developments that are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code shall have an unobstructed width of not less than 18 feet (5486 mm), exclusive of shoulders.

H. Add Sections 507.3.1 and 507.3.2 to read:

507.3.1. Fire flow requirements for fully sprinklered residential developments. Notwithstanding Section 103.1.2, the fire flow requirements in Table B105.1 of Appendix B of the IFC, as modified by Section 507.3.2, shall be permitted to be used for determining fire flow in single family dwelling and townhouse developments which

are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code.

507.3.2. Modifications to Table B105.1. The first six rows of columns five and six of Table B105.1 of Appendix B of the IFC shall be modified as shown below for the use of Table B105.1 in Section 507.3.1.

<u>Type 5-B</u>	<u>Fire-flow (gallons per minute)</u>
<u>0-5000</u>	<u>1000</u>
<u>5001-7200</u>	<u>1250</u>
<u>7201-8200</u>	<u>1500</u>
<u>8201-9500</u>	<u>1750</u>
<u>9501-11300</u>	<u>2000</u>
<u>11301-13000</u>	<u>2250</u>

J. Add Section 507.5.1.1 to read:

507.5.1.1. Fire hydrant requirements for fully sprinklered residential developments. Notwithstanding Section 103.1.2, the number and distribution of fire hydrants in Table C105.1 of Appendix C of the IFC shall be permitted to be used in single family dwelling and townhouse developments which are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code, with the spacing and distances of fire hydrants indicated in Table C105.1 increased by 100%.

13VAC51-133.5 D

D. Change Section 609.3.3.2 to read:

609.3.3.2. Cleaning. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease based upon a written and posted cleaning schedule that shall be established and maintained on the premises by the owner or operator of the ventilation system. The schedule shall be originated by the owner or operator of the ventilation system based upon criteria particular to the cooking operation. Cleanings shall be recorded and the records shall state the extent, time and date of cleaning.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R09-1893; Filed October 29, 2010, 9:51 a.m.

Notice of Suspension of Regulatory Process and Additional Comment Period

Title of Regulation: **13VAC5-63. Virginia Uniform Statewide Building Code.**

Statutory Authority: § 36-98 of the Code of Virginia.

Public Comment Deadline: December 22, 2010.

Notice is hereby given that, pursuant to § 2.2-4007.06 of the Code of Virginia, the Board of Housing and Community Development is suspending certain provisions of the final Virginia Uniform Statewide Building Code (13VAC5-63) published in 27:2 VA.R. 217-342 September 27, 2010, and is soliciting additional comments on changes made to these specific provisions between publication of the proposed regulations and publication of the final regulations. The specific provisions are set forth below.

The additional 30-day comment period ends on December 22, 2010. Written comment regarding these specific provisions may be submitted to the agency contact listed below.

13VAC5-63-210 M 68 and M 69

68. Change Section E3802.4 to read:

E3802.4 In unfinished basements. Where type SE or NM cable is run at angles with joists in unfinished basements, cable assemblies containing two or more conductors of sizes 6 AWG and larger and assemblies containing three or more conductors of sizes 8 AWG and larger shall not require additional protection where attached directly to the bottom of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Table E3802.1. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the where cable enters the raceway. The NM or SE cable sheath shall extend through the conduit or tubing and into the outlet or device box not less than 1/4 inch (6.4 mm). The cable shall be secured within 12 inches (305 mm) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to an equipment grounding conductor.

69. Change Section E3902.11 to read:

E3902.11 Arc-fault protection of bedroom outlets. All branch circuits that supply 120-volt, single phase, 15-ampere and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit.

Exceptions:

1. Where a combination AFCI is installed at the first outlet to provide protection for the remaining portion of

the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and such outlet shall be wired with metal outlet and junction boxes and RMC, IMC, EMT or steel armored cable. Type AC meeting the requirements of Section E3908.8.

2. AFCI protection is not required for a branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel armored cable Type AC meeting the requirements of Section E3908.8.

13VAC5-63-240 E, L, and Q

E. Change Section 903.2.3 of the IBC to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.

2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

L. Change Item 1 of Section 906.1 of the IBC to read:

906.1 General. Portable fire extinguishers shall be provided in occupancies and locations as required by the International Fire Code.

1. In Group A, B, E, F, H, I, M, R-1, R-4, and S occupancies.

[Exceptions Exception]:[1.] Group R-2 occupancies [~~In Group A, B, and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6-2.~~] In Group I-3 occupancies, portable fire extinguishers shall be permitted to be located at staff locations and the access to such extinguishers shall be permitted to be locked.

Q. Change Section 911.1.3 of the IBC to read:

911.1.3 Size. The fire command center shall be a minimum of 96 square feet (9 m²) in area with a minimum dimension of eight feet (2438 mm).

Exception: Where it is determined by the building official, after consultation with the fire chief, that specific building characteristics require a larger fire command center, the building official may increase the minimum required size of the fire command center up to 200 square feet (19 m²) in area with a minimum dimension of up to 10 feet (3048 mm).

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13VAC5-63-245 B

B. Change Section 1005.1 of the IBC to read:

1005.1 Minimum required egress width. The means of egress width shall not be less than required by this section. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.3 inches (7.62 mm) per occupant for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. The width shall not be less than specified elsewhere in this code. Multiple means of egress shall be sized such that the loss of any one means of egress shall not reduce the available capacity to less than 50% of the required capacity. The maximum capacity required from any story of a building shall be maintained to the termination of the means of egress.

Exceptions:

1. Means of egress complying with Section 1028.
2. For occupancies other than Groups H-1, H-2, H-3, H-4 and I-2, in buildings equipped with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.2 inches (5.08 mm) per occupant for stairways and by 0.15 inches (3.81 mm) per occupant for other egress components.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

VA.R. Doc. No. R09-1894; Filed October 29, 2010, 9:51 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Proposed 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.

Titles of Regulations: **14VAC5-40. Rules Governing Life Insurance and Annuity Marketing Practices (repealing 14VAC5-40-10 through 14VAC5-40-80).**

14VAC5-41. Rules Governing Advertisement of Life Insurance and Annuities (adding 14VAC5-41-10 through 14VAC5-41-160).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comment Deadline: December 17, 2010.

Agency Contact: Weldon Hazlewood, Principal Market Examiner, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9047, FAX (804) 371-9944, or email weldon.hazlewood@scc.virginia.gov.

Summary:

The repeal of 14VAC5-40 is necessary because the rules are outdated and many provisions are no longer applicable to current advertising practices. The proposed rules in 14VAC5-41 address and clarify many of the advertisement requirements found in the Code of Virginia, retain some of the provisions from Chapter 40, and more closely follow the National Association of Insurance Commissioners' Model Regulation on this subject. The proposed rules (i) establish the form and content of advertisements; (ii) establish general disclosure requirements; (iii) set standards for advertisements regarding information on premiums, nonguaranteed policy elements and benefits, policy costs and cost comparison, insurer identity, testimonials, and introductory or special offers; and (iv) establish requirements for policies sold to students, licensing, and approval and records maintenance. It is anticipated that these regulations will become effective July 1, 2011.

AT RICHMOND, OCTOBER 20, 2010

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2010-00214

Ex Parte: In the matter of
Repealing and Adopting New
Rules Governing Advertisement
of Life Insurance and Annuities

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides

that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

The Bureau of Insurance ("Bureau") has submitted to the Commission a proposal to repeal Chapter 40 of Title 14 of the Virginia Administrative Code entitled Rules Governing Life Insurance and Annuity Marketing Practices ("Rules"), which are set out at 14 VAC 5-40-10 through 14 VAC 5-40-80, and proposes a new chapter, Chapter 41 of Title 14 of the Virginia Administrative Code entitled Rules Governing Advertisement of Life Insurance and Annuities ("Proposed Rules") set forth at 14 VAC 5-41-10 through 14 VAC 5-41-160.

The repeal of Chapter 40 is necessary because the Rules are old and outdated, and many provisions are no longer applicable to current advertisement practices.

The Proposed Rules in Chapter 41 address and clarify many of the advertisement requirements found in the Code of Virginia, retain some of the provisions from Chapter 40, and more closely follow the National Association of Insurance Commissioners' (NAIC) Model Regulation on this subject. The Proposed Rules establish the form and content of advertisements and general disclosure requirements, set standards for advertisements that include information on premiums, nonguaranteed policy elements and benefits, address policy costs and cost comparison requirements, insurer identity, advertisements using testimonials or offering introductory or special offers, requirements for policies sold to students and licensing, as well as approval and records maintenance requirements.

The Commission is of the opinion that the Rules contained in Chapter 40 of Title 14 of the Virginia Administrative Code should be repealed, and the Proposed Rules at Chapter 41 of Title 14 of the Virginia Administrative Code should be considered for adoption.

THEREFORE, IT IS ORDERED THAT:

(1) The proposal that Chapter 40 of Title 14 of the Virginia Administrative Code set out at 14 VAC 5-40-10 through 14 VAC 5-40-80 be repealed and a new chapter proposed at Chapter 41 of Title 14 of the Virginia Administrative Code set forth at 14 VAC 5-41-10 through 14 VAC 5-41-160, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or request a hearing to oppose the repeal of Chapter 40 and the adoption of the proposed new Chapter 41 shall file such comments or hearing request on or before December 17, 2010, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-

2010-00214. Interested persons desiring to submit comments electronically may do so by following the instructions at the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(3) If no written request for a hearing on the proposed repeal and adoption of new rules is filed on or before December 17, 2010, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposal, may repeal Chapter 40 and adopt proposed Chapter 41 of Title 14 of the Virginia Administrative Code as proposed by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the proposal to repeal and adopt new rules, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Jacqueline K. Cunningham, who forthwith shall give further notice of the proposal to repeal and adopt new rules by mailing a copy of this Order, together with the proposal, to all insurers licensed by the Commission to write life insurance and annuity contracts in the Commonwealth of Virginia, as well as all interested parties.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the proposal to repeal and adopt new rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(6) The Commission's Division of Information Resources shall make available this Order and the attached proposed revisions to the Rules on the Commission's website: <http://www.scc.virginia.gov/case>.

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

CHAPTER 41
RULES GOVERNING ADVERTISEMENT OF LIFE
INSURANCE AND ANNUITIES

14VAC5-41-10. Purpose and applicability.

A. The purpose of this chapter is to set forth minimum standards and guidelines to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies and annuity contracts.

B. All advertisements, regardless of by whom written, created, designed, or presented, shall be the responsibility of the insurer or the agent who created or presented the advertisement.

C. This chapter shall apply to any life insurance or annuity advertisement intended for dissemination in this Commonwealth. In variable contracts where disclosure requirements are established pursuant to federal regulation,

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this chapter shall be interpreted to eliminate any conflict with federal regulation.

14VAC5-41-20. Definitions.

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

"Advertisement" means any marketing communication that is oral, printed, written, or other material of any type from any source that is used by an agent or insurer and that is designed to create or has the effect of creating public interest in life insurance or annuities, or induces or tends to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy including, but not limited to:

1. Printed or published material, audiovisual material, mailing envelopes, or descriptive literature of an insurer or agent used in direct mail, newspapers, magazines, radio, telephone and television scripts, billboards or similar displays, websites and other Internet displays or communications, social media, or other forms of electronic communications;

2. Descriptive literature and sales aids of all kinds, authored by the insurer, its agents, or third parties, issued, distributed, or used by an insurer or agent including but not limited to circulars, booklets, illustrations, form letters, pamphlets, brochures, and books or portions thereof;

3. Materials, statements, or communications of any type used for the recruitment, training, and education of an insurer's sales personnel and agents that are designed to be used or are used to induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy; or

4. Prepared or extemporaneous sales talks, presentations, and material for use or used by agents.

"Advertisement" does not include:

1. Communications or materials used within an insurer's own organization, not used as a sales aid, and not intended to be disseminated to the public;

2. Communications with policyholders other than material urging them to purchase, increase, modify, reinstate, borrow on, surrender, replace, or retain a policy; or

3. A general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Agent" means a person defined in § 38.2-1800 of the Code of Virginia.

"Commission" means the State Corporation Commission.

"Contribution principle" means the dividend determination principle wherein aggregate divisible surplus is distributed or illustrated to be distributed among participating policies in the same proportion as the policies are considered to have contributed to divisible surplus.

"Determinable policy elements" means elements that are derived from processes or methods that are guaranteed at issue and not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates (including any bonus), benefits, values, noninterest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if it was calculated from underlying determinable policy elements only, or from both determinable and guaranteed policy elements.

"Guaranteed policy elements" means the premiums, benefits, values, credits or charges under a policy, or elements of formulas used to determine any of these that are guaranteed and determined at issue.

"Home office" means either the insurer's home office or the principal executive or administrative office of the insurer from which policyholder services available to the citizens of this Commonwealth are directed or administered.

"Insurer" means any person, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's, fraternal benefit society, or any other legal entity that is defined as an "insurer" in the Code of Virginia.

"Nonguaranteed policy elements" means the premiums, credited interest rates (including any bonus), benefits, values, noninterest based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered nonguaranteed if any of the underlying nonguaranteed elements are used in its calculation.

"Policy" means any policy, plan, certificate including a fraternal benefit certificate, contract, agreement, statement of coverage, rider, or endorsement that provides for life insurance or annuity benefits unless otherwise specifically defined in this chapter.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, that evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

14VAC5-41-30. Form and content of advertisements.

A. An advertisement shall not be combined or included with an advertisement of a product or service that is not life

insurance or an annuity that disguises, misleads, misinforms or otherwise minimizes the nature of the advertisement.

B. An advertisement shall be truthful and not misleading in fact or by implication. The form and content of an advertisement shall be sufficiently accurate, complete, and clear so as to avoid deception. It shall not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the commission from the overall impression that the advertisement may be reasonably expected to create within the segment of the public to which it is directed.

C. An advertisement shall not omit material information or use words, phrases, statements, references, or illustrations if the omission or use has the capacity, tendency, or effect of misleading or deceiving purchasers, prospective purchasers or policyowners as to the nature of their relationship with the insurer, or the nature or extent of any policy benefit, loss covered, premium payable, or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.

D. An advertisement shall not make unfair, inaccurate, or incomplete comparisons of policies, benefits, dividends, or rates of other insurers. An advertisement shall not disparage or falsely or unfairly describe other insurers, agents, policies, services, or methods of marketing.

E. An advertisement shall not use the terms "investment," "investment plan," "founder's plan," "charter plan," "expansion plan," "profit," "profits," "profit sharing," "deposit," "interest plan," "savings," "savings plan," "retirement plan," "private pension plan" or other similar terms in connection with a policy in a context or under circumstances or conditions as to have the capacity or tendency to mislead.

F. An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group or quasi-group and as such enjoy special rates, dividends, or underwriting privileges, unless that is fact.

14VAC5-41-40. General disclosure requirements.

A. The information required to be disclosed by this chapter shall not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of an advertisement so as to confuse or mislead.

B. If an advertisement uses the terms "nonmedical," "no medical examination required," or similar terms where issue is not guaranteed, these terms shall be accompanied by a further disclosure of equal prominence and juxtaposition to

the effect that issuance of the policy may depend upon the answers to the health questions contained in the application.

C. An advertisement shall not contain figures, dollar amounts, or statistical information unless it accurately reflects recent and relevant facts. The source of any figures, dollar amounts, or statistics used in advertisements shall be identified therein.

D. An advertisement that relates to a policy under which the death benefit varies with the length of time the policy has been in force shall clearly call attention to the amount of minimum death benefit under the policy. If the death benefit during a specified period following the policy date of issue is limited to an amount equal to the sum of the premiums paid on the policy (with or without interest at a stated rate and regardless of whether the premiums are assumed to have always been paid annually), then any advertisement of the policy by an insurer shall prominently and clearly disclose the nature of the limited benefit. For the purposes of this subdivision only, the term "death benefit" does not include amounts payable because of accidental death, and exclusions applicable to death caused by suicide, occupational hazard, or aviation hazard are not to be considered in deriving the "death benefit."

E. Any advertisement that mentions or refers to universal life insurance premiums shall include the following disclosure:

"It is possible that coverage will expire when either no premiums are paid following the initial premium, or subsequent premiums are insufficient to continue coverage."

F. An insurer or agent shall advise a prospective applicant who is considering replacing a policy that under the existing policy the period of time during which the existing insurer could contest the policy or deny coverage for death caused by suicide may have expired or may expire earlier than it will under the proposed policy.

G. An advertisement for life insurance or an annuity that is to be used to fund a preneed funeral contract shall disclose that fact.

H. An advertisement for life insurance or an annuity in which the face amount or any part of the face amount is based on the actual or estimated cost of funeral goods or services shall contain the following disclosure:

"This is (life insurance or an annuity). This (life insurance or annuity) does not specifically cover funeral goods or services. The beneficiary of this (life insurance or annuity) may use the proceeds of this (life insurance or annuity) for any purpose, unless otherwise directed. The face amount of this (life insurance or annuity) is not guaranteed to increase at the same rate as the costs of a funeral increase."

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14VAC5-41-50. Premiums.

A. An amount that is a premium for a policy shall be referred to in any advertisement only as a premium. The use of words such as "deposit," "deposit premium," "investment," or other misleading or confusing terminology to refer to a premium is prohibited.

B. An advertisement shall not contain a statement or representation that premiums paid for a policy can be withdrawn under the terms of the policy. Reference may be made to amounts paid into an advance premium fund, which are intended to pay premiums at a future time, to the effect that they may be withdrawn under the conditions of the prepayment agreement. Reference also may be made to withdrawal rights under any unconditional premium refund offer.

C. An advertisement for a policy with nonlevel premiums shall prominently describe the premium changes.

D. An advertisement in which the insurer describes a policy that reserves the right to change the amount of the premium during the policy term shall prominently describe this feature.

E. An advertisement for a policy with pure endowment benefits payable within the premium paying period shall contain information regarding the premium charged in a clearly identified separate amount. The specific amount of each separate endowment shall be shown in dollar amounts only. An advertisement shall not represent a pure endowment benefit as a "profit" or "return" on the premium paid, rather than a policy benefit for which a specified premium is paid.

F. An advertisement shall not imply the existence of an actuarial relationship between a specific premium or portion thereof, and a specific benefit or portion thereof, provided under a policy where, in fact, none exists. No premium or a portion of a premium shall be represented as an "additional," "separate," or "special" premium unless there is an actuarial relationship between the premium or portion thereof, and some specifically identifiable benefit or portion thereof.

G. No artificial relationships among premiums, interest rates, and benefits or portions thereof shall be implied or created.

H. An advertisement shall not represent that premium payments will not be required for each year of the policy in order to maintain the illustrated death benefits, unless that is the fact.

I. An advertisement shall not use the term "vanish," "vanishing premium," or a similar term that implies the policy becomes paid up, to describe a plan using nonguaranteed elements to pay a portion of future premiums.

14VAC5-41-60. Nonguaranteed policy elements.

A. An advertisement shall not utilize or describe nonguaranteed policy elements in a manner that is misleading

or has the capacity or tendency to mislead. In this connection, analogies and comparisons between dividends payable on shares of stock and dividends payable under a policy are prohibited unless the advertisement fully, clearly, and accurately describes the differences.

B. An advertisement shall not state or imply that the payment or amount of nonguaranteed policy elements is guaranteed. If nonguaranteed policy elements are illustrated, they shall be based on the insurer's current scale, and the illustration shall contain a prominent statement to the effect that the nonguaranteed policy elements are not to be construed as guarantees of amounts to be paid in the future.

C. An advertisement shall not state or imply that illustrated dividends or other nonguaranteed policy elements under either or both a participating policy or pure endowment will be or can be sufficient at any future time to assure without the future payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains the benefits or coverage provided at that time and the conditions required for that to occur.

D. An advertisement shall not state or imply that dividends are other than mainly a refund or return of part of the premium paid or that dividends are guaranteed.

E. An advertisement shall not state or imply that a prospective policyholder will receive dividends or other nonguaranteed benefits, or special or favored treatment in the allowance or payment of amounts or other monetary benefits not expressly provided in the policy.

F. An advertisement shall not refer to dividends as "tax free" or use words of similar import, unless the tax treatment of dividends is fully explained and the nature of the dividend as a return of premium is indicated clearly.

G. An advertisement shall show dividends in dollar amount form only.

H. If a dividend illustration is determined in a manner involving substantial deviation from the contribution principle, an advertisement showing illustrated dividends shall prominently display the following caution: "The illustrated dividends for this policy were determined in a manner inconsistent with generally accepted practices."

14VAC5-41-70. Policies and benefits.

A. An advertisement shall not use as the name or title of a policy any phrase which omits the words "life insurance" or "annuity," as appropriate, unless accompanied by other language clearly indicating it is life insurance or an annuity.

B. An advertisement shall clearly and prominently describe the true nature or type of policy advertised.

C. An advertisement shall not state, represent or imply that a prospective or current policyholder will receive the right to benefits that are not a part of the policy itself, or made an

effective part of the policy by rider or other instrument approved by and on file with the commission.

D. An advertisement shall not represent, directly or indirectly, that a policy may be sold only to certain persons because of their occupation, association, age, sex, or other condition unless it can be shown that the policy advertised is, in fact, sold only to those persons.

E. An advertisement shall not contain statements indicating that because a prospect has agreed to furnish names of potential purchasers, he is entitled to any specific benefits not available to all policyholders generally.

F. An advertisement shall not represent an increasing or other term insurance provision as a return of premium, a cash surrender value, or anything other than a guaranteed insurance benefit for which a premium is charged.

G. An advertisement shall not state or imply that a policy contains features or benefits that are not found in other policies, unless that is true.

H. In any advertisement, the basic death benefit shall be shown as a single amount, not arbitrarily or deceptively split into two or more parts, implying that there is a relationship between some part of a premium or other policy amount and some part of the death benefit, unless that is the fact, and provided the relationship is not for the purpose of, or may likely have the effect of, misleading or deceiving.

I. If nonforfeiture values are shown in any advertisement, the values must be shown either for the entire amount of the basic death benefit or for each \$1,000 of initial death benefit.

J. An advertisement shall not state or imply that on the death of an insured, the beneficiary will receive, or should have received, the cash value of a policy in addition to the face amount, unless the policy so provides.

K. An advertisement shall not state or imply in any way that interest charged on a policy loan or the reduction of death benefits by the amount of outstanding policy loans is unfair, inequitable, or in any manner an incorrect or improper practice.

L. The use of savings "passbooks" and similar misleading techniques to show a policy's cash value is prohibited.

M. Analogies between a policy's cash values and savings accounts or other investments, and between premium payments and contributions to savings accounts or other investments shall be complete and accurate. The analogy shall make clear that the representation is an analogy only and that cash values and premium payments are not identical to a savings account or other investments and contributions.

N. An advertisement shall not represent a pure endowment benefit as earnings on premiums paid or represent that a pure endowment benefit in a policy is other than a guaranteed benefit for which a specific part or all of the premium is being

paid by the policyholder. For the purpose of this section, coupons or other devices for periodic payment of endowment benefits are included within the phrase "a pure endowment benefit."

14VAC5-41-80. Policy costs and cost comparisons.

A. The words "free," "no cost," "without cost," "no additional cost," "at no extra cost," or words of similar import shall not be used with respect to any benefit or service being made available with a policy unless true. If there is no charge to the insured, then the identity of the payor and the amount of the payment shall be prominently disclosed. An advertisement may specify the charge for a benefit or a service or may state that a charge is included in the premium or use other appropriate language.

B. An advertisement of a particular policy shall not use the phrase "inexpensive," "low cost" or any similar term unless that fact is capable of being demonstrated to the satisfaction of the commission.

C. An advertisement shall not imply or state that all older policies are more or less costly than newer policies.

D. A system or presentation that does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the costs of two or more policies. The system may be used for the purpose of providing accounting information on a single policy owned by a business or for the purpose of showing the income tax implications of ownership of a single policy provided (i) it is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today, and (ii) it is not used, directly or by implication, for purposes of illustrating the cost of the policy.

E. An advertisement of two or more policies sold as a "package" or other combination shall not direct attention improperly at the cost competitiveness of one part of the "package" when the cost competitiveness of that part is not indicative of the cost competitiveness of the "package" as a whole.

F. An advertisement of a single policy shall not direct attention improperly at the cost competitiveness of a part of the policy when the cost competitiveness of that part is not indicative of the cost competitiveness of the entire policy.

G. An advertisement of a policy at a particular issue age, sex, or amount shall not lead prospective policyholders to believe that the cost competitiveness of the policy is similar at other issue ages, sex, or amounts unless that is a fact.

H. An advertisement containing a cost comparison of two or more policies with nonguaranteed policy elements in which the method of investment income allocation differs between or among the policies shall state that fact and shall contain a brief explanation of the implications of the cost comparison.

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14VAC5-41-90. Insurer identity and representations.

A. An advertisement shall not contain statements, pictures, comparative financial ratios, or illustrations that are false, misleading, or irrelevant in fact or by implication, with respect to the assets, liabilities, insurance in force, corporate structure, financial condition, age, or relative position of the insurer in the insurance business or with regard to affiliates or subsidiaries of the insurer. An advertisement shall not contain a recommendation by any commercial rating service unless it clearly defines the scope and extent of the recommendation.

B. An advertisement shall not state or imply that a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general account assets of the insurer unless that is a fact.

C. The name of the insurer shall be clearly identified in all advertisements about the insurer or its products, and if any specific policy is advertised it shall be identified either by its form number or other appropriate description. If an application is a part of the advertisement, the name of the insurer shall be shown on the application.

D. An advertisement shall not use a trade name, an insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, a reinsurer of the insurer, service mark, slogan, symbol, or other device or reference without disclosing the name of the insurer if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the insurer, or create the impression that a company other than the insurer would have any responsibility for the financial obligations under a policy.

E. An advertisement shall not use any combination of words, symbols, or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a governmental program or agency or otherwise appear to be of a nature that they tend to mislead prospective insureds into believing that the solicitation is in some manner connected with a governmental program or agency.

F. An advertisement shall not use any combination of words, symbols, or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a noninsurance company with whom the prospective insured has a financial relationship or otherwise appear to be of a nature that it tends to mislead or deceive the prospective insured into believing that the purchase of insurance is required by the company.

G. An advertisement shall not represent that the mere size of an insurer or its total insurance in force necessarily affects either the solvency of the insurer or the reliability of the policies issued by the insurer.

H. An advertisement shall not contain any statement that would lead a prospective buyer or policyholder of life insurance or annuity to believe that he is acquiring stock in an insurer by purchasing the life insurance or annuity.

I. An advertisement shall not contain any statement that creates an inference that policyholders are entitled to benefits or profits on the same basis as stockholders.

J. An insurer or agent shall not use the terms "financial planner," "investment advisor," "financial consultant," "financial counseling" or other similar terms in a way that implies that the person who is engaged in the business of insurance, is generally engaged in an advisory business in which compensation is unrelated to sales unless that is actually a fact. No person engaged in the business of insurance shall hold himself out, directly or indirectly, to the public as a "financial planner," "investment advisor," "financial consultant," "financial counselor" or any other specialist engaged in the business of giving complete financial planning advice relating to investments, insurance, real estate, tax matters, and trust and estate matters unless that person in fact is engaged in that business and renders those services. Not included in "services" is the presentation of computer printouts that fall into the category of advanced programming for the purpose of selling a policy.

K. An advertisement of a policy marketed by direct response techniques shall not state or imply that because there is no insurance agent or commission involved there will be a cost savings to prospective purchasers unless that is the fact.

L. An insurer or agent shall not use materials, statements, or communications of any kind that when used alone are not misleading, but become deceptive or misleading when combined.

M. An insurer or agent shall not offer or provide to a proposed insured or other person a gift of substantial value if an application, inquiry card, or reinstatement application is returned within a specified period of time. For purposes of this subsection, a gift valued at \$5.00 or less shall not be considered of substantial value.

14VAC5-41-100. Testimonials, appraisals, analyses and endorsements.

A. A testimonial, appraisal, analysis, or endorsement used in an advertisement shall be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced with sufficient completeness to avoid misleading or deceiving prospective insureds as to the nature or scope of the testimonial, appraisal, analysis, or endorsement. In using testimonials, appraisals, analyses, or endorsements the insurer or agent makes as its own all the statements contained therein, and these statements are subject to all provisions of this chapter.

B. If the individual making a testimonial, appraisal, analysis, or endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee, or otherwise, that fact shall be clearly and prominently disclosed in the advertisement. If an individual receives any financial benefit directly or indirectly, greater than required union scale wages, that fact shall be clearly and prominently disclosed in the advertisement by language identical or substantially similar to the following: "THIS IS A PAID ENDORSEMENT."

C. An advertisement shall not state or imply that an insurer or a policy has been approved or endorsed by a group of individuals, society, association, or other organization unless that is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled, or managed by the insurer or receives any payment or other consideration from the insurer for making the endorsement or testimonial, that fact shall be disclosed in the advertisement.

14VAC5-41-110. Introductory, initial or special offers.

A. An advertisement of one policy or combination of policies shall not state or imply that the policy or combination of policies is an introductory, initial, or special offer, or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless that is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.

B. An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of a particular policy because of special advantages available in the policy.

C. An advertisement shall not offer a policy that utilizes a reduced initial premium rate in a manner that overemphasizes the availability and the amount of the reduced initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol that refers the reader to that specific portion of the advertisement that contains the full rate schedule for the policy.

D. An enrollment period during which a particular policy may be purchased on an individual basis shall not be offered within this Commonwealth unless there has been a lapse of not less than six months between the close of the immediately preceding enrollment period for the same or substantially similar policy and the opening of a new enrollment period. The advertisement shall specify the date by which the

applicant must mail the application, that shall be not less than 10 days and not more than 40 days from the date on which the enrollment period is presented for the first time in the advertisement. This section applies to all the affiliated companies of a group of insurance companies under common management or control. This section does not apply to the use of a termination or cutoff date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations of employees or members of a particular group or association that otherwise would be eligible under specific provisions of the Code of Virginia for group, blanket, or franchise insurance. In cases where a policy is marketed on a direct response basis to prospective insureds by reason of some common relationship with a sponsoring organization, this section shall be applied separately to each sponsoring organization.

14VAC5-41-120. Policies sold to students.

A. The envelope in which advertisement material is contained may be addressed to the parents of students. The address shall not include any combination of words that imply that the correspondence is from a school, college, university, or other education or training institution nor shall it imply that the institution has endorsed the material or supplied the insurer with information about the student unless that is a fact.

B. All advertisements including, but not limited to, informational flyers shall be clearly identified as coming from an insurer or agent, if that is the case, and these entities shall be clearly marked as such.

C. The return address on the envelope shall not imply that the soliciting insurer or agent is affiliated with a university, college, school, or other educational or training institution unless that is a fact.

14VAC5-41-130. Individual deferred annuity contracts or deposit funds.

A. Any illustrations or statements containing or based upon nonguaranteed interest rates shall likewise set forth with equal prominence comparable illustrations or statements containing or based upon the guaranteed accumulation rates. The nonguaranteed interest rate shall not be greater than those currently being credited by the company unless the nonguaranteed rates have been publicly declared by the company with an effective date for new issues not more than three months subsequent to the date of declaration.

B. If an advertisement for a particular annuity or advance premium fund states the accumulation interest rate based on net contributions, it shall also disclose in close proximity and with equal prominence, the accumulation interest rate based on gross contribution and the relationship between gross and net contributions.

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C. An advertisement shall not state or imply that annuities or advance premium funds are accorded preferential tax treatment unless the advertisement describes the tax consequences of purchasing an annuity or making payments into an advance premium fund, including tax consequences on surrender and on death.

D. If the contract does not provide a cash surrender benefit prior to commencement of payment of annuity benefits, an illustration or statement concerning the contract shall prominently state that cash surrender benefits are not provided.

E. Any illustrations, depictions, or statements containing or based on determinable policy elements shall set forth with equal prominence comparable illustrations, depictions, or statements containing or based on guaranteed policy elements.

14VAC5-41-140. Jurisdictional licensing.

A. An advertisement that is intended to be seen or heard beyond the limits of the jurisdiction in which the insurer or agent is licensed shall not imply licensing beyond those limits.

B. An advertisement may state that an insurer or agent is licensed in the state where the advertisement appears, provided it does not exaggerate that fact or suggest or imply that competing insurers or agents may not be so licensed.

C. An advertisement shall not create the impression that the insurer, its financial condition or status, the payment of its claims, or the merits, desirability, or advisability of its policy forms or kinds of plans of insurance are recommended or endorsed by any governmental entity. However, where a governmental entity has recommended or endorsed a policy form or plan, that fact may be stated if the entity authorizes its recommendation or endorsement to be used in an advertisement.

D. An advertisement shall not represent or imply that any financial ratio, illustrative material or advertisement, including pictures, diagrams, charts, projections, or other material, has been approved or sanctioned by the commission, unless that is a fact.

14VAC5-41-150. Approval and records maintenance requirements.

A. All advertisements written, created, designed, or presented by an agent or other party responsible for advertisement shall be approved by the insurer.

B. Each insurer shall establish and at all times maintain a system of control over the method of dissemination, content, and form of all advertisements of its policies. A system of control shall include regular and routine notification to agents, brokers, and others authorized by the insurer to disseminate advertisements of the requirement and

procedures for company approval prior to the use of any advertisement that is not furnished by the insurer.

C. Each insurer shall maintain at its home or principal office a complete file containing a specimen copy of every printed, published, or prepared advertisement of its individual policies and specimen copies of typical printed, published, or prepared advertisements of its blanket, franchise, and group policies, disseminated in this Commonwealth, with a notation indicating the manner and extent of distribution and the form number of any policy referred to in any advertisement. The file shall be subject to inspection by the commission. All advertisements shall be maintained in the file for a period of five years after discontinuance of their use or publication.

D. Each insurer shall inform its agents of the requirements of this regulation.

E. If the commission finds that it may be in the best interests of the public, at the commission's specific request, it may require particular insurers or agents to submit all or any part of their advertisements to the commission for review or approval prior to use.

14VAC5-41-160. Severability.

If any provision of this chapter or its application to any person or circumstance is for any reason held to be invalid by a court, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected.

VA.R. Doc. No. R11-2414; Filed October 21, 2010, 9:19 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Environmental Study on Eight Stream Segments Within the James River Watershed

Purpose of notice: To seek public comment and announce a public meeting on two water quality studies by the Department of Environmental Quality (DEQ) for eight stream segments that drain from portions of Campbell, Bedford, and Amherst counties and the City of Lynchburg and are located within the James River watershed.

Public meeting information: The meeting will be held on Thursday, December 9, 2010, in the Community Room of the Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, VA, from 6:30 p.m. to 8:30 p.m.

Comment period: December 10, 2010, to January 10, 2011.

Meeting description: Virginia agencies are working to identify and eliminate sources of bacteria contamination in eight stream segments from the James River watershed in Central Virginia that currently exceed DEQ water quality standards and are listed on the "impaired," or dirty waters, list. The local streams included in the studies are: 18.43 miles of James River, 5.37 miles of Ivy Creek, 5.9 miles of Tomahawk Creek, 3.47 miles of Burton Creek, 10.55 miles of Judith Creek, 5.45 miles of Fishing Creek, 10.24 miles of Blackwater Creek, and 8.5 miles of Beaver Creek.

The pending public meeting will present and allow public comment and questions on two water quality studies, which include:

1. An amendment to the James River total maximum daily load (TMDL) developed and adopted in 2007. The TMDL study provides a summary of the source of pollutants within the stream segments and provides a summary of the amount of pollutant that must be removed to meet water quality standards for the eight stream segments.
2. The James River TMDL Implementation Plan, or watershed management plan, presents an outline of voluntary actions or practices that should be utilized within the region to meet the water quality standard (TMDL) for the local streams.

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. DEQ also accepts written and oral comments at the public meeting announced in this notice. Written comments should be directed to Paula Nash, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, email paula.nash@deq.virginia.gov, or telephone (434) 582-5120, or to Kelly Hitchcock, Virginia's Region 2000 Local Government Council, 828 Main Street, 12th

Floor, Lynchburg, VA 24504, email khitchcock@region2000.org, or telephone (434) 845-3491.

Additional information: For additional information on the James River Basin TMDL or the James River TMDL Implementation Plan, you may (i) contact Kelly Hitchcock, contact information above, (ii) go to the Environmental Section of the Virginia's Region 2000 Local Government Council website at <http://region2000.org/environmental-services.html>, or (iii) go to the DEQ website at www.deq.virginia.gov.

PCB Total Maximum Daily Load (TMDL) Study in the Elizabeth River and Lower James River Watersheds

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on a water quality study for the Elizabeth River mainstem, branches, and several tributaries as well as the middle-lower portions of the James River and major tributaries, on Wednesday, December 1, 2010. The meeting will start at 6 p.m. in the DEQ, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA.

There are several impaired estuarine and tributary segments in the James River and Elizabeth River watersheds that were identified in the 2006 and 2008 Water Quality Assessment and Integrated Reports due to violations of Virginia's water quality standards for PCB (polychlorinated biphenyl) in fish tissue. The PCB-impaired segments include the entire mainstem of the James River, from the fall line to the mouth and major tributaries: Nansemond River, Pagan River, Jones Creek, Chuckatuck and Brewers Creeks, and Bennett Creek. For the purpose of this meeting, the portion of the James River covered in this region will extend southward from the Chickahominy River. Included in the Elizabeth River watershed are the main channel, the Western, Southern and Eastern Branches, St. Julian's Creek, Deep Creek, Broad Creek, and Willoughby Bay.

The purpose of the study will be to identify sources in the watersheds and to determine the reductions in loadings needed to meet the water quality goals. The TMDL will be used to determine a water quality endpoint. Because violations of Virginia's water quality standards for PCB in fish tissue have been detected, the objective of the PCB TMDL will be to ensure the "fishing" designated use in the river is supported to allow consumption of fish protective of human health.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report and subsequent Water Quality Assessment Reports.

The public comment period on materials presented at this meeting will extend from December 2, 2010, to January 3, 2011. For additional information or to submit comments,

General Notices/Errata

contact Jennifer Howell, Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, by telephone (757) 518-2111, or by email jennifer.howell@deq.virginia.gov. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

Total Maximum Daily Load Implementation Plan for Hays Creek, Walker Creek, Moffatts Creek, and Otts Creek in Augusta and Rockbridge Counties

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan for Hays Creek, Walker Creek, Moffatts Creek, and Otts Creek in Augusta and Rockbridge counties. Hays Creek was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. This impairment extends for 11.99 miles from Moffatts Creek to the confluence with the Maury River. Tributaries of Hays Creek, including Moffatts Creek, Walker Creek, and Otts Creek are also listed on the 2006 303(d) TMDL Priority List and Report for violations of the state's water quality standard for bacteria. These TMDLs were approved by EPA on May 19, 2008, and are available on DEQ's website at http://gisweb.deq.virginia.gov/tmdlapp/tmdl_report_search.cfm.

Section 62.1-44.19:7 C of the Code of Virginia requires the development of an implementation plan (IP) for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

DEQ and DCR will hold a final public meeting on Thursday, December 2, 2010, at 7 p.m. to inform the public of the IP development and to solicit comments on the draft document. The meeting will be held at the Rockbridge Baths Volunteer Fire Department, 5024 Maury River Road, Rockbridge Baths, VA.

The draft implementation plan will be available for review on DEQ's website no later than December 2, 2010, at <http://www.deq.virginia.gov/tmdl/iprpts.html>. The public comment period for this final public meeting will end on Monday January 3, 2011. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Nesha McRae, Department of Conservation and Recreation, 44 Sangers Lane, Suite 102, Staunton, VA 24401, telephone (540) 332-9238, or email nesha.mcrae@dcr.virginia.gov.

DEPARTMENT OF HEALTH

Drinking Water State Revolving Fund Program - Intended Use Plan for FY2010

The Virginia Department of Health (VDH) received numerous funding requests and set-aside suggestions following the January 2009 announcement regarding funds available from the Drinking Water State Revolving Fund Program. Through the Safe Drinking Water Act, Congress authorizes capitalization grants to the states but authorization has not been finalized.

VDH's Office of Drinking Water (ODW) has prepared a draft intended use plan (IUP) using information submitted via the funding requests and set-aside suggestions. This draft IUP is for review and comment by the public. The document entitled "Virginia Drinking Water State Revolving Fund Program Design Manual" (dated January 12, 2009) is a part of the IUP. This document was mailed in the January announcement and is available at: <http://www.vdh.virginia.gov/drinkingwater/financial>.

As previously announced, VDH will hold a public meeting. The meeting will be on Wednesday, December 15, 2010, from 8:30 a.m. to 10:30 a.m. at the Office of Drinking Water East Central Field Office, 300 Turner Road, Richmond, VA 23225. In addition, comments from the public are to be postmarked by Friday, December 24, 2010.

Those parties planning to attend may contact Theresa Hewlett at (804) 864-7501 by the close of business on Monday, December 13, 2010. Please direct your requests for information and forward written comments to: Steven D. Pellei, P. E., Virginia Department of Health, Office of Drinking Water, James Madison Building, Room 622, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7489, FAX (804) 864-7521.

Contact Information: Steven D. Pellei, P.E., Program Manager, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7489, FAX (804) 864-7521, or email steve.pellei@vdh.virginia.gov.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on November 3, 2010. The orders may be viewed at the State Lottery Department, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, VA.

Director's Order Number Ninety-Two (10)

Virginia's Instant Game Lottery 1205; "Tis The Season" Final Rules for Game Operation (effective nunc pro tunc to November 2, 2010)

Director's Order Number Ninety-Six (10)

Virginia's Twenty-Fourth On-Line Game "Virginia's New Year Millionaire Raffle" Final Rules for Game Operation (effective nunc pro tunc to November 2, 2010)

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available 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.

