



# VIRGINIA

## REGISTER OF REGULATIONS

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Virginia Code Commission

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# VIRGINIA REGISTER INFORMATION PAGE

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**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 18 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. **29:5 VA.R. 1075-1192 November 5, 2012**, refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

*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**, Chair; **James M. LeMunyon**, Vice Chair; **Gregory D. Habeeb**; **Ryan T. McDougle**; **Pamela S. Baskerville**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Mark J. Vucci**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **Karen Perrine**, Assistant Registrar; **Anne Bloomsburg**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Operations Staff Assistant.

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## PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

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### July 2016 through July 2017

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
32:24	July 6, 2016	July 25, 2016
32:25	July 20, 2016	August 8, 2016
32:26	August 3, 2016	August 22, 2016
33:1	August 17, 2016	September 5, 2016
33:2	August 31, 2016	September 19, 2016
33:3	September 14, 2016	October 3, 2016
33:4	September 28, 2016	October 17, 2016
33:5	October 12, 2016	October 31, 2016
33:6	October 26, 2016	November 14, 2016
33:7	November 9, 2016	November 28, 2016
33:8	November 22, 2016 ( <b>Tuesday</b> )	December 12, 2016
33:9	December 7, 2016	December 26, 2016
33:10	December 19, 2016 ( <b>Monday</b> )	January 9, 2017
33:11	January 4, 2017	January 23, 2017
33:12	January 18, 2017	February 6, 2017
33:13	February 1, 2017	February 20, 2017
33:14	February 15, 2017	March 6, 2017
33:15	March 1, 2017	March 20, 2017
33:16	March 15, 2017	April 3, 2017
33:17	March 29, 2017	April 17, 2017
33:18	April 12, 2017	May 1, 2017
33:19	April 26, 2017	May 15, 2017
33:20	May 10, 2017	May 29, 2017
33:21	May 24, 2017	June 12, 2017
33:22	June 7, 2017	June 26, 2017
33:23	June 21, 2017	July 10, 2017

\*Filing deadlines are Wednesdays unless otherwise specified.

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# PETITIONS FOR RULEMAKING

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## TITLE 3. ALCOHOLIC BEVERAGES ALCOHOLIC BEVERAGE CONTROL BOARD

### Agency Decision

Title of Regulation: 3VAC5-30. Tied-House.

Statutory Authority: § 4.1-111 of the Code of Virginia.

Name of Petitioner: Terri Bierne, Esq. - Eastern Counsel to the Wine Institute.

Nature of Petitioner's Request: A request has been submitted by the Wine Institute requesting that 3VAC5-30 be amended to prohibit wine wholesale licensees from charging an additional fee or upcharge on split or mixed cases of wine sold to retail licensees.

Agency Decision: Request denied.

Statement of Reason for Decision: The Virginia Alcoholic Beverage Control Board held a public comment period concerning the petition that requested an amendment to the existing pricing regulation. The petitioner requested that the existing regulation be amended to prohibit wine wholesalers from charging an additional fee to retailers when less than a full case of wine was purchased. The board took public comment at a meeting on June 22, 2016. At this meeting, the board heard from the petitioner and declined to proceed with the requested regulatory action.

Agency Contact: Shawn Walker, Director of Law Enforcement, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4569, or email shawn.walker@abc.virginia.gov.

VA.R. Doc. No. R16-23; Filed July 6, 2016, 10:19 a.m.

### Agency Decision

Title of Regulation: 3VAC5-30. Tied-House.

Statutory Authority: § 4.1-111 of the Code of Virginia.

Name of Petitioner: Walter Marston, Esq. representing the Virginia Wine Wholesalers Association.

Nature of Petitioner's Request: A request has been received from the Virginia Wine Wholesalers Association requesting that 3VAC5-30 be amended to permit wine wholesalers to differentiate between on-premises and off-premises licensees in prices charged.

Agency Decision: Request granted.

Statement of Reason for Decision: The Virginia Alcoholic Beverage Control Board held a public comment period concerning the petition that requested an amendment to the existing pricing regulation. The petitioner requested that the existing regulation be amended to allow for differences in pricing between off-premises and on-premises retailers. The board took public comment on June 22, 2016. At this

meeting, the board considered all previously submitted written comments, all of which fully supported the proposal. The board decided to proceed with the requested regulatory action.

Agency Contact: Shawn Walker, Director of Law Enforcement, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4569, or email shawn.walker@abc.virginia.gov.

VA.R. Doc. No. R16-24; Filed July 6, 2016, 10:17 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

### Agency Decision

Title of Regulation: 18VAC85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic.

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

Name of Petitioner: Mitch Gray.

Nature of Petitioner's Request: The petition for rulemaking requests an amendment to requirements for standards for professional conduct in the practice of medicine. Specifically, it requests the addition of a requirement for physicians to wear gloves when conducting a genital examination to protect both the patient against the perception of sexual conduct and the physician against the transmission of sexually-transmitted disease.

Agency Decision: Request denied.

Statement of Reason for Decision: At its June 16, 2016, meeting, the Board of Medicine decided not to initiate rulemaking. While members agreed that wearing of gloves is the standard of care for most patients, it did not agree that this commonplace practice needed to be singled out for regulatory action.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4688, FAX (804) 527-4434, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R16-25; Filed June 24, 2016, 4:53 p.m.

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# NOTICES OF INTENDED REGULATORY ACTION

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD FOR CONTRACTORS

#### **Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **18VAC50-30, Individual License and Certification Regulations**, which was published in [32:7 VA.R. 1135-1136 November 30, 2015](#). The board plans to initiate a new regulatory action at a later date.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

VA.R. Doc. No. R16-4354; Filed June 27, 2016, 12:49 p.m.

#### **Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **18VAC50-30, Individual License and Certification Regulations**, which was published in [32:11 VA.R. 1867 January 25, 2016](#). The board plans to initiate a new regulatory action at a later date.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email [contractors@dpor.virginia.gov](mailto:contractors@dpor.virginia.gov).

VA.R. Doc. No. R16-4584; Filed June 27, 2016, 12:47 p.m.

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# REGULATIONS

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

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## 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.

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## TITLE 2. AGRICULTURE

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

#### Final Regulation

Titles of Regulations: 2VAC5-110. Rules and Regulations Pertaining to a Pound or Enclosure to Be Maintained by Each County or City (repealing 2VAC5-110-10 through 2VAC5-110-110).

**2VAC5-111. Public and Private Animal Shelters (adding 2VAC5-111-10 through 2VAC5-111-40).**

Statutory Authority: § 3.2-6501 of the Code of Virginia.

Effective Date: August 24, 2016.

Agency Contact: Dr.Carolynn Bissett, Program Manager, Office of Animal Care and Emergency Response, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2483, FAX (804) 371-2380, TTY (800) 828-1120, or email carolynn.bissett@vdacs.virginia.gov.

#### Summary:

*This action repeals the existing regulation that governs public animal shelters and replaces it with a regulation that governs both public and private animal shelters. The substantive changes in the replacement regulation (i) require animal shelters to provide each animal with an appropriate resting platform, bedding, or perch; (ii) require each shelter to have protocols that have been approved by a veterinarian for the medical treatment of animals, the control of infectious disease, and the management and care of neonatal and medically compromised animals; and (iii) require private animal shelters to have special housing for strays that are subject to a holding period.*

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 111

#### PUBLIC AND PRIVATE ANIMAL SHELTERS

#### **2VAC5-111-10. Definitions.**

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

"Animal" means any nonaquatic companion animal that is in the custody of a public or private animal shelter and that is confined in or on the premises of the animal shelter.

"Enclosure" means a structure used to house or restrict animals from running at large such as a room, pen, cage, run, compartment, hutch, terrarium, or otherwise confined habitat.

"Facility" means a public animal shelter or private animal shelter as defined in § 3.2-6500 of the Code of Virginia.

#### **2VAC5-111-20. General provisions.**

A. Each facility shall be kept in a clean, dry, and sanitary condition and shall provide enclosures that can safely house and allow for adequate separation of animals of different species, sexes, ages, and temperaments. Animals shall be maintained in a manner that protects them against theft, injury, escape, and exposure to harmful substances.

B. Each facility shall ensure that all enclosures provide adequate shelter that is properly ventilated and that can be maintained at a comfortable temperature for the animals confined therein. An enclosure shall not be cleaned when occupied by an animal unless the animal can be further confined in a portion of the enclosure that precludes exposure to any cleaning agent including water and shall be thoroughly dry before the enclosure is returned to use. A disinfectant or germicidal agent shall be used when cleaning an enclosure.

C. Each facility shall reasonably endeavor to ensure that drinking water is available to each animal at all times unless otherwise ordered by a licensed veterinarian. Drinking water receptacles or bowls shall be secured to the enclosure in a fixed position or otherwise be of a design that cannot be tipped over by an animal and shall be maintained in sanitary condition.

D. Each facility shall ensure that animals are adequately and appropriately fed according to their species and age and that feed is stored in a manner that prevents spoilage, infestation, and contamination. All feed delivery utensils and receptacles shall be properly cleaned between uses.

E. Each facility shall ensure that each animal is provided access to a resting platform, bedding, or perch as appropriate to its species, age, and condition. All enclosures shall have solid floors.

#### **2VAC5-111-30. Provision of veterinary treatment.**

A. Each facility shall engage a licensed veterinarian to develop or ratify a protocol for determining if an ill, injured, or otherwise compromised animal requires treatment by a licensed veterinarian. Each facility shall adhere to this protocol and provide veterinary treatment when needed.

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# Regulations

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B. Each facility shall engage a licensed veterinarian to develop or ratify a protocol for the control of infectious and contagious disease and shall adhere to such protocol. Each facility shall provide a marked isolation room for the confinement of animals suffering from a contagious or infectious disease.

C. Each facility shall engage a licensed veterinarian to develop or ratify a protocol for the management of neonatal and medically compromised animals and shall adhere to such protocol. Enclosures shall be maintained that can properly and safely house such animals.

**2VAC5-111-40. Housing of animals subject to a holding period.**

A. An enclosure or portion thereof used to house an animal subject to a holding period shall be entirely constructed of materials that are durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected.

B. An enclosure or portion thereof used to house an animal subject to a holding period that is part of the structural integrity of the building shall have a surface material that is durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected.

C. All structures contained within an enclosure or portion thereof shall be constructed of materials that are durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected unless discarded or laundered daily.

D. An enclosure and all structures therein used to house an animal subject to a holding period shall be thoroughly cleaned and disinfected before use by a different animal.

**NOTICE:** The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (2VAC5-111)

[Animal Facility Inspection Report, VDACS AC-10 \(rev. 7/2015\)](#)

[ ~~[Animal Facility Inspection Form – Shelter, VDACS AC-10-A \(rev. 11/2014\)](#)~~

[Animal Facility Inspection Form - Shelter, VDACS AC-10-A \(eff. 3/2016\)](#) ]

[Animal Facility Inspection Form – Animal Care, VDACS AC-10-B \(rev. 7/2015\)](#)

[Animal Facility Inspection Form – Operations, VDACS AC-10-C \(rev. 7/2015\)](#)

VA.R. Doc. No. R14-4009; Filed June 28, 2016, 10:27 a.m.

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### BOARD OF GAME AND INLAND FISHERIES

#### Proposed Regulation

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulation:** **4VAC15-20. Definitions and Miscellaneous: In General (amending 4VAC15-20-130).**

**Statutory Authority:** §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

**Public Hearing Information:**

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

**Public Comment Deadline:** August 6, 2016.

**Agency Contact:** Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

**Summary:**

*The proposed amendments (i) update the date reference to the federal list of endangered and threatened wildlife species and (ii) remove the Big Sandy crayfish from the Virginia List of Endangered and Threatened Species to reflect its status in Virginia more accurately.*

**4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.**

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended as of ~~December 23, 2015~~ June 7, 2016, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to subdivision 12 of § 29.1-103 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A of this section, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:

Endangered

Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon

Threatened:

Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorbranchium
Darter, sickle	Percina williamsi
Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus

2. Amphibians:

Endangered:

Salamander, eastern tiger	Ambystoma tigrinum
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Threatened:

Salamander, Mabee's	Ambystoma mabeei
Treefrog, barking	Hyla gratiosa

3. Reptiles:

Endangered:

Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	Crotalus horridus
Turtle, bog	Glyptemys muhlenbergii
Turtle, eastern chicken	Deirochelys reticularia reticularia

Threatened:

Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta

4. Birds:

Endangered:

Plover, Wilson's	Charadrius wilsonia
Rail, black	Laterallus jamaicensis
Wren, Bewick's	Thryomanes bewickii bewickii

Threatened:

Falcon, peregrine	Falco peregrinus
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis
Sparrow, Henslow's	Ammodramus henslowii
Tern, gull-billed	Sterna nilotica

5. Mammals:

Endangered:

Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis
Bat, little brown	Myotis lucifugus
Bat, tri-colored	Perimyotis subflavus
Hare, snowshoe	Lepus americanus
Shrew, American water	Sorex palustris
Vole, rock	Microtus chrotorrhinus

6. Mollusks:

Endangered:

Coil, rubble	Helicodiscus lirellus
Coil, shaggy	Helicodiscus diadema
Deertoe	Truncilla truncata
Elephantear	Elliptio crassidens
Elimia, spider	Elimia arachnoidea
Floater, brook	Alasmidonta varicosa

# Regulations

Ghostsnailed, thankless	Holsingeria unthinksensis
Heelsplitter, Tennessee	Lasmigona holstonia
Lilliput, purple	Toxolasma lividus
Mussel, slippershell	Alasmidonta viridis
Pigtoe, Ohio	Pleurobema cordatum
Pigtoe, pyramid	Pleurobema rubrum
Springsnailed, Appalachian	Fontigens bottimeri
Springsnailed (no common name)	Fontigens morrisoni
Supercoil, spirit	Paravitrea hera

Threatened:

Floater, green	Lasmigona subviridis
Papershell, fragile	Leptodea fragilis
Pigtoe, Atlantic	Fusconaiamasoni
Pimpleback	Quadrula pustulosa pustulosa

Pistolgrip	Tritogonia verrucosa
Riversnailed, spiny	Iofluvialis
Sandshell, black	Ligumia recta
Supercoil, brown	Paravitrea septadens

7. Arthropods:

Threatened:

Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

8. Crustaceans:

Endangered:

Crayfish, Big Sandy	Cambarus veteranus
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C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

D. The incidental take of certain species may occur in certain circumstances and with the implementation of certain conservation practices as described in this subsection:

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures.	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	Little to no direct lethal taking expected.
		Public safety or property damage risk – need for tree removal, application of prescribed fire, or	Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase the buffer	Little to no direct lethal taking expected.

		<p>other land management actions affecting known roosts; removal of animals from known roosts.</p>	<p>to a 1/4-mile radius with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, one tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates.</p> <p>Known roost trees: no tree removal, use of prescribed fire, or other land management action within a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk.</p> <p>DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats.</p> <p>Use of exclusion devices that allow individual animals to escape.</p> <p>Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.</p>	
		<p>Facility or project operations when conducted in accordance with a DGIF-approved plan associated with these species.</p>	<p>Development and implementation of a plan that avoids, minimizes, and mitigates incidental take associated with an otherwise lawful activity.</p> <p>The plan shall include, but not be limited to, documenting the specific condition or action, the specific mitigation to be taken, and the expected incidental take.</p>	<p>Little to no direct lethal taking expected.</p>

DOCUMENTS INCORPORATED BY REFERENCE  
(4VAC15-20)

[List of Native and Naturalized Fauna of Virginia, March 2012, Virginia Department of Game and Inland Fisheries](#)

~~Federal Endangered and Threatened Species List, amended as of December 23, 2015, U.S. Fish & Wildlife Service~~

[Federal Endangered and Threatened Species List, amended as of June 7, 2016, U.S. Fish & Wildlife Service](#)

VA.R. Doc. No. R16-4802; Filed July 6, 2016, 7:41 a.m.

**Proposed Regulation**

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulation:** 4VAC15-30. **Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4VAC15-30-40).**

**Statutory Authority:** § 29.1-501 of the Code of Virginia.

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# Regulations

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## Public Hearing Information:

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: August 6, 2016.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

## Summary:

*The proposed amendments allow anglers to legally harvest grass carp from public waters of the Commonwealth, except from department-owned or department-controlled lakes, provided that anglers ensure that harvested grass carp are dead.*

### **4VAC15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.**

**EDITOR'S NOTE:** Subsections A through G of 4VAC15-30 are not amended; therefore, the text of those subsections is not set out.

H. Exception for grass carp. Anglers may legally harvest grass carp of the family Cyprinidae from public waters of the Commonwealth, except from department-owned or department-controlled lakes, provided that anglers ensure that harvested grass carp are dead.

I. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

VA.R. Doc. No. R16-4796; Filed July 6, 2016, 1:04 a.m.

## **Proposed Regulation**

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-260. Game: Waterfowl and Waterfowl Blinds (adding 4VAC15-260-75).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

## Public Hearing Information:

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: August 6, 2016.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

## Summary:

*The proposed amendments (i) prohibit the licensing of nonriparian stationary waterfowl blinds adjacent to the Ware Creek Wildlife Management Area in New Kent County and (ii) enable the department to designate the locations where and the times when waterfowl hunting will be allowed within 500 yards of the wildlife management area.*

### **4VAC15-260-75. Blinds adjacent to the Ware Creek Wildlife Management Area.**

Except for blinds built or maintained by the department, no stationary waterfowl blinds shall be licensed on the public waters of Philbates and Ware Creeks, or on the York River within 1000 yards of the Ware Creek Wildlife Management Area, in New Kent County. Waterfowl hunting within 500 yards of the wildlife management area property will be permitted only at locations and during times designated by the department. However, this section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347 of the Code of Virginia.

VA.R. Doc. No. R16-4803; Filed July 6, 2016, 7:54 a.m.

## **Proposed Regulation**

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-320. Fish: Fishing Generally (amending 4VAC15-320-25, 4VAC15-320-120).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

## Public Hearing Information:

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: August 6, 2016.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

## Summary:

*The proposed amendments (i) correctly identify the railroad bridge over Big Walker Creek associated with the New River smallmouth bass protected slot limit; (ii) create a seasonal 40-inch to 48-inch protected slot limit on muskellunge on the New River from Claytor Dam*

downstream to the Virginia/West Virginia state line; (iii) reduce the geographic coverage associated with the limitation on harvesting large animals in the daily creel limit for blue catfish to the James River below the fall line and its tidal tributaries, the York River and its tributaries including the Mattaponi River and Pamunkey River, and Kerr Reservoir; (iv) implement a five-fish per day creel limit on longnose gar and bowfin for anglers using hook and line or bowfishing tackle; (v) implement a statewide recreational minimum size limit and increase the daily

creel limit for American eels, while providing an exception to the daily creel limit to those individuals holding permits for the harvest of eels for sale from Back Bay or North Landing River, or both, in the City of Virginia Beach; and (vi) remove the requirement of a special daily permit for fishing on a portion of Big Tumbling Creek on the Clinch Mountain Wildlife Management Area (Smyth County) where a seasonal catch and release area will be implemented.

**4VAC15-320-25. Creel and length limits.**

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4VAC15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass, spotted bass		5 per day in the aggregate (combined); No statewide length limits	<b>Lakes</b>	
			Briery Creek Lake	No bass 16 to 24 inches, only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Claytor Lake	No bass less than 12 inches
			Flannagan Reservoir	No bass less than 12 inches
			Lake Gaston	Only 2 of 5 bass less than 14 inches
			Leesville Reservoir	Only 2 of 5 bass less than 14 inches
			Lake Moomaw	No bass less than 12 inches
			Philpott Reservoir	No bass less than 12 inches
			Quantico Marine Base waters	No bass 12 to 15 inches
			Smith Mt. Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
			<b>Rivers</b>	
			Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell counties	No bass less than 20 inches, only 1 bass per day longer than 20 inches

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			Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 bass less than 14 inches
			James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No bass 14 to 22 inches, only 1 per day longer than 22 inches
			New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk and <del>Western</del> <u>Southern</u> Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows dam downstream to the New River in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)	No bass 14 to 22 inches, only 1 per day longer than 22 inches
			North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line	No bass less than 20 inches, only 1 per day longer than 20 inches

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		North Fork Shenandoah River – Rt. 42 bridge, Rockingham Co. downstream to the confluence with S. Fork Shenandoah at Front Royal	No bass 11 to 14 inches
		Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No bass less than 15 inches from March 1 through June 15
		Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte Co.	Only 2 of 5 bass less than 14 inches
		Shenandoah River – Confluence of South Fork and North Fork rivers, Front Royal, downstream, to the Warren Dam, near Front Royal	No bass 11 to 14 inches
		Base of Warren Dam, near Front Royal downstream to Rt. 17/50 bridge	No bass 14 to 20 inches, only 1 per day longer than 20 inches
		Rt. 17/50 bridge downstream to VA - WV state line	No bass 11 to 14 inches
		South Fork Shenandoah River - Confluence of North and South rivers, below Port Republic, downstream to Shenandoah Dam, near Town of Shenandoah	No bass 11 to 14 inches
		Base of Shenandoah Dam, near Town of Shenandoah, downstream to Luray Dam, near Luray	No bass 14 to 20 inches, only 1 per day longer than 20 inches

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			Base of Luray Dam, near Luray, downstream to the confluence with North Fork of Shenandoah, Front Royal	No bass 11 to 14 inches
			Staunton River - Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No smallmouth bass less than 20 inches, only 1 per day longer than 20 inches
striped bass	landlocked striped bass and landlocked striped bass x white bass hybrids	4 per day in the aggregate; No fish less than 20 inches	Buggs Island (Kerr) reservoir including the Staunton River to Leesville Dam and the Dan River to Union Street Dam (Danville)	October 1 - May 31: 2 per day in the aggregate; No striped bass or hybrid striped bass less than 24 inches; June 1 - September 30: 4 per day in the aggregate; No length limit
			Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	2 per day in the aggregate; November 1 - May 31: No striped bass 30 to 40 inches; June 1 - October 31: No length limit
			Lake Gaston	4 per day in the aggregate October 1 - May 31: No striped bass or hybrid striped bass less than 20 inches June 1 - September 30: No length limit

	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters		
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day; No striped bass less than 18 inches		
white bass		5 per day; No statewide length limits		
walleye		5 per day in the aggregate; No walleye or saugeye less than 18 inches	New River upstream of Buck Dam in Carroll County	No walleye less than 20 inches
			Claytor Lake and the New River upstream of Claytor Lake Dam to Buck Dam in Carroll County	February 1 - May 31: 2 walleye per day; no walleye 19 to 28 inches; June 1 - January 31: 5 walleye per day; no walleye less than 20 inches
sauger		2 per day; No statewide length limits		
yellow perch		No statewide daily limit; No statewide length limits	Lake Moomaw	10 per day

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chain pickerel		5 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs	No daily limit
northern pike		2 per day; No pike less than 20 inches		
muskellunge		2 per day; No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to <del>the VA - WV state line</del> <u>Claytor Dam</u> , including Claytor Lake  New River - Claytor Dam downstream to <u>the VA - WV state line</u>	1 per day No muskellunge less than 42 inches  1 per day <u>June 1 - last day of February: No muskellunge less than 42 inches;</u> <u>March 1 - May 31: No muskellunge less than 48 inches</u>
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
crappie (black or white)		25 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Flannagan and South Holston reservoirs	No crappie less than 10 inches

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rock bass (redeye)		25 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County.	No daily limit
			Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with Roanoke bass; No rock bass less than 8 inches
Roanoke bass		No statewide daily limit; No statewide length limits	Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with rock bass; No Roanoke bass less than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day, <del>only 1 blue catfish per day</del> longer than 32 inches; <u>No statewide length limits</u>	<u>Kerr Reservoir</u>	<u>20 per day, except only 1 blue catfish per day longer than 32 inches</u>
			<u>James River and its tributaries below the fall line and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line</u>	<u>No daily limit, except only 1 blue catfish per day longer than 32 inches</u>
			<u>All rivers below the fall line other than the James River and its tributaries and the York River and its tributaries</u>	<u>No daily limit, except only 1 blue catfish per day longer than 32 inches</u>
yellow, brown, and black bullheads	No daily limit; No length limits			

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American shad and hickory shad	James River above the fall line (14th Street Bridge), the Meherrin River above Emporia Dam, the Chickahominy River above Walkers Dam, the Appomattox River above Harvell Dam, the Pamunkey River and the Mattaponi River above the Rt. 360 bridge, and the Rappahannock River above the Rt. 1 bridge, and Virginia waters of Lake Gaston and Buggs Island (Kerr) Reservoir and tributaries to include the Dan and Staunton rivers	No possession (catch and release only)		
	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		
	Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	10 per day in the aggregate No length limits		
anadromous (coastal) alewife and blueback herring	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		

	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	No possession		
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day; No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	4 per day; No sea trout less than 14 inches		
grey trout (weakfish)	Back Bay and tributaries including Lake Tecumseh and North Landing River and its tributaries	1 per day; No grey trout less than 12 inches		
southern flounder	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	6 per day; No flounder less than 15 inches		
northern snakehead		Anglers may possess snakeheads taken from Virginia waters if they immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925 No statewide daily limit No statewide length limits		
<u>longnose gar</u>		<u>5 per day;</u> <u>No statewide length limits</u>		

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<u>bowfin</u>		<u>5 per day;</u> <u>No statewide length limits</u>		
<u>American eel</u>		<u>25 per day;</u> <u>No eel less than 9 inches</u>	<u>Back Bay and North Landing River</u>	<u>No possession limit for those individuals possessing a permit obtained under 4VAC15-340-80</u>
other native or naturalized nongame fish	See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.			
endangered or threatened fish	See 4VAC15-20-130. Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.			
nonnative (exotic) fish	See 4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.			

**4VAC15-320-120. Special daily permit for fishing in Clinch Mountain Wildlife Management Area, Douthat State Park Lake and, Crooked Creek, and Wilson Creeks Creek.**

A. It shall be unlawful to fish in the portion of Big Tumbling Creek within the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek and Laurel Bed Lake), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County without having first paid to the department for such privilege a daily use fee. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the department shall issue a special permit that shall be signed and carried by the person fishing.

B. This fee will be required from the first Saturday in April through September 30 at for the portion of Big Tumbling Creek within the Clinch Mountain Wildlife Management Area (except Little Tumbling Creek and Laurel Bed Lake) and at Crooked Creek fee fishing area in Carroll County, and from the first Saturday in April through June 15 and from September 15 through October 31 at Douthat State Park Lake and Wilson Creek, except that the director may temporarily suspend fee requirements if conditions cause suspension of trout stocking. During the remainder of the year, these waters Douthat State Park Lake, Wilson Creek, and the Crooked Creek fee fishing area in Carroll County will revert to designated stocked trout waters and a trout license will be required except as provided in 4VAC15-20-190, and the portion of Big Tumbling Creek within the Clinch Mountain Wildlife Management Area will revert to a seasonal catch and release area subject to 4VAC15-330-150. No fishing is permitted in these waters for five days preceding the opening day.

C. Upon payment of the daily use fee the department shall issue a special permit that shall be signed and carried by the person fishing.

D. Fishing shall begin at 9 a.m. on opening day at all fee areas. After opening day, fishing times will be as posted at each fee area.

E. The department may recognize clearly marked "children only" fishing areas within any department fee fishing area. Within these "children only" areas, children 12 years old or younger may fish without the daily use fee if accompanied by a fully licensed adult who has purchased a valid daily permit. No person older than 12 years of age may fish in these children-only areas. Also, children 12 years of age and younger can fish without a permit in all three fee fishing areas if under the direct supervision of a permitted adult. However, the combined daily creel limit for both adult and ~~child/children~~ child or children in such a party shall not exceed six trout. During the fee fishing season these waters will be subject to 4VAC15-330-60, 4VAC15-330-80, and 4VAC15-330-90, as it relates to designated stocked trout waters.

VA.R. Doc. No. R16-4797; Filed July 6, 2016, 2:41 a.m.

## Proposed Regulation

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulation:** 4VAC15-330. Fish: Trout Fishing (amending 4VAC15-330-120, 4VAC15-330-130, 4VAC15-330-150, 4VAC15-330-160; adding 4VAC15-330-210).

**Statutory Authority:** §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: August 6, 2016.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

*The proposed amendments (i) remove requirements of 16-inch minimum size limits and artificial lures only for fishing for trout in a designated section of the South River and establish this area for fly fishing only, with a 20-inch minimum size for trout; (ii) create a seasonal catch-and-release section on Big Tumbling Creek (Smyth County) open annually to fishing for trout with the use of artificial lures only from October 1 until five days prior to the first Saturday in April; (iii) create a catch-and-release fishery on a portion of South River in the City of Waynesboro, open to fishing for trout with the use of artificial lures only; (iv) establish delayed harvest trout waters on three streams in Lee, Scott, and Wise Counties and remove a portion of South River in the City of Waynesboro from the delayed harvest trout program; and (v) develop youth-only stocked trout waters where only youth 15 years of age and younger can fish specific waters from April 1 through June 15.*

**4VAC15-330-120. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Pound River, Roaring Run, ~~South River~~, and South Fork Holston River.**

A. It shall be lawful year around to fish using only artificial lures with single hooks in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, ~~in that portion of South River from the N. Oak Lane Bridge in Waynesboro upstream to a sign posted 1.5 miles above the State Route 632 (Shalom Road) Bridge,~~ in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir, in that portion of the Pound River from a sign posted 0.4 miles below the Flannagan Dam, downstream 1.2 miles to a sign posted just upstream of the confluence of the Pound River and the Russell Fork River, in that portion of the South Fork Holston River in Smyth County from a sign posted at the upper Jefferson National Forest boundary downstream approximately four miles to a sign posted 500 feet upstream of the concrete dam at Buller Fish Culture Station, and in that portion of Roaring Run in Botetourt County from a sign posted at the third footbridge above the Roaring Run Furnace Day Use Area upstream approximately

one mile to a sign posted at the Botetourt/Alleghany County line.

B. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

**4VAC15-330-130. Special provision applicable to certain portions of Mossy Creek and South River.**

It shall be lawful year around to fish using only artificial flies with single hooks in that portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line to a sign posted at the confluence of Joseph's Spring and in that portion of South River from the North Oak Lane Bridge in Waynesboro upstream to a sign posted 1.5 miles above the State Route 632 (Shalom Road) Bridge. The daily creel limit in these waters shall be one trout a day year around and the size limit shall be 20 inches or more in length. All trout caught in these waters under 20 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 20 inches in length in this area.

**4VAC15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions of the Dan, Rapidan, South Fork Holston and Staunton rivers, the Brumley Creek, East Fork of Chestnut Creek, Little Stony Creek, Little Tumbling Creek, Big Tumbling Creek, North Creek, Roaring Fork, Spring Run, Stony Creek, Venrick Run, South River, and their tributaries.**

It shall be lawful year around to fish for trout using only artificial lures with single hooks within:

1. The Stewarts Creek Trout Management Area in Carroll County.
2. The Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County.
3. The Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County.
4. The East Fork of Chestnut Creek (~~Farmer's~~ Farmers Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties.
5. Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County.
6. That section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County.

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7. North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County.

8. Spring Run from its confluence with Cowpasture River upstream to a posted sign at the discharge for Coursey Springs Hatchery in Bath County.

9. Venrick Run and its tributaries within the Big Survey Wildlife Management Area and Town of Wytheville property in Wythe County.

10. Brumley Creek and its tributaries from the Hidden Valley Wildlife Management Area boundary upstream to the Hidden Valley Lake Dam in Washington County.

11. Stony Creek (Mountain Fork) and its tributaries within the Jefferson National Forest in Wise and Scott Counties from the outlet of High Knob Lake downstream to the confluence of Chimney Rock Fork and Stony Creek.

12. Little Stony Creek and its tributaries within the Jefferson National Forest in Scott County from the Falls of Little Stony Creek downstream to a posted sign at the Hanging Rock Recreation Area.

13. Little Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth and Tazewell Counties downstream to the concrete bridge.

14. Big Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth County from a sign starting at the foot of the mountain and extending upstream seasonally from October 1 until five days prior to the first Saturday in April.

15. South River in the City of Waynesboro from the Arch Avenue Bridge downstream 2.2 miles to the Second Street Bridge.

All trout caught in these waters must be immediately returned to the water. No trout or bait may be in possession at any time in these areas.

**4VAC15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Big Moccasin Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, Indian Creek, North River, Passage Creek, Peak Creek, Pedlar River, North Fork of Pound and Pound rivers, Middle Fork of Powell River, and Roanoke River, and South River.**

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures in Accotink Creek (Fairfax County) from King Arthur Road downstream 3.1 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Big Moccasin Creek (Scott County) from the Virginia Department of Transportation foot bridge downstream approximately 1.9 miles to the Wadlow Gap Bridge, in Chestnut Creek (Carroll County) from the U.S. Route 58 bridge downstream 11.4 miles to the confluence

with New River, in the Hardware River (Fluvanna County) from the Route 646 bridge upstream 3.0 miles to Muleshoe Bend as posted, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in Holmes Run (Fairfax County) from the Lake Barcroft Dam downstream 1.2 miles to a sign posted at the Alexandria City line, in Indian Creek within the boundaries of Wilderness Road State Park (Lee County), in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in Peak Creek (Pulaski County) from the confluence of Tract Fork downstream 2.7 miles to the Route 99 bridge, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Middle Fork of Powell River (Wise County) from the old train trestle at the downstream boundary of Appalachia extending approximately 1.9 miles downstream to the trestle just upstream of the Town of Big Stone Gap, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diuguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), and in the Roanoke River (City of Salem) from the Route 419 bridge upstream 2.2 miles to the Colorado Street bridge, and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the City of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

**4VAC15-330-210. Special provisions applicable to youth-only stocked trout waters.**

Waters selected by the director for inclusion into the Youth-Only Stocked Trout Program will be considered youth-only stocked trout waters from April 1 through June 15. Only youth 15 years of age and younger may participate in the program. The daily trout creel limit shall be three. From June 16 through March 31, statewide fishing regulations and licensing requirements apply. Adults (17 years of age and older) are not required to have a freshwater fishing license or a trout license to assist youth fishing in youth-only stocked trout waters. Adults assisting youth (15 years of age and younger) while fishing in youth-only stocked trout waters may:

1. Bait the hook;
2. Assist in casting; and

3. Assist with removing the fish from the hook or line.

Adults may not assist with catching a fish (setting the hook or retrieving the fish).

VA.R. Doc. No. R16-4798; Filed July 6, 2016, 3:44 a.m.

**Proposed Regulation**

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulation:** **4VAC15-340. Fish: Seines and Nets (amending 4VAC15-340-30, 4VAC15-340-70, 4VAC15-340-80).**

**Statutory Authority:** §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

**Public Hearing Information:**

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

**Public Comment Deadline:** August 6, 2016.

**Agency Contact:** Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

**Summary:**

*The proposed amendments (i) remove the summer portion of the Back Bay and North Landing River gill net season, which was July 1 through November 1, for "striped" mullet only, and allow the harvest of striped mullet during the remainder of the gill net season from November 1 through March 31; (ii) modify the minimum size and creel limit for any American eel that is harvested with eel pots for personal use in the waters of Back Bay and the North Landing River; and (iii) modify the minimum size for American eels harvested with eel pots for commercial purposes in the waters of Back Bay and the North Landing River.*

**4VAC15-340-30. Gill nets.**

A. Authorization to take fish. A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than 1 inch bar or square mesh (three-inch stretch mesh). Applicants must annually purchase tags for each net the applicant intends to operate and attach a department tag to each net prior to use. A single permit will be issued to the permittee and shall list each tag number the permittee has been issued. All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish. The holder of a gill net permit must be

present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

C. Times and places permitted in Virginia Beach City; fish which may be taken. Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) ~~for the taking of mullet only for table use and also for sale from July 1 through November 1, both dates inclusive, and for the taking of other nongame fish, except mullet, alewife, and blueback herring, for table use and also for sale from November 1 through March 31, both dates inclusive.~~ The harvest limit for anadromous American and hickory shad shall be 10 per day, in the aggregate. Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.

**4VAC15-340-70. Eel pots for taking American eels for personal use.**

A. The director may issue, deny, modify, suspend, or revoke annual eel pot permits for American eels designated for personal use. Such permits shall authorize the taking of American eels for personal use only (not for sale) with eel pots from waters designated in this section. Such permits shall be valid so long as the harvest of eels in the Commonwealth is not prohibited by other state or federal law or regulation.

B. It shall be unlawful for a permit holder to possess elvers.

C. It shall be unlawful for permit holders fishing eel pots to take any species other than American eels.

D. It shall be unlawful to place, set, or fish any eel pot that has a mesh less than 1/2-inch by 1/2-inch and does not contain at least one unrestricted 4-inch by 4-inch escape panel of 1/2-inch by 1-inch mesh. Buoys of all pots set must be marked by permanent means with the permit holder's name, address, and phone number.

E. American eels may be taken with eel pots in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River and its natural tributaries from the North Carolina line to the Great Bridge locks.

F. It shall be unlawful for any permit holder to possess more than ~~50~~ 25 eels daily. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the daily possession limit shall be for the boat or vessel and shall be equal to the number of permit holders on board multiplied by ~~50~~ 25. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession

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limit. Any eel taken after the daily possession limit has been reached shall be returned to the water immediately. Possession of any quantity of eels that exceeds the daily possession limit described in this subsection shall be presumed to be for commercial purposes.

G. For the purposes of this section, the term "elver" shall mean any American eel of less than ~~six~~ nine inches in total length.

## **4VAC15-340-80. Eel pots for taking American eels for sale.**

A. The director may issue, deny, modify, suspend, or revoke annual eel pot permits designated for the sale of American eels. Such permits shall authorize the taking of American eels for sale, as specified, with eel pots from waters designated in this section. Such permits shall be valid so long as the harvest of American eels in the Commonwealth is not prohibited by other state or federal law or regulation. To be eligible, applicants must document harvest of at least one pound of American eels from Back Bay or North Landing River or their tributaries via reports submitted through the Virginia Marine Resources Commission Mandatory Harvest Reporting Program during the period January 1, 2007, to December 31, 2012, both dates inclusive. Applicants must document the reported harvest occurred while the applicant held a valid commercial fish pot or eel pot license issued by the Virginia Marine Resources Commission.

B. It shall be unlawful for permit holders to possess ~~eelers~~ any American eel less than nine inches total length.

C. It shall be unlawful for permit holders fishing eel pots to take any species other than American eels.

D. It shall be unlawful to place, set, or fish any eel pot that has a mesh less than 1/2-inch by 1/2-inch and does not contain at least one unrestricted 4-inch by 4-inch escape panel consisting of 1/2-inch by 1-inch mesh.

E. The permit holder's last name and Virginia Department of Game and Inland Fisheries American eel pot number must be permanently attached to buoys of all eel pots set. The maximum number of pots authorized per permit holder under this permit shall be 300.

F. American eels may be taken with eel pots in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and in North Landing River and its natural tributaries from the North Carolina line to the Great Bridge locks.

G. It shall be unlawful for any person to ship or otherwise transport any package, box, or other receptacle containing fish taken under an eel pot permit unless the same bears the permit holder's name and address.

H. Failure to comply with the daily harvest and sales reporting requirements as detailed in conditions of the permit shall be unlawful and may result in immediate permit revocation. It shall be the permit holder's responsibility to

report "No Activity" when no activity occurs during a monthly reporting period.

~~I. For the purposes of this section, the term "elver" shall mean any American eel of less than six inches in total length.~~

V.A.R. Doc. No. R16-4799; Filed July 6, 2016, 5:40 a.m.

## **Proposed Regulation**

<p><b>REGISTRAR'S NOTICE:</b> The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.</p>
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**Title of Regulation:** **4VAC15-350. Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. (amending 4VAC15-350-70).**

**Statutory Authority:** §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

### Public Hearing Information:

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

**Public Comment Deadline:** August 6, 2016.

**Agency Contact:** Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

### Summary:

*The proposed amendments (i) remove longnose gar and bowfin from, and add grass carp to, the list of species that can be taken in unlimited numbers with bow and arrow or crossbow, under certain circumstances, and (ii) establish creel limits for longnose gar and bowfin.*

## **4VAC15-350-70. Taking common carp, grass carp, northern snakehead, bowfin, catfish, and gar with bow and arrow or crossbow.**

A. Season. Except as otherwise provided by local legislation or as posted, it shall be lawful to take common carp, northern snakehead, and gar from the public inland waters of the Commonwealth, grass carp from public inland waters of the Commonwealth except department-owned or department-controlled lakes, and bowfin and catfish from below the fall line in tidal rivers of the Chesapeake Bay, except waters stocked with trout, by means of bow and arrow or crossbow.

B. Poison arrows or explosive-head arrows prohibited. It shall be unlawful to use poison arrows or arrows with explosive heads at any time for the purpose of taking common carp, grass carp, northern snakehead, bowfin, catfish, or gar in the public inland waters of the Commonwealth.

C. Fishing license required. All persons taking fish in the manner mentioned in this section shall be required to have a regular fishing license.

D. Creel limits. Common carp, grass carp, northern snakehead, ~~bowfin~~, and catfish, ~~and gar~~ – unlimited, provided that any angler taking northern snakehead immediately kill such fish and notify the department, as soon as practicable, of such actions and provided that any angler taking grass carp ensure that harvested fish are dead. The creel limit for bowfin and longnose gar shall be five fish per day.

VA.R. Doc. No. R16-4800; Filed July 6, 2016, 5:58 a.m.

**Proposed Regulation**

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulation:** **4VAC15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4VAC15-360-10).**

**Statutory Authority:** §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

**Public Hearing Information:**

August 18, 2016 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

**Public Comment Deadline:** August 6, 2016.

**Agency Contact:** Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

**Summary:**

*The proposed amendments remove longnose gar and bowfin from the list of species that can be taken in unlimited numbers and add grass carp to the list of species that can be taken in unlimited numbers, except in certain circumstances.*

**4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.**

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4VAC15-20-130, subdivision 8 of 4VAC15-320-40, and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, ~~bowfin~~, ~~longnose gar~~, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4VAC15-320-25 for anadromous blueback

herring limits), white perch, yellow perch, alewife (see 4VAC15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland waters of the Commonwealth other than department-owned or department-controlled lakes. Anglers taking grass carp must ensure that all harvested grass carp are dead.

2. See 4VAC15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4VAC15-360-60 and 4VAC15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June ~~1st~~ 1 to September ~~30th~~ 30. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.

6. Native amphibians and reptiles, as defined in 4VAC15-20-50, that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

- a. Period of captivity does not exceed 30 days;
- b. Animals must be liberated at the site of capture;
- c. Animals must have been housed separately from other wild-caught and domestic animals; and
- d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

B. Methods of taking species in subsection A of this section. Except as otherwise provided for in the Code of Virginia, 4VAC15-20-130, 4VAC15-320-40, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A of this section may only be taken (i) by hand, hook and line; (ii) with a seine not exceeding four feet in depth by 10 feet in length; (iii) with an umbrella type net not exceeding five by five feet square; (iv) by small minnow traps with throat openings no

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larger than one inch in diameter; (v) with cast nets; and (vi) with hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take the spiny riversnail (*Io fluviatilis*) in the Tennessee drainage in Virginia (Clinch, Powell, and the North, South, and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels from any inland waters of the Commonwealth.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth, and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

VA.R. Doc. No. R16-4801; Filed July 6, 2016, 6:09 a.m.

## MARINE RESOURCES COMMISSION

### Final Regulation

**REGISTRAR'S NOTICE:** The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** **4VAC20-30. Pertaining to the Licensing of Crab Traps and Pounds (repealing 4VAC20-30-10 through 4VAC20-30-40).**

**Statutory Authority:** §§ 28.2-201 and 28.2-701 of the Code of Virginia.

**Effective Date:** July 5, 2016.

**Agency Contact:** Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov).

**Summary:**

*The action repeals the chapter. Application, location, and priority rights provisions are being moved into 4VAC20-460.*

VA.R. Doc. No. R16-4791; Filed June 30, 2016, 2:22 p.m.

### Final Regulation

**REGISTRAR'S NOTICE:** The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** **4VAC20-270. Pertaining to Crabbing (amending 4VAC20-270-40, 4VAC20-270-51, 4VAC20-270-55; repealing 4VAC20-270-58).**

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** July 5, 2016.

**Agency Contact:** Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov).

**Summary:**

*The amendments (i) lengthen the commercial season for harvesting crabs by crab pot from November 30 to December 20 for 2016 and designate the commercial season for harvesting crabs by crab pot as March 1 through December 20 for 2017; (ii) designate the commercial season for harvesting crabs by other commercial gear as April 21 through October 31 for 2016 and 2017; (iii) include a reference to the retention box and other gear legal start date (4VAC20-460-25); (iv) update 4VAC20-270-51 and 4VAC20-270-55 to correspond with the new season dates; and (v) remove the provisions regarding license revocation.*

#### **4VAC20-270-40. Season limits.**

A. In ~~2015 and~~ 2016, the lawful ~~seasons~~ season for the commercial harvest of crabs by crab pot shall be March 17 through ~~November 30~~ December 20. In 2017, the lawful season for the commercial harvest of crabs by crab pot shall be March 1 through December 20. For all other lawful commercial gear used to harvest crabs, as described in 4VAC20-1040, the lawful seasons for the harvest of crabs shall be ~~May 1~~ April 21 through ~~September 25~~ October 31 in ~~2015~~ 2016 and ~~April 21~~ April 1 through ~~November 30~~ October 31 in ~~2016~~ 2017.

B. It shall be unlawful for any person to harvest crabs or to possess crabs on board a vessel, except during the lawful season, as described in subsection A of this section.

C. It shall be unlawful for any person knowingly to place, set, fish, or leave any hard crab pot in any tidal waters of Virginia from ~~December 1, 2015~~ 21, 2016, through ~~March 16, 2016~~ February 28, 2017. It shall be unlawful for any person knowingly to place, set, fish, or leave any lawful commercial gear used to harvest crabs, except any hard crab pot, or as described in 4VAC20-460-25, in any tidal waters of Virginia from ~~September 26, 2015~~ November 1, 2016, through ~~April 20, 2016~~ March 31, 2017.

D. It shall be unlawful for any person knowingly to place, set, fish, or leave any fish pot in any tidal waters from March 12 through March 16, except as provided in subdivisions 1 and 2 of this subsection.

1. It shall be lawful for any person to place, set, or fish any fish pot in those Virginia waters located upriver of the following boundary lines:

- a. In the James River the boundary shall be a line connecting Hog Point and the downstream point at the mouth of College Creek.
- b. In the York River the boundary lines shall be the Route 33 bridges at West Point.
- c. In the Rappahannock River the boundary line shall be the Route 360 bridge at Tappahannock.
- d. In the Potomac River the boundary line shall be the Route 301 bridge that extends from Newberg, Maryland to Dahlgren, Virginia.

2. This subsection shall not apply to legally licensed eel pots as described in 4VAC20-500-50.

E. It shall be unlawful for any person to place, set, or fish any number of fish pots in excess of 10% of the amount allowed by the gear license limit, up to a maximum of 30 fish pots per vessel, when any person on that vessel has set any crab pots.

- 1. This subsection shall not apply to fish pots set in the areas described in subdivision D 1 of this section.
- 2. This subsection shall not apply to legally licensed eel pots as described in 4VAC20-500.
- 3. This subsection shall not apply to fish pots constructed of a mesh less than one-inch square or hexagonal mesh.

**4VAC20-270-51. Daily commercial harvester, vessel, and harvest and possession limits.**

A. Any barrel used by a harvester to contain or possess any amount of crabs will be equivalent in volume to no more than 3 bushels of crabs.

B. From July 5, ~~2015~~ 2016, through November 15, ~~2015~~ 2016, and April 1, ~~2016~~ 2017, through July 4, ~~2016~~ 2017, any Commercial Fisherman Registration Licensee legally licensed for any crab pot license, as described in 4VAC20-270-50 B, shall be limited to the following maximum daily harvest and possession limits for any of the following crab pot license categories:

- 1. 10 bushels, or 3 barrels and 1 bushel, of crabs if licensed for up to 85 crab pots.
- 2. 14 bushels, or 4 barrels and 2 bushels, of crabs if licensed for up to 127 crab pots.
- 3. 18 bushels, or 6 barrels, of crabs if licensed for up to 170 crab pots.
- 4. 29 bushels, or 9 barrels and 2 bushels, of crabs if licensed for up to 255 crab pots.

5. 47 bushels, or 15 barrels and 2 bushels, of crabs if licensed for up to 425 crab pots.

C. From November 16, ~~2015~~ 2016, through ~~November 30, 2015~~ December 20, 2016, and March 17, ~~2016~~ 1, 2017, through March 31, ~~2016~~ 2017, any Commercial Fisherman Registration Licensee legally licensed for any crab pot license, as described in 4VAC20-270-50 B, shall be limited to the following maximum daily harvest and possession limits for any of the following crab pot license categories:

- 1. 8 bushels, or 2 barrels and 2 bushels, of crabs if licensed for up to 85 crab pots.
- 2. 10 bushels, or 3 barrels and 1 bushel, of crabs if licensed for up to 127 crab pots.
- 3. 13 bushels, or 4 barrels and 1 bushel, of crabs if licensed for up to 170 crab pots.
- 4. 21 bushels, or 7 barrels, of crabs if licensed for up to 255 crab pots.
- 5. 27 bushels, or 9 barrels, of crabs if licensed for up to 425 crab pots.

D. When a single harvester or multiple harvesters are on board any vessel, that vessel's daily harvest and possession limit shall be equal to only one daily harvest and possession limit, as described in subsections B and C of this section, and that daily limit shall correspond to the highest harvest and possession limit of only one licensee on board that vessel.

E. When transporting or selling one or more legal crab pot licensee's crab harvest in bushels or barrels, any agent shall possess either the crab pot license of that one or more crab pot licensees or a bill of lading indicating each crab pot licensee's name, address, Commercial Fisherman Registration License number, date, and amount of bushels or barrels of crabs to be sold.

F. If any police officer finds crabs in excess of any lawful daily bushel, barrel, or vessel limit, as described in this section, that excess quantity of crabs shall be returned immediately to the water by the licensee or licensees who possess that excess over lawful daily harvest or possession limit. The refusal to return crabs, in excess of any lawful daily harvest or possession limit, to the water shall constitute a separate violation of this chapter.

G. When any person on board any boat or vessel possesses a crab pot license, it shall be unlawful for that person or any other person aboard that boat or vessel to possess a seafood buyers boat license and buy any crabs on any day.

**4VAC20-270-55. Minimum size limits.**

A. From March 17 ~~1~~ through July 15, it shall be unlawful for any person to harvest, possess, sell, or offer for sale more than 10 peeler crabs, per United States standard bushel, or 5.0% of peeler crabs in any other container, that measure less than 3-1/4 inches across the shell from tip to tip of the longest spikes. From July 16 through ~~November 30~~ December 20, it shall be unlawful for any person to harvest, possess, sell, or

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offer for sale more than 10 peeler crabs, per United States standard bushel, or 5.0% of peeler crabs in any other container, that measure less than 3-1/2 inches across the shell from tip to tip of the longest spikes, except as described in subsections B and C of this section.

B. From July 16 through ~~November 30~~ December 20, it shall be unlawful for any person to harvest, possess, sell, or offer for sale more than 10 peeler crabs, per United States standard bushel, or 5.0% of peeler crabs in any other container, that are harvested from waters on the ocean side of Accomack and Northampton ~~counties~~ Counties and measure less than 3-1/4 inches across the shell from tip to tip of the longest spikes, except as described in subsection C of this section.

C. In the enforcement of these peeler crab minimum size limits aboard a vessel, the marine police officer shall select a single container of peeler crabs of his choosing to determine if the contents of that container violate the minimum size and tolerance described in this section. If the officer determines the contents of the container are in violation, then the officer shall return all peeler crabs on board the vessel to the water alive.

D. It shall be unlawful for any person to take, catch, harvest, possess, sell or offer for sale, or to destroy in any manner, any soft crab that measures less than 3-1/2 inches across the shell from tip to tip of the longest spikes.

#### **4VAC20-270-58. License revocation. (Repealed.)**

~~A. Any person convicted by a court of two crab fishery-related violations, may be subject to having his license(s) to take crabs revoked in accordance with the provisions of § 28.2-232 of the Code of Virginia.~~

~~B. Any person serving as an agent who is convicted by a court of two crab fishery-related violations may be subject to having his authority to serve as an agent revoked by the commission.~~

~~C. Any crab licensee whose agent is convicted by a court of two crab fishery-related violations may be subject to having any of his licenses to take crabs revoked by the commission.~~

VA.R. Doc. No. R16-4793; Filed June 30, 2016, 2:21 p.m.

#### **Final Regulation**

**REGISTRAR'S NOTICE:** The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** 4VAC20-460. Pertaining to the Use of Crab Traps and Pounds (adding 4VAC20-460-13, 4VAC20-460-15, 4VAC20-460-25).

**Statutory Authority:** §§ 28.2-201 and 28.2-701 of the Code of Virginia.

**Effective Date:** July 5, 2016.

**Agency Contact:** Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue,

3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email [jennifer.farmer@mrc.virginia.gov](mailto:jennifer.farmer@mrc.virginia.gov).

#### **Summary:**

*The amendments incorporate provisions from repealed 4VAC20-30, Pertaining to the Licensing of Crab Traps and Pounds, into this chapter. The provisions (i) establish the procedures for licensing and locating crab traps or pounds, (ii) establish the priority rights of a licensee to relicense any crab trap or pound, and (iii) allow crab pound harvesters to establish auxiliary gear related to the crab pound two weeks in advance of the open season, except the crab head or retention box, but not fish until the season starts.*

#### **4VAC20-460-13. Application and location.**

A. Application for crab trap or crab pound licenses, to be issued pursuant to § 28.2-701 of the Code of Virginia, shall state the exact location of each crab trap or crab pound. If application is made for a license for more than one crab trap or crab pound, the application may embrace more than one, provided the traps or pounds are to be located in the same area, and further provided they are contiguous and are located next to each other, but the location of each must be definitely described. No application for any location for a crab trap or crab pound shall be made prior to December 1 of the year preceding the current license year.

B. Only one license shall be issued for the same location, or within 100 yards of that location, during the same calendar year and any subsequent license issued through error, or otherwise, for the same location, or within 100 yards of that location, shall be void as to that location. Upon request by such licensee, made within 60 days after issuance, a refund of such license fee shall be made.

C. The licensee shall be responsible for the location of the trap or pound.

D. The license, when issued, shall be subject to oyster leases and riparian rights and shall not apply inshore of the mean low water mark.

#### **4VAC20-460-15. Priority rights.**

The licensee of any location for a crab trap or crab pound that was actually fished or crabbed by the licensee during the preceding year shall have a priority right over all other applicants to license the same location for the current license year, provided such licensee remains otherwise qualified and makes application for such location on or before April 1 of the current license year. All other applicants for such location will have their applications considered in chronological order of receipt after April 1 of the license year.

#### **4VAC20-460-25. Placement requirements for the retention box and other gear.**

It shall be unlawful to establish the crab head or retention box prior to the legal start date, but all other associated gear may be established at the licensed location two weeks prior to the legal start date of the season for this gear type.

VA.R. Doc. No. R16-4788; Filed June 30, 2016, 2:24 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** **4VAC20-670. Pertaining to Recreational Gear Licenses (amending 4VAC20-670-30).**

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** July 5, 2016.

**Agency Contact:** Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

**Summary:**

*Pursuant to Chapter 170 of the 2009 Acts of Assembly, the amendment conforms regulation to statute, which allows the commission to set the dates of the closed season.*

**4VAC20-670-30. Gear restrictions.**

A. It shall be unlawful for any person to use any gill net greater than 300 feet in length when licensed for recreational purposes under this chapter except as described in subsection B of this section. Any person licensed to use a recreational gill net up to 300 feet in length shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this chapter.

B. It shall be unlawful for any person to use any anchored gill net when licensed for recreational purposes under this chapter that is greater than 110 feet in length in any of the tidal waters upriver of the saltwater-freshwater boundaries. Any anchored gill net set or placed in areas upriver of the saltwater-freshwater boundaries shall be retrieved within one hour of setting or placing that gill net. Any person licensed to use a recreational anchored gill net shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this chapter, and any unattended anchored gill net shall be confiscated by the marine police officer.

C. It shall be unlawful for any person to use more than five crab pots or more than two eel pots when licensed for recreational purposes under this chapter.

D. Any law or chapter applying to the setting or fishing of commercial gill nets, cast nets, dip nets, crab pots, crab traps, or crab trot lines shall also apply to the gear licensed under this chapter when set or fished for recreational purposes, except that (i) certain commercial gear used for recreational purposes shall be marked in accordance with the provisions described in 4VAC20-670-40, (ii) the daily time limits for commercial crab potting and peeler potting established in this section shall not apply to the setting and fishing of recreational crab pots licensed under this chapter, and (iii) the ~~closed season and~~ area established in § 28.2-709 of the Code

of Virginia shall not apply to the setting and fishing of recreational crab pots licensed under this chapter.

E. It shall be unlawful for any person to use any recreational gill net to catch and possess any species of fish whose commercial fishery is regulated by an annual harvest quota.

F. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess more than the recreational possession limit for any species regulated by such a limit. When fishing from any boat, using gear licensed under this chapter, the total possession limit shall be equal to the number of persons on board legally eligible to fish multiplied by the individual possession limit for the regulated species, and the captain or operator of the boat shall be responsible for adherence to the possession limit.

G. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess any fish which is less than the lawful minimum size established for that species. When the taking of any fish is regulated by different size limits for commercial and recreational fishermen, that size limit applicable to recreational fishermen or to hook-and-line fishermen shall apply to the taking of that species by persons licensed under this chapter.

H. It shall be unlawful for any person to use any ordinary crab trot line greater than 300 feet in length when licensed for recreational purposes under this chapter.

I. It shall be unlawful for any person licensed to use five crab pots under this chapter to fish those pots on Sunday or to fish those pots from September 16 through May 31.

VA.R. Doc. No. R16-4792; Filed June 30, 2016, 2:22 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** **4VAC20-1140. Prohibition of Crab Dredging in Virginia Waters (amending 4VAC20-1140-20).**

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** July 5, 2016.

**Agency Contact:** Jennifer Farmer, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, or email jennifer.farmer@mrc.virginia.gov.

**Summary:**

*The amendment continues the closed crab dredge fishery season from December 1, 2016, through March 31, 2017.*

**4VAC20-1140-20. Crab dredging prohibited.**

In accordance with the provisions of § 28.2-707 of the Code of Virginia, the crab dredging season of December 1, ~~2015~~

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2016, through March 31, 2016 2017, is closed, and it shall be unlawful to use a dredge for catching crabs from the waters of the Commonwealth during that season.

VA.R. Doc. No. R16-4790; Filed June 30, 2016, 2:23 p.m.

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## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

#### Final Regulation

**REGISTRAR'S NOTICE:** The Virginia Waste Management Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Virginia Waste Management Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **9VAC20-40. Administrative Procedures for Hazardous Waste Facility Site Certification (amending 9VAC20-40-20, 9VAC20-40-40, 9VAC20-40-50, 9VAC20-40-80, 9VAC20-40-90, 9VAC20-40-100, 9VAC20-40-110).**

**Statutory Authority:** §§ 10.1-1434 and 10.1-1436 of the Code of Virginia.

**Effective Date:** August 24, 2016.

**Agency Contact:** Leslie A. Romanchik, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4129, FAX (804) 698-4234, TTY (804) 698-4021, or email [leslie.romanchik@deq.virginia.gov](mailto:leslie.romanchik@deq.virginia.gov).

**Summary:**

*The amendments correct citations and update a definition to make them consistent with Virginia statute and update a title of a referenced regulation.*

**9VAC20-40-20. Purpose of chapter.**

Article 6 (§ ~~10.1-1433~~ 10.1-1433 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia contains a detailed description of the process and procedures for a certification of site suitability. This chapter is designed to amplify and supplement the statutes where appropriate. This chapter together with the statute establish administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites

Article 2  
Definitions

**9VAC20-40-40. Definitions.**

Section 10.1-1433 of the Code of Virginia defines several words and terms which are used in this chapter. Unless the context clearly indicates otherwise, those words and terms

will have the same meaning when used in this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Affected communities" means those counties, cities or towns contiguous to the host community which may be affected by the siting of a hazardous waste facility in the host community.

"Applicant" means the person applying for a certification of site suitability or submitting a notice of intent to apply for that. The applicant must be the person ~~who~~ that intends to own or operate the proposed facility.

"Application" means an application to the board for a certification of site suitability.

"Board" means the Virginia Waste Management Board.

"Certification of site suitability" or "certification" means the certification issued by the board pursuant to Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

"Construct" or "construction" means (i) with respect to new facilities, the significant alteration of a site to install permanent equipment or structures or the installation of permanent equipment or structures; or (ii) with respect to existing facilities, the alteration or expansion of existing structures or facilities to initially accommodate hazardous waste, any expansion of more than 50% of the area or capacity of an existing hazardous waste facility, or any change in design or process of a hazardous waste facility that will, in the opinion of the board, result in a substantially different type of facility. It does not include preliminary engineering or site surveys, environmental studies, site acquisition, acquisition of an option to purchase or activities normally incident to that.

"Criteria" means the criteria adopted by the board, pursuant to § 10.1-1436 of the Code of Virginia.

"Department" means the Virginia Department of Environmental Quality.

"Disposal" means the discharge, deposit, injunction, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Emergency situation" means where an imminent and substantial endangerment to human health or the environment is determined.

"Fund" means the technical assistance fund created pursuant to § 10.1-1448 of the Code of Virginia.

"Hazardous waste" means a solid waste classified as a hazardous waste by the Virginia Hazardous Waste Management Regulations, 9VAC20-60.

"Hazardous waste facility" or "facility" means any facility, including land and structures, appurtenances, improvements and equipment for the treatment, storage or disposal of hazardous wastes, which accepts hazardous waste for storage, treatment or disposal. For the purposes of this chapter, it does not include: (i) facilities which are owned and operated by and exclusively for the on-site treatment, storage or disposal of wastes generated by the owner or operator; (ii) facilities for the treatment, storage or disposal of hazardous wastes used principally as fuels in an on-site production process; and (iii) facilities used exclusively for the pretreatment of wastes discharged directly to a publicly-owned sewage treatment works.

"Hazardous waste management facility permit" means the permit for a hazardous waste management facility issued by the director or the U.S. Environmental Protection Agency.

"Host community" means any county, city or town within whose jurisdictional boundaries construction of a hazardous waste facility is proposed.

"On-site" means facilities that are located on the same or geographically contiguous property which may be divided by public or private right-of-way, and the entrance and exit between the contiguous properties are at a crossroads intersection so that the access is by crossing, as opposed to going along, the right-of-way. On-site also means noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access.

"Operating characteristics": These include, but are not limited to:

1. Brief description of the nature of the business of the facility, including an estimate of the size of the business (number of employees, etc.);
2. Specification of each hazardous waste involved in the operation of the facility and an estimate of the annual quantity of each;
3. Description of the physical facility (number and size of buildings, tanks and other structures);
4. General description of the process to be used in the treatment, storage, or disposal or both of each hazardous waste;
5. Description of the anticipated traffic to and from the facility (number, type, and capacity of those vehicles transporting hazardous waste as well as other types of vehicles);
6. Short and long term projections for the facility, including its projected life expectancy; and
7. Any other relevant information which will assist the board and other persons to gain a clear understanding of the nature and operation of the facility.

"Operator" means a person who is responsible for the overall operation of a facility.

"Owner" means a person who owns a facility or a part of a facility.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state, interstate body or federal government agency.

"Site plan" means a design of the proposed facility and site. The site plan must accurately represent all structures of the proposed facility. If the site has existing structures, the site plan must designate these and specify the alterations to be made to each. The site plan shall also include a topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (one inch) equal to not more than 61.0 meters (200 feet). Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility, for example, contours with an interval of 1.5 meters (five feet), if relief is greater than 6.1 meters (20 feet) or an interval of 0.6 meters (two feet), if relief is less than 6.1 meters (20 feet). Owners and operators of facilities proposed in mountainous areas should use a larger contour interval to adequately show topographic profiles of facilities. The map shall clearly show the following:

1. Map scale and date;
2. 100 year floodplain area;
3. Surface waters including intermittent streams;
4. Surrounding land uses (residential, commercial, agricultural, recreational);
5. A wind rose (i.e., prevailing wind speed and direction);
6. Orientation of the map (north arrow);
7. Legal boundaries of the facility site;
8. Access control (fences and gates);
9. Injection and withdrawal wells, both on-site and off-site;
10. Buildings; treatment, storage, or disposal operations; or other structures (recreation areas, run-off control systems, access and internal roads; storm, sanitary, and process sewerage systems; loading and unloading areas; fire control facilities, etc.);
11. Barriers for drainage or flood control;
12. Location of operational units within the facility site where hazardous waste is proposed to be treated, stored or disposed, including equipment cleanup areas; and
13. Such additional information as the board deems necessary to carry out its duties as required by the Act.

"Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities but does not include (i) solid or

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dissolved material in domestic sewage; (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954 (42 USCS § 2011 et seq.), as amended.

"Storage" means the containment or holding of hazardous wastes pending treatment, recycling, reuse, recovery or disposal.

"Treatment" means any method, technique or process, including incineration or neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste ~~it~~ or so as to render such waste ~~it~~ less hazardous or nonhazardous, safer for transport, amenable to recovery, ~~amenable to~~ or storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of a hazardous waste so as to render it less hazardous or nonhazardous.

## Part II

### Initiation of Certification Process

#### **9VAC20-40-50. Requirement of certification and waiver.**

A. No person shall construct or commence construction of a hazardous waste facility without first obtaining a certification of site approval by the board in the manner prescribed here.

An owner or operator of a facility may submit a notice of intent as prescribed in 9VAC20-40-60 ~~below~~ or submit a request for a waiver from the procedures established in the Act and this chapter.

B. Upon receiving a written request from the owner or operator of a facility, the board may grant a waiver upon such conditions as it may determine, provided that the proposed changes to the facility are designed to:

1. Prevent a threat to human health or the environment because of an emergency situation;
2. Comply with federal or state laws and regulations promulgated after July 1, 1984; or
3. Demonstrably result in safer or environmentally more acceptable processes.

C. The waiver provisions of this chapter shall apply to existing facilities when construction is defined to be:

1. The alteration or expansion of existing structures or facilities to initially accommodate hazardous waste;
2. Any expansion of more than 50% of the area or capacity of an existing hazardous waste facility; or
3. Any change in the design or process of a hazardous waste facility that will result in a substantially different type of facility or will cause the facility to be reclassified as a higher numbered category.

D. Emergency situation.

1. Scope of waiver: The owner or operator of a facility may be permitted to make changes which are designed to prevent a threat to human health or the environment because of an emergency situation.

2. Applying for waiver: The owner or operator of the facility may obtain verbal approval from the director effective for a period up to 30 days, unless revised by the board at its next regular meeting, and, in addition, must submit the request for waiver in writing to the director. The request at a minimum must contain the following information:

- a. The name and address of the owner or operator or both of the facility;
- b. Location of the facility and a description of its operation;
- c. Description of the circumstances creating the emergency situation;
- d. Description of the resulting threat to human health or the environment or both;
- e. Description of the changes to be made in the facility; and
- f. Efforts to restore the facility to original conditions of certification after emergency conditions are abated.

3. The waiver: Upon receipt of the request, the director will grant or deny the request for waiver. In the event the director grants the request for waiver, such waiver is subject to the approval of the ~~council~~ board at its next regularly scheduled meeting. If the director denies the request, the applicant may renew the request at the next regularly scheduled meeting of the board.

E. State or federal laws; more acceptable process.

1. Scope of waiver: The owner or operator of a facility may be permitted to make changes which are designed to comply with state or federal laws enacted or regulations promulgated after July 1, 1984, or changes which demonstrably result in safer or environmentally more acceptable processes.

2. Applying for waiver: The owner or operator of the facility must make the request in writing to the director. At a minimum the request must contain the following information:

- a. Name and address of the owner ~~and/or~~ or operator of the facility;
- b. Location of the facility and a description of its operation; and
- c. Either:
  - (1) A copy of the state or federal law or regulation necessitating the change, if applicable, and a description of the changes to be made in the facility to effect compliance with the law or regulation; or

(2) A description of the changes the owner or operator wishes to make and an analysis demonstrating the improved safety or environmental soundness resulting from the changes.

3. The waiver: At its next regularly scheduled meeting, the board will consider the request for waiver. The owner or operator or his representative should attend the meeting. At the meeting the board may:

- a. Grant the request for waiver;
- b. Deny the request for waiver;
- c. Determine that additional information is needed from the owner or operator;
- d. Decide that a public hearing is needed; or
- e. Take any other action the board deems appropriate.

4. Should the board decide to hold a public hearing, it will also determine from among the following who will conduct the hearing: a member or members of the board, the director, or both, or a hearing officer, ~~or both~~; appointed from outside the board. The director will give notice of the hearing to the same parties and in the same manner as described in 9VAC20-40-60 C, regarding distribution of the notice of intent. The owner or operator shall provide the director with a list of the names and addresses of all owners of property adjoining the facility. The notice of the hearing shall specify the date, time, and location of the hearing and include a copy of the request for waiver.

**9VAC20-40-80. Briefing meeting.**

A. Not more than 75 nor less than 60 days after the delivery of the notice of intent to the host community, the board shall conduct a briefing meeting in or in reasonable proximity to the host community. Notice of the date, time, place and purpose of the briefing session shall be prepared by the board and shall accompany the notice of intent delivered pursuant to § ~~10.1-1439~~ 10.1-1437 of the Code of Virginia, and be included in the notice published pursuant to § ~~10.1-1439~~ 10.1-1437 of the Code of Virginia. At least one representative of the applicant shall be present at the briefing meeting. The primary purpose of the briefing meeting will be to provide information on the proposed site and facility and to receive comments, suggestions and questions on them from the public.

B. The board shall select from among its membership a briefing officer who will be responsible for conducting the meeting as follows:

- 1. The briefing officer will call the meeting to order and explain the purpose of the briefing;
- 2. The applicant shall be allowed to give a presentation describing the proposal and to respond to questions;
- 3. Persons asking questions shall be requested to state their names, addresses, and interests in the project;

4. The briefing officer shall conduct the meeting in an orderly manner while ensuring that all interested parties present are as fully briefed as possible on the proposal; and

5. A stenographic or electronic record shall be made of all briefing meetings. A transcript of the meeting, together with copies of any documents submitted at the briefing, shall be made available for inspection at the office of the board and host community during normal working hours.

C. If the board conducts additional briefing meetings, notice of such meetings shall be provided as follows:

1. Notice of the date, time, place and purpose of the meeting is delivered in writing to the applicant, each member of the governing body of the host community, and to all owners of property adjoining the proposed site at least 15 days in advance of the meeting;

2. Such notice is published once each week for at least two successive weeks in a newspaper of general circulation in the host community;

3. Such notice is broadcast over one or more radio stations within the area to be affected by the subject of the notice;

4. Such notice is mailed, by electronic or postal delivery, to each person who has asked to receive notice; and

5. Such notice is disseminated by any additional means the board deems appropriate.

**9VAC20-40-90. Impact analysis.**

A. The applicant shall submit a draft impact analysis in accordance with § 10.1-1440 of the Code of Virginia and, in addition, shall furnish a copy of the draft impact analysis to each person designated in that section.

B. The draft impact analysis shall include:

1. A detailed assessment of the project's suitability with respect to the criteria.

2. A cover letter signed by the applicant;

3. An executive summary providing a brief description of the applicant's proposal, the impacts, and mitigating actions;

4. A site plan;

5. A full report addressing each of the following:

a. Effects on botanical resources;

b. Energy and water consumption;

c. Discharge of any substance, or of heat, in surface or ground waters;

d. A description of any necessary clearing, excavating, dredging, filling;

e. The types and amounts of wastes which will be accepted;

f. The process or processes to be employed including its basic characteristics and principal limitations;

g. Planned operational safeguards and monitoring of the facility following cessation of operations;

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- h. Emission of radiation; and
- i. Solid waste disposal.

6. An ownership report containing:

- a. A legal description of the applicant, including identification of all principal participants;
- b. A current audited financial statement or statements prepared by a certified public accountant including the accountant's opinions;
- c. A description of all liability insurance the applicant has or plans to obtain for the proposed site and facility and a description of the financial and managerial arrangements for closure and post-closure care of the site;
- d. A description of the applicant's experience in the field, including any other hazardous waste facilities operated or owned currently or in the past by the applicant and details of their compliance record; and
- e. A description of how the applicant intends to finance the project.

7. An appendix providing any supporting documentation.

C. The board, at the applicant's expense, shall cause notice of the filing of the draft impact analysis to be made in the manner provided in § ~~10.1-1440~~ 10.1-1447 of the Code of Virginia, within 10 days of receipt. The notice shall include (i) a general description of the analysis, (ii) a list of recipients, (iii) a description of the places and times that the analysis will be available for inspection, (iv) a description of the board's procedures for receiving comments on the analysis, and (v) the addresses and telephone numbers for obtaining information from the board.

D. The board shall allow 45 days after publication of notice for comment on the draft impact analysis. No sooner than 30 and no more than 40 days after publication of notice of the draft impact analysis, the board shall conduct a public meeting on the draft impact analysis in or near the host community. The meeting shall be for the purpose of explaining, answering questions and receiving comments on the draft impact analysis. A representative of the governing body and a representative of the applicant shall be present at the meeting.

E. The board will receive comments on the draft impact analysis pursuant to the following procedures:

- 1. Comments on the draft analysis may be in writing and mailed to the board within 45 days of publication of the notice for comment; and
- 2. Comments may be submitted in writing or by presentation before the board at the public meeting conducted pursuant to § 10.1-1444 of the Act. The meeting will be conducted in the same manner as the briefing meeting in 9VAC20-40-80 B.

F. Within 10 days after the close of the comment period, the board shall forward to the applicant a copy of all comments

received on the draft impact analysis, together with its own comments.

G. The applicant shall prepare and submit a final impact analysis to the board after receiving the comments. The final impact analysis shall reflect the comments as they pertain to each of the items listed in subsection B of this section. A copy of the final impact analysis shall be provided by the applicant upon request to each of the persons who received the draft impact analysis.

H. Preparation and submission of the final impact analysis will be in accordance with § 10.1-1440 of the Code of Virginia.

## Part III

### Application for Certification of Site Approval

#### **9VAC20-40-100. Application.**

A. At any time within six months after submission of the final impact analysis, the applicant may submit to the board an application for certification of site approval. The application shall contain:

- 1. A summary of the proposal including a general description of the facility and the nature of the business;
- 2. Conceptual engineering designs for the proposed facility;
- 3. A copy of the final impact analysis which evaluates the siting criteria;
- 4. A detailed description of the facility's suitability to meet the criteria promulgated by the board, including any design and operation means that will be necessary or otherwise undertaken to meet the criteria;
- 5. A siting agreement, if one has been executed pursuant to ~~9VAC20-40-100 subsections~~ F and H of this section, 9VAC20-40-110 and § 10.1-1442 of the Code of Virginia, or, if none has been executed, a statement to that effect.

B. Fees. The application shall be accompanied by the fee established by the ~~Fee Schedule~~ Regulation of Fees for Hazardous Waste Facility Site Certification (9VAC20-20).

C. Form of the application.

- 1. The application should be contained in one or more three-ring loose-leaf binders preferably on 8-1/2 X 11 inch paper.
- 2. All maps required by this chapter shall be detachable, but may be fold outs.
- 3. The summary shall be capable of separate reproduction and distribution.

D. The director shall review the application for completeness and notify the applicant within 15 days of receipt that the application is incomplete or complete.

If the application is incomplete, the director shall so advise the applicant and shall identify the information necessary to make the application complete. The director shall take no further action until the application is complete.

If the application is complete, the director shall so advise the applicant and shall direct the applicant to furnish copies of the application to the following: five to the host community and one to each person owning property adjoining the proposed site. At least one copy of the application shall be made available by the applicant for inspection and copying at a convenient place in a host community during normal business hours.

E. The board shall cause notice of the application to be made in the manner provided in § ~~10.1-1441~~ 10.1-1447 of the Code of Virginia, and shall notify each governing body that upon publication of the notice the governing body must conclude all negotiations with the applicant within 30 days. The applicant and the governing body may, by agreement, extend the time for negotiation to a fixed date but shall forthwith notify the board of this date. The board may also extend the time to a fixed date for good cause shown.

F. At the end of the period specified in subsection E of this section, a governing body shall submit to the board and to the applicant a report containing:

1. A complete siting agreement, if any, or in case of failure to reach full agreement, a description of points of agreement and unresolved points; and
2. Any conditions or restrictions on the construction, operation or design of the facility that are required by local ordinance.

G. If the report is not submitted within the time required, the board may proceed as specified in § 10.1-1443 A of the Code of Virginia.

H. The applicant may submit comments on the report of the governing body at any time prior to the issuance of the draft certification of site approval.

**9VAC20-40-110. Negotiations; role of board; good faith required.**

A. The governing body or its designated representatives and the applicant, after submission of notice of intent to file an application for certification of site approval, may meet to discuss any matters pertaining to the site and the facility, including negotiations of a siting agreement. The time and place of any meeting shall be set by agreement, but at least a 48-hour notice shall be given to members of the governing body and the applicant.

B. The board shall assist in facilitating negotiations between the local governing body and the applicant to the extent of recommending a mediator or other conflict resolution mechanism, but shall not become integrally involved in the siting agreement negotiations.

C. The siting agreement may include any terms and conditions, including mitigation of adverse impacts and financial compensation to the host community, concerning the facility. In the event that a provision of a siting agreement conflicts with state or federal law, the state or federal law shall prevail.

D. The siting agreement shall be executed by the signatures of (i) the chief executive officer of the host community, who has been so directed by a majority vote of the local governing body, and (ii) the applicant or authorized agent.

E. Determination of agreement.

1. If the report submitted by the governing body pursuant to § ~~10.1-1442~~ 10.1-1441 of the Code of Virginia indicates that no siting agreement has been reached and contains a written allegation that the applicant has failed or refused to negotiate in good faith, the director shall issue notice to the applicant and host community of the board's intention to hold an informal conference pursuant to § 2.2-4019 of the Virginia Administrative Process Act. The notice shall state the time, place and date of such conference. The purpose shall be to determine the sole issue of whether or not the applicant has failed or refused to negotiate in good faith with the governing body in developing a siting agreement.

2. If the board finds that the governing body has shown by a preponderance of the evidence that the applicant has failed or refused to negotiate in good faith with the governing body for the purpose of attempting to develop a siting agreement, the board may deny the application for certification of site approval. Such a finding shall constitute final action by the board.

3. If the board finds that the governing body has not shown by a preponderance of the evidence that the applicant has failed or refused to negotiate in good faith with the governing body for the purpose of attempting to develop a siting agreement, the board may issue the draft certification of site approval pursuant to § 10.1-1443 of the Code of Virginia. Such finding shall not be considered final action by the board.

VA.R. Doc. No. R16-4628; Filed June 27, 2016, 2:16 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Virginia Waste Management Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Virginia Waste Management Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **9VAC20-50. Hazardous Waste Facility Siting Criteria (amending 9VAC20-50-40, 9VAC20-50-100).**

**Statutory Authority:** §§ 10.1-1434 and 10.1-1436 of the Code of Virginia.

**Effective Date:** August 24, 2016.

**Agency Contact:** Leslie A. Romanchik, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4129, FAX (804)

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# Regulations

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698-4234, TTY (804) 698-4021, or email [leslie.romanchik@deq.virginia.gov](mailto:leslie.romanchik@deq.virginia.gov).

## Summary:

*The amendments make technical corrections to two definitions to make them consistent with state statute, remove a reference to a state hazardous waste transportation permit since hazardous waste transporter permits are no longer required by statute, and make corrections to lists of responsible agencies and their associated contact information that are referenced in the regulation.*

## Article 2 Definitions

### 9VAC20-50-40. Words and terms.

Section 10.1-1433 of the Code of Virginia defines several words and terms also used in this chapter. Unless the context clearly indicates otherwise, these words and terms will have the same meaning when used in this chapter. In addition, the following words and terms, when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Active fault" means a fault which has had displacement in Holocene time.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being conducted. It includes the treated area of a land farm and the active face of a landfill, but does not include those portions of a facility which have been closed in accordance with all applicable closure requirements of the Virginia Department of Environmental Quality.

"Anion exchange capacity—(A.E.C.)" means the exchange capacity for negatively charged ions. (See Cation exchange capacity.)

"Anti-degradation goal for groundwater" means if the concentration of any constituent in groundwater is less than the limit set forth by groundwater standards, the natural quality for the constituent shall be maintained; natural quality shall also be maintained for all constituents, including temperature, not set forth in groundwater standards. If the concentration of any constituent in groundwater exceeds the standards for that constituent, no addition of that constituent to the naturally occurring concentration shall be made.

"Applicant" means the person applying for certification of site suitability or submitting a notice of intent to apply for that.

"Aquifer" means water-bearing geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of groundwater to wells or springs. An aquifer is unconfined (water table) or confined (artesian)

according to whether the upper surface of the water is at atmospheric pressure or at greater than atmospheric pressure.

"Attenuation" means any decrease in the maximum concentration or total quantity of a chemical or biological constituent during a fixed time or distance traveled.

"Board" means the Virginia Waste Management Board.

"Buffering capacity" means the capacity of a soil to take up contaminants through a variety of attenuation processes such as biological activity, dilution, volatilization, mechanical filtration, precipitation, buffering, neutralization and ion exchange. Some attenuation processes result in permanent removal and degradation of pollutants, which others act to store pollutants and by that delay pollution problems but do not eliminate them.

"Cation exchange capacity—(C.E.C.)" means the excess of counter ions in the zone adjacent to the charged surface or layer which can be exchanged for other cations. The ~~C.E.C.~~ cation exchange capacity of geological materials is normally expressed as the number of milliequivalents of cations that can be exchanged in a sample with a dry mass of 100 grams.

"Closure" means the act of securing a hazardous waste management facility pursuant to the requirements of Virginia Hazardous Waste Management Regulations (9VAC20-60) promulgated by the board.

"Community water system" means a waterworks which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Construction" means (i) with respect to new facilities, the significant alteration of a site to install permanent equipment or structures or the installation of permanent equipment and structures; (ii) with respect to existing facilities, the alteration or expansion of existing structures or facilities to initially accommodate hazardous waste, any expansion of more than 50% of the area or capacity of an existing hazardous waste facility, or any change in design or process of a hazardous waste facility that will, in the opinion of the board, result in a substantially different type of facility. It does not include preliminary engineering or site surveys, environmental studies, site acquisition, acquisition of an option to purchase or activities normally incident hereto.

"Container" means any portable enclosure in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Dam-related flood hazard areas" means areas identified as being dam-related flood hazard areas which fall into one of two categories: areas of dynamic flooding below the dam, or the inundation zone, and areas of static flooding above the dam, or the flood pool. The inundation zone is the area that would be inundated by the water released by the impoundment in the event of a dam flood. The flood pool is defined as the land area above the dam which is prone to flooding during abnormally high runoff or precipitation.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which the waste will remain after closure.

"Endangered or threatened species habitat" means areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife (fauna) or vegetation (flora) identified as "endangered" or "threatened" species on official federal or state lists of endangered or threatened species, including the Endangered Species Act, 16 USC § 1531 et seq., the Virginia Endangered Species Act, § 29.1-563 et seq. of the Code of Virginia, and the Virginia Endangered Plant and Insect Species Act, § ~~3-1-1020~~ 3.2-1000 et seq. of the Code of Virginia, or under active consideration for state or federal listing. The definition also includes a sufficient buffer area to ensure continued survival of the species.

"Floodplain" means an area adjoining a river, stream or water course which has been or hereafter is likely to be covered by floodwaters.

Included in this category are coastal flood hazards which are defined as land areas adjacent to open coast, coastal sounds and their upstream estuaries which are prone to flooding from hurricanes and storm surges with an annual probability of 1.0%.

Also included in this definition are riverine flood hazard areas defined as the valley areas adjacent to any size waterway which can be covered by flood waters resulting from excessive rainfall or other factors. The riverine flood hazard areas also fall under the Federal Emergency Management Administration definition of a "Regulatory Floodway" under the National Flood Program. A regulatory floodway includes the channel of the river and the adjacent floodplain that must be reserved in order to discharge the base flood (the flood level anticipated in the 100-year flood plain). The regulatory floodway cannot cause a cumulative increase in the water surge elevation of the base flood of greater than one foot at any point.

"Groundwater" means any water, except capillary moisture beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Groundwater quality" means the quality of groundwater as measured against drinking water criteria and standards established by the U.S. EPA and the State Department of

Health and adopted by the Virginia State Water Control Board.

"Hazardous waste" means a solid waste classified as a hazardous waste by the Virginia Hazardous Waste Management Regulations, 9VAC20-60.

"Hazardous waste facility" means any facility, including land and structures, appurtenances, improvements and equipment for treatment, storage, or disposal of hazardous wastes, which accepts hazardous waste for storage, treatment or disposal. This definition does not include: (i) facilities which are owned and operated by and exclusively for the on-site treatment, storage or disposal of wastes generated by the owner or operator; (ii) facilities for the treatment, storage or disposal of hazardous wastes used principally as fuels in an on-site production process; and (iii) facilities used exclusively for the pretreatment of wastes discharged directly to a publicly owned sewage treatment works ~~and storage/treatment facilities~~.

"Hundred-year flood" means a flood of that level which on the average will have a 1.0% chance of being equaled or exceeded in any given year at designated locations.

"Hydraulic conductivity" means the rate of flow of water in gallons per day through a cross section of one square foot under a unit hydraulic gradient, at the prevailing temperature (Permeability coefficient).

"Hydraulic gradient" means the change in hydraulic pressure per unit of distance in a given direction.

"Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste.

"Injection well" means a well or bore hole into which fluids are injected into selected geologic horizons. (See also underground injection.)

"Inundation zone (below a dam)" means the area that would be inundated in the event of a dam failure.

"Karst topography" means a type of topography that may form over limestone, dolomite, or gypsum formations by dissolving or solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where waste is placed in or on land and which is not a treatment facility, a surface impoundment or an injection well.

"Leachate" means a liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Monitoring" means all procedures used to systematically inspect and collect data on operational parameters of the

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facility or on the quality of the air, groundwater, surface water or soils.

"Monitoring well" means a well used to obtain water samples for water quality analysis or to measure depth to groundwater table.

"Noncommunity water system" means a waterworks that is not a community waterworks, but operates at least 60 days of the year and is for transient use such as restaurants, campgrounds, or rest areas.

"Pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

"Point source" means any discernible, confined and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Private water system" means all systems not defined under community/noncommunity water systems.

"Proximity to an active fault" means located such that potential vibration of a known active fault as defined under "seismic risk zones" or "seismogenic volume" in this chapter may adversely affect the physical integrity of the facility, or such that ground and surface waters associated with such fault may be degraded.

"Proximity to a community/noncommunity water system and supply of groundwater" means a site which is located such that the geologic features or characteristics of the site may lead to degradation of the aquifer as a result of operations or in the event of an accident or spill.

"Proximity to a community/noncommunity water system and supply of surface water" means within 1/2 mile of either side of a stream or impoundment for a distance of five stream miles upstream including tributaries, and 1/10 of a mile downstream of any nontidal surface water intake for a public water supply. On tidal affected streams, the site shall be such greater distance than 1/10 of a mile downstream that the tidal action would not cause intake of waters that may be affected by run-off, etc., from the site location. More restrictive requirements of other state regulatory agencies shall apply.

"Proximity to a private water system and supply of surface or groundwater" means a site which is located such that the geologic features or characteristics of the site may lead to degradation of the aquifer as a result of operations or in the event of an accident or spill.

"Proximity to publicly designated areas" means a site which is located such that the construction and operation of the proposed facility may impair the environmental and aesthetic qualities of the area.

"Publicly designated areas" means publicly owned lands designated as seashore areas, wilderness or scenic areas,

scenic rivers, wildlife or bird sanctuaries, game lands, state parks and recreation areas and other natural areas. Also included are lands on or proposed for inclusion on the National Register of Historic Places, National Natural Landmarks, Virginia Landmarks Register and scenic easements held by the Virginia Outdoors Foundation. These lands must have been designated or be pursuant to an ongoing program as of the date of the notice of intent.

"Recharge" means natural or artificial replenishment or storage of nondegrading (quality) water in an aquifer.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saprolite" means a soft, earthy, clay-rich, thoroughly decomposed rock formed in place by chemical weathering of igneous and metamorphic rocks.

"Saturated zone (zone of saturation)" means that part of the earth's crust in which all voids are filled with water under pressure greater than that of the atmosphere.

"Scenic rivers" means rivers designated by the Virginia General Assembly under the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia) as worthy of preservation based on their unique environmental and aesthetic characteristics.

"Seismic risk zones" means an area where an active fault which has had displacement in Holocene time is present or which has had historical earthquake activity in Modified Mercalli VII or Richter Scale 4, or greater.

"Seismogenic volume" means a seismic risk zone of upper crustal rocks where earthquakes are occurring now or in the historic past, or both and that extends from the surface of the earth down to depths of 15-20 kilometers. Such volumes are susceptible to strong seismic shaking (Modified Mercalli Intensity VII or Richter Magnitude 5 or greater) as well as faulting and movement of subsurface rock layers.

"Site" means the land or water area upon which a facility or activity is physically located or conducted including but not limited to adjacent land used for utility systems such as repair, storage, whipping or processing areas, or other areas incident to the hazardous waste facility or activity.

"Soil pH" means the negative log of the hydrogen ion concentration, which commonly ranges from a high (acid) of 0 to a low (alkaline) of 14, neutral being seven.

"Soil/saprolite layer" means the unconsolidated materials derived primarily from the in-place weathering of underlying geologic deposits. Saprolite is specifically the unconsolidated weathering product of crystalline bedrock which retains relic bedrock structure. Thickness of the soil/saprolite layer is the depth from the surface to bedrock.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the state or

within its jurisdiction. For the purpose of this chapter, adjacent wetlands are included in this definition.

"Static water level" means the level at which water stands in a well when no water is being taken from the aquifer either by pumping or by free flow.

"Storage" means the containment or holding of hazardous waste pending treatment, recycling, reuse, recovery or disposal.

"Storage facility" means any hazardous waste facility which stores hazardous waste.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from material causes; compaction due to wetting (hydrocompaction) or from material causes; oxidation of organic matter in soils; or added load on the land surface.

"Subsurface mining areas" means areas where deep mining or removal by drilling of minerals or mineral fuels or pumping of groundwater has resulted in a potential for land subsidence.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an interjection well or a seepage facility.

"Thermal treatment" means treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste.

"Transfer facility" means any transportation related to facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Treatment" means any method, technique, or process, including incineration or neutralization, designed to change ~~chemical, the physical, chemical,~~ or biological character or composition of any hazardous waste ~~so as to neutralize such waste; so as it or to render such waste nonhazardous or it less hazardous, or safe or nonhazardous, safer for transport or disposal, amenable for recovery, amenable for or storage, or reduced in volume.~~

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, jetted, driven, or dug well, where the depth of the well is greater than the largest surface dimension (See also injection well).

"Unsaturated zone (zone of aeration)" means the zone between the topographic surface and water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower

aquifers that are hydraulically interconnected with this aquifer.

"Water table" means the upper surface of the zone of saturation in groundwaters in which the hydrostatic pressure is equal to atmospheric pressure. (See uppermost aquifer.)

"Water well" means an excavation with associated casing, which is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, testing, acquisition, artificial recharge, or storage of groundwater, the depth of which is greater than the diameter or width.

"Waterworks" means a system that serves piped water for drinking or domestic use of (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days of the year. The term waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

"Well" means any shaft or pit dug, drilled, jetted, driven, or bored into the earth, generally of a cylindrical form, and often cased with bricks or tubing to prevent the earth from caving in, whose depth is greater than the largest surface dimension.

"Well yield" means average water yield in gallons per minute obtained from wells trapping the uppermost aquifer below a specific site or site vicinity.

"Wetlands" means areas inundated by surface or groundwater with a frequency sufficient to support, under normal circumstances, a prevalence of vegetated or aquatic life requiring saturated or seasonally saturated soil conditions for growth or reproduction.

Part IV

Related Permits and Reviews

**9VAC20-50-100. Additional agency approval.**

A. To avoid duplication to the maximum extent feasible with existing agencies and their areas of responsibility, related agency approvals are listed ~~below in subsection B of this section~~ as notification to the applicant that these permits and reviews may apply in accordance with the type of facility proposed.

A. B. Permits.

1. Hazardous waste facility management.

a. Regulatory agency:

Virginia Waste Management Board.

b. State permit required:

Facility management ~~or transportation.~~

c. Statutory authority:

(1) Chapter 11.1 (§ 10.1-1182 et seq.) of Title 10.1 of the Code of Virginia and the Virginia Waste Management Act, Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

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(2) Virginia Hazardous Waste Management Regulations, 9VAC20-60.

d. Contact:

Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218  
(804) 698-4000

## 2. Air emissions.

a. Regulatory agency:

State Air Pollution Control Board.

b. State permit required:

Stationary sources

Hazardous pollutants

Open burning

c. Statutory authority, rules and regulations:

(1) Virginia Air Pollution Control Law.

(2) Federal Clean Air Act (42 USC § 7401 et seq.) and amendments.

(3) Hazardous Air Pollutant Sources, 9VAC5-60 and Permits for Stationary Sources, 9VAC5-80.

d. Contact:

Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218  
(804) 698-4000

## 3. Discharges into state waters.

a. Regulatory agency:

State Water Control Board.

b. State discharge permit required:

(1) Virginia Pollutant Discharge Elimination System (NPDES).

(2) No discharge certificate.

c. Statutory authority, rules and regulations:

(1) Federal Water Pollution Control Act Amendments of 1972 (33 USC § 1251 et seq.).

(2) State Water Control Law; (§ 62.1-44.2 et seq. of the Code of Virginia).

d. Contact:

Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218  
(804) 698-4000

## 4. Land disturbance.

a. Regulatory agency:

~~Virginia Soil and Water Conservation~~ State Water Control Board or local government, or both.

b. State requirement:

Erosion and sediment control plan.

c. Statutory authority, rules and regulations:

(1) Erosion and sediment control law (§§ ~~10.1-560~~ 62.1-44.15:51 et seq. of the Code of Virginia).

(2) Virginia Erosion and Sediment Control Handbook.

d. Contact:

Department of ~~Conservation and Recreation~~ Environmental Quality  
~~203 Governor Street, Suite 213 P.O. Box 1105~~  
Richmond, VA ~~23219-2094~~ 23218  
(804) ~~786-1712~~ 698-4000

## 5. Wetlands, subaqueous lands, and dunes.

a. Regulatory agencies:

Virginia Marine Resources Commission (VMRC)  
(Clearinghouse for permits)

Local wetlands boards

Virginia Department of Environmental Quality (VDEQ)

U.S. Army Corps of Engineers (USACE)

b. Permit required:

VMRC and local wetland boards: Use or development of any wetland within Tidewater, Virginia

VMRC: Coastal Dunes

VMRC, VDEQ and USACE: Tidal Wetlands and Subaqueous Land

VDEQ and USACE: Nontidal Wetlands

VDEQ: Isolated Wetlands

USACE: Activities in the navigable waters of the United States, degradation of the quality of water, and transportation and dumping of dredged material.

c. Statutory authority, rules and regulations:

(1) ~~Virginia Wetlands Act~~ (§ 28.2-1300 et seq. of the Code of Virginia-).

(2) ~~Virginia Water Control Law~~ (§§ ~~62.1-44.15~~ and ~~62.1-44.15:5~~ Waters of the State, Ports and Harbors (Title 62.1 of the Code of Virginia-).

(3) Local wetland zoning ordinances.

(4) Federal Water Pollution Control Act (Clean Water Act, 33 USC § 1251 et seq.) §§ 401 and 404.

(5) Rivers and Harbors Act of 1894 (33 USC § 1371).

(6) Marine Protection Research and Sanctuary Act (16 USC §§ 1431-1434; 33 USC §§ 1401, 1402, 1411-1421, 1441-1444).

d. Contact:

(1) Assistant Commissioner for Habitat Management  
Marine Resources Commission  
2600 Washington Avenue, 3rd Floor  
Newport News, VA 23607  
(757) 247-2200

(2) Department of Environmental Quality  
 P.O. Box 1105  
 Richmond, VA 23218  
 (804) 698-4000

(3) District Engineers  
 U.S. Army Corps of Engineers  
 Norfolk District  
 803 Front Street  
 Norfolk, VA ~~23510~~ 23508

~~B.~~ C. **Reviews.** Applications for permits may result in a review and comment process by state agencies. Such reviews may include comments concerning historic landmarks, archaeological sites, caves, best management practices, fisheries, and parks and recreation. Further information on review procedures can be obtained by contacting: Department of Environmental Quality, P.O. Box 1105, Richmond, VA, 23218; or (804) 698-4000.

VA.R. Doc. No. R16-4636; Filed June 27, 2016; 2:19 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Virginia Waste Management Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **9VAC20-110. Regulations Governing the Transportation of Hazardous Materials (amending 9VAC20-110-110).**

**Statutory Authority:** §§ 10.1-1450 and 44-146.30 of the Code of Virginia; 49 USC §§ 1809 through 1810; 49 CFR Parts 107, 170 through 180, 383, and 390 through 397.

**Effective Date:** August 24, 2016.

**Agency Contact:** Debra A. Harris, Planning and Policy Specialist, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4209, or email [debra.harris@deq.virginia.gov](mailto:debra.harris@deq.virginia.gov).

**Summary:**

*The amendment incorporates into Virginia regulation certain amendments promulgated by the U.S. Secretary of Transportation and made to federal regulations governing the transportation of hazardous materials as of October 1, 2015.*

**Part III**

**Compliance with Federal Regulations**

**9VAC20-110-110. Compliance.**

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing

the transportation of hazardous materials promulgated by the ~~United States~~ U.S. Secretary of Transportation with amendments promulgated as of October 1, ~~2014~~ 2015, pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations as set forth below and which are incorporated in these regulations by reference:

1. Special Permits. 49 CFR Part 107, Subpart B.
2. Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers in 49 CFR Part 107, Subpart F.
3. Registration of Persons Who Offer or Transport Hazardous Materials in 49 CFR Part 107, Subpart G.
4. Hazardous Materials Regulations in 49 CFR Parts 171 through 177.
5. Specifications for Packagings in 49 CFR Part 178.
6. Specifications for Tank Cars in 49 CFR Part 179.
7. Continuing Qualification and Maintenance of Packagings in 49 CFR Part 180.
8. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 397.

VA.R. Doc. No. R16-4683; Filed June 23, 2016; 2:08 p.m.

**Final Regulation**

**REGISTRAR'S NOTICE:** The Virginia Waste Management Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

**Title of Regulation:** **9VAC20-150. Waste Tire End User Reimbursement Regulation (amending 9VAC20-150-10, 9VAC20-150-40, 9VAC20-150-50, 9VAC20-150-80, 9VAC20-150-100 through 9VAC20-150-130; adding 9VAC20-150-25; repealing 9VAC20-150-30).**

**Statutory Authority:** §§ 10.1-1402 and 10.1-1422.4 of the Code of Virginia.

**Effective Date:** July 25, 2016.

**Agency Contact:** Leslie D. Beckwith, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4123, FAX (804) 698-4234, TTY (804) 698-4021, or email [leslie.beckwith@deq.virginia.gov](mailto:leslie.beckwith@deq.virginia.gov).

**Summary:**

*The amendments revise terminology for consistency with state statute, make clarifying changes, and amend the reporting requirements for waste tires that qualify an eligible end user for reimbursement.*

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# Regulations

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## Part I Definitions

### 9VAC20-150-10. Definitions.

A. The definitions set out in Part I of the Solid Waste Management Regulations (9VAC20-81) are incorporated by reference.

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

"Applicant" means any person or persons seeking reimbursement under this chapter.

"Asphalt pavement containing recycled rubber" means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from waste tire materials which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses.

"Authorized signature" means the signature of an individual who has authority to sign on behalf of, and bind, the applicant.

"Available funds" means for a given fiscal year, a maximum of 80% of the previous fiscal year's collection of the waste tire tax plus 85% of nonobligated carryover funds at the end of the previous fiscal year.

"Burning" means the controlled burning of waste tire materials for the purpose of energy recovery.

"Collector" means a person who receives waste tires from a generator or hauler for the purpose of delivery to a permitted storage, processing, or disposal facility.

"Cost of use" means the equipment, leasehold improvements, buildings, land, engineering, transportation, operating, taxes, interest, and depreciation or replacement costs of using waste tire materials incurred by the end user after deducting any tipping fee received by the end user.

"Daily cover" means using waste tire material as an alternate cover placed upon exposed solid waste to control disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to human health and the environment.

"Department" means the Department of Environmental Quality.

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

"Embankment" means a raised earthen structure to carry a roadway.

"End user" means:

1. For ~~energy resource~~ recovery, the person who utilizes the heat content or other forms of energy from the ~~burning incineration~~ or pyrolysis of waste ~~tire tires, chips, or similar~~ materials;

2. For other eligible uses: of waste tires, the last person who uses the waste ~~tire tires, chips, or similar~~ materials to make a product with economic value. If the waste tire

~~materials are~~ is processed by more than one person in becoming a product, the end user is the last person to use the tire as ~~waste a tire materials, tire chips, or as similar material~~. A person who ~~produces waste~~ distributes tire chips or similar materials and gives or sells them to another person to use is not an end user.

"Energy recovery" means utilizing the heat content or other forms of energy from the burning or pyrolysis of waste tire materials.

"Fill material for construction" means the material is used as a base or sub-base under the footprint of a structure, a paved parking lot, sidewalk, walkway or similar application.

"Generator" means any person whose act or process produces waste tires or whose act first causes a tire to become a solid waste.

"Hauler" means a person who picks up or transports waste tires for the purpose of removal to a permitted storage, processing or disposal facility.

"Partial reimbursement" means reimbursement that does not exceed the purchase price of waste tire materials or the cost of use if the waste tire materials were not purchased.

"Passenger tire equivalent" means a measure of passenger, truck tires, and oversize tires where: One passenger car tire equals 20 pounds or 1/100 ton. One truck tire 20-24 inch rim equals 100 pounds or 1/200 ton and a tire with over 24-inch rim equals 200 pounds or greater as computed by the end user.

"Processor" means a person engaged in the processing of waste tires including, but not limited to, stamping, stripping, shredding, or crumbing; that operates under a permit issued by the local, state, or federal government; or is exempt from permit requirements.

"Pyrolysis" means thermal treatment of waste tire materials to separate it into other components with economic value.

"Retreading" means processing a waste tire by attaching a new tread to make a usable tire.

"Road bed base" means the foundation of a road prepared for surfacing.

"Tipping fee" means a fee charged to a person for disposal of a waste tire.

"Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a vehicle in which a person or property is transported, or by which they may be drawn on a highway.

"Tire pile" means an accumulation of waste tire materials that violates the Solid Waste Management Regulations (9VAC20-81).

"Waste tire" means a tire that has been discarded because it is no longer suitable for its original intended purpose because of wear, damage or defect.

"Waste tire materials" means whole waste tires or waste tires that have been size reduced by physical or chemical process.

This term includes waste tires or chips or similar materials as specified in §§ 10.1-1422.3 and 10.1-1422.4 of the Code of Virginia.

"Waste Tire Trust Fund" means the nonreverting fund set up by § 10.1-1422.3 of the Code of Virginia in which proceeds from the ~~waste tire tax~~ recycling fee are deposited.

**9VAC20-150-25. Compliance with other requirements.**

Any removal or processing of waste tires must be conducted in accordance with all applicable local, state, and federal laws and regulations and in accordance with applicable departmental policies.

**9VAC20-150-30. Regulations review. (Repealed.)**

~~This chapter will be reviewed every six months by the director to determine whether the regulations should be continued, amended, or terminated based on the intent to enhance markets for waste tires, chips, or similar tire materials that is specified in the authorizing legislation.~~

Part III

Eligibility for Reimbursement

**9VAC20-150-40. End uses of waste tires eligible for reimbursement.**

A. The following uses of waste tire materials will be eligible for the reimbursement if the use complies with applicable local ordinances and regulations and the Solid Waste Management Regulations (9VAC20-81) or the equivalent regulations in another state. The eligible uses are:

1. Civil engineering applications, which utilize waste tire materials as a substitute for soil, sand, or aggregate in a construction project such as land or surface applications, road bed base and embankments; fill material for construction projects; and daily cover and other substitutions at a permitted solid waste facility if the facility's permit is so modified;
2. Burning Incineration of waste tire materials for energy recovery; and
3. Pyrolysis; ~~and~~

~~4. Products~~ B. Producing products made from waste tire materials such as molded rubber products, rubberized asphalt, soil amendments, playground and horse arena surfacing materials, mulches, mats, sealers, etc. is eligible for end user reimbursement.

~~B. C.~~ Uses that are not eligible for reimbursement include:

1. Reuse as a vehicle tire;
2. Retreading;
3. Burning without energy recovery; and
4. Landfilling, except use as specified in subdivision A 1 of this section.

**9VAC20-150-50. Eligible end users.**

A. To be eligible for a reimbursement, the applicant shall be the end user of the waste tire materials as defined in Part I of this chapter. The end user need not be located in Virginia.

B. To be eligible for a reimbursement, the waste tire materials utilized by the end user must be:

1. Waste tire materials from waste tires generated in Virginia and be documented as such according to the requirements in Part V of this chapter; and
2. Utilized through a method specified in 9VAC20-150-40.

C. Distributors of products made from waste tire materials listed in 9VAC20-150-40 B are not eligible for end user reimbursement.

**9VAC20-150-80. Maximum rate of reimbursement.**

A. The maximum amount of the reimbursement for waste tires specified in 9VAC20-150-100 A 1 shall be \$22.50.

B. The maximum amount of the reimbursement for waste tires specified in 9VAC20-150-100 A 2 and A 3 shall be ~~\$50 per ton, increasing to \$75 per ton beginning October 25, 2002, and \$100 per ton beginning July 1, 2003,~~ subject to available funding.

Part V

Virginia Generated Waste Tires

**9VAC20-150-100. Qualification as Virginia generated waste tires.**

A. A Virginia generated waste tire is a waste tire that is:

1. Discarded as the result of a sale, trade, or exchange in Virginia;
2. From a Virginia tire pile that existed prior to December 20, 1994; or
3. From a Virginia tire pile that was created without the property owner's knowledge or permission.

B. Tires qualifying for subdivision A 2 or A 3 of this section must be certified as such through a field inspection conducted by the department using department form DEQ-CERT ~~12/97~~.

~~C. Before removal of any tires from a site which meets the criteria of subdivision A 2 or A 3 of this section, a hazard prevention plan, prepared in accordance with department guidelines, must be fully implemented.~~

**9VAC20-150-110. Documentation.**

A. To be considered as Virginia generated waste tires eligible for reimbursement, the waste tires must be documented as such in a manner acceptable to the ~~director~~ department. Acceptable documentation must provide at a minimum a certifying statement signed by the end user stating that the waste tires are Virginia generated in accordance with the requirements of 9VAC20-150-100. One type of acceptable documentation is form ~~DEQ-WTC,~~ completed in the following manner: DEQ-WTC. All documentation submitted shall include the information listed in this section, as applicable.

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1. Completion of Part 1 by the generator. The generator, who has the waste tires for disposal, must fill in all pertinent information in Part 1 and sign the statement certifying that the waste tires are Virginia generated in accordance with the requirements of 9VAC20-150-100. When the generator is not known, the property owner is the generator.

2. Completion of Part 2 by the hauler if applicable. The hauler must fill in all pertinent information in Part 2 and sign the statement certifying that he accepted the waste tire materials in the amounts indicated from the generator in Part 1.

3. Completion of Part 3 by the collector, if applicable. The collector must fill in all pertinent information in Part 3 and sign the statement certifying that he accepted the waste tire materials in the amounts indicated from the hauler or generator as applicable.

4. Completion of Part 4 by the processor. The processor must fill in all pertinent information and sign the statement certifying that he accepted the waste tire materials in the amounts indicated from a generator, hauler and/or collector, as applicable.

## B. Generators shall submit the following information:

1. Generator's company name;
2. Mailing address;
3. Telephone number;
4. Business identification number (ID) or Virginia driver's license number (VDL);
5. Physical location of where the waste tires were generated;
6. The number of car or light truck tires, truck tires, oversize tires, or the tire materials in tons; and
7. The following certification signed by the generator "I certify under penalty of law that the information submitted on this document is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for willful violations. I further certify that, to the best of my knowledge and belief, all the waste tire materials identified by me on this document and delivered to the hauler below were generated in the Commonwealth of Virginia in accordance with the Waste Tire End User Reimbursement Regulations (9VAC20-150)."

## C. Haulers shall submit the following information:

1. Hauler's company name;
2. Mailing address;
3. Telephone number;
4. Business ID or VDL;
5. The number of car or light truck tires, truck tires, oversize tires, or the tire materials in tons; and

6. The following certification signed by the hauler "I certify that the waste tire materials listed in this section of this document were received from the generator in the amounts indicated, to the best of my knowledge and belief."

## D. Collectors shall submit the following information:

1. Collector's company name;
2. Mailing address;
3. Telephone number;
4. Business ID or VDL;
5. The number of car or light truck tires, truck tires, oversize tires, or the tire materials in tons; and
6. The following certification signed by the collector "I certify that the waste tire materials listed in this section of this document were received from the generator or hauler in the amounts indicated, to the best of my knowledge and belief."

## E. Processors shall submit the following information:

1. Processor's company name;
2. Mailing address;
3. Telephone number;
4. Business ID or VDL;
5. The number of car or light truck tires, truck tires, oversize tires, or the tire materials in tons; and
6. The following certification signed by the processor "I certify that the waste tire materials listed in this section of this document were received from the generator, hauler, or collector in the amounts indicated, to the best of my knowledge and belief."

## Part VI

### Application Procedures

#### **9VAC20-150-120. Application for reimbursement.**

A. A person may apply to the ~~director~~ department for reimbursement from the Waste Tire Trust Fund on a monthly or quarterly basis for utilizing waste tire materials if the request for reimbursement is complete and complies with other provisions of this chapter.

B. The minimum reimbursement application amount is 5,000 passenger tire equivalents or ~~50~~ 10 tons of waste tire materials used. Lesser amounts may be considered on a case-by-case basis.

C. In order to apply for reimbursement, the utilization of the waste tire materials must occur after December 20, 1994.

D. An applicant for reimbursement must file form DEQ-EURR with the ~~director~~ department, providing at a minimum:

1. Applicant's name and address;
2. Name and location of facility where end use occurs;
3. A description of the end use;

- 4. A statement of the purchase price paid for the waste tire materials or, if the waste tire materials were not purchased, the cost of use; and
- 5. An authorized signature.

~~E. Application for quarterly reimbursement will be accepted up to the last business day of the month following a calendar quarter. Applications received after the one month deadline will be considered late and reimbursement will not be considered for that calendar quarter. Such a late application will be considered in the following calendar month with other monthly applications.~~

~~Application for monthly reimbursement will be accepted up to the 15th calendar day of the month following a month. Applications received after the 15 day deadline will be considered late and reimbursement will not be considered for that month. Such a late application will be considered in the following month.~~

~~F. E.~~ An applicant for a reimbursement for utilization of waste tire materials is subject to audit by the ~~director~~ department. Applicants shall allow access to all records related to waste tire management activities during normal business hours for the purpose of determining compliance with this chapter for five years from the date of reimbursement.

~~G. F.~~ In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information to the ~~director~~ department in applying for a reimbursement shall be ineligible to receive any reimbursement under this chapter.

Part VII

Processing of Applications

**9VAC20-150-130. Review of application.**

A. The ~~director~~ department shall review the reimbursement application form, DEQ-EURR, for completeness and eligibility within ~~three~~ 10 working days of receipt.

B. If an application is not complete as required in 9VAC20-150-120 D, the ~~director~~ department may require the applicant to submit the missing information. The ~~director~~ department may delay reimbursement until the information is received.

C. The ~~director~~ department will process for payment all applications for reimbursement that are complete and in compliance with the regulations up to the amount of available funds. The complete applications will be processed in the order received and until available funds are exhausted. When available funds for a given fiscal year are exhausted, all remaining eligible applications will be held and paid first in the following fiscal year.

D. ~~When~~ If an applicant believes an error has been made in the review of or response to his application, he shall notify the ~~director~~ department in writing within 30 days of receiving the ~~director's~~ department's response. The ~~notice shall contain a copy of the application and the director's response, applicant~~

shall submit to the ~~department~~ department a brief statement describing the believed error, and copies of any documents supporting the statement.

The ~~director~~ department shall review the ~~notice~~ applicant's response and attached documents and may further ~~investigate~~ review the matter. The ~~director~~ department shall ~~advise the respond to the applicant in writing in due course of his response to the applicant's notice of error concerning the review of the information submitted by the applicant.~~

If the ~~director~~ department concludes that an error has been made, he shall ~~reinstate~~ reprocess the application and ~~act on it~~ shall be reprocessed by the department. If ~~the available funds are exhausted, and would not have been had the director acted correctly on the application originally, the reinstated not available, the reprocessed~~ application shall be carried over to the next year and paid from available funds.

**NOTICE:** The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (9VAC20-150)

[Waste Tire Pile Certification, DEQ-CERT, No. 154 \(rev. 3/2010\)](#)

[End User Reimbursement Application, DEQ-EURR \(rev. 5/2016\)](#)

[Waste Tire Certification, DEQ-WTC \(rev. 4/2016\)](#)

VA.R. Doc. No. R16-4640; Filed June 27, 2016; 2:31 p.m.

**STATE WATER CONTROL BOARD**

**Final Regulation**

**REGISTRAR'S NOTICE:** The State Water Control Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 14 of the Code of Virginia, which exempts adoption, amendment, or repeal of wasteload allocations by the State Water Control Board pursuant to State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) if the board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting.

Title of Regulation: **9VAC25-720. Water Quality Management Planning Regulation (amending 9VAC25-720-50, 9VAC25-720-60, 9VAC25-720-90, 9VAC25-720-110, 9VAC25-720-120, 9VAC25-720-130).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC § 1313(e) of the Clean Water Act.

# Regulations

Effective Date: August 24, 2016.

Agency Contact: Elizabeth McKercher, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4291, FAX (804) 698-4116, TTY (804) 698-4021, or email elizabeth.mckercher@deq.virginia.gov.

Summary:

The amendments add three new TMDL wasteload allocations in the Potomac-Shenandoah River Basin (9VAC25-720-50 A), add four new TMDL wasteload allocations in the James River Basin (9VAC25-720-60 A), add one new TMDL wasteload allocation in the Tennessee-

Big Sandy River Basin (9VAC25-720-90 A), add 14 new TMDL wasteload allocations in the York River Basin (9VAC25-720-120 A), add nine new TMDL wasteload allocations in the New River Basin (9VAC25-720-130 A), replace two existing TMDL wasteload allocations with revised values in the James River Basin (9VAC25-720-60 A), incorporate four technical corrections in the Potomac-Shenandoah River Basin (9VAC25-720-50 A), incorporate two technical corrections in the Tennessee-Big Sandy River Basin (9VAC25-720-90 A), and incorporate two technical corrections in the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110 A).

**9VAC25-720-50. Potomac-Shenandoah River Basin.**

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA <sup>1</sup>	Units
1.	Muddy Creek, Dry River, and tributaries to North River	Nitrate TMDL Development for Muddy Creek/Dry River, Virginia	Rockingham	B21R, B22R	Nitrate	49,389.00	LB/YR
2.	Blacks Run	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	32,844.00	LB/YR
3.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	69,301.00	LB/YR
4.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Phosphorus	0	LB/YR
5.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Sediment	286,939.00	LB/YR
6.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Phosphorus	38.00	LB/YR
7.	Holmans Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham, Shenandoah	B45R	Sediment	78,141.00	LB/YR

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8.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Sediment	276.00	LB/YR
9.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Phosphorus	<del>438.00</del> <u>116</u>	LB/YR
10.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Sediment	0.00	LB/YR
11.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Phosphorus	0.00	LB/YR
12.	Linville Creek	Total Maximum Daily Load Development for Linville Creek: Bacteria and Benthic Impairments	Rockingham	B46R	Sediment	5.50	TONS/YR
13.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Ammonia	7,185.00	KG/YR
14.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Chlorine	27.63	KG/YR
15.	Shenandoah River	Development of Shenandoah River PCB TMDL (South Fork and Main Stem)	Warren, Clarke	B41R B55R B57R B58R	PCBs	179.38	G/YR
16.	Shenandoah River	Development of Shenandoah River PCB TMDL (North Fork)	Warren, Clarke	B51R	PCBs	0.00	G/YR
17.	Shenandoah River	Development of Shenandoah River PCB TMDL (Main Stem)	Warren, Clarke	WV	PCBs	179.38	G/YR
18.	Cockran Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	B10R	Organic solids	1,556.00	LB/YR

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19.	Lacey Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Rockingham	B47R	Organic solids	680.00	LB/YR
20.	Orndorff Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Shenandoah	B52R	Organic solids	103.00	LB/YR
21.	Toms Brook	Benthic TMDL for Toms Brook in Shenandoah County, Virginia	Shenandoah	B50R	Sediment	8.1	T/YR
22.	Goose Creek	Benthic TMDLs for the Goose Creek Watershed	Loudoun, Fauquier	A08R	Sediment	1,587	T/YR
23.	Little River	Benthic TMDLs for the Goose Creek Watershed	Loudoun	A08R	Sediment	105	T/YR
24.	Christians Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA	Augusta	B14R	Sediment	145	T/YR
25.	Moffett Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River	Augusta	B13R	Sediment	0	T/YR

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		and Upper South River Watersheds, Augusta County, VA					
26.	Upper Middle River	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA	Augusta	B10R	Sediment	1.355	T/YR
27.	Mossy Creek	Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments	Rockingham	B19R	Sediment	0.04	T/YR
28.	Smith Creek	Total Maximum Daily Load (TMDL) Development for Smith Creek	Rockingham, Shenandoah	B47R	Sediment	353,867	LB/YR
29.	Abrams Creek	Opequon Watershed TMDLs for Benthic Impairments: Abrams Creek and Lower Opequon Creek, Frederick and Clarke counties, Virginia	Frederick	B09R	Sediment	478	T/YR
30.	Lower Opequon Creek	Opequon Watershed TMDLs for Benthic Impairments: Abrams Creek and Lower	Frederick, Clarke	B09R	Sediment	1,039	T/YR

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		Opequon Creek, Frederick and Clarke counties, Virginia					
31.	Mill Creek	Mill Creek Sediment TMDL for a Benthic Impairment, Shenandoah County, Virginia	Shenandoah	B48R	Sediment	0.9	T/YR
32.	South Run	Benthic TMDL Development for South Run, Virginia	Fauquier	A19R	Phosphorus	0.038	T/YR
33.	Lewis Creek	Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)	Augusta	B12R	Sediment	40	T/YR
34.	Lewis Creek	Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)	Augusta	B12R	Lead	0	KG/YR
35.	Lewis Creek	Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)	Augusta	B12R	PAHs	0	KG/YR
36.	Bull Run	Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)	Loudoun, Fairfax, and Prince William counties, and the Cities of Manassas and Manassas Park	A23R-01	Sediment	5,986.8	T/TR
37.	Popes Head Creek	Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)	Fairfax County and Fairfax City	A23R-02	Sediment	1,594.2	T/YR

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38.	Accotink Bay	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A15R	PCBs	0.0992	G/YR
39.	Aquia Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Stafford	A28E	PCBs	6.34	G/YR
40.	Belmont Bay/ Occoquan Bay	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Prince William	A25E	PCBs	0.409	G/YR
41.	Chopawamsic Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Prince William	A26E	PCBs	1.35	G/YR
42.	Coan River	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Northumberland	A34E	PCBs	0	G/YR
43.	Dogue Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia	Fairfax	A14E	PCBs	20.2	G/YR

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		Rivers and their tidal tributaries					
44.	Fourmile Run	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Arlington	A12E	PCBs	11	G/YR
45.	Gunston Cove	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A15E	PCBs	0.517	G/YR
46.	Hooff Run & Hunting Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A13E	PCBs	36.8	G/YR
47.	Little Hunting Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A14E	PCBs	10.1	G/YR
48.	Monroe Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A31E	PCBs	.0177	G/YR
49.	Neabsco Creek	PCB Total Maximum Daily Load Development in the tidal	Prince William	A25E	PCBs	6.63	G/YR

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		Potomac and Anacostia Rivers and their tidal tributaries					
50.	Occoquan River	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Prince William	A25E	PCBs	2.86	G/YR
51.	Pohick Creek/Pohick Bay	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Fairfax	A16E	PCBs	13.5	G/YR
52.	Potomac Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Stafford	A29E	PCBs	0.556	G/YR
53.	Potomac River, Fairview Beach	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	King George	A29E	PCBs	0.0183	G/YR
54.	Powells Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Prince William	A26R	PCBs	0.0675	G/YR

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55.	Quantico Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	Prince William	A26R	PCBs	0.742	G/YR
56.	Upper Machodoc Creek	PCB Total Maximum Daily Load Development in the tidal Potomac and Anacostia Rivers and their tidal tributaries	King George	A30E	PCBs	0.0883	G/YR
57.	Difficult Creek	Benthic TMDL Development for Difficult Run, Virginia	Fairfax	A11R	Sediment	3,663.2	T/YR
58.	<del>Abrams Creek (Reserved)</del>	<del>Opequon Watershed TMDLs for Benthic Impairments</del>	<del>Frederick and Clark</del>	<del>B09R</del>	<del>Sediment</del>	<del>1039</del>	<del>T/YR</del>
59.	<del>Lower Opequon (Reserved)</del>	<del>Opequon Watershed TMDLs for Benthic Impairments</del>	<del>Frederick and Clark</del>	<del>B09R</del>	<del>Sediment</del>	<del>1039</del>	<del>T/YR</del>
60.	South River	Bacteria and Benthic Total Maximum Daily Load Development for South River	Augusta and Rockingham	B32R	Sediment	619.4	T/YR
61.	South River	Bacteria and Benthic Total Maximum Daily Load Development for South River	Augusta and Rockingham	B32R	Phosphorus	6,929.9	KG/YR
62.	South River	Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah	Augusta, Rockingham, Page, and Warren	B32R	Mercury	112	G/YR

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		River, and Shenandoah River, Virginia					
63.	South Fork Shenandoah River	Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah River, and Shenandoah River, Virginia	Augusta, Rockingham, Page, and Warren	B32R, B33R	Mercury	112	G/YR
64.	Shenandoah River	Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah River, and Shenandoah River, Virginia	Augusta, Rockingham, Page, and Warren	B32R, B33R	Mercury	112	G/YR
65.	Spout Run	Total Maximum Daily Load Development to Address Bacteria and Benthic Impairments in the Spout Run Watershed, Clarke County, Virginia	Clarke	B57R	Sediment	7.44	T/YR
66.	West Strait Creek	Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek	Highland	B02R	Sediment	0.02	T/D
67.	West Strait Creek	Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek	Highland	B02R	CBOD <sub>5</sub>	11	KG/D
68.	West Strait Creek	Benthic Total Maximum Daily Load Development for	Highland	B02R	Dry season (June – December) ammonia as N	1.6	KG/D

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		Strait Creek and West Strait Creek					
69.	West Strait Creek	Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek	Highland	B02R	Wet season (January – May) ammonia as N	2.9	KG/D
70.	Strait Creek	Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek	Highland	B02R	Sediment	0.08	T/D
71.	Accotink Creek, lower	Bacteria TMDL for the Lower Accotink Creek Watershed	Fairfax	A15	E. coli	1.76E+12	cfu/year
72.	Accotink Creek	Fecal Coliform TMDL for Accotink Creek	Fairfax, Fairfax City	A15	Fecal coliform	1.30E+14	cfu/year
73.	Beaver Creek	Bacteria Total Maximum Daily Load Development for Beaver Creek	Rockingham	B18	E. coli	1.22E+10	cfu/year
74.	Blacks Run	Fecal Coliform TMDL for Blacks Run	Harrisonburg	B26	Fecal coliform	5.52E+09	cfu/year
75.	North Fork Catoctin Creek	Fecal Coliform TMDL Development for Catoctin Creek Impairments	Loudoun	A02	Fecal coliform	0	cfu/year
76.	Lower South Fork Catoctin Creek	Fecal Coliform TMDL Development for Catoctin Creek Impairments	Loudoun	A02	Fecal coliform	1.60E+11	cfu/year
77.	Upper South Fork Catoctin Creek	Fecal Coliform TMDL Development for Catoctin Creek Impairments	Loudoun	A02	Fecal coliform	4.42E+11	cfu/year

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78.	Catoctin Creek	Fecal Coliform TMDL Development for Catoctin Creek Impairments	Loudoun	A02	Fecal coliform	0	cfu/year
79.	Licking Run	Bacteria TMDLs for Cedar Run and Licking Run	Fauquier	A17	E. coli	2.61E+09	cfu/year
80.	Cedar Run	Bacteria TMDLs for Cedar Run and Licking Run	Prince William, Fauquier	A17, A18	E. coli	5.58E+11	cfu/year
81.	Christians Creek	Fecal Coliform TMDL for Christians Creek	Augusta	B14	Fecal coliform	1.18E+13	cfu/year
82.	Coan River (145G)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year
83.	Coan River, Headly Cove (145H)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year
84.	Coan River, Killneck Creek (145E)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year
85.	Coan River, Stevens Point (145F)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year

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86.	Mill Creek and the Coan River (145I)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year
87.	The Glebe (145D)	Coan River Watershed Total Maximum Daily Load Report for Six Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	Fecal coliform	0	cfu/year
88.	Bridgeman Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	7.70E+08	MPN/day
89.	Cod Creek, east	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	9.06E+08	MPN/day
90.	Rogers Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed	Northumberland	A34	Fecal coliform	9.83E+08	MPN/day

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		Due to Bacteria Pollution					
91.	Cod Creek, west	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	1.53E+09	MPN/day
92.	Presley Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	3.63E+09	MPN/day
93.	Hack Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	3.00E+09	MPN/day
94.	Cubitt Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	4.25E+09	MPN/day

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95.	Hull Creek	Cod, Presley, Bridgeman, Hull, Rogers, Cubitt, and Hack Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	A34	Fecal coliform	1.27E+10	MPN/day
96.	Cooks Creek	Total Maximum Daily Load (TMDL) Development for Cooks Creek	Rockingham, Harrisonburg	B25, B26	Fecal coliform	0	cfu/year
97.	Cub Run	Bacteria Total Maximum Daily Load for Cub Run	Rockingham	B34	E. coli	1.74E+10	cfu/year
98.	Difficult Run	Bacteria TMDL for the Difficult Run Watershed	Fairfax	A11	E. coli	9.86E+12	cfu/year
99.	Dry River	Fecal Coliform TMDL for Dry River	Rockingham	B20, B21, B22	Fecal coliform	0	cfu/year
100.	Four Mile Run	Fecal Coliform TMDL (Total Maximum Daily Load) Development for Four Mile Run	Arlington, Alexandria	A12	Fecal coliform	2.04E+13	cfu/year
101.	Jackson Creek	Gardner, Jackson, and Bonum Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination	Westmoreland	A33	Fecal coliform	1.44E+09	MPN/day
102.	Gardner Creek	Gardner, Jackson, and Bonum Creeks Total Maximum Daily Load (TMDL) Report	Westmoreland	A33	Fecal coliform	1.96E+09	MPN/day

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		for Shellfish Condemnation Areas Listed Due to Bacteria Contamination					
103.	Bonum Creek	Gardner, Jackson, and Bonum Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination	Westmoreland	A33	Fecal coliform	2.96E+09	MPN/day
104.	Little River	Bacteria TMDLs for the Goose Creek Watershed	Fauquier	A08	Fecal coliform	1.38E+10	cfu/year
105.	South Fork Sycolin Creek	Bacteria TMDLs for the Goose Creek Watershed	Loudoun	A08	Fecal coliform	1.41E+10	cfu/year
106.	Sycolin Creek	Bacteria TMDLs for the Goose Creek Watershed	Loudoun	A08	Fecal coliform	2.79E+10	cfu/year
107.	Cromwells Run	Bacteria TMDLs for the Goose Creek Watershed	Fauquier	A05	Fecal coliform	9.80E+10	cfu/year
108.	Beaverdam Creek	Bacteria TMDLs for the Goose Creek Watershed	Loudoun	A07	Fecal coliform	1.21E+12	cfu/year
109.	North Fork Goose Creek	Bacteria TMDLs for the Goose Creek Watershed	Loudoun	A06	Fecal coliform	3.11E+13	cfu/year
110.	Goose Creek and tributaries	Bacteria TMDLs for the Goose Creek Watershed	Loudoun, Fauquier	A04, A05, A06, A07, A08	Fecal coliform	3.88E+13	cfu/year
111.	Hawksbill Creek	Total Maximum Daily Load Development for Hawksbill Creek	Page	B39	E. coli	3.13E+12	cfu/year

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112.	Hogue Creek	Total Maximum Daily Load Development for Bacteria (E. coli) Impairment in Hogue Creek	Frederick	B06	E. coli	6.58E+11	cfu/year
113.	Holmans Creek	Fecal Coliform TMDL Development for Holmans Creek	Shenandoah	B45	Fecal coliform	3.20E+10	cfu/year
114.	Holmes Run	Bacteria TMDLs for the Hunting Creek, Cameron Run, and Holmes Run Watersheds	Fairfax, Alexandria, Falls Church	A13	E. coli	8.38E+13	cfu/year
115.	Cameron Run	Bacteria TMDLs for the Hunting Creek, Cameron Run, and Holmes Run Watersheds	Fairfax, Alexandria, Falls Church	A13	E. coli	1.33E+14	cfu/year
116.	Hunting Creek	Bacteria TMDLs for the Hunting Creek, Cameron Run, and Holmes Run Watersheds	Fairfax, Alexandria, Falls Church	A13	E. coli	3.24E+14	cfu/year
117.	Limestone Branch	Bacteria TMDL for Limestone Branch	Loudoun	A03	E. coli	5.83E+11	cfu/year
118.	Linville Creek	Total Maximum Daily Load Development for Linville Creek: Bacteria and General Standard (Benthic) Impairments	Rockingham	B46	E. coli	1.10E+11	cfu/year
119.	Bridge Creek (10-9X)	Little Wicomico River Watershed TMDL for Three Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	E. coli	0	cfu/year

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120.	Little Wicomico River (10-19)	Little Wicomico River Watershed TMDL for Three Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	E. coli	0	cfu/year
121.	Little Wicomico River (10-20)	Little Wicomico River Watershed TMDL for Three Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	E. coli	0	cfu/year
122.	Little Wicomico River, Cod Creek (10-13.5Z)	Little Wicomico River Watershed TMDL for Three Shellfish Areas Listed Due to Bacteria Contamination	Northumberland	A34	E. coli	0	cfu/year
123.	Branson Cove	Lower Machodoc Creek Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Westmoreland	A32	Fecal coliform	4.11E+08	MPN/day
124.	Cabin Point Creek	Lower Machodoc Creek Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Westmoreland	A32	Fecal coliform	1.93E+09	MPN/day
125.	Glebe and Ames Creeks	Lower Machodoc Creek Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Westmoreland	A32	Fecal coliform	2.13E+09	MPN/day

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126.	Lower Machodoc Creek	Lower Machodoc Creek Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Westmoreland	A32	Fecal coliform	9.67E+09	MPN/day
127.	Weatherall Creek	Lower Machodoc Creek Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Westmoreland	A32	Fecal coliform	9.95E+08	MPN/day
128.	Mattox Creek	Fecal Bacteria Total Maximum Daily Load Development for Mattox Creek	Westmoreland, King George	A31	E. coli	2.20E+06	cfu/year
129.	Mattox Creek	Fecal Bacteria Total Maximum Daily Load Development for Mattox Creek	Westmoreland, King George	A31	Enterococci	1.26E+10	cfu/year
130.	Mattox Creek tidal (shellfish)	Fecal Bacteria Total Maximum Daily Load Development for Mattox Creek	Westmoreland, King George	A31	Fecal coliform	5.03E+09	cfu/year
131.	Moffett Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Augusta	B13	E. coli	0	cfu/year

132.	Polecat Draft	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Augusta	B15	E. coli	0	cfu/year
133.	Lewis Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Staunton	B12	E. coli	3.48E+09	cfu/year
134.	Upper Middle River	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Augusta	B10, B11	E. coli	8.53E+09	cfu/year
135.	Upper South River	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Augusta	B30	E. coli	1.06E+11	cfu/year

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136.	Lower Middle River watershed	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds	Augusta, Staunton	B10, B11, B12, B13, B14, B15	E. coli	1.24E+13	cfu/year
137.	Mill Creek	Total Maximum Daily Load Development Mill Creek Bacteria (E. coli) Impairment	Page	B38	E. coli	0	cfu/year
138.	Mill Creek	Total Maximum Daily Load (TMDL) Development for Mill Creek and Pleasant Run	Rockingham	B29	Total phosphorus	116	lbs/year
139.	Mill Creek and tributaries	Fecal coliform TMDL for Mill Creek Watershed	Rockingham	B29	Fecal coliform	0	cfu/year
140.	Mill Creek including unnamed tributary to Kissinger Millpond and Kissinger Millpond	Bacteria TMDL for (nontidal) Mill Creek including Un-named Tributary to Kissinger Millpond, and Kissinger Millpond	Northumberland	A33	E. coli	5.91E+10	cfu/year
141.	Monroe Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Monroe Bay: Monroe Creek	Westmoreland	A31	Fecal coliform	N/A <sup>2</sup>	MPN/day

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142.	Mossy Creek	Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments	Augusta	B19	E. coli	1.74E+09	cfu/year
143.	Long Glade Creek	Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments	Augusta	B24	E. coli	5.23E+09	cfu/year
144.	Muddy Creek	Fecal coliform TMDL for Muddy Creek	Rockingham	B22	Fecal coliform	3.04E+11	cfu/year
145.	Naked Creek	Fecal coliform TMDL for Naked Creek	Augusta	B28	Fecal coliform	5.54E+09	cfu/year
146.	Neabsco Creek	Bacteria TMDL for Neabsco Creek	Prince William	A25	E. coli	1.27E+12	cfu/day
147.	Barnes Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
148.	Buckner Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day

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149.	Cold Harbor Bay	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
150.	Currioman Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
151.	Nomini Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
152.	North Prong Buckner Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
153.	Pierce Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Nomini Creek	Westmoreland	A32	Fecal coliform	N/A <sup>2</sup>	MPN/day
154.	Mill Creek	Bacteria Total Maximum Daily Load Development for Mill Creek, Stony Creek, and the North	Shenandoah	B48	E. coli	8.80E+09	cfu/year

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		Fork of the Shenandoah River					
155.	Stony Creek	Bacteria Total Maximum Daily Load Development for Mill Creek, Stony Creek, and the North Fork of the Shenandoah River	Shenandoah	B49	E. coli	4.42E+12	cfu/year
156.	North Fork Shenandoah River	Bacteria Total Maximum Daily Load Development for Mill Creek, Stony Creek, and the North Fork of the Shenandoah River	Frederick, Rockingham, Shenandoah	B42, B43, B44, B45, B46, B47, B48, B49, B50, B51, B52, B53, B54	E. coli	1.02E+13	cfu/year
157.	North River	Bacteria Total Maximum Daily Load Development for North River	Augusta, Staunton, Rockingham, Harrisonburg	B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29	E. coli	5.32E+13	cfu/year
158.	Broad Run (3) (VAN-A19R-05)	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Prince William, Fauquier	A19	E. coli	2.35E+10	cfu/year

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159.	Little Bull Run	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Prince William	A21	E. coli	3.29E+10	cfu/year
160.	Broad Run (2) (VAN-A19R-02)	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Fauquier	A19	E. coli	1.36E+11	cfu/year
161.	Occoquan River	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Manassas, Fauquier, Prince William	A17, A18, A19, A20	E. coli	2.29E+11	cfu/year
162.	South Run	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Fauquier	A19	E. coli	4.32E+11	cfu/year
163.	Broad Run (1) (VAN-A19R-01)	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Fauquier	A19	E. coli	5.84E+11	cfu/year
164.	Popes Head Creek	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Fairfax	A23	E. coli	7.12E+11	cfu/year

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165.	Kettle Run	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Prince William	A19	E. coli	8.30E+12	cfu/year
166.	Bull Run	Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and Occoquan River	Manassas Park, Prince William, Fairfax, Loudoun	A21, A22, A23	E. coli	1.11E+14	cfu/year
167.	Abrams Creek	Bacteria TMDLs for Abrams Creek and Upper and Lower Opequon Creek	Frederick, Winchester	B09	E. coli	3.10E+12	cfu/year
168.	Upper Opequon Creek watershed	Bacteria TMDLs for Abrams Creek and Upper and Lower Opequon Creek	Frederick	B08	E. coli	1.13E+13	cfu/year
169.	Lower Opequon Creek watershed and tributaries	Bacteria TMDLs for Abrams Creek and Upper and Lower Opequon Creek	Frederick, Clarke, Winchester	B08, B09	E. coli	2.13E+13	cfu/year
170.	Piney Run	Bacteria TMDL for Piney Run	Loudoun	A01	E. coli	3.48E+09	cfu/year
171.	Pleasant Run	Fecal coliform TMDL for Pleasant Run	Rockingham	B27	Fecal coliform	0	cfu/year
172.	Popes Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Potomac River: Mattox Creek to Currioman Bay	Westmoreland	A31	Fecal coliform	N/A <sup>2</sup>	MPN/day

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173.	Potomac Run	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Stafford	A29	E. coli	1.77E+11	cfu/year
174.	Potomac River, unnamed tributary	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Stafford	A26	E. coli	3.92E+11	cfu/year
175.	Chopawamsic Creek, North Branch	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Prince William	A26	E. coli	4.01E+11	cfu/year
176.	Potomac Creek	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Stafford	A29	E. coli	7.35E+11	cfu/year
177.	Quantico Creek, South Fork	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Prince William	A26	E. coli	1.09E+12	cfu/year

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178.	Accokeek Creek	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Stafford	A29	E. coli	3.18E+12	cfu/year
179.	Powells Creek	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Prince William	A26	E. coli	3.18E+12	cfu/year
180.	Quantico Creek	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Prince William	A26	E. coli	3.75E+12	cfu/year
181.	Austin Run	Bacteria Total Maximum Daily Load Development for Tributaries to the Potomac River: Prince William and Stafford Counties	Stafford	A28	E. coli	3.14E+13	cfu/year
182.	Rosier Creek	Bacteria TMDL for Rosier Creek Watershed	King George	A31	Fecal coliform	N/A <sup>2</sup>	MPN/day
183.	Smith Creek	Total Maximum Daily Load Development for Smith Creek	Shenandoah, Rockingham	B47	E. coli	8.53E+11	cfu/year

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184.	South Fork Shenandoah River	Bacteria TMDL Development and Benthic Stressor Analysis for South Fork Shenandoah River	Augusta, Staunton, Rockingham, Harrisonburg, Page, Warren, Waynesboro	B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B30, B31, B32, B33, B34, B35, B36, B37, B38, B39, B40, B41	E. coli	1.43E+14	cfu/year
185.	South River	Bacteria and Benthic Total Maximum Daily Load Development for South River	Augusta, Waynesboro	B30, B31, B32	E. coli	1.13E+14	cfu/year
186.	Page Brook	Total Maximum Daily Load Developments to Address Bacteria and Benthic Impairments in the Spout Run Watershed	Clarke	B57	E. coli	2.18E+11	cfu/year
187.	Roseville Run	Total Maximum Daily Load Developments to Address Bacteria and Benthic	Clarke	B57	E. coli	3.05E+11	cfu/year

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		Impairments in the Spout Run Watershed					
188.	Spout Run	Total Maximum Daily Load Developments to Address Bacteria and Benthic Impairments in the Spout Run Watershed	Clarke	B57	E. coli	5.22E+11	cfu/year
189.	Mine Run	Bacteria TMDL Development for Tributaries to the Potomac River: Sugarland Run, Mine Run, and Pimmit Run	Fairfax	A11	E. coli	1.22E+11	cfu/year
190.	Pimmit Run	Bacteria TMDL Development for Tributaries to the Potomac River: Sugarland Run, Mine Run, and Pimmit Run	Arlington, Fairfax	A12	E. coli	1.17E+12	cfu/year
191.	Sugarland Run	Bacteria TMDL Development for Tributaries to the Potomac River: Sugarland Run, Mine Run, and Pimmit Run	Fairfax	A10	E. coli	4.78E+12	cfu/year
192.	Tidal Four Mile Run	Bacteria TMDL for the Tidal Four Mile Run	Arlington, Alexandria	A12	E. coli	1.42E+14	cfu/year
193.	Deep Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Upper Machodoc Creek	King George	A30	Fecal coliform	N/A <sup>2</sup>	MPN/day
194.	Upper Machodoc Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed	King George	A30	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		Due to Bacterial Contamination - Upper Machodoc Creek					
195.	Williams Creek, Upper Machodoc Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Upper Machodoc Creek	King George	A30	Fecal coliform	N/A <sup>2</sup>	MPN/day
196.	Dungan Cove	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Yeocomico River	Northumberland	A33	Fecal coliform	N/A <sup>2</sup>	MPN/day
197.	Hampton Hall Branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Yeocomico River	Westmoreland	A33	Fecal coliform	N/A <sup>2</sup>	MPN/day
198.	Lodge Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Yeocomico River	Northumberland	A33	Fecal coliform	N/A <sup>2</sup>	MPN/day
199.	Mill Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Yeocomico River	Northumberland	A33	Fecal coliform	N/A <sup>2</sup>	MPN/day

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200.	White Point Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Yeocomico River	Westmoreland	A33	Fecal coliform	N/A <sup>2</sup>	MPN/day
201.	Crooked Run	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Frederick, Warren	B56R	E. coli	2.22E+12	cfu/year
202.	Borden Marsh Run	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Clarke, Warren	B55R	E.coli	2.81E+11	cfu/year
203.	Willow Brook	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch,	Warren	B55R	E. coli	2.33E+11	cfu/year

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		Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed					
204.	West Run	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Frederick, Warren	B56R	E. coli	5.80E+11	cfu/year
205.	Long Branch	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Clarke	B57R	E. coli	1.73E+11	cfu/year
206.	Stephens Run	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch,	Frederick	B56R	E. coli	3.07E+11	cfu/year

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		Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed					
207.	Manassas Run	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Warren	B55R	E. coli	3.24E+11	cfu/year
208.	Happy Creek	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed	Warren	B41R	E. coli	4.27E+11	cfu/year
209.	Happy Creek	Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch,	Warren	B41R	Sediment	29.05	tons/year

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		Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed					
<u>210.</u>	<u>Turley Creek</u>	<u>TMDLs for Turley Creek (sediment) and Long Meadow Run (sediment and nitrogen)</u>	<u>Rockingham</u>	<u>B45</u>	<u>Sediment</u>	<u>19.87</u>	<u>tons/year</u>
<u>211.</u>	<u>Long Meadow Run</u>	<u>TMDLs for Turley Creek (sediment) and Long Meadow Run (sediment and nitrogen)</u>	<u>Rockingham</u>	<u>B45</u>	<u>Sediment</u>	<u>27.92</u>	<u>tons/year</u>
<u>212.</u>	<u>Long Meadow Run</u>	<u>TMDLs for Turley Creek (sediment) and Long Meadow Run (sediment and nitrogen)</u>	<u>Rockingham</u>	<u>B45</u>	<u>Nitrogen</u>	<u>520.6</u>	<u>lbs/year</u>

Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

<sup>2</sup>There were no point source dischargers in the modeled TMDL area.

**EDITOR'S NOTE:** Subsections B and C of 9VAC25-720-50 are not amended; therefore, the text of those subsections is not set out.

**9VAC25-720-60. James River Basin.**

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA <sup>1</sup>	Units
1.	Pheasanty Run	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Bath	I14R	Organic solids	1,231.00	LB/YR

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2.	Wallace Mill Stream	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	I32R	Organic solids	2,814.00	LB/YR
3.	Montebello Sp. Branch	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Nelson	H09R	Organic solids	37.00	LB/YR
4.	Unnamed tributary to Deep Creek	General Standard Total Maximum Daily Load for Unnamed Tributary to Deep Creek	Nottoway	J11R	Raw sewage	0	GAL/YR
5.	Unnamed tributary to Chickahominy River	Total Maximum Daily Load (TMDL) Development for the Unnamed Tributary to the Chickahominy River	Hanover	G05R	Total phosphorus	409.35	LB/YR
6.	Rivanna River	Benthic TMDL Development for the Rivanna River Watershed	Albemarle, Greene, Nelson, Orange	H27R, H28R	Sediment	10,229	Lbs/Day
7.	Jackson River	Benthic TMDL Development for the Jackson River, Virginia	Alleghany, Bath, Highland	I04R, I09R	Total phosphorus	72,955	LB/GS <sup>2</sup>

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8.	Jackson River	Benthic TMDL Development for the Jackson River, Virginia	Alleghany, Bath, Highland	I04R, I09R	Total nitrogen	220,134	LB/GS
9.	Little Calfpasture	Total Maximum Daily Load Development to Address a Benthic Impairment in the Little Calfpasture River, Rockbridge County, Virginia	Rockbridge	I32R	Sediment	30.4	T/YR
10.	Phelps Branch	Phelps Branch Sediment TMDL Development Report for a Benthic Impairment in Appomattox County, Virginia	Appomattox	H06R	Sediment	115.7	T/YR
11.	Long Branch	Sediment TMDL Development Report for Benthic Impairments in Long Branch and Buffalo River in Amherst County, Virginia	Amherst	H11R	Sediment	16.2	T/YR
12.	Buffalo River	Sediment TMDL Development Report for Benthic Impairments in Long Branch and Buffalo River in Amherst County, Virginia	Amherst	H11R	Sediment	306.4	T/YR

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13.	Chickahominy River	Benthic TMDL Development for Chickahominy River, Virginia	Hanover, Henrico	G05R	Sediment	294.03	T/YR
14.	Colliers Creek	Bacteria TMDL Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River, and Cedar Creek and a Sediment TMDL Development for Colliers Creek	Rockbridge	138R	Sediment	103.4	T/YR
15.	Angola Creek (1) - VAC-J06R_ANG01A 00	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
16.	Angola Creek (2) - VAC-J06R_ANG02A 00	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
17.	Horsepen Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland	J06	E. coli	0	cfu/year
18.	Little Sandy Creek	Total Maximum Daily Load Development for the	Prince Edward	J03	E. coli	0	cfu/year

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		Appomattox River Basin					
19.	Saylers Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J06	E. coli	0	cfu/year
20.	Spring Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J02	E. coli	0	cfu/year
21.	West Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Amelia	J11	E. coli	0	cfu/year
22.	Briery Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J05	E. coli	3.50E+09	cfu/year
23.	Bush River (1) - VAC-J04R_BSR02A02	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J04, J05	E. coli	3.50E+09	cfu/year
24.	Bush River (2) - VAC-J03R_BSR03A02	Total Maximum Daily Load Development for the Appomattox River Basin	Prince Edward	J03, J04, J05	E. coli	3.50E+09	cfu/year
25.	Swift Creek (1) - VAP-J16R_SFT01A00	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16	E. coli	8.37E+09	cfu/year

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26.	Swift Creek (2) - VAP- J17R_SFT01B98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16, J17	E. coli	3.24E+11	cfu/year
27.	Swift Creek (3) - VAP- J17R_SFT01C98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield	J16, J17	E. coli	4.76E+11	cfu/year
28.	Flat Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Nottoway, Amelia	J08, J09	E. coli	5.24E+11	cfu/year
29.	Nibbs Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Amelia	J09	E. coli	5.24E+11	cfu/year
30.	Deep Creek	Total Maximum Daily Load Development for the Appomattox River Basin	Nottoway	J11	E. coli	8.71E+11	cfu/year
31.	Appomattox River (1) - VAC- J01R_APP03A 02, VAC- J01R_APP04A 02, VAC- J01R_APP05A 04, VAC- J06R_APP05A 02, VAP- J07R_APP01A 98, VAP- J10R_APP01A 98	Total Maximum Daily Load Development for the Appomattox River Basin	Cumberland, Powhatan, Amelia, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07	E. coli	1.07E+13	cfu/year

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32.	Appomattox River (2), lower - VAP-J15R_ APP01A98	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield, Cumberland, Powhatan, Nottoway, Amelia, Dinwiddie, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07, J08, J09, J10, J11, J12, J13, J14, J15	E. coli	1.66E+13	cfu/year
33.	Appomattox River and tributaries, lower tidal (3) - VAP-J15E_ APP01A98, VAP-J15E_ APP02A98, VAP-J15E_ APP02B12	Total Maximum Daily Load Development for the Appomattox River Basin	Chesterfield, Cumberland, Nottoway, Petersburg, Amelia, Colonial Heights, Prince Edward, Appomattox	J01, J02, J03, J04, J05, J06, J07, J08, J09, J10, J11, J12, J13, J14, J15, J16, J17	E. coli	7.47E+13	cfu/year
34.	Bear Garden Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Bear Garden Creek Watershed	Buckingham	H20	E. coli	3.15E+08	cfu/day
35.	Stonewall Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H05	E. coli	9.28E+10	cfu/year

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36.	Bent Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H07	E. coli	2.26E+11	cfu/year
37.	North Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H06	E. coli	2.96E+11	cfu/year
38.	Wreck Island Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Appomattox	H06	E. coli	8.76E+11	cfu/year
39.	Walkers Ford Creek	Bacteria Total Maximum Daily Load Development for Bent Creek, North Creek, Stonewall Creek, Walkers Ford Creek, and Wreck Island Creek	Amherst	H05	E. coli	8.90E+11	cfu/year

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40.	Bleakhorn Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	2.66E+09	MPN/day
41.	Knotts Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	1.07E+10	MPN/day
42.	Bennett Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments	Suffolk	G13	Fecal coliform	6.37E+10	MPN/day
43.	Chickahominy River and tributaries	E. coli TMDL Development for Chickahominy River and Tributaries	New Kent, Henrico, Charles City, Hanover	G05, G06, G07	E. coli	2.41E+12	cfu/year
44.	Chuckatuck Creek and Brewers Creek	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Chuckatuck Creek and Brewers Creek Watershed	Isle of Wight	G11	Fecal coliform	4.79E+11	MPN/day

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45.	Paradise Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Portsmouth	G15	Enterococci	5.04E+11	cfu/day
46.	Lafayette River, upper	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Norfolk	G15	Enterococci	1.05E+13	cfu/day
47.	Lower and Upper Western Branch, Elizabeth River	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Chesapeake, Portsmouth	G15	Enterococci	2.00E+13	cfu/day
48.	Upper Mainstem, Lower Southern Branch, Lower Eastern Branch Elizabeth River, Broad Creek, Indian River	Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed	Chesapeake, Portsmouth, Norfolk	G15, K39	Enterococci	5.78E+13	cfu/day
49.	Fourmile Creek	Bacteria TMDL for Fourmile Creek	Henrico	G02	E. coli	3.99E+10	cfu/year
50.	Hardware River, North Fork	Bacteria Total Maximum Daily Load Development for North Fork Hardware River and Hardware River	Albemarle	H18	E. coli	<del>3.50E+12</del> <u>0.06E+12</u>	cfu/year

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51.	Hardware River	Bacteria Total Maximum Daily Load Development for North Fork Hardware River and Hardware River	Fluvanna, Albemarle	H18, H19	E. coli	<del>4.00E+12</del> <u>0.02E+13</u>	cfu/year
52.	Walker Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Rockbridge	I34	E. coli	6.00E+10	cfu/year
53.	Otts Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Augusta	I34	E. coli	9.00E+10	cfu/year
54.	Hays Creek	Bacteria Total Maximum Daily Load Development for Hays Creek, Moffatts Creek, Walker Creek, and Otts Creek	Rockbridge	I34	E. coli	2.00E+11	cfu/year
55.	Hoffler Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Hoffler Creek Watershed	Portsmouth	G15	Enterococci	5.39E+11	cfu/day
56.	Powell Creek	Bacteria Total Maximum Daily Load Development for the James	Prince George	G03	E. coli	6.12E+10	cfu/year

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		River - Hopewell to Westover					
57.	Bailey Creek	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George	G03	E. coli	1.62E+11	cfu/year
58.	Bailey Bay, Bailey Creek, Cattail Creek	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George, Hopewell	G03	E. coli	8.47E+12	cfu/year
59.	James River	Bacteria Total Maximum Daily Load Development for the James River - Hopewell to Westover	Prince George, Charles City, Hopewell	G03	E. coli	8.67E+14	cfu/year
60.	Austin Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	1.62E+10	cfu/year
61.	Fisby Branch	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	2.15E+10	cfu/year
62.	Rock Island Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H17	E. coli	3.38E+10	cfu/year
63.	Slate River, upper	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	4.22E+10	cfu/year

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64.	Troublesome Creek	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	5.23E+10	cfu/year
65.	North River	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21	E. coli	5.52E+10	cfu/year
66.	Ballinger Creek	Total Maximum Daily Load Development for the James River Basin	Albemarle	H17	E. coli	5.75E+10	cfu/year
67.	Totier Creek	Total Maximum Daily Load Development for the James River Basin	Albemarle	H17	E. coli	1.62E+11	cfu/year
68.	Slate River, lower	Total Maximum Daily Load Development for the James River Basin	Buckingham	H21, H22	E. coli	3.19E+12	cfu/year
69.	Fine Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Powhatan	H38	E. coli	3.66E+10	cfu/year
70.	Big Lickinghole Creek, Little Lickinghole Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland	H37	E. coli	7.94E+10	cfu/year

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71.	Byrd Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland, Fluvanna	H34	E. coli	1.08E+11	cfu/year
72.	Upper James River	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Cumberland, Fluvanna, Powhatan, Goochland	H33, H34, H37	E. coli	3.50E+11	cfu/year
73.	Beaverdam Creek	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Goochland	H38	E. coli	1.60E+12	cfu/year
74.	Lower James River	Total Maximum Daily Load Development for the James River and Tributaries - Lower Piedmont Region	Cumberland, Fluvanna, Powhatan, Goochland	H33, H34, H37, H38	E. coli	8.20E+12	cfu/year
75.	No Name Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield	G01	E. coli	4.66E+11	cfu/year

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76.	Bernards Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Powhatan	H39	E. coli	1.67E+12	cfu/year
77.	Goode Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Richmond City	G01	E. coli	2.52E+12	cfu/year
78.	Gillies Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City	G01	E. coli	2.93E+12	cfu/year
79.	Powwhite Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield	H39	E. coli	3.34E+12	cfu/year
80.	Almond Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico	G01	E. coli	4.39E+12	cfu/year

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81.	Falling Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Chesterfield, Richmond City	G01	E. coli	1.64E+13	cfu/year
82.	Reedy Creek	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Richmond City	H39	E. coli	8.23E+13	cfu/year
83.	Tidal James River	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City, Goochland, Powhatan, Chesterfield	G01, G02, H39	E. coli	3.76E+14	cfu/year
84.	Lower James River	Bacterial Total Maximum Daily Load Development for the James River and Tributaries - City of Richmond	Henrico, Richmond City, Goochland, Powhatan, Chesterfield	H39	E. coli	3.06E+15	cfu/year
85.	Ivy Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg, Bedford	H03	E. coli	6.25E+11	cfu/year
86.	Burton Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	7.37E+11	cfu/year

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87.	Judith Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg, Bedford	H03	E. coli	8.31E+11	cfu/year
88.	Tomahawk Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	8.34E+11	cfu/year
89.	Fishing Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	1.03E+12	cfu/year
90.	Blackwater Creek	Bacteria Total Maximum Daily Load Development for the James River Basin	Lynchburg	H03	E. coli	3.06E+12	cfu/year
91.	James River	Bacteria Total Maximum Daily Load Development for the James River Basin	Amherst, Bedford, Lynchburg	H01, H02, H03, H04, H05	E. coli	2.75E+14	cfu/year
92.	Baptist Run	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	York	G11	E. coli	3.89E+09	cfu/year
93.	Deep Creek	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	Newport News	G11, C07	Enterococci	5.59E+12	cfu/year
94.	Skiffes Creek	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	James City	G11	Fecal coliform	2.46E+12	cfu/year

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95.	James River, Warwick River	Fecal Bacteria Total Maximum Daily Load Development for Warwick River	Newport News, York	G11	Fecal coliform	3.04E+12	cfu/year
96.	Kings Creek and Bay	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Kings Creek and Bay and Ballard Creek and Bay Watersheds	Isle of Wight	G11	Fecal coliform	1.23E+09	counts/day
97.	Ballard Creek and Bay	Shellfish Bacteria Total Maximum Daily Load (TMDL) Development Kings Creek and Bay and Ballard Creek and Bay Watersheds	Isle of Wight	G11	Fecal coliform	1.64E+09	counts/day
98.	Lawnes Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Lawnes Creek Bacterial Impairment	Surry	G11	Fecal coliform	5.94E+08	MPN/day
99.	Looney Creek	Bacteria TMDL for Looney Creek	Botetourt	I26	E. coli	1.84E+10	cfu/year
100.	Buffalo Creek, South Fork	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury	Botetourt, Rockbridge	I38	E. coli	2.01E+11	cfu/year

# Regulations

		River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek					
101.	Colliers Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	4.75E+11	cfu/year
102.	Cedar Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I28	E. coli	5.01E+11	cfu/year

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103.	Buffalo Creek, North Fork	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	6.52E+11	cfu/year
104.	Buffalo Creek	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek	Rockbridge	I38	E. coli	1.91E+12	cfu/year
105.	Maury River	Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek,	Buena Vista, Rockbridge	I37, I38	E. coli	2.98E+13	cfu/year

## Regulations

		Buffalo Creek, Maury River and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek					
106.	Powhatan Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	E. coli	1.78E+13	cfu/year
107.	Mill Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	Enterococci	3.63E+12	cfu/year
108.	Powhatan Creek	Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek	James City	G10	Enterococci	7.24E+12	cfu/year
109.	Moore's Creek	Development of the Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria in Moore's Creek, Albemarle County, Virginia	Charlottesville, Albemarle	H28	Fecal coliform	3.30E+13	cfu/year
110.	Morris Creek	Morris Creek (tidal), Charles City County Total Maximum Daily Load for	Charles City	G08	Enterococci	2.92E+10	cfu/day

## Regulations

		Bacteria Contamination Impaired for Recreational Use					
111.	Shingle Creek	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G13, K39	Fecal coliform	2.78E+09	cfu/year
112.	Nansemond River, upper and middle	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Isle of Wight, Suffolk	G12, G13, G14	Fecal coliform	3.89E+10	cfu/year
113.	Shingle Creek	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G13, K39	Enterococci	2.19E+10	cfu/year
114.	Nansemond River, upper	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Isle of Wight, Suffolk	G12, G13, G14	Enterococci	9.99E+10	cfu/year
115.	Nansemond River (Lake Meade)	Fecal Bacteria Total Maximum Daily Load for the Nansemond River	Suffolk	G12, G13	Enterococci	9.99E+10	cfu/year
116.	Pagan River, middle and upper	Fecal Bacteria Total Maximum Daily Load Development for Pagan River	Isle of Wight	G11	Enterococci	3.01E+12	cfu/year
117.	Pagan River and Jones Creek	Fecal Bacteria Total Maximum Daily Load	Isle of Wight	G11	Fecal coliform	2.15E+12	cfu/year

# Regulations

		Development for Pagan River					
118.	Lower Reed Creek	Bacteria TMDL for Reed Creek	Bedford	H01	E. coli	0	cfu/year
119.	Beaver Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Albemarle	H23	E. coli	3.29E+10	cfu/year
120.	Mechums River	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Albemarle	H23	E. coli	3.31E+10	cfu/year
121.	Preddy Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek,	Greene, Albemarle	H27	E. coli	2.43E+11	cfu/year

Regulations

		Mechums River, and Beaver Creek Watersheds					
122.	Rivanna River, North Fork	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Greene, Albemarle	H27	E. coli	2.15E+12	cfu/year
123.	Meadow Creek	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Charlottesville	H28	E. coli	3.89E+12	cfu/year
124.	Rivanna River	Bacteria TMDL Development for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds	Charlottesville, Albemarle, Greene	H23, H24, H25, H26, H27, H28	E. coli	4.93E+12	cfu/year

# Regulations

125.	Rockfish River, North Fork	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15	E. coli	8.44E+11	cfu/year
126.	Rockfish River, South Fork	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15	E. coli	4.40E+12	cfu/year
127.	Rockfish River	Bacteria Total Maximum Daily Load Development for Rockfish River, North Fork Rockfish River, and South Fork Rockfish River	Nelson	H15, H16	E. coli	5.76E+12	cfu/year
128.	Tuckahoe Creek and tributaries	Bacteria TMDL for Tuckahoe Creek, Little Tuckahoe Creek, Anderson, Broad, Georges and Readers Branches, and Deep Run	Henrico, Goochland	H39	E. coli	1.05E+13	cfu/year
129.	Turner Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek,	Amherst	H12	E. coli	1.57E+11	cfu/year

## Regulations

		Rutledge Creek, Turner Creek, Buffalo River and Tye River					
130.	Mill Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H11	E. coli	2.08E+11	cfu/year
131.	Hat Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Nelson	H09	E. coli	6.02E+11	cfu/year
132.	Rutledge Creek	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H12	E. coli	1.15E+12	cfu/year
133.	Rucker Run	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge	Nelson	H13	E. coli	1.32E+12	cfu/year

# Regulations

		Creek, Turner Creek, Buffalo River and Tye River					
134.	Piney River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst, Nelson	H10	E. coli	2.44E+12	cfu/year
135.	Buffalo River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst	H11, H12	E. coli	2.54E+12	cfu/year
136.	Tye River	Bacteria Total Maximum Daily Load Development for Hat Creek, Piney River, Rucker Run, Mill Creek, Rutledge Creek, Turner Creek, Buffalo River and Tye River	Amherst, Nelson	H09, H10, H11, H12, H13	E. coli	1.33E+13	cfu/year
137.	Upham Brook and tributaries	Total Maximum Daily Load Development for the Upham Brook Watershed	Henrico, Richmond City	G05	E. coli	8.04E+10	cfu/year

## Regulations

138.	White Oak Swamp	Bacteria TMDL for White Oak Swamp	Henrico	G06	E. coli	1.58E+12	cfu/year
139.	Willis River and tributaries	Fecal coliform TMDL Development for Willis River	Cumberland, Buckingham	H35, H36	Fecal coliform	3.15E+11	cfu/year
140.	North Creek	Benthic Total Maximum Daily Load (TMDL) Development for the North Creek Watershed	Fluvanna	H20R	Sediment	7.29	tons/yr
141.	North Creek	Benthic Total Maximum Daily Load (TMDL) Development for the North Creek Watershed	Fluvanna	H20R	Total phosphorus	187.3	lbs/yr
142.	Turkey Island Creek	Bacteria TMDL Development for the Turkey Island Creek and James River Westover to Claremont Watershed	Henrico, Charles City	G02R	E. coli	4.31E+11	cfu/year
143.	James River from Westover to Chippokes Point	Bacteria TMDL Development for the Turkey Island Creek and James River Westover to Claremont Watershed	Charles City, Prince George	G02R, G04R	E. coli	4.25E+13	cfu/year
144.	James River from Chippokes Point to Claremont	Bacteria TMDL Development for the Turkey Island Creek and James	Prince George, Surry	G04E, G04R	E. coli	4.99E+13	cfu/year

# Regulations

		River Westover to Claremont Watershed					
<u>145.</u>	<u>Moores Creek</u>	<u>Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch</u>	<u>Albemarle, City of Charlottesville</u>	<u>H28</u>	<u>Sediment</u>	<u>809.48</u>	<u>tons/yr</u>
<u>146.</u>	<u>Lodge Creek</u>	<u>Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch</u>	<u>Albemarle, City of Charlottesville</u>	<u>H28</u>	<u>Sediment</u>	<u>46.25</u>	<u>tons/yr</u>
<u>147.</u>	<u>Meadow Creek</u>	<u>Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch</u>	<u>Albemarle, City of Charlottesville</u>	<u>H28</u>	<u>Sediment</u>	<u>452.33</u>	<u>tons/yr</u>
<u>148.</u>	<u>Schenks Branch</u>	<u>Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch</u>	<u>City of Charlottesville</u>	<u>H28</u>	<u>Sediment</u>	<u>134.52</u>	<u>tons/yr</u>

Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

<sup>2</sup>GS means growing season.

**EDITOR'S NOTE:** Subsections B and C of 9VAC25-720-60 are not amended; therefore, the text of those subsections is not set out.

**9VAC25-720-90. Tennessee-Big Sandy River Basin.**

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA <sup>1</sup>	Units
1.	Guest River	Guest River Total Maximum Load Report	Wise	P11R	Sediment	317.92	LB/YR
2.	Cedar Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	1,789.93	LB/YR
3.	Hall/Byers Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	57,533.49	LB/YR
4.	Hutton Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	91.32	LB/YR
5.	Clinch River	Total Maximum Daily Load Development for the Upper Clinch River Watershed	Tazewell	P01R	Sediment	206,636	LB/YR
6.	Lewis Creek	Total Maximum Daily Load Development for the Lewis Creek Watershed	Russell	P04R	Sediment	<del>40,008</del> <u>21,732</u>	LB/YR
7.	Black Creek	General Standard Total Maximum Daily Load Development for Black Creek, Wise County, Virginia	Wise	P17R	Manganese	2,127	KG/YR
8.	Dumps Creek	General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia	Russell	P08R	Total dissolved solids	1,631,575	KG/YR
9.	Dumps Creek	General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia	Russell	P08R	Total suspended solids	<del>316,523</del> <u>322,234</u>	KG/YR
10.	Beaver Creek	Total Maximum Daily Load Development for the Beaver Creek Watershed	Washington	O07R	Sediment	784,036	LB/YR
11.	Stock Creek	General Standard (Benthic) Total Maximum Daily	Scott	P13R	Sediment	0	T/YR

# Regulations

		Load Development for Stock Creek					
12.	Lick Creek	Lick Creek TMDLs for Benthic Impairments-Dickenson, Russell and Wise Counties	Dickenson, Russell, Wise	P10R	Sediment	63	T/YR
13.	Cigarette Hollow	Lick Creek TMDLs for Benthic Impairments-Dickenson, Russell and Wise Counties	Dickenson, Russell, Wise	P10R	Sediment	0.4	T/YR
14.	Laurel Branch	Lick Creek TMDLs for Benthic Impairments-Dickenson, Russell and Wise Counties	Dickenson, Russell, Wise	P10R	Sediment	3.9	T/YR
15.	Right Fork	Lick Creek TMDLs for Benthic Impairments-Dickenson, Russell and Wise Counties	Dickenson, Russell, Wise	P10R	Sediment	1.3	T/YR
16.	Middle Fork Holston River	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Washington, Smyth	O05R	Sediment	100.4	T/YR
17.	Wolf Creek	Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek	Washington	O06R	Sediment	301.6	T/YR
18.	North Fork Holston River	Mercury Total Maximum Daily Load Development for the North Fork Holston River, Virginia	Scott, Washington, Smyth, Bland, Tazewell, Russell	O10R	Total mercury	11.9	G/YR
19.	Laurel Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed, VA	Russell, Tazewell	P05R	Sediment	0.26	T/YR
20.	Thompson Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed, VA	Russell	P07R	Sediment	0.22	T/YR
21.	Beaver Creek	Total Maximum Daily Load Development for the Beaver Creek Watershed	Washington, Bristol	O07	E. coli	1.23E+12	cfu/year
22.	Black Creek and tributaries	General Standard TMDL Development for Black Creek	Wise	P17	Alkalinity	0	kg/year
23.	Callahan Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Callahan Creek	Wise	P17	E. coli	1.74E+09	cfu/year

## Regulations

24.	Hutton Creek and tributaries	Fecal Coliform TMDL Development for Cedar, Hall, Byers, and Hutton Creeks	Washington	O05	Fecal coliform	0	cfu/year
25.	Cedar Creek	Fecal Coliform TMDL Development for Cedar, Hall, Byers, and Hutton Creeks	Washington	O05	Fecal coliform	1.55E+10	cfu/year
26.	Hall/Byers Creek	Fecal Coliform TMDL Development for Cedar, Hall, Byers, and Hutton Creeks	Washington	O05	Fecal coliform	7.85E+10	cfu/year
27.	Stock Creek	Bacteria TMDL Development Clinch River and Cove Creek Watershed	Scott	P13	E. coli	2.15E+12	cfu/year
28.	Blackwater Creek	Bacteria TMDL Development Clinch River and Cove Creek Watershed	Lee	P16	E. coli	1.13E+13	cfu/year
29.	North Fork Clinch River	Bacteria TMDL Development Clinch River and Cove Creek Watershed	Scott	P13, P15	E. coli	1.90E+13	cfu/year
30.	Moll Creek	Bacteria TMDL Development Clinch River and Cove Creek Watershed	Russell, Scott	P14	E. coli	2.29E+13	cfu/year
31.	Clinch River	Bacteria TMDL Development Clinch River and Cove Creek Watershed	Russell, Scott	P13, P14	E. coli	2.92E+14	cfu/year
32.	Clinch River and Plum Creek (near Tazewell)	E. coli Total Maximum Daily Loads in the Upper Clinch River Watershed	Tazewell	P01, P02	E. coli	2.09E+13	cfu/year
33.	Clinch River, Coal Creek, and Middle Creek (near Richlands)	E. coli Total Maximum Daily Loads in the Upper Clinch River Watershed	Tazewell	P01, P02, P03	E. coli	6.29E+13	cfu/year
34.	Garden Creek	Total Maximum Daily Load Development for Garden Creek	Buchanan	Q04	E. coli	3.86E+11	cfu/year
35.	Crab Orchard Creek	Bacteria TMDLs for Sepulcher Creek, Toms Creek and Crab Orchard Branch	Wise	P11	E. coli	0	cfu/year
36.	Little Toms Creek	Bacteria TMDLs for Sepulcher Creek, Toms Creek and Crab Orchard Branch	Wise	P11	E. coli	1.04E+10	cfu/year

## Regulations

37.	Sepulcher Creek	Bacteria TMDLs for Sepulcher Creek, Toms Creek and Crab Orchard Branch	Wise	P11	E. coli	1.39E+10	cfu/year
38.	Toms Creek	Bacteria TMDLs for Sepulcher Creek, Toms Creek and Crab Orchard Branch	Wise	P11	E. coli	2.61E+10	cfu/year
39.	Indian Creek	Bacteria Total Maximum Daily Load Development for Indian Creek	Tazewell	P02	E. coli	1.75E+10	cfu/year
40.	Knox Creek and Guess Fork	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Knox Creek and Pawpaw Creek	Buchanan	Q03	E. coli	4.53E+10	cfu/year
41.	Slate Creek	E. coli, Phased Benthic, and Phased Total PCB TMDL Development for Levisa Fork, Slate Creek, and Garden Creek	Buchanan	Q07	E. coli	5.29E+11	cfu/year
42.	Levisa Fork	E. coli, Phased Benthic, and Phased Total PCB TMDL Development for Levisa Fork, Slate Creek, and Garden Creek	Buchanan	Q04, Q05, Q06, Q07, Q08	E. coli	7.69E+12	cfu/year
43.	Lick Creek, Laurel Branch, Cigarette Hollow	Bacteria Total Maximum Daily Load Development for Lick Creek	Russell, Dickenson	P10	E. coli	2.42E+11	cfu/year
44.	Little Creek	Fecal Coliform TMDL for Little Creek Watershed	Washington, Bristol	O07	Fecal coliform	8.29E+09	cfu/year
45.	Bear Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed	Wise	P11	E. coli	2.31E+12	cfu/year
46.	Clinch River, Little Stoney Creek, Staunton Creek, Fall Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed	Russell, Scott	P13, P14	E. coli	3.14E+12	cfu/year
47.	Russell Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed	Russell, Wise	P09, P10	E. coli	8.38E+12	cfu/year

## Regulations

48.	Guest River	Bacteria and Sediment TMDL Development Lower Clinch River Watershed	Norton, Wise	P11	E. coli	9.49E+12	cfu/year
49.	Stony Creek	Bacteria and Sediment TMDL Development Lower Clinch River Watershed	Scott	P12	E. coli	1.00E+13	cfu/year
50.	Elk Garden Creek, Loop Creek	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Russell	P06	E. coli	6.36E+12	cfu/year
51.	Swords/Hess Creek	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Russell	P04	E. coli	7.04E+12	cfu/year
52.	Dumps Creek	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Russell	P08	E. coli	9.90E+12	cfu/year
53.	Big Cedar Creek, Burgess Creek	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Russell	P06	E. coli	1.34E+13	cfu/year
54.	Lewis Creek	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Russell	P04	E. coli	1.53E+13	cfu/year
55.	Clinch River	Bacteria TMDL Development for the Middle Clinch River and Tributaries	Tazewell, Russell	P01, P02, P03, P04, P05, P06, P07	E. coli	1.64E+13	cfu/year
56.	Middle Fork Holston River (VAS-003R-02)	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Smyth	O03	E. coli	2.61E+10	cfu/year
57.	Middle Fork Holston River (VAS-003R-01)	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Smyth	O03	E. coli	5.29E+10	cfu/year
58.	Middle Fork Holston River	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Smyth, Washington	O03, O04, O05	E. coli	7.62E+12	cfu/year

# Regulations

59.	Middle Fork Holston River	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Smyth	O03, O04	E. coli	1.04E+13	cfu/year
60.	Middle Fork Holston River	Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River	Smyth	O03, O04, O05	E. coli	3.56E+13	cfu/year
61.	Abrams Creek	TMDL Development North Fork Holston River Watershed	Washington	O12	E. coli	6.83E+10	cfu/year
62.	Possum Creek	TMDL Development North Fork Holston River Watershed	Scott	O13	E. coli	2.74E+11	cfu/year
63.	Big Moccasin Creek	TMDL Development North Fork Holston River Watershed	Scott, Russell	O14	E. coli	4.43E+11	cfu/year
64.	North Fork Holston River, Upper	TMDL Development North Fork Holston River Watershed	Bland, Washington, Smyth, Tazewell	O09, O10, O11, O12	E. coli	1.06E+13	cfu/year
65.	North Fork Holston, lower	TMDL Development North Fork Holston River Watershed	Bland, Washington, Smyth, Tazewell, Scott, Russell	O09, O10, O11, O12, O13, O14	E. coli	1.33E+13	cfu/year
66.	Laurel Creek	TMDL Development North Fork Holston River Watershed	Tazewell	O10	Temperature	2.85	J/m <sup>2</sup> /s
67.	South Fork Powell River	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Wise	P18	E. coli	1.08E+11	cfu/year
68.	Butcher Fork	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Wise	P18	E. coli	3.08E+11	cfu/year
69.	Wallen Creek	E. coli and Phased Benthic Total Maximum Daily Load Development for	Lee	P22	E. coli	1.16E+12	cfu/year

## Regulations

		Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)					
70.	North Fork Powell River	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Lee	P20	E. coli	2.17E+12	cfu/year
71.	Upper Powell River	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Wise	P17	E. coli	4.39E+12	cfu/year
72.	Middle Powell River	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Wise, Lee	P17, P18, P19	E. coli	9.65E+12	cfu/year
73.	Lower Powell River	E. coli and Phased Benthic Total Maximum Daily Load Development for Powell River and Tributaries (N.F. Powell River, S.F. Powell River, Butcher Fork, and Wallen Creek)	Wise, Lee	P17, P18, P19, P20, P21	E. coli	1.51E+13	cfu/year
74.	Straight Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Straight Creek	Lee	P20	E. coli	0	cfu/year
75.	Mainstem North Fork Holston River	General Standard (Benthic) Total Maximum Daily Load Development for Upper North Fork Holston River	Bland, Smyth, Tazewell	O09, O10, O11	Chloride	862466	kg/year
76.	Wolf Creek	Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek	Washington	O06	E. coli	7.31E+13	cfu/year

# Regulations

77.	<u>South Fork Holston River</u>	<u>E. coli TMDL Development for South Fork Holston River</u>	<u>Smyth, Washington</u>	<u>O01, O02</u>	<u>E. coli</u>	<u>7.52E+12</u>	<u>cfu/year</u>
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Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

**EDITOR'S NOTE:** Subsection B of 9VAC25-720-90 is not amended; therefore, the text of that subsection is not set out.

## 9VAC25-720-110. Chesapeake Bay -- Small Coastal -- Eastern Shore River Basin.

### A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBI D	Pollutant	WLA <sup>1</sup>	Units
1.	Parker Creek	Benthic Total Maximum Daily Load (TMDL) Development for Parker Creek, Virginia	Accomack	D03E	Total phosphorus	664.2	LB/YR
2.	Pettit Branch	Benthic Total Maximum Daily Load (TMDL) Development for the Pettit Branch Watershed	Accomack	D02R	Total phosphorus	0.01	LB/D
3.	Mill Creek	Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia	Northampton	D06R	Organic carbon as TC	<del>30.53</del> <u>0.31</u>	LB/D
4.	Mill Creek	Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia	Northampton	D06R	Nutrients as TN	<del>10.07</del> <u>0.10</u>	LB/D
5.	Folly Creek	Total Maximum Daily Loads of Pathogens for Folly Creek in Accomack County, Virginia	Accomack	D03E	Total nitrogen	2.6	LBS/D
6.	Gargathy Creek	Total Maximum Daily Loads of Dissolved Oxygen and Pathogens for Gargathy Creek (Upper, Lower, and Riverine Portions) in	Accomack	D03E	Total nitrogen	1.9	LBS/D

## Regulations

		Acomack County, Virginia					
7.	Assawoman Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Assawoman Creek Watershed	Accomack	D02	Fecal coliform	1.12E+09	MPN/day
8.	Back River	Total Maximum Daily Loads of Bacteria for Back River	Hampton, Poquoson, York	C07	Fecal coliform	3.87E+14	counts/year
9.	Barlow Creek (#191)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Barlow and Jacobus Creeks	Northampton	C14	Fecal coliform	N/A <sup>2</sup>	MPN/day
10.	Jacobus Creek (#9D)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Barlow and Jacobus Creeks	Northampton	C14	Fecal coliform	N/A <sup>2</sup>	MPN/day
11.	Jackson Creek (84A)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Broad and Jackson Creeks	Middlesex	C03	Fecal coliform	N/A <sup>2</sup>	MPN/day
12.	Jackson Creek (84B)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Broad and Jackson Creeks	Middlesex	C03	Fecal coliform	N/A <sup>2</sup>	MPN/day
13.	Browns Bay	Total Maximum Daily Load (TMDL) Report	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		for Shellfish Areas Listed Due to Bacterial Contamination - Browns Bay and Monday Creek					
14.	Monday Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Browns Bay and Monday Creek	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day
15.	Cherrystone Inlet, Kings Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Cherrystone Inlet	Northampton	C15, C16	Fecal coliform	N/A <sup>2</sup>	MPN/day
16.	Chesconesse x Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesconessex Creek	Accomack	C11	Fecal coliform	N/A <sup>2</sup>	MPN/day
17.	Cockrell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Cockrell Creek	Northumberland	C01	Fecal coliform	5.98E+10	MPN/day
18.	Craddock Creek (A)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination	Accomack	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
19.	Bagwell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation	Accomack	C10	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks					
20.	Deep Creek (#138A)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks	Accomack	C10	Fecal coliform	N/A <sup>2</sup>	MPN/day
21.	Hunting Creek (#138C)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Deep, Hunting and Bagwell Creeks	Accomack	C10	Fecal coliform	N/A <sup>2</sup>	MPN/day
22.	Dividing Creek (22A)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
23.	Prentice Creek (22C)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
24.	Prentice Creek (22D)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Dividing Creek	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
25.	Unnamed cove of Dividing Creek (22B)	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		Areas Listed Due to Bacteria Contamination - Dividing Creek					
26.	East River	Total Maximum Daily Load (TMDL) Report For Shellfish Waters Impaired by Bacteria - East River and Put in Creek	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
27.	Put In Creek	Total Maximum Daily Load (TMDL) Report For Shellfish Waters Impaired by Bacteria - East River and Put in Creek	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
28.	Finney Creek, upper	Total Maximum Daily Loads of Pathogens for Finney Creek	Accomack	D03	Enterococci	7.97E+07	cfu/day
29.	Rattrap Creek	Total Maximum Daily Loads of Pathogens for Finney Creek	Accomack	D03	Enterococci	2.08E+08	cfu/day
30.	Folly Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Folly Creek	Accomack	D03	Fecal coliform	N/A <sup>2</sup>	MPN/day
31.	Gargathy Creek, riverine	Total Maximum Daily Loads of DO and Pathogens for Gargathy Creek (- Upper, -Lower, and Riverine Portions)	Accomack	D03	E. coli	1.80E+08	cfu/day
32.	Balls Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
33.	Great Wicomico River	Total Maximum Daily Load (TMDL) Report for Shellfish	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		Areas Listed Due to Bacterial Contamination - Great Wicomico River					
34.	Tipers Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
35.	Warehouse Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01, A34	Fecal coliform	N/A <sup>2</sup>	MPN/day
36.	Whays Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Great Wicomico River	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
37.	Guilford Creek (#176B)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None <sup>2</sup>	MPN/day
38.	Young Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None <sup>2</sup>	MPN/day
39.	Holdens Creek, upper and lower	Fecal Coliform Total Maximum Daily Load Development for Holdens Creek,	Accomack	C10	Fecal coliform	N/A <sup>2</sup>	counts/day

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		Sandy Bottom Branch, and Unnamed Tributary to Sandy Bottom Branch					
40.	Sandy Bottom Branch and UT to Sandy Bottom Branch	Fecal Coliform Total Maximum Daily Load Development for Holdens Creek, Sandy Bottom Branch, and Unnamed Tributary to Sandy Bottom Branch	Accomack	C10	E. coli	4.80E+09	cfu/day
41.	Davis Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
42.	Doctors Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
43.	Horn Harbor	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Horn Harbor, Doctors and Davis Creek Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
44.	Hungars Creek	Bacteria Total Maximum Daily Load (TMDL) Development for	Northampton	C14	Fecal coliform	5.44E+08	MPN/day

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		the Hungars Creek Watershed					
45.	Indian Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Enterococci	6.76E+08	cfu/day
46.	Davenport Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.38E+08	MPN/day
47.	Long Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	3.17E+08	MPN/day
48.	Lees Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	2.51E+08	MPN/day
49.	Georges Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due	Lancaster	C01	Fecal coliform	7.01E+08	MPN/day

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		to Bacteria Pollution					
50.	Hunts Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.05E+09	MPN/day
51.	Ashley Cove	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	1.17E+09	MPN/day
52.	Bells Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	1.25E+09	MPN/day
53.	Henrys Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	2.13E+09	MPN/day
54.	Barnes Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due	Northumberland	C01	Fecal coliform	3.65E+09	MPN/day

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		to Bacteria Pollution					
55.	Tabbs Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	5.36E+09	MPN/day
56.	Dymer Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	8.25E+09	MPN/day
57.	Antipoison Creek	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Lancaster	C01	Fecal coliform	8.60E+09	MPN/day
58.	Indian Creek (including Arthur and Pitmans Creeks)	Indian, Tabbs, Dymer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution	Northumberland	C01	Fecal coliform	3.82E+09	MPN/day
59.	Little Mosquito Creek	Bacteria TMDL Development for the Little Mosquito Creek Watershed	Accomack	D01	Fecal coliform	5.15E+08	MPN/day
60.	Broad Bay, Long Creek, and Linkhorn Bay	Lynnhaven Bay, Broad Bay and Linkhorn Bay Watersheds Total	Virginia Beach	C08	Fecal coliform	9.35E+10	cfu/year

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		Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacteria Contamination					
61	Lynnhaven River	Lynnhaven Bay, Broad Bay and Linkhorn Bay Watersheds Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacteria Contamination	Virginia Beach	C08	Fecal coliform	9.01E+11	cfu/year
62.	Mattawoman Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Mattawoman Creek Bacterial Impairment	Northampton	C14	Fecal coliform	1.15E+09	MPN/day
63.	Messongo Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Messongo and Guilford Creeks	Accomack	C10	Fecal coliform	None <sup>2</sup>	MPN/day
64.	Messongo Creek	Bacteria Total Maximum Daily Load (TMDL) Development for the Messongo Creek Watershed	Accomack	C10	Fecal coliform	1.00E+08	MPN/day
65.	Billups Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
66.	Edwards Creek	Total Maximum Daily Load (TMDL) Report	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds					
67.	Morris Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
68.	Queens Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
69.	Stutts Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Gwynn's Island and Milford Haven Watersheds	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
70.	Ball Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
71.	Cloverdale Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek					
72.	Mill Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chesapeake Bay: Mill Creek to Dividing Creek	Northumberland	C01	Fecal coliform	N/A <sup>2</sup>	MPN/day
73.	McLean Gut	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nandua and Curratuck Creeks	Accomack	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
74.	Nandua Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nandua and Curratuck Creeks	Accomack	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
75.	Church Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
76.	Holly Grove Cove	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day

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77.	Nassawadox Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
78.	Warehouse Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
79.	Westerhouse Creek - Part A	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13, C14	Fecal coliform	N/A <sup>2</sup>	MPN/day
80.	Westerhouse Creek - Part B	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Nassawadox Creek Watershed	Northampton	C13, C14	Fecal coliform	N/A <sup>2</sup>	MPN/day
81.	Back Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Gloucester	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
82.	Blackwater Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day

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83.	Elmington Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Gloucester	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
84.	Greenmansi on Cove	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
85.	North River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - North River	Mathews	C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
86.	Occohannock Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Occohannock Creek	Accomack	C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
87.	Old Plantation Creek, upper VDH-DSS condemnation	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Old Plantation and Elliots Creeks	Northampton	C16	Fecal coliform	N/A <sup>2</sup>	MPN/day
88.	Onancock Creek, south branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A <sup>2</sup>	cfu/day

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89.	Onancock Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A <sup>2</sup>	cfu/day
90.	Onancock Creek, north branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	9.94E+08	cfu/day
91.	Cedar Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Fecal coliform	N/A <sup>2</sup>	MPN/day
92.	Finneys Creek, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A <sup>2</sup>	cfu/day
93.	Onancock Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Fecal coliform	N/A <sup>2</sup>	MPN/day
94.	Onancock Creek, central branch	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Onancock Creek	Accomack	C11	Enterococci	N/A <sup>2</sup>	cfu/day

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95.	Chesapeake Bay, unnamed tributary (Big Fleets Pond)	Owens Pond, Little Taskmakers Creek, and Un-named Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	1.37E+08	MPN/day
96.	Little Taskmakers Creeks	Owens Pond, Little Taskmakers Creek, and Un-named Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	3.67E+08	MPN/day
97.	Owens Pond	Owens Pond, Little Taskmakers Creek, and Un-named Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load Report for Shellfish Condemnation Impaired Due to Bacteria Contamination	Northumberland	C01	Fecal coliform	1.56E+09	MPN/day
98.	Oyster Harbor	TMDL Report for Chesapeake Bay Shellfish Waters: Oyster Harbor Bacterial Impairment	Northampton	D05, D06	Fecal coliform	4.28E+08	MPN/day
99.	Parker Creek	Bacteria Total Maximum Daily Load Development for the Parker Creek Watershed	Accomack	D03	Fecal coliform	1.59E+10	MPN/day

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100.	Pettit Branch	Total Maximum Daily Load of Bacteria for Pettit Branch	Accomack	D02	E. coli	0	cfu/day
101.	Piankatank River, Cobbs Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Mathews	C03, C04	Fecal coliform	N/A <sup>2</sup>	MPN/day
102.	Piankatank River, Healy Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Middlesex	C03	Fecal coliform	N/A <sup>2</sup>	MPN/day
103.	Piankatank River, Wilton Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Lower	Middlesex	C03	Fecal coliform	N/A <sup>2</sup>	MPN/day
104.	Harper Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Upper	Gloucester	C03	Fecal coliform	N/A <sup>2</sup>	MPN/day
105.	Piankatank River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Piankatank River, Upper	King and Queen, Gloucester, Middlesex, Essex	C02, C03	Fecal coliform	N/A <sup>2</sup>	MPN/day

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106.	Pitts Creek, unnamed tributary	Total Maximum Daily Load of Pathogens for the Unnamed Tributary to Pitts Creek	Accomack	C09	E. coli	6.40E+07	cfu/day
107.	Pitts Creek, unnamed tributary	Total Maximum Daily Load on Dissolved Oxygen In Unnamed Tributary to Pitts Creek	Accomack	C09	Total nitrogen	0	lbs/day
108.	Pitts Creek, unnamed tributary	Total Maximum Daily Load on Dissolved Oxygen In Unnamed Tributary to Pitts Creek	Accomack	C09	Total phosphorus	0	lbs/day
109.	Pocomoke Sound and Pocomoke River including Holden Creek, Bulbeggan Creek, and Pitts Creek <sup>3</sup>	Total Maximum Daily Loads of Fecal Coliform for the Restricted Shellfish Harvesting/Growing Areas of the Pocomoke River in the Lower Pocomoke River Basin and Pocomoke Sound Basin	Accomack	C09, C10	Fecal coliform	1.37E+09	MPN/day
110.	Back Creek	Total Maximum Daily Loads of Bacteria for Poquoson River and Back Creek	York	C07	Fecal coliform	1.41E+13	counts/year
111.	Poquoson River	Total Maximum Daily Loads of Bacteria for Poquoson River and Back Creek	Poquoson, York	C07	Fecal coliform	1.12E+14	counts/year
112.	Free School Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day

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113.	Heywood Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day
114.	Northwest Branch Severn River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day
115.	Thorntons Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day
116.	Vaughans Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Severn River	Gloucester	C06	Fecal coliform	N/A <sup>2</sup>	MPN/day
117.	Greenbackville Harbor	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chincoteague Bay	Accomack	D01	Fecal coliform	N/A <sup>2</sup>	MPN/day
118.	Swan Gut Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Chincoteague Bay	Accomack	D01	Fecal coliform	N/A <sup>2</sup>	MPN/day

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119.	The Gulf, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - The Gulf	Northampton	C14	Fecal coliform	N/A <sup>2</sup>	MPN/day
120.	Pungoteague Creek (Warehouse Prong and Bull Run Creek)	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Pungoteague Creek	Accomack	C12	Fecal coliform	N/A <sup>2</sup>	MPN/day
121.	Taylor Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Pungoteague Creek	Accomack	C12, C13	Fecal coliform	N/A <sup>2</sup>	MPN/day
122.	Fox Mill Run	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05	Fecal coliform	N/A <sup>2</sup>	MPN/day
123.	Ware River	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05	Fecal coliform	N/A <sup>2</sup>	MPN/day
124.	Wilson Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Ware River	Gloucester	C05, C06	Fecal coliform	N/A <sup>2</sup>	MPN/day

125.	Cockrell Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination - Cockrell Creek	Northumberland	C01	Fecal coliform	1.49E+11	cfu/day
126.	Red Bank Creek, riverine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04R	E. coli	1.08E+8	cfu/yr
127.	Red Bank Creek, estuarine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Enterococci	3.93E+6	cfu/yr
128.	Machipongo River, estuarine	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Enterococci	9.03E+6	cfu/yr
129.	Red Bank Creek, shellfish	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Fecal coliform	5.10E+1 1	counts/yr
130.	Machipongo River, shellfish	Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia	Accomack, Northampton	D04E	Fecal coliform	2.04E+1 2	counts/yr

Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

<sup>2</sup>There were no point source dischargers in the modeled TMDL area.

<sup>3</sup>This WLA represents only the Virginia portion of the watershed.

**EDITOR'S NOTE:** Subsections B and C of 9VAC25-720-110 are not amended; therefore, the text of those subsections is not set out.

**9VAC25-720-120. York River Basin.**

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA <sup>1</sup>	Units
1.	Lower Pamunkey River	E. coli TMDL Development for The	Hanover, Louisa, King William,	F13R, F13E, F14R, F14E	E. coli	5.38E+13	cfu/yr

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		Pamunkey River and Tributaries, VA	Caroline, Spotsylvania, New Kent				
2.	Middle Pamunkey River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F12R	E. coli	2.36E+13	cfu/yr
3.	Taylor's Creek (VAN-F03R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F03R	E. coli	3.66E+10	cfu/yr
4.	Northeast Creek	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F09R	E. coli	2.34E+12	cfu/yr
5.	Totopotomoy Creek	Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin	Hanover	F13	E. coli	2.62E+10	cfu/year
6.	Newfound River	Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin	Hanover	F05	E. coli	2.89E+10	cfu/year
7.	South Anna River (VAN-F02R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F01R, F02R	E. coli	7.50E+12	cfu/yr
8.	South Anna River (VAN-F01R-01)	E. coli TMDL Development for The Pamunkey	Hanover, Louisa, King William, Caroline,	F01R	E. coli	4.92E+12	cfu/yr

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		River and Tributaries, VA	Spotsylvania, and New Kent				
9.	South Anna River (VAP-F04R-01)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F03R, F04R	E. coli	7.74E+12	cfu/yr
10.	South Anna River (VAP-F04R-02)	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent	F04R	E. coli	6.02E+12	cfu/yr
11.	Adams Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Poropotank River and Adams Creek	Gloucester	F26	Fecal coliform	4.48E+08	MPN/day
12.	Poropotank River and Morris Bay	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Poropotank River and Adams Creek	Gloucester	F26	Fecal coliform	4.78E+09	MPN/day
13.	Felgates Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York	F27	Fecal coliform	3.70E+10	MPN/day

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14.	King Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York	F27	Fecal coliform	4.37E+10	MPN/day
15.	Queen Creek	Bacteria Total Maximum Daily Load Development for the Queen Creek, King Creek, and Felgates Creek Watersheds	York, Williamsburg	F26	Fecal coliform	9.69E+11	MPN/day
16.	Perrin River, upper	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Sarah Creek and Perrin River	Gloucester	F27	Fecal coliform	N/A <sup>2</sup>	MPN/day
17.	Sarah Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - Sarah Creek and Perrin River	Gloucester	F27	Fecal coliform	N/A <sup>2</sup>	MPN/day
18.	Plentiful Creek	Bacteria TMDLs for York River Basin	Spotsylvania	F07	E. coli	3.57E+09	cfu/year
19.	Mountain Run	Bacteria TMDLs for York River Basin	Orange	F06	E. coli	1.22E+10	cfu/year

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20.	Beaver Creek	Bacteria TMDLs for York River Basin	Orange	F06	E. coli	1.25E+10	cfu/year
21.	Terrys Run	Bacteria TMDLs for York River Basin	Orange	F07	E. coli	1.86E+10	cfu/year
22.	Pamunkey Creek and Tomahawk Creek	Bacteria TMDLs for York River Basin	Orange	F07	E. coli	9.05E+10	cfu/year
23.	Goldmine Creek	Bacteria TMDLs for York River Basin	Louisa	F06	E. coli	1.09E+11	cfu/year
24.	Lower Pamunkey River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	New Kent, King William	F14	Enterococci	1.34E+10	cfu/day
25.	Lower Mattaponi River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	King and Queen, King William	F24, F25	Enterococci	1.42E+10	cfu/day
26.	Upper York River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower	New Kent, King William, King and Queen	F14, F24, F25, F26	Enterococci	2.76E+10	cfu/day

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		Mattaponi River (Tidal) Watersheds					
27.	Upper York River	Bacteria Total Maximum Daily Load Development for the Upper York River, the Lower Pamunkey River, and the Lower Mattaponi River (Tidal) Watersheds	New Kent, King William, King and Queen	F14, F24, F25, F26	Fecal coliform	1.14E+12	counts/day
28.	Taskinas Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	4.97E+08	MPN/day
29.	Skimino Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	1.34E+09	MPN/day
30.	Ware Creek	TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimino Creek Bacterial Impairments	James City	F26	Fecal coliform	1.36E+09	MPN/day
31.	Aberdeen Creek	Total Maximum Daily Load	Gloucester	F26	Fecal coliform	N/A <sup>2</sup>	MPN/day

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		(TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek					
32.	Carter Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A <sup>2</sup>	MPN/day
33.	Cedarbush Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A <sup>2</sup>	MPN/day
34.	Jones Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F26	Fecal coliform	N/A <sup>2</sup>	MPN/day

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35.	Timberneck Creek	Total Maximum Daily Load (TMDL) Report for Shellfish Areas Listed Due to Bacterial Contamination - York River: Gloucester Point to Jones Creek	Gloucester	F27	Fecal coliform	N/A <sup>2</sup>	MPN/day
36.	Upper Little River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F11R, F10R	E. coli	5.61E+12	cfu/yr
37.	Upper Pamunkey River and North Anna River	E. coli TMDL Development for The Pamunkey River and Tributaries, VA	Hanover, Louisa, King William, Caroline, Spotsylvania, New Kent	F12R, F09R	E. coli	3.25E+13	cfu/yr
<u>38.</u>	<u>Brock Run</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Spotsylvania</u>	<u>F15</u>	<u>E. coli</u>	<u>3.09E+10</u>	<u>cfu/yr</u>
<u>39.</u>	<u>Chapel Creek</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>King and Queen</u>	<u>F21</u>	<u>E. coli</u>	<u>1.25E+12</u>	<u>cfu/yr</u>
<u>40.</u>	<u>Doctors Creek</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the</u>	<u>Caroline</u>	<u>F22</u>	<u>E. coli</u>	<u>3.24E+11</u>	<u>cfu/yr</u>

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		<u>Mattaponi River Watershed</u>					
<u>41.</u>	<u>Glady Run</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Spotsylvania</u>	<u>F16</u>	<u>E. coli</u>	<u>1.85E+11</u>	<u>cfu/yr</u>
<u>42.</u>	<u>Maracossic Creek</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Caroline, King and Queen</u>	<u>F22</u>	<u>E. coli</u>	<u>5.24E+12</u>	<u>cfu/yr</u>
<u>43.</u>	<u>Mat River</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Spotsylvania</u>	<u>F18</u>	<u>E. coli</u>	<u>1.94E+11</u>	<u>cfu/yr</u>
<u>44.</u>	<u>Matta River</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Spotsylvania, Caroline</u>	<u>F18</u>	<u>E. coli</u>	<u>2.14E+12</u>	<u>cfu/yr</u>
<u>45.</u>	<u>Mattaponi River</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Caroline</u>	<u>F17</u>	<u>E. coli</u>	<u>6.16E+12</u>	<u>cfu/yr</u>
<u>46.</u>	<u>Motto River</u>	<u>Bacteria Total Maximum Daily Load (TMDL)</u>	<u>Caroline</u>	<u>F19</u>	<u>E. coli</u>	<u>6.48E+10</u>	<u>cfu/yr</u>

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		<u>Development for the Mattaponi River Watershed</u>					
<u>47.</u>	<u>Po River</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Spotsylvania, Caroline</u>	<u>F16</u>	<u>E. coli</u>	<u>1.46E+12</u>	<u>cfu/yr</u>
<u>48.</u>	<u>Polecat Creek</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Caroline</u>	<u>F20</u>	<u>E. coli</u>	<u>1.56E+11</u>	<u>cfu/yr</u>
<u>49.</u>	<u>Poni River</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Caroline</u>	<u>F17</u>	<u>E. coli</u>	<u>2.93E+12</u>	<u>cfu/yr</u>
<u>50.</u>	<u>Reedy Creek</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>Caroline</u>	<u>F21</u>	<u>E. coli</u>	<u>2.08E+11</u>	<u>cfu/yr</u>
<u>51.</u>	<u>Root Swamp</u>	<u>Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed</u>	<u>King and Queen</u>	<u>F22</u>	<u>E. coli</u>	<u>5.15E+11</u>	<u>cfu/yr</u>

Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

<sup>2</sup>There were no point source dischargers in the modeled TMDL area.

**EDITOR'S NOTE:** Subsections B and C of 9VAC25-720-120 are not amended; therefore, the text of those subsections is not set out.

**9VAC25-720-130. New River Basin.**

A. Total maximum daily loads (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA <sup>1</sup>	Units
1.	Stroubles Creek	Benthic TMDL for Stroubles Creek in Montgomery County, Virginia	Montgomery	N22R	Sediment	233.15	T/YR
2.	Back Creek	Fecal Bacterial and General Standard Total Maximum Daily Load Development for Back Creek Watershed, Pulaski County, VA	Pulaski	N22R	Sediment	0.28	T/YR
3.	Crab Creek	Fecal Bacterial and General Standard Total Maximum Daily Load Development for Crab Creek Watershed, Montgomery County, VA	Montgomery	N18R	Sediment	77	T/YR
4.	Peak Creek	Fecal Bacterial and General Standard Total Maximum Daily Load Development for Peak Creek Watershed, Pulaski County, VA	Pulaski	N17R	Copper	12	KG/YR
5.	Peak Creek	Fecal Bacterial and General Standard Total Maximum Daily Load Development for Peak Creek Watershed, Pulaski County, VA	Pulaski	N17R	Zinc	57	KG/YR
6.	Bluestone River	Fecal Bacterial and General Standard Total Maximum Daily Load Development for Bluestone River	Tazewell	N36R	Sediment	116.2	T/YR

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7.	Hunting Camp Creek	Total Maximum Daily Load (TMDL) Development for Hunting Camp Creek Aquatic Life Use (Benthic) and E. coli (Bacteria) Impairments	Bland	N31R	Sediment	0	LB/YR
8.	Chestnut Creek	Total Maximum Daily Load Development for Chestnut Creek, Fecal Bacteria and General Standard (Benthic)	Carroll, Grayson	N06R	Sediment	18.9	T/YR
9.	Laurel Fork	Benthic TMDL for Laurel Fork, Sussex County, Virginia	Tazewell, Pocahontas	N37R	Sediment	21	T/YR
10.	Little River	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed of Floyd and Montgomery Counties, Virginia	Floyd, Pulaski, Montgomery	N19R, N21R	Sediment	116.49	T/YR
11.	Back Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Back Creek	Pulaski	N22	E. coli	2.61E+09	cfu/year
12.	Bluestone River	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Bluestone River	Tazewell	N36	E. coli	9.41E+12	cfu/year
13.	Chestnut Creek	Total Maximum Daily Load Development for Chestnut Creek Fecal Bacteria and General Standard (Benthic)	Carroll, Galax, Grayson	N06	E. coli	1.74E+09	cfu/year
14.	Crab Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Crab Creek	Montgomery	N18	E. coli	3.40E+08	cfu/year

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15.	Cripple Creek #1	Bacteria Total Maximum Daily Load (TMDL) Development for Cripple Creek	Smyth	N09	E. coli	2.94E+10	cfu/year
16.	Cripple Creek #2	Bacteria Total Maximum Daily Load (TMDL) Development for Cripple Creek	Smyth, Wythe	N09	E. coli	1.87E+11	cfu/year
17.	Cripple Creek #3	Bacteria Total Maximum Daily Load (TMDL) Development for Cripple Creek	Smyth, Wythe	N09	E. coli	2.82E+11	cfu/year
18.	Dodd Creek and tributaries	Fecal coliform TMDL for Dodd Creek Watershed	Floyd	N20	Fecal coliform	6.91E+11	cfu/year
19.	Elk Creek	Bacteria Total Maximum Daily Load Development for Elk Creek	Grayson	N05	E. coli	1.48E+11	cfu/year
20.	Hunting Camp Creek	Total Maximum Daily Load (TMDL) Development for Hunting Camp Creek	Bland	N31	E. coli	0	cfu/year
21.	Laurel Fork	Total Maximum Daily Load Development for Laurel Fork Fecal Bacteria, Dissolved Oxygen and General Standard (Benthic)	Tazewell	N37	E. coli	8.72E+11	cfu/year
22.	Little River and tributaries	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd, Montgomery	N19, N20, N21	E. coli	1.13E+13	cfu/year
23.	Dodd Creek, lower (DDD01)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N20	Temperature	0.82	J/m <sup>2</sup> /s

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24.	West Fork Dodd Creek (VAW-N20R_DDW01A02)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N20	Temperature	0.99	J/m <sup>2</sup> /s
25.	Little River, upper (LRV03)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N19	Temperature	1.03	J/m <sup>2</sup> /s
26.	Big Indian Creek (VAW-N21R_BIC01A02)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N21	Temperature	1.2	J/m <sup>2</sup> /s
27.	Dodd Creek, upper (DDD02)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N20	Temperature	1.3	J/m <sup>2</sup> /s
28.	Pine Creek (VAW-N19R_PNC01A06)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N19	Temperature	1.35	J/m <sup>2</sup> /s
29.	Little River, middle (LRV02)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd	N19	Temperature	1.44	J/m <sup>2</sup> /s
30.	Little River, lower (LRV01)	Bacteria, Benthic, and Temperature Total Maximum Daily Loads in the Little River Watershed	Floyd, Montgomery	N19, N20, N21	Temperature	1.66	J/m <sup>2</sup> /s
31.	Mill Creek and tributaries	Fecal Coliform TMDL for Mill Creek Watershed	Montgomery	N21	Fecal coliform	2.62E+11	cfu/year
32.	Peak Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Peak Creek	Pulaski	N17	E. coli	8.70E+08	cfu/year

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33.	Mill Creek	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	6.79E+10	cfu/year
34.	Tate Run	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	7.99E+10	cfu/year
35.	Stony Fork	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	9.00E+10	cfu/year
36.	Miller Creek	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N11	E. coli	2.63E+11	cfu/year
37.	Reed Creek (VAS-N10R_RDC01B00)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	4.32E+11	cfu/year
38.	Cove Creek	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N12	E. coli	7.40E+11	cfu/year

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39.	Reed Creek (VAS-N10R_RDC01A02)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	8.71E+11	cfu/year
40.	Reed Creek (VAS-N10R_RDC01A00)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	2.18E+12	cfu/year
41.	Reed Creek, South Fork	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10	E. coli	2.18E+12	cfu/year
42.	Reed Creek (VAS-N11R_RDC01B00)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10, N11, N12	E. coli	3.80E+13	cfu/year
43.	Reed Creek (VAS-N11R_RDC02B02)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South Fork Reed Creek and Reed Creek	Wythe	N10, N11, N12	E. coli	5.54E+13	cfu/year
44.	Reed Creek (VAS-N11R_RDC03B04)	Bacteria Total Maximum Daily Load Development for Mill Creek, Cove Creek, Miller Creek, Stony Fork, Tate Run, South	Wythe	N10, N11, N12	E. coli	6.03E+13	cfu/year

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		Fork Reed Creek and Reed Creek					
45.	<u>East Wilderness Creek</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N26</u>	<u>E. coli</u>	<u>1.89E+11</u>	<u>cfu/year</u>
46.	<u>Kimberling Creek</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N26</u>	<u>E. coli</u>	<u>1.96E+12</u>	<u>cfu/year</u>
47.	<u>Nobusiness Creek</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland, Giles</u>	<u>N26</u>	<u>E. coli</u>	<u>1.38E+12</u>	<u>cfu/year</u>
48.	<u>Town Creek</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N25</u>	<u>E. coli</u>	<u>1.73E+12</u>	<u>cfu/year</u>
49.	<u>Walker Creek segment 1</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N25</u>	<u>E. coli</u>	<u>2.70E+12</u>	<u>cfu/year</u>
50.	<u>Walker Creek segment 2</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N25</u>	<u>E. coli</u>	<u>3.45E+12</u>	<u>cfu/year</u>
51.	<u>Walker Creek segment 3</u>	<u>Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek</u>	<u>Bland</u>	<u>N25</u>	<u>E. coli</u>	<u>3.10E+11</u>	<u>cfu/year</u>

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<u>52.</u>	<u>Wolf Creek Headwaters</u>	<u>E. coli TMDL Development for Wolf Creek and Tributaries</u>	<u>Tazewell</u>	<u>N30, N32, N33</u>	<u>E. coli</u>	<u>6.82E+10</u>	<u>cfu/year</u>
<u>53.</u>	<u>Wolf Creek</u>	<u>E. coli TMDL Development for Wolf Creek and Tributaries</u>	<u>Tazewell, Bland, Giles</u>	<u>N30</u>	<u>E. coli</u>	<u>1.14E+11</u>	<u>cfu/year</u>

Notes:

<sup>1</sup>The total WLA can be increased prior to modification provided that DEQ tracks these changes for bacteria TMDLs where the permit is consistent with water quality standards for bacteria.

**EDITOR'S NOTE:** Subsection B of 9VAC25-720-130 is not amended; therefore, the text of that subsection is not set out.

VA.R. Doc. No. R16-4771; Filed June 29, 2016, 1:49 p.m.

## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Final Regulation

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Board of Health will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

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Due to its length, a summary of the regulatory action filed by the State Board of Health is being published in lieu of the full text in accordance with § 2.2-4031 of the Code of Virginia. The full text of the regulation is available at the office of the Registrar of Regulations and at the State Board of Health (see Agency Contact information) and is accessible on the Virginia Register of Regulations website at [http://register.dls.virginia.gov/documents/agency\\_resources/12VAC5-481.pdf](http://register.dls.virginia.gov/documents/agency_resources/12VAC5-481.pdf).

**Title of Regulation:** 12VAC5-481. Virginia Radiation Protection Regulations (amending 12VAC5-481-10, 12VAC5-481-240, 12VAC5-481-250, 12VAC5-481-390 through 12VAC5-481-451, 12VAC5-481-480, 12VAC5-481-500, 12VAC5-481-590, 12VAC5-481-630 through 12VAC5-481-670, 12VAC5-481-690 through 12VAC5-481-730, 12VAC5-481-750, 12VAC5-481-760, 12VAC5-481-780, 12VAC5-481-810 through 12VAC5-481-910, 12VAC5-481-930 through 12VAC5-481-1000, 12VAC5-481-1030, 12VAC5-481-1040, 12VAC5-481-1090, 12VAC5-481-1100, 12VAC5-481-1110, 12VAC5-481-1161,

12VAC5-481-1290, 12VAC5-481-1530, 12VAC5-481-1670 through 12VAC5-481-1800, 12VAC5-481-1820 through 12VAC5-481-2080, 12VAC5-481-2240, 12VAC5-481-2280, 12VAC5-481-2660, 12VAC5-481-2670 through 12VAC5-481-2940, 12VAC5-481-3120, 12VAC5-481-3680, 12VAC5-481-3750, 12VAC5-481-3770; adding 12VAC5-481-421, 12VAC5-481-2011 through 12VAC5-481-2019, 12VAC5-481-2041 through 12VAC5-481-2049, 12VAC5-481-3262; repealing 12VAC5-481-1810, 12VAC5-481-3690).

**Statutory Authority:** § 32.1-229 of the Code of Virginia.

**Effective Date:** August 25, 2016.

**Agency Contact:** Steve Harrison, Director, Office of Radiological Health, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-8151, FAX (804) 864-8155, or email [steve.harrison@vdh.virginia.gov](mailto:steve.harrison@vdh.virginia.gov).

**Summary:**

*As an agreement state with the federal Nuclear Regulatory Commission (NRC), Virginia is required to ensure that its regulations are compatible with Title 10 of the Code of Federal Regulations (CFR). This regulatory action amends 12VAC5-481 to implement revisions of Title 10 of CFR from 2011 until 2013.*

*The amendments include revisions regarding: (i) decommissioning planning (10 CFR Parts 20, 30, 40 and 70; NRC Regulatory Action Tracking System (RATS) 2011-1); (ii) licenses, certifications, and approvals for materials licensees (10 CFR Parts 30, 40, and 70; RATS 2011-2); (iii) advance notification of Native American tribes (10 CFR Part 71; RATS 2012-2); (iv) technical corrections (10 CFR Parts 30, 34, 40 and 71; RATS 2012-3); (v) requirements for distribution of byproduct material (10 CFR Parts 30, 31, 32, 40 and 70; RATS 2012-4); and (vi) distribution of source material to exempt persons and*

to general licensees (10 CFR Parts 30, 40, 70, 170, and 171; RATS 2013–2).

V.A.R. Doc. No. R16-3585; Filed July 1, 2016, 12:27 p.m.

**Forms**

**REGISTRAR'S NOTICE:** A form used in administering the following regulation has been filed by the Virginia Department of Health. The form is not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of the form to access it. The form is also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

**Title of Regulation:** **12VAC5-590. Waterworks Regulations.**

**Contact Information:** Robert A.K. Payne, JD, Office of Drinking Water, Director of Legal Affairs, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7498, or email [robert.payne@vdh.virginia.gov](mailto:robert.payne@vdh.virginia.gov).

FORMS (12VAC5-590)

~~Water Well Completion Report, Form GW-2, Virginia Department of Environmental Quality (rev. 7/07)~~

[Uniform Water Well Completion Report, Form GW-2 \(rev. 7/2015\)](#)

V.A.R. Doc. No. R16-4786; Filed June 29, 2016, 5:26 p.m.

**Final Regulation**

**Title of Regulation:** **12VAC5-610. Sewage Handling and Disposal Regulations (amending 12VAC5-610-30, 12VAC5-610-920 through 12VAC5-610-950; adding 12VAC5-610-955).**

**Statutory Authority:** §§ 32.1-12, 32.1-164, and 32.1-164.9 of the Code of Virginia.

**Effective Date:** August 25, 2016.

**Agency Contact:** Dwayne Roadcap, Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7458, FAX (804) 864-7475, or email [dwayne.roadcap@vdh.virginia.gov](mailto:dwayne.roadcap@vdh.virginia.gov).

**Summary:**

*The amendments permanently incorporate the requirements for gravelless material and drip dispersal established by emergency regulation (30:11 VA.R. 1576 January 27, 2014) pursuant to Chapter 202 of the 2013 Acts of Assembly, which required the State Board of Health to promulgate regulations for chamber and bundled expanded polystyrene effluent systems. The amendments establish construction, design, and installation requirements for gravelless material and drip dispersal systems, as follows:*

1. Specifications for the physical construction of gravelless material including minimum exterior width, height, effluent storage capacity, and structural capacity;
2. Requirements for a permeable interface between gravelless material and trench sidewall soil surfaces for the absorption of wastewater;
3. Criteria for the allowable slope, maximum length, minimum sidewall depth, and minimum lateral separation of gravelless material absorption trenches;
4. Criteria for determining the minimum absorption area required when utilizing gravelless material;
5. Criteria for the substitution of gravelless material in place of gravel for gravity percolation lines and low pressure distribution systems;
6. Specifications for the physical construction of drip dispersal system components;
7. Minimum requirements for the design of drip dispersal systems; and
8. Minimum installation requirements for drip dispersal systems; the final amendments remove the linear loading requirements.

**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.

**12VAC5-610-30. Relationship to ~~Virginia Joint Sewerage Regulations~~ other regulations.**

~~This chapter is supplemental to the current Virginia Sewerage Regulations, or their successor, which were adopted jointly by the State Board of Health and the Department of Environmental Quality pursuant to § 62.1-44.19 of the Code of Virginia. This chapter addresses the handling and disposal of sewage not regulated by a Virginia Pollutant Discharge Elimination System (VPDES) Permit.~~

A. This chapter addresses the handling and disposal of those portions of sewage flows not regulated by a Virginia Pollutant Discharge Elimination System (VPDES) Permit or a Virginia Pollutant Abatement (VPA) Permit issued in accordance with 9VAC25-31 or 9VAC25-32, respectively.

B. Reclamation and reuse of sewage may be subject to permitting by the Department of Environmental Quality under 9VAC25-740.

**12VAC5-610-920. Distribution methods.**

The term distribution methods refers to the piping, flow splitting devices, gravel, and other appurtenances beginning at the point of flow splitting and ending at the ~~soil-gravel or sand interface~~ application of effluent to the soil absorption area. Two basic methods are considered:

- A. Gravity; and
- B. Pressure.

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## 12VAC5-610-930. Gravity distribution.

Gravity distribution is the conveyance of effluent from a distribution box through the percolation lines at less than full flow conditions. Flow to the initial distribution box may be initiated by pump, siphon or gravity.

A. Enhanced flow distribution. Enhanced flow distribution is the initiation of the effluent flow to the distribution box by pump or siphon for the purpose of assuring more uniform flow splitting to the percolation lines. Enhanced flow distribution shall be provided on systems where the flow is split more than 12 times or the system contains more than 1200 linear feet of percolation lines. For the purpose of this chapter, enhanced flow distribution is considered to produce unsaturated soil conditions.

B. System size. Distribution systems containing 1800 or more linear feet of percolation piping shall be split into multiple systems containing a maximum of 1200 linear feet of percolation piping per system.

C. Distribution boxes. The distribution box is a device for splitting flow equally by gravity to points in the system. Improperly installed distribution boxes are a cause for absorption field malfunction.

1. Materials. The preferred material for use in constructing distribution boxes is concrete (3000 psi). Other materials may be considered on a case-by-case basis. All materials must be resistant to both chemical and electrolytic corrosion and must have sufficient structural strength to contain sewage and resist lateral compressive and bearing loads.

2. Design. Each distribution box shall be designed to split the influent flow equally among the multiple effluent ports. All effluent ports shall be at the same elevation and be of the same diameter. The elevation of the effluent ports shall be at a lower elevation than the influent port. The placement of the influent ports shall be such as to prevent short circuiting unless baffling is provided to prevent short circuiting. The minimum inside width of a gravity flow distribution box shall be equal to or greater than 12 inches. The inside bottom shall be at least four inches below the invert of the effluent ports and at least five inches below the invert of the influent port. A minimum of eight inches freeboard above the invert of the effluent piping shall be provided. The distribution box shall be fitted with a watertight, removable lid for access.

3. Installation. The hole for placement of the distribution box shall be excavated to undisturbed soil. The distribution box shall be placed in the excavation and stabilized. The preferred method of stabilizing the distribution box is to bond the distribution box to a four inch poured in place Portland cement concrete pad with dimensions six inches greater than the length and width dimensions of the distribution box. The box shall be permanently leveled and checked by water testing. Conduits passing through the

walls of a distribution box shall be provided with a water stop.

D. Lead or header lines. Header or lead lines are watertight, semirigid or rigid lines that convey effluent from a distribution box to another box or to the percolation piping.

1. Size. The lead or header lines shall have an internal diameter of four inches.

2. Slope. Minimum slope shall be two inches per 100 feet.

3. Materials. The lead or header lines shall have a minimum crush strength of 1500 pounds per foot and may be constructed of cast iron, plastic, vitrified clay or other material resistant to the corrosive action of sewage.

4. Appurtenances.

a. Joints. Lead or header lines shall have joints of the compressions type with the exception of plastic lead or header lines which may be welded sleeve, chemically fused or clamped (noncorrosive) flexible sleeve.

b. Adapters. Joining of lead or header lines of different size [ ~~and/or~~ or ] material shall be accomplished by use of a manufactured adapter specifically designed for the purpose.

c. Valves. Valves shall be constructed of materials resistant to the corrosive action of sewage. Valves placed below ground level shall be provided with a valve box and a suitable valve stem so that it may be operated from the ground surface.

5. Construction.

a. Bedding. All lead or header lines shall be bedded to supply uniform support and maintain grade and alignment along the length of the lead or header lines. Special care shall be taken when using semirigid pipe.

b. Backfilling and tamping. Lead and header lines shall be backfilled and tamped as soon as possible after the installation of the lead or header lines has been approved. Material for backfilling shall be free of large stones and debris.

6. Termination. Header or lead lines shall extend for a minimum distance of two feet into the absorption trenches.

E. Gravity percolation lines. Gravity percolation lines are perforated or open joint pipes that are utilized to distribute the effluent along the length of the absorption trenches.

1. Size. All gravity percolation lines shall have an internal diameter of four inches.

2. Slope. The slope of the lines shall be uniform and shall not be less than two inches or more than four inches per 100 feet.

3. Design. Effluent shall be split by the distribution system so that all gravity percolation lines installed shall receive an equal volume of the total design effluent load per square foot of trench, i.e., the fraction of the flow received by each percolation line divided by the length of the gravity

percolation lines shall be equal for all gravity percolation lines in a system.

4. Length. No individual gravity percolation line shall exceed 100 feet in length.

5. Materials.

a. Clay. Clay tile shall be extra-strength and meet current ASTM standards for clay tile.

b. Perforated plastic drainage tubing. Perforated plastic drainage tubing shall meet ASTM standards. At not greater than 10 feet intervals the pipe shall be plainly marked, embossed or engraved thereby showing the manufacturer's name or hallmark and showing that the product meets a bearing load of 1,000 lb. per foot. In addition, a painted or other clearly marked line or spot shall be marked at not greater than 10 feet intervals to denote the top of the pipe.

The tubing shall have three holes, 1/2 to 3/4 inch in diameter evenly spaced and placed within an arc of 130 degrees, the center hole being directly opposite the top marking.

Spacing of each set of three holes shall be at four inch intervals along the tube. If there is any break in the continuity of the tubing, an appropriate connection shall be used to join the tubing.

6. Installation [ 2 ]

a. Crushed stone or gravel. Clean gravel or crushed stone having a size range from 1/2 inch to 1-1/2 inches shall be utilized to bed the gravity percolation lines.

Minimum depth of gravel or crushed stone beneath the percolation lines shall be six inches. Clean course silica sand (does not effervesce in presence of dilute hydrochloric acid) may be substituted for the first two inches (soil interface) of the ~~require~~ required six inches of gravel beneath the percolation lines. The absorption trench shall be backfilled to a depth of two inches over the gravity percolation lines with the same gravel or crushed stone. Clean sand, gravel or crushed stone shall be free of fines, clay and organic materials.

b. Grade boards [~~and/or~~ or] stakes. Grade boards [~~and/or~~ or] stakes placed in the bottom or sidewalls of the absorption trench shall be utilized to maintain the grade on the gravel for placement of the gravity percolation lines. Grade stakes shall not be placed on centers greater than 10 feet.

c. Placement and alignment. Perforated gravity percolation piping shall be placed so that the center hole is in the horizontal plane and interfaces with the minimum six inches of graded gravel. When open joint piping is utilized the upper half of the top of the 1/4-inch open space shall be covered with tar paper or building paper to block the entrance of fines into the pipe during the backfilling operation. All gravity percolating piping shall be placed in the horizontal center of the absorption

trench and shall maintain a straight alignment and uniform grade.

d. Backfilling. After the placement of the gravity percolation piping the absorption trench shall be backfilled evenly with crushed stone or gravel to a depth of two inches over the piping. Untreated building paper, or other suitable material shall be placed at the interface of the gravel and soil to prevent migration of fines to the trench bottom. The remainder of the trench shall be backfilled with soil to the ground surface.

F. Gravelless material is a proprietary product specifically manufactured to disperse effluent within the absorption trench of an onsite sewage system without the use of gravel. Gravelless material may include chamber, bundled expanded polystyrene, and multi-pipe systems. The division shall maintain a list of all generally approved gravelless material. Gravelless material on the generally approved list may be used in accordance with Table 5.4 of 12VAC5-610-950.

1. Gravelless material that received general approval as of December 12, 2013, shall retain such status when used in accordance with the requirements of this chapter. After December 12, 2013, the division shall review and evaluate new applications for general approval pursuant to the requirements of this chapter.

a. Any manufacturer of gravelless material may submit an application for general approval to the division using a form provided by the division. A complete application shall include the manufacturer's contact information, product specifications, product approvals in other states or territories, installation manual, and other information deemed necessary by the division to determine compliance with this chapter.

b. The manufacturer of gravelless material shall identify in the application for general approval any recommendation that deviates from the requirements of this chapter. If the recommendation is approved by the division, then the manufacturer shall include the deviation in the gravelless material's installation manual.

2. Gravelless material shall have the following minimum characteristics for general approval:

a. The minimum exterior width shall be at least 90% of the total width of the absorption trench. The exterior width of a chamber system shall be measured at the edge or outer limit of the product's contact with the trench bottom unless the division determines a different measurement is required based on the gravelless material's design. The exterior width of bundled expanded polystyrene and multi-pipe systems shall be measured using the outside diameter of the bundled gravelless material unless the division determines a different measurement is required based on the gravelless material's design. The division shall establish the exterior width of any gravelless material that is not considered a

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chamber, bundled expanded polystyrene, or multi-pipe system.

b. Gravelless material shall have a minimum height of eight inches to provide a continuous exchange of air through a permeable interface.

c. Gravelless material shall have a permeable interface that shall be located along the trench bottom and trench sidewalls within the absorption trench.

d. Gravelless material shall provide a minimum storage capacity of 1.3 gallons per square foot of trench bottom area.

e. Gravelless material shall pose no greater risk to surface water and groundwater quality than gravel in absorption trenches. Gravelless material shall be constructed to maintain structural integrity such that it does not decay or corrode when exposed to effluent.

f. Gravelless material shall have a minimum load rating of H-10 or H-20 from the American Association of State Highway and Transportation Officials or equivalent when installed in accordance with the manufacturer's specifications and minimum specified depth of cover in [ ~~non-traffic~~ nontraffic ] or traffic areas, respectively.

3. For designs using gravelless material, the absorption trenches shall receive an equal volume of effluent per square foot of trench. Trench bottom area shall be equal to or greater than the minimum area requirements contained in Table 5.4 of 12VAC5-610-950. Trench sidewall shall not be included when determining minimum area requirements. When open-bottom gravelless material is utilized, it shall provide a splash plate at the inlet of the trench or other suitable method approved by the manufacturer to reduce effluent velocity.

4. Installation of gravelless material shall comply with this chapter [ and the approved installation manual ] unless the department grants a deviation pursuant to 12VAC5-610-660 or the division has granted a deviation identified in the installation manual.

5. Gravelless material shall contain a pressure percolation line along the entire length of the trench when low pressure distribution is utilized pursuant to 12VAC5-610-940 D.

6. When pumping effluent to overcome gravity, any open-bottom gravelless material shall provide a high-flow splash plate at the inlet of the trench or other suitable method approved by the manufacturer to reduce effluent velocity.

7. When enhanced flow distribution is used, open-bottom gravelless material shall contain a percolation pipe that extends a minimum of 10 feet from the trench's intersection with the header line. The percolation pipe shall be installed in accordance with the manufacturer's approved installation manual. The dosing volume shall be a minimum 39 gallons per 100 linear feet of absorption trench.

8. Gravelless material may be substituted for gravel in accordance with this chapter, provided that the certifying licensed professional engineer or onsite soil evaluator approves the substitution. The certifying licensed professional engineer or onsite soil evaluator shall [ identify document ] the substitution [ and related design changes ] on the inspection report submitted in accordance with 12VAC5-610-330. A new construction permit pursuant to 12VAC5-610-310 is not required for the substitution.

## 12VAC5-610-940. Low pressure distribution.

Low pressure distribution is the conveyance of effluent through the pressure percolation lines at full flow conditions into the absorption area with the prime motive force being a pump or siphon. Low pressure systems are limited to a working pressure of from one to four feet of head at the distal end of the pressure percolation lines. For the purpose of this chapter low pressure distribution is considered to provide unsaturated soil conditions.

A. Dosing cycle. Systems shall be designed so that the effluent volume applied to the absorption area per dosing cycle is from seven to 10 times the volume of the distribution piping, however, the volume per dosing cycle should not result in a liquid depth in the absorption trench greater than two inches.

B. Manifold lines. Manifold lines are watertight lines that convey effluent from the initial point of flow splitting to the pressure percolation lines.

1. Size. The manifold line shall be sized to provide a minimum velocity of two feet per second and a maximum velocity of eight feet per second.

2. Materials. All pipe used for manifolds shall be of the pressure type with pressure type joints.

3. Bedding. All manifolds shall be bedded to supply uniform support along its length.

4. Backfilling and tamping. Manifold trenches shall be backfilled and tamped as soon as possible after the installation of the manifold has been approved. Material for backfilling shall be free of large stones and debris.

5. Valves. Valves for throttling and check valves to prevent backflow are required wherever necessary. Each valve shall be supplied with a valve box terminating at the surface.

C. Pressure percolation lines. Pressure percolation lines are perforated pipes utilized to distribute the flow evenly along the length of the absorption trench.

1. Size. Pressure percolation lines should normally have a 1-1/4 inch inside diameter.

2. Hole size. Normal hole size shall be 3/16 inch to 1/4 inch.

3. Hole placement. Center to center hole separation shall be between three and five feet.

4. Line length. Maximum line length from manifold should not exceed 50 feet.

5. Percent flow variation. Actual line size, hole size and hole separation shall be determined on a case-by-case basis based on a maximum flow variation of 10% along the length of the pressure percolation lines.

6. Materials and construction. The preferred material is plastic, either PVC or ABS, designed for pressure service. The lines shall have burr free and counter sunk holes (where possible) placed in a straight line along the longitudinal axis of the pipe. Joining of pipes shall be accomplished with manufactured pressure type joints.

7. Installation.

a. Crushed stone or gravel. Clean gravel or crushed stone having a size range from 1/2 inch to 3/4 inch shall be utilized to bed the pressure percolation lines. Minimum depth of gravel or crushed stone beneath the percolation lines shall be 8-1/2 inches. Clean course silica sand (does not effervesce in the presence of dilute hydrochloric acid) may be substituted for the first two inches (soil interface) of the required 8-1/2 inches of gravel beneath the pressure percolation lines. The absorption trench shall be backfilled to a depth of two inches over the pressure percolation lines with the same gravel or crushed stone. Clean sand, gravel or crushed stone shall be free of fines, clay and organic materials.

b. Grade boards [~~and/or~~ or] stakes. Grade boards [~~and/or~~ or] stakes placed in the bottom or sidewalls of the absorption trench shall be utilized to maintain the gravel level for placement of the pressure percolation lines. Grade stakes shall not be placed on centers greater than 10 feet.

c. Placement and alignment. Pressure percolation lines shall be placed so that the holes face vertically downward. All pressure percolation piping shall be placed at the same elevation, unless throttling valves are utilized, and shall be level. The piping shall be placed in the horizontal center of the trench and shall maintain a straight alignment. Normally the invert of the pressure percolation lines shall be placed 8-1/2 inches above the trench bottom. However, under no circumstance shall the invert of the pressure percolation lines be placed closer than 16-1/2 inches to the seasonal water table as defined in ~~12VAC5-610-950 A-3~~ 12VAC5-610-470 D. When the invert of the pressure percolation lines must be placed at an elevation greater than 8-1/2 inches above the trench bottom, landscaping over the absorption area may be required to provide the two inches of gravel and six inches of fill over the pressure percolation lines required in subdivision 7 a of this subsection.

d. Backfilling. After the placement of the pressure percolation piping the absorption trench shall be backfilled evenly with crushed stone or gravel to a depth of two inches over the opening. Untreated building paper

or other suitable material shall be placed at the interface of the gravel and soil to prevent migration of fines to the trench bottom. The remainder of the trench shall be backfilled with soil to the ground surface.

8. Appurtenances. The distal (terminal) end of each pressure percolation lines shall be fitted with a vertical riser and threaded cap extending to the ground surface. Systems requiring throttling valves will be supplied with couplings and threaded riser extensions at least four feet long so that the flow may be adjusted in each line.

D. Gravelless material with general approval may be used for low pressure distribution in accordance with the manufacturer's approved installation manual, Table 5.4 of 12VAC5-610-950, and the applicable requirements of this chapter.

**12VAC5-610-950. Absorption area design.**

A. The absorption area is the undisturbed soil medium ~~beginning at the soil gravel or sand interface which is~~ utilized for absorption of the effluent. The absorption area includes the infiltrative surface in the absorption trench and the soil between and around the trenches when trenches are used.

B. Suitability of soil horizon. The absorption trench bottom shall be placed in the soil horizon or horizons with an average estimated or measured percolation rate less than 120 minutes per inch. Soil horizons are to be identified in accordance with 12VAC5-610-480. The soil horizon must meet the following minimum conditions:

1. It shall have an estimated or measured percolation rate equal to or less than 120 minutes per inch.
2. The soil horizon or horizons shall be of sufficient thickness so that at least 12 inches of absorption trench sidewall is exposed to act as an infiltrative surface; and
3. If no single horizon meets the conditions in subdivision 2 of this subsection, a combination of adjacent horizons may be utilized to provide the required 12-inch sidewall infiltrative surface. However, no horizon utilized shall have an estimated or measured percolation rate greater than 120 minutes/inch.

C. Placement of absorption trenches below soil restrictions. Placement of the soil absorption trench bottom below soil restrictions as defined in 12VAC5-610-490 D, whether or not there is evidence of a perched water table as indicated by free standing water or gray mottlings or coloration, requires a special design based on the following criteria:

1. The soil horizon into which the absorption trench bottom is placed shall be a Texture Group I, II or III soil or have an estimated or measured percolation rate of less than 91 minutes per inch.
2. The soil horizon shall be a minimum of three feet thick and shall exhibit no characteristics that indicate wetness on restriction of water movement. The absorption trench bottom shall be placed so that at least two feet of the soil horizon separates the trench bottom from the water table

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[ ~~and/or~~ or ] rock. At least one foot of the absorption trench side wall shall penetrate the soil horizon.

3. A lateral ground water movement interceptor (LGMI) shall be placed upslope of the absorption area. The LGMI shall be placed perpendicular to the general slope of the land. The invert of the LGMI shall extend into, but not through, the restriction and shall extend for a distance of 10 feet on either side of the absorption area (See 12VAC5-610-700 D 3).

4. Pits shall be constructed to facilitate soil evaluations as necessary.

## D. Sizing of absorption trench area.

1. Required area. The total absorption trench bottom area required shall be based on the average estimated or measured percolation rate for the soil horizon or horizons into which the absorption trench is to be placed. If more than one soil horizon is utilized to meet the sidewall infiltrative surface required in subsection B of this section, the absorption trench bottom area shall be based on the average estimated or measured percolation rate of the "slowest" horizon. The trench bottom area required in square feet per 100 gallons (Ft<sup>2</sup>/100 Gals) of sewage applied for various soil percolation rates is tabulated in Table 5.4. The area requirements are based on the equation:

$$\log y = 2.00 + 0.008 (x)$$

where  $y = \text{Ft}^2/100 \text{ Gals}$

$x = \text{Percolation rate in minutes/inch}$

Notwithstanding the above, the minimum absorption area for single family residential dwellings shall be 400 square feet.

2. Area reduction. See Table 5.4 for ~~percent~~ area reduction when gravelless material or low pressure distribution is utilized. A reduction in area shall not be permitted when flow diversion is utilized with low pressure distribution. When gravelless material is utilized, the design width of the trench shall be used to calculate minimum area requirements for absorption trenches.

## E. Minimum cross section dimensions for absorption trenches.

1. Depth. The minimum trench sidewall depth as measured from the surface of the mineral soil shall be 12 inches when placed in a landscape with a slope less than 10%. The installation depth shall be measured on the downhill side of the absorption trench. When the installation depth is less than 18 inches, the depth shall be measured from the lowest elevation in the microtopography. All systems shall be provided with at least 12 inches of cover to prevent frost penetration and provide physical protection to the absorption trench; however, this requirement for additional cover shall not apply to systems installed on slopes of 30% or greater. Where additional soil cover must be provided to meet this minimum, it must be added prior to construction

of the absorption field, and it must be crowned to provide positive drainage away from the absorption field. The minimum trench depth shall be increased by at least five inches for every 10% increase in slope. Sidewall depth is measured from the ground surface on the downhill side of the trench.

2. Width. All absorption trenches utilized with gravity distribution shall have a width of from 18 inches to 36 inches. All absorption trenches utilized with low pressure distribution shall have a width of eight inches to 24 inches.

F. Lateral separation of absorption trenches. The absorption trenches shall be separated by a center to center distance no less than three times the width of the trench for slopes up to 10%. However, where trench bottoms are two feet or more above rock, pans and impervious strata, the absorption trenches shall be separated by a center to center distance no less than three times the width of the trench for slopes up to 20%. The minimum horizontal separation distance shall be increased by one foot for every 10% increase in slope. In no case shall the center to center distance be less than 30 inches.

## G. Slope of absorption trench bottoms.

1. Gravity distribution. The bottom of each absorption trench shall have a uniform slope not less than two inches or more than four inches per 100 feet.

2. Low pressure distribution. The bottom of each absorption trench shall be uniformly level to prevent ponding of effluent.

## H. Placement of absorption trenches in the landscape.

1. The absorption trenches shall be placed on contour.

2. When the ground surface in the area over the absorption trenches is at a higher elevation than any plumbing fixture or fixtures, sewage from the plumbing fixture or fixtures shall be pumped.

I. Lateral ground water movement interceptors. Where subsurface, laterally moving water is expected to adversely affect an absorption system, a lateral ground water movement interceptor (LGMI) shall be placed upslope of the absorption area. The LGMI shall be placed perpendicular to the general slope of the land. The invert of the LGMI shall extend into, but not through, the restriction and shall extend for a distance of 10 feet on either side of the absorption area.

Table 5.4.  
Area Requirements for Absorption Trenches.

Percolation Rate (Minutes/Inch)	Area Required (Ft <sup>2</sup> /100 Gals)			Area Required (Ft <sup>2</sup> /Bedroom)		
	Gravity	<u>Gravity Gravelless</u>	Low Pressure Distribution	Gravity	<u>Gravity Gravelless</u>	Low Pressure Distribution
5	110	<u>83</u>	110	165	<u>124</u>	165
10	120	<u>90</u>	120	180	<u>135</u>	180
15	132	<u>99</u>	132	198	<u>149</u>	198
20	146	<u>110</u>	146	218	<u>164</u>	218
25	158	<u>119</u>	158	237	<u>178</u>	237
30	174	<u>131</u>	164	260	<u>195</u>	255
35	191	<u>143</u>	170	286	<u>215</u>	260
40	209	<u>157</u>	176	314	<u>236</u>	264
45	229	<u>172</u>	185	344	<u>258</u>	279
50	251	<u>188</u>	193	376	<u>282</u>	293
55	275	<u>206</u>	206	412	<u>309</u>	309
60	302	<u>227</u>	217	452	<u>339</u>	325
65	331	<u>248</u>	228	496	<u>372</u>	342
70	363	<u>272</u>	240	544	<u>408</u>	359
75	398	<u>299</u>	251	596	<u>447</u>	375
80	437	<u>328</u>	262	656	<u>492</u>	394
85	479	<u>359</u>	273	718	<u>539</u>	409
90	525	<u>394</u>	284	786	<u>590</u>	424
95	575	<u>489</u>	288	862	<u>733</u>	431
100	631	<u>536</u>	316	946	<u>804</u>	473
105	692	<u>588</u>	346	1038	<u>882</u>	519
110	759	<u>645</u>	379	1138	<u>967</u>	569
115	832	<u>707</u>	416	1248	<u>1061</u>	624
120	912	<u>775</u>	456	1368	<u>1163</u>	684

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J. Controlled blasting. When rock or rock outcroppings are encountered during construction of absorption trenches the rock may be removed by blasting in a sequential manner from the top to remove the rock. Percolation piping and sewer lines shall be placed so that at least one foot of compacted clay soil lies beneath and on each side of the pipe where the pipe passes through the area blasted. The area blasted shall not be considered as part of the required absorption area.

## 12VAC5-610-955. Drip dispersal.

A. Drip dispersal applies wastewater in an even and controlled manner over an absorption area. Drip dispersal system components may include treatment components, a flow equalization pump tank, a filtration system, a flow measurement method, supply and return piping, small diameter pipe with emitters, air/vacuum release valves, redistribution control, and electromechanical components or controls.

B. Drip dispersal system tubing shall be color coded and certified by the manufacturer as designed and manufactured for the dispersal of wastewater. All drip dispersal system tubing shall be equipped with emitters approved for use with wastewater. For the application of septic tank effluent, the tubing must have self-cleaning emitters.

1. The minimum linear feet of tubing in the system shall be one-half of the minimum soil absorption area in square feet.

2. All tubing shall be placed on contour.

3. Except as provided by 12VAC5-613, drip systems dispersing septic tank effluent shall comply with the requirements of 12VAC5-610-594.

[ 4. ] Drip systems dispersing secondary effluent or better require a minimum of six inches of cover over the tubing. Cover may be achieved by a combination of installation depth and Group II or Group III soil cover or other approved material over the drip field.

[ 4. 5. ] The discharge rate of any two emitters shall not vary by more than 10% in order to ensure that the effluent is uniformly distributed over the entire drip field or zone.

[ 5. 6. ] The emitters shall be evenly spaced along the length of the drip tubing at not less than six inches or more than 24 inches apart.

[ 6. 7. ] The system design shall protect the drip emitters and system from the effects of siphoning or backflow through the emitters.

C. Drip dispersal systems shall comply with the following minimum soil absorption area requirements:

1. For the dispersal of septic tank effluent, the minimum soil absorption area for a drip system shall be calculated by multiplying the trench bottom area required for a low pressure distribution system in Table 5.4 of 12VAC5-610-950 by three.

2. For the dispersal of secondary or better effluent, the minimum soil absorption area shall be calculated by multiplying the trench bottom area for pressure distribution systems in accordance with subdivision 10 of 12VAC5-613-80 by three.

[ 3. Landscape linear loading rates shall be considered for sloping absorption areas. For sites where effluent flow is primarily horizontal, linear loading rates shall be less than four gallons per day per linear foot. For sites where the flow is primarily vertical, the linear loading rates shall be less than 10 gallons per day per linear foot.

4. 3. ] Air/vacuum release valves shall be located at the high points of the supply and return manifolds to each zone.

D. All drip dispersal systems shall be equipped with devices or methods to restrict effluent from draining by gravity to portions of a zone or laterals lower in elevation. Variable distribution due to gravity drainage shall be 10% or less within a zone.

E. A minimum of six hours of emergency storage above the high water alarm in the pump chamber shall be provided. The equalization volume shall be equal to 18 hours of storage. The equalization volume shall be measured from the pump off level to the high water alarm level. An audio/visual alarm meeting the requirements of 12VAC5-610-880 B 8 shall be provided for the pump chamber.

F. Each drip dispersal zone shall be time-dosed over a 24-hour period. The dose volume and interval shall be set to provide unsaturated flow conditions. Demand dosing is prohibited. Minimum dose volume per zone shall be 3.5 times the liquid capacity of the drip laterals in the zone plus the liquid capacity of the supply and return manifold lines (which drain between doses) accounting for instantaneous loading and drain back.

1. At each dosing cycle, the system design shall only allow a full dose volume to be delivered.

2. For design flows greater than 1,000 gallons per day, a means to take each zone off line separately shall be provided. The system shall have the capability to bypass each zone that is taken out of service such that each subsequent dose is dispersed to the next available zone in sequence.

G. Filtration shall be provided to remove suspended solids and prevent clogging of emitters. The filtration design shall meet the drip tubing manufacturer's particle size requirements for protection of the emitters at a flow rate equal to or greater than the rate of forward flushing. Filter flush water shall be returned to the treatment system at a point where the residuals and volume of the flush water do not negatively impact the effluent quality or exceed the hydraulic design capacity of the treatment system.

H. A means for measuring or estimating total flow dispersed to the soil absorption area and to verify field dosing and field flushing rates shall be provided.

I. The system shall provide forward field flushing to achieve scouring velocity as specified by the drip tubing manufacturer. Field flushing shall occur on a routine schedule to prevent excessive solids accumulation and clogging. Flush water shall be returned to the treatment system at a point where the residuals and volume of the flush water do not negatively impact the effluent quality or exceed the hydraulic design capacity of the treatment system.

J. Electrical components shall be Underwriters Laboratory (UL) listed for the intended purpose. The designer shall provide a description with a schematic diagram of the electrical and control functions in the operation and maintenance manual. The electrical control equipment shall be mounted within a National Electrical Manufacturers Association (NEMA) 4X rated enclosure with a rigid latching door. All switches shall be clearly identified, and all internal wiring shall be factory installed. All wiring shall be installed according to applicable electrical safety codes and the manufacturer's installation schematic.

K. All components in a drip dispersal system shall be rated to withstand contact with wastewater and recommended for this application by the manufacturer. All components shall be protected from freezing.

L. The designer of the drip dispersal system shall verify the dosing rates, the flushing rates, and other parameters critical to the proper operation of the system at the startup inspection. A summary of the startup inspection shall be included in the operation and maintenance manual and shall include, at a minimum, the dosing volume, the forward flow flushing rate, the pressure head of the system, and verification of proper cycling between zones.

NOTICE: The following form used in administering the regulation was filed by the agency. The form is not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The form is also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

**FORMS (12VAC5-610)**

Application for a Sewage Disposal System Construction Permit, C.H.S. 200 (rev. 4/83).

Sewage Disposal System Construction Permit, C.H.S. 202A (rev. 6/84).

Schematic Drawing of Sewage Disposal System and Topographic, C.H.S. 202B (rev. 6/84).

Application for Sewage Handling Permit, B.W.E. 23-1.

Application for Pump and Haul, B.W.E. 25-1.

Pump and Haul Storage Facility Construction Permit, B.W.E. 26-1.

Soil Evaluation Form, C.H.S. 201 (rev. 4/83).

Soils Evaluation Percolation Test Data.

Record of Inspection - Non-Public Drinking Water Supply System.

Completion Statement, C.H.S. 204 (rev. 4/83).

[Gravelless Material: Application for General Approval \(undated\)](#)

V.A.R. Doc. No. R14-3665; Filed July 1, 2016, 11:54 a.m.

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Department of Medical Assistance Services is claiming an exclusion from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12VAC30-50-335).**

**Statutory Authority:** § 32.1-325 of the Code of Virginia; 42 USC § 1396.

**Effective Date:** August 24, 2016.

**Agency Contact:** Emily McClellan, Regulatory Supervisor, Department of Medical Assistance Services, Policy Division, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email emily.mcclellan@dmas.virginia.gov.

**Summary:**

*The amendments remove the requirement that Program of All-Inclusive Care for the Elderly (referred to as PACE) be licensed as adult day care centers to conform to Chapter 22 of the 2016 Acts of Assembly.*

**12VAC30-50-335. General PACE plan requirements.**

A. DMAS, the state agency responsible for administering Virginia's Medicaid program, shall only enter into PACE plan contracts with approved PACE plan providers. The PACE provider must have an agreement with CMS and DMAS for the operation of a PACE program. The agreement must include:

1. Designation of the program's service area;
2. The program's commitment to meet all applicable federal, state, and local requirements;

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3. The effective date and term of the agreement;
4. The description of the organizational structure;
5. Participant bill of rights;
6. Description of grievance and appeals processes;
7. Policies on eligibility, enrollment, and disenrollment;
8. Description of services available;
9. Description of quality management and performance improvement program;
10. A statement of levels of performance required on standard quality measures;
11. CMS and DMAS data requirements;
12. The Medicaid capitation rate and the methodology used to calculate the Medicare capitation rate;
13. Procedures for program termination; and
14. A statement to hold harmless CMS, the state, and PACE participants if the PACE organization does not pay for services performed by the provider in accordance with the contract.

B. A PACE plan feasibility study shall be performed before DMAS enters into any PACE plan contract. DMAS shall contract only with those entities it determines to have the ability and resources to effectively operate a PACE plan. A feasibility plan shall only be submitted in response to a Request for Applications published by DMAS.

C. PACE plans shall offer a voluntary comprehensive alternative to enrollees who would otherwise be placed in a nursing facility. PACE plan services shall be comprehensive and offered as an alternative to nursing facility admission.

D. All Medicaid-enrolled PACE participants shall continue to meet the nonfinancial and financial Medicaid eligibility criteria established by federal law and these regulations. This requirement shall not apply to Medicare only or private pay PACE participants.

E. Each PACE provider shall operate a PACE site that is in continuous compliance with all state licensure requirements for that site.

~~F. Each PACE provider shall offer core PACE services as described in 12VAC30-50-345-B through a coordination site that is licensed as an ADHC by DSS.~~

~~G. E.~~ Each PACE provider shall ensure that services are provided by health care providers and institutions that are in continuous compliance with state licensure and certification requirements.

~~H. G.~~ Each PACE plan shall meet the requirements of §§ 32.1-330.2 and 32.1-330.3 of the Code of Virginia and 42 CFR Part 460.

~~I. H.~~ All PACE providers must meet the general requirements and conditions for participation pursuant to the required contracts by DMAS and CMS. All providers must sign the appropriate participation agreement. All providers must adhere to the conditions of participation outlined in the

participation agreement and application to provide PACE services, DMAS regulations, policies and procedures, and CMS requirements pursuant to 42 CFR Part 460.

~~J. I.~~ Requests for participation as a PACE provider will be screened by DMAS to determine whether the provider applicant meets these basic requirements for participation and demonstrates the abilities to perform, at a minimum, the following activities:

1. Immediately notify DMAS, in writing, of any change in the information that the provider previously submitted to DMAS.
2. Assure freedom of choice to individuals in seeking services from any institution, pharmacy, practitioner, or other provider qualified to perform the service or services required and participating in the Medicaid Program at the time the service or services are performed.
3. Assure the individual's freedom to refuse medical care, treatment, and services.
4. Accept referrals for services only when qualified staff is available to initiate and perform such services on an ongoing basis.
5. Provide services and supplies to individuals in full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 USC § 2000 et seq.), which prohibits discrimination on the grounds of race, color, religion, sexual orientation or national origin; the Virginians with Disabilities Act (§ 51.5-1 et seq. of the Code of Virginia); § 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of a disability; and the Americans with Disabilities Act of 1990, as amended (42 USC § 12101 et seq.), which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.
6. Provide services and supplies to individuals of the same quality and in the same mode of delivery as is provided to the general public.
7. Use only DMAS-designated forms for service documentation. The provider must not alter the DMAS forms in any manner unless approval from DMAS is obtained prior to using the altered forms.
8. Not perform any type of direct marketing activities to Medicaid individuals.
9. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided.
  - a. In general, such records shall be retained for at least six years from the last date of service or as provided by applicable federal and state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved.

Records of minors shall be kept for at least six years after such minor has reached the age of 18 years. However, records for Medicare Part D shall be maintained for 10 years in accordance with 42 CFR 423.505(d).

b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of the storage location and procedures for obtaining records for review. The location, agent, or trustee shall be within the Commonwealth.

10. Furnish information on request and in the form requested to DMAS, the Attorney General of Virginia or his authorized representatives, federal personnel, and the state Medicaid Fraud Control Unit. The Commonwealth's right of access to provider agencies and records shall survive any termination of the provider agreement.

11. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to individuals of Medicaid.

12. Pursuant to 42 CFR 431.300 et seq., 12VAC30-20-90, and any other applicable federal or state law, all providers shall hold confidential and use for authorized DMAS purposes only all medical assistance information regarding individuals served. A provider shall disclose information in his possession only when the information is used in conjunction with a claim for health benefits, or the data are necessary for the functioning of DMAS in conjunction with the cited laws.

13. CMS and DMAS shall be notified in writing of any change in the organizational structure of a PACE provider organization at least 14 calendar days before the change takes effect.

14. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their individual provider participation agreements and in the applicable DMAS provider manual. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies. A provider's noncompliance with DMAS policies and procedures may result in a retraction of Medicaid payment or termination of the provider agreement, or both.

15. Minimum qualifications of staff.

a. All employees must have a satisfactory work record as evidenced by references from prior job experience, including no evidence of abuse, neglect, or exploitation of vulnerable adults and children. Prior to the beginning of employment, a criminal record check shall be conducted for the provider and each employee and made available for review by DMAS staff. Providers are responsible for complying with the Code of Virginia and

state regulations regarding criminal record checks and barrier crimes as they pertain to the licensure and program requirements of their employees' particular practice areas.

b. Staff must meet any certifications, licensure, registration, etc., as required by applicable federal and state law. Staff qualifications must be documented and maintained for review by DMAS or its authorized contractors.

16. At the time of their admission to services, all providers participating in the Medicare and Medicaid programs must provide adult individuals with written information regarding each individual's right to make medical care decisions, including the right to accept or refuse medical treatment and the right to formulate advance directives.

~~K. J.~~ Provider's conviction of a felony. The Medicaid provider agreement shall terminate upon conviction of the provider of a felony pursuant to § 32.1-325 of the Code of Virginia. A provider convicted of a felony in Virginia or in any other of the 50 states, the District of Columbia, or the U.S. territories must, within 30 days, notify the Virginia Medicaid Program of this conviction and relinquish the provider agreement. In addition, termination of a provider participation agreement will occur as may be required for federal financial participation.

~~L. K.~~ Ongoing quality management review. DMAS shall be responsible for assuring continued adherence to provider participation standards. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies and periodically recertify each provider for participation agreement renewal with DMAS to provide PACE services.

~~M. L.~~ Reporting suspected abuse or neglect. Pursuant to §§ 63.2-1508 through 63.2-1513 and 63.2-1606 of the Code of Virginia, if a participating provider entity suspects that a child or vulnerable adult is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse, neglect, or exploitation shall report this immediately to DSS and to DMAS. In addition, as mandated reporters for vulnerable adults, participating providers must inform their staff that they are mandated reporters and provide education regarding how to report suspected adult abuse, neglect, or exploitation pursuant to § 63.2-1606 F of the Code of Virginia.

~~N. M.~~ Documentation requirements. The provider must maintain all records of each individual receiving services. All documentation in the individual's record must be completely signed and dated with name of the person providing the service, title, and complete date with month, day, and year. This documentation shall contain, up to and including the last date of service, all of the following:

1. The most recently updated Virginia Uniform Assessment Instrument (UAI), all other assessments and

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reassessments, plans of care, supporting documentation, and documentation of any inpatient hospital admissions;

2. All correspondence and related communication with the individual and, as appropriate, consultants, providers, DMAS, DSS, or other related parties; and

3. Documentation of the date services were rendered and the amount and type of services rendered.

VA.R. Doc. No. R16-4729; Filed June 28, 2016, 11:05 a.m.

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## TITLE 17. LIBRARIES AND CULTURAL RESOURCES

### LIBRARY BOARD

#### Final Regulation

Titles of Regulations: 17VAC15-60. Standards for Plats (repealing 17VAC15-60-10 through 17VAC15-60-70).

17VAC15-61. Standards for Recorded Permanent Instruments (adding 17VAC15-61-10 through 17VAC15-61-60).

17VAC15-70. Standards for Recorded Instruments (repealing 17VAC15-70-10 through 17VAC15-70-70).

17VAC15-80. Standards for Paper for Permanent Circuit Court Records (repealing 17VAC15-80-10 through 17VAC15-80-40).

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Effective Date: August 25, 2016.

Agency Contact: Glenn Smith, Records and Information Management Analyst, Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3604, or email glenn.smith@lva.virginia.gov.

#### Summary:

*The amendments combine the standards for paper, inscription, and format for plats, written instruments, and other drawings submitted for permanent retention by circuit courts currently spread over three regulations (17VAC15-60, 17VAC15-70, and 17VAC15-80) into a single regulation (17VAC15-61) to simplify and better organize the requirements and to omit obsolete sections.*

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

#### CHAPTER 61

#### STANDARDS FOR PERMANENT INSTRUMENTS

#### RECORDED BY HARD COPY

#### 17VAC15-61-10. Statement of applicability; definitions.

These standards shall apply to all written instruments, plats, and other drawings submitted, recorded, or filed for

permanent retention in the circuit courts of the Commonwealth.

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

"Written instrument" means a writing required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth, excluding wills as set forth in 17VAC15-61-60.

"Plat" means a drawing that shows one or more geometric relationships expressed by a bearing and a distance.

"Other drawing" means any drawing that does not show a geometric relationship expressed by a bearing and a distance.

#### 17VAC15-61-20. Permanent recording and filing medium.

##### A. Written instruments.

1. Documents submitted, recorded, or filed on paper shall be on paper that is:

- a. Acid free.
- b. Uniformly white.
- c. Opaque.
- d. Smooth in finish.
- e. Unglazed, and
- f. Free of visible watermarks and background logos.

2. Paper size shall be:

- a. No smaller than 8-1/2 x 11 inches, and
- b. No larger than 8-1/2 x 14 inches.

3. Required minimum paper weight is 20 pounds.

4. Negative (white on black background) copies and carbon copies are not acceptable.

##### B. Plats and other drawings.

1. Plats and other drawings shall be inscribed on either translucent or opaque paper, polyester, or linen.

2. The background quality for opaque paper shall be:

- a. Uniformly white.
- b. Smooth in finish.
- c. Unglazed, and
- d. Free of visible watermarks or background logos.

3. The size for plats and other drawings shall be:

- a. No smaller than 8-1/2 x 11 inches, and
- b. No larger than 18 x 24 inches.

4. Only the original or first generation unreduced black-line or blue-line copy of the original plat or other drawing that meets the standards provided in this section, 17VAC15-61-30 B, and 17VAC15-61-40 B and has the original wet or electronically printed stamp and the original signature of the preparer shall be accepted for recordation.

**17VAC15-61-30. Inscription quality.**

**A. Written instruments.**

1. All inscriptions shall be:
  - a. Black;
  - b. Solid, where "solid" means the lines forming each letter do not have blank or light spots;
  - c. Dense, where "dense" means each letter or line is dark;
  - d. Uniform, where "uniform" means the entire letter or line is the same darkness;
  - e. Sharp, where "sharp" means the demarcation between each letter or line and the background is abrupt; and
  - f. Unglazed, where "unglazed" means inscriptions are nonreflective.
2. All signatures shall be original and in dark blue or black ink.
3. Printing size shall be the equivalent of nine-point or larger.
4. Typing shall be elite (12 characters per inch) or pica (10 characters per inch) or larger.
5. The font shall be the equivalent of a normal Arial or Courier.

**B. Plats and other drawings.**

1. Inscriptions shall be in ink or electrostatic process that produces a permanent image.
2. Color of original inscription shall be black or dark blue.
3. All inscriptions shall be:
  - a. Solid, where "solid" means the lines forming each letter do not have blank or light spots;
  - b. Dense, where "dense" means each letter or line is dark;
  - c. Uniform, where "uniform" means the entire letter or line is the same darkness;
  - d. Sharp, where "sharp" means the demarcation between each letter or line and the background is abrupt; and
  - e. Unglazed, where "unglazed" means inscriptions are nonreflective.
4. Lettering shall be no smaller than .09 inch (2.29 millimeters).
5. All signatures shall be:
  - a. Original, and
  - b. In dark blue or black ink.
6. No ghost lines shall be used.
7. All shading and screening shall be eliminated over written data.

**17VAC15-61-40. Format.**

**A. Written instruments.**

1. The top margin shall be no smaller than 1-1/4 inch.

2. The bottom, left, and right margins shall be no smaller than 3/4 inch.

3. All instruments shall be single sided.

**B. Plats and other drawings.**

1. Margins shall be no smaller than 1/4 inch on all edges.
2. All plats shall be single sided.
3. All pages of a multi-sheet plat shall be the same size.

**17VAC15-61-50. Clerk's recording inscription.**

Recordation inscriptions shall be by the circuit court clerk's printed certificate, stamping, typing, or handwriting and shall conform to the standards provided in 17VAC15-61-20, 17VAC15-61-30, and 17VAC15-61-40 that are applicable to the submitted instrument.

**17VAC15-61-60. Exclusions.**

The standards provided in 17VAC15-61-20, 17VAC15-61-30, and 17VAC15-61-40 do not apply to wills.

VA.R. Doc. No. R13-3761; Filed July 6, 2016, 11:33 a.m.



**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD FOR BARBERS AND COSMETOLOGY**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Board for Barbers and Cosmetology is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 6 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 of the Code of Virginia that are limited to reducing fees charged to regulants and applicants. The Board for Barbers and Cosmetology will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Titles of Regulations:** 18VAC41-20. **Barbering and Cosmetology Regulations (amending 18VAC41-20-140).**

18VAC41-40. **Wax Technician Regulations (amending 18VAC41-40-120).**

18VAC41-50. **Tattooing Regulations (amending 18VAC41-50-130).**

18VAC41-60. **Body-Piercing Regulations (amending 18VAC41-60-90).**

18VAC41-70. **Esthetics Regulations (amending 18VAC41-70-120).**

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

**Effective Date:** September 1, 2016.

# Regulations

**Agency Contact:** Demetrios J. Melis, Executive Director, Board for Barbers and Cosmetology, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (866) 245-9693, or email [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

**Summary:**

*The amendments provide for a temporary fee reduction from September 1, 2016, through August 31, 2018, for applications for licensure, renewals of licensure, and reinstatements of licensure for all regulants of the Board for Barbers and Cosmetology.*

Part III  
Fees

**18VAC41-20-140. Fees.**

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
<b>Individuals:</b>			
Application	\$75	\$105	With application
License by Endorsement	\$75	\$105	With application
<b>Renewal:</b>			
Barber	\$75	\$105	With renewal card prior to expiration date
Cosmetologist	\$75	\$105	With renewal card prior to expiration date
Nail technician	\$75	\$105	With renewal card prior to expiration date
Reinstatement	\$150* *includes \$75 renewal fee and \$75 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
<b>Instructors:</b>			
Application	\$100	\$125	With application
License by Endorsement	\$100	\$125	With application

Renewal	\$100	\$150	With renewal card prior to expiration date
Reinstatement	\$200* *includes \$100 renewal fee and \$100 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
<b>Facilities:</b>			
Application	\$130	\$190	With application
Renewal	\$130	\$190	With renewal card prior to expiration date
Reinstatement	\$260* *includes \$130 renewal fee and \$130 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
<b>Schools:</b>			
Application	\$140	\$220	With application
Add Program	\$100	\$100	With application
Renewal	\$140	\$220	With renewal card prior to expiration date
Reinstatement	\$280* *includes \$140 renewal fee and \$140 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

**NOTICE:** The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

**FORMS (18VAC41-20)**

[Barber – Barber Instructor Examination & Instructor Application, A425-1301\\_02EXLIC \(eff. 9/11\)](#)

[Cosmetology – Cosmetology Instructor Examination & License Application, A425-1201\\_04EXLIC \(eff. 9/11\)](#)

Nail Technician – Nail Technician Instructor Examination & License Application, A425-1206\_07EXLIC (eff. 9/11)

Temporary Permit Application, A425-1213TP (eff. 9/11)

~~License by Endorsement Application, A425-1213END (rev. 2/14)~~

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

Training & Experience Verification Form, A425-1213TREP (eff. 9/11)

~~Reinstatement Application, A425-1213REI (rev. 2/14)~~

~~Salon, Shop, Spa & Parlor License Application A425-1213BUS (rev. 2/14)~~

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

Salon, Shop & Spa Self Inspection Form, A425-1213\_SSS\_INSP (eff. 9/11)

~~Instructor Certification Application, A425-1213INST (rev. 2/14)~~

~~School License Application, A425-1213SCH (rev. 2/14)~~

[Instructor Certification Application, A450-1213INST-v7 \(rev. 9/2016\)](#)

[School License Application, A450-1213SCHL-v9 \(rev. 9/2016\)](#)

[School Reinstatement Application, A450-1213SCHL REIN-v2 \(rev. 9/2016\)](#)

School Self Inspection Form, A425-1213SCH\_INSP (eff. 9/11)

~~Licensure Fee Notice, A425-1213FEE (rev. 2/14)~~

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

Part III  
Fees

**18VAC41-40-120. Fees.**

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
Individuals:			
Application	\$75	\$105	With application
License by Endorsement	\$75	\$105	With application
Renewal	\$75	\$105	With renewal card prior

			to expiration date
Reinstatement	\$150* *includes \$75 renewal fee and \$75 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors:			
Application	\$100	\$125	With application
License by Endorsement	\$100	\$125	With application
Renewal	\$100	\$150	With renewal card prior to expiration date
Reinstatement	\$200* *includes \$100 renewal fee and \$100 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Facilities:			
Application	\$130	\$190	With application
Renewal	\$130	\$190	With renewal card prior to expiration date
Reinstatement	\$260* *includes \$130 renewal fee and \$130 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$140	\$220	With application
Renewal	\$140	\$220	With renewal card prior

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			to expiration date
Reinstatement	\$280* *includes \$140 renewal fee and \$140 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

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## FORMS (18VAC41-40)

[Wax Technician – Wax Technician Instructor Examination & License Application, A425-1214\\_15EXLIC \(eff. 9/11\)](#)

[Temporary Permit Application, A425-1213TP \(eff. 9/11\)](#)

~~[License by Endorsement Application, A425-1213END \(rev. 2/14\)](#)~~

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/11\)](#)

~~[Reinstatement Application, A425-1213REI \(rev. 2/14\)](#)~~

~~[Salon, Shop, Spa & Parlor License Application, A425-1213BUS \(rev. 2/14\)](#)~~

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Salon, Shop & Spa Self Inspection Form, A425-1213\\_SSS\\_INSP \(eff. 9/11\)](#)

~~[Instructor Certification Application, A425-1213INST \(rev. 2/14\)](#)~~

~~[School License Application, A425-1213SCHL \(rev. 2/14\)](#)~~

[Instructor Certification Application, A450-1213INST-v7 \(rev. 9/2016\)](#)

[School License Application, A450-1213SCHL-v9 \(rev. 9/2016\)](#)

[School Reinstatement Application, A450-1213SCHL REIN-v2 \(rev. 9/2016\)](#)

[School Self Inspection Form, A425-1213SCH\\_INSP \(eff. 9/11\)](#)

~~[Licensure Fee Notice, A425-1213FEE \(rev. 2/14\)](#)~~

## [Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

### Part III Fees

#### 18VAC41-50-130. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
<b>Individuals:</b>			
Application	\$75	\$105	With application
License by Endorsement	\$75	\$105	With application
Renewal	\$75	\$105	With renewal card prior to expiration date
Reinstatement	\$150* *includes \$75 renewal fee and \$75 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
<b>Instructors:</b>			
Application	\$100	\$125	With application
License by Endorsement	\$100	\$125	With application
Renewal	\$100	\$150	With renewal card prior to expiration date
Reinstatement	\$200* *includes \$100 renewal fee and \$100 reinstatement fee	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
<b>Parlors or salons:</b>			
Application	\$130	\$190	With application

Renewal	<u>\$130</u>	\$190	With renewal card prior to expiration date
Reinstatement	<u>\$260*</u> *includes <u>\$130 renewal fee and \$130 reinstatement fee</u>	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	<u>\$140</u>	\$220	With application
Renewal	<u>\$140</u>	\$220	With renewal card prior to expiration date
Reinstatement	<u>\$280*</u> *includes <u>\$140 renewal fee and \$140 reinstatement fee</u>	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

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**FORMS (18VAC41-50)**

[Tattooer Examination & License Application, A425-1231EXLIC \(eff. 9/11\)](#)

[Tattoo Training & Experience Verification Form, A425-12TATTREXP \(eff. 9/11\)](#)

[Tattooing Apprenticeship Sponsor Application, A425-12TATSPON \(eff. 9/11\)](#)

[Tattooer Apprenticeship Certification Application, A425-1234TAC \(eff. 9/11\)](#)

[Tattoo Apprenticeship Completion Form, A425-12TAC \(eff. 9/11\)](#)

[Tattoo Client Disclosure Form, A425-12DIS, A425-12TDIS \(eff. 9/11\)](#)

~~[Limited Term Tattooer License Application, A425-1233LIC \(rev. 2/14\)](#)~~

~~[Limited Term Tattoo Parlor License Application, A425-1235LIC \(rev. 2/14\)](#)~~

[Limited Term Tattooer License Application, A450-1233LIC-v8 \(rev. 9/2016\)](#)

[Limited Term Tattoo Parlor License Application, A450-1235LIC-v5 \(rev. 9/2016\)](#)

[Permanent Cosmetic Tattooer Examination & License Application, A425-1236EXLIC \(eff. 9/11\)](#)

[Master Permanent Cosmetic Tattooer Examination & License Application, A425-1237EXLIC \(eff. 9/11\)](#)

~~[License by Endorsement Application, A425-1213END \(rev. 2/14\)](#)~~

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/11\)](#)

[Salon, Shop, Spa & Parlor License Application A425-1213BUS \(rev. 2/14\)](#)

~~[Licensure Fee Notice, A425-1213FEE \(rev. 2/14\)](#)~~

~~[Instructor Certification Application, A425-1213INST \(rev. 2/14\)](#)~~

~~[Reinstatement Application, A425-1213REI \(rev. 2/14\)](#)~~

~~[School License Application, A425-1213SCHL \(rev. 2/14\)](#)~~

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

[Instructor Certification Application, A450-1213INST-v7 \(rev. 9/2016\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[School License Application, A450-1213SCHL-v9 \(rev. 9/2016\)](#)

[School Reinstatement Application, A450-1213SCH-REIN-v2 \(rev. 9/2016\)](#)

**Part III  
Fees**

**18VAC41-60-90. Fees.**

The following fees apply:

FEE TYPE	AMOUNT DUE <u>September 1, 2016, through August 31, 2018</u>	AMOUNT DUE <u>September 1, 2018, and after</u>	WHEN DUE
Individuals:			
Application	<u>\$75</u>	\$105	With application

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License by Endorsement	<u>\$75</u>	\$105	With application
Renewal:	<u>\$75</u>	\$105	With renewal card prior to expiration date
Reinstatement	<u>\$150*</u> <u>*includes \$75 renewal fee and \$75 reinstatement fee</u>	\$210* <u>*includes \$105 renewal fee and \$105 reinstatement fee</u>	With reinstatement application
Salons:			
Application	<u>\$130</u>	\$190	With application
Renewal	<u>\$130</u>	\$190	With renewal card prior to expiration date
Reinstatement	<u>\$260*</u> <u>*includes \$130 renewal fee and \$130 reinstatement fee</u>	\$380* <u>*includes \$190 renewal fee and \$190 reinstatement fee</u>	With reinstatement application

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## FORMS (18VAC41-60)

[Body Piercer Examination & License Application, A425-1241EXLIC \(eff. 9/11\)](#)

[Body-Piercing Training & Experience Verification Form, A425-12BP TREXP \(eff. 9/11\)](#)

[Body-Piercing Apprenticeship Sponsor Application, A425-12BPSPON \(eff. 9/11\)](#)

[Body-Piercing Apprentice Certification Application, A425-1244BPAC \(eff. 9/11\)](#)

[Body-Piercing Apprenticeship Completion Form, A425-12BPAC \(eff. 9/11\)](#)

[Body-Piercing Client Disclosure Form, A425-12BPDIS \(eff. 9/11\)](#)

[Body Piercer Ear Only License Application, A450-1245LIC \(rev. 2/14\)](#)

[License by Endorsement Application, A425-1213END \(rev. 2/14\)](#)

[Body Piercer Ear Only License Application, A450-1245LIC-v6 \(rev. 9/2016\)](#)

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/11\)](#)

[Salon, Shop, Spa & Parlor License Application A425-1213BUS \(rev. 2/14\)](#)

[Licensure Fee Notice, A425-1213FEE \(rev. 2/14\)](#)

[Reinstatement Application, A425-1213REI \(rev. 2/14\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

## Part III Fees

### 18VAC41-70-120. Fees.

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2016, through and August 31, 2018	AMOUNT DUE September 1, 2018, and after	WHEN DUE
Individuals:			
Application	<u>\$75</u>	\$105	With application
License by Endorsement	<u>\$75</u>	\$105	With application
Renewal	<u>\$75</u>	\$105	With renewal card prior to expiration date
Reinstatement	<u>\$150*</u> <u>*includes \$75 renewal fee and \$75 reinstatement fee</u>	\$210* <u>*includes \$105 renewal fee and \$105 reinstatement fee</u>	With reinstatement application
Instructors:			
Application	<u>\$100</u>	\$125	With application

License by Endorsement	<u>\$100</u>	\$125	With application
Renewal	<u>\$100</u>	\$150	With renewal card prior to expiration date
Reinstatement	<u>\$200*</u> <u>*includes \$100 renewal fee and \$100 reinstatement fee</u>	\$300* *includes \$150 renewal fee and \$150 reinstatement fee	With reinstatement application
Spas:			
Application	<u>\$130</u>	\$190	With application
Renewal	<u>\$130</u>	\$190	With renewal card prior to expiration date
Reinstatement	<u>\$260*</u> <u>*includes \$130 renewal fee and \$130 reinstatement fee</u>	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	<u>\$140</u>	\$220	With application
Renewal	<u>\$140</u>	\$220	With renewal card prior to expiration date
Reinstatement	<u>\$280*</u> <u>*includes \$140 renewal fee and \$140 reinstatement fee</u>	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

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## FORMS (18VAC41-70)

[Esthetician – Esthetics Instructor Examination & License Application, A425-1261\\_62EXLIC \(eff. 9/11\)](#)

[Master Esthetician – Master Esthetics Instructor Examination & License Application, A425-1264\\_65EXLIC \(eff. 9/11\)](#)

[Temporary Permit Application, A425-1213TP \(eff. 9/11\)](#)

[License by Endorsement Application, A425-1213END \(rev. 2/14\)](#)

[License by Endorsement Application, A450-1213END-v9 \(rev. 9/2016\)](#)

[Training & Experience Verification Form, A425-1213TREXP \(eff. 9/11\)](#)

~~[Reinstatement Application, A425-1213REI \(rev. 2/14\)](#)~~

~~[Salon, Shop, Spa & Parlor License Application A425-1213BUS \(rev. 2/14\)](#)~~

[Individuals - Reinstatement Application, A450-1213REI-v8 \(rev. 9/2016\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application, A450-1213BUS-v8 \(rev. 9/2016\)](#)

[Salon, Shop & Spa Self Inspection Form, A425-1213\\_SSS\\_INSP \(eff. 9/11\)](#)

~~[Instructor Certification Application, A425-1213INST \(rev. 2/14\)](#)~~

~~[School License Application, A425-1213SCHL \(rev. 2/14\)](#)~~

[Instructor Certification Application, A450-1213INST-v7 \(rev. 9/2016\)](#)

[School License Application, A450-1213SCHL-v9 \(rev. 9/2016\)](#)

[School Reinstatement Application, A450-1213SCHL-REIN-v2 \(rev. 9/2016\)](#)

[School Self Inspection Form, A425-1213SCH\\_INSP \(eff. 9/11\)](#)

~~[Licensure Fee Notice, A425-1213FEE \(rev. 2/14\)](#)~~

[Licensure Fee Notice, A450-1213FEE-v6 \(rev. 9/2016\)](#)

VA.R. Doc. No. R16-4795; Filed July 6, 2016, 9:42 a.m.

## BOARD OF DENTISTRY

### Fast-Track Regulation

**Title of Regulation:** **18VAC60-21. Regulations Governing the Practice of Dentistry (amending 18VAC60-21-230).**

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

**Public Hearing Information:** No public hearings are scheduled.

**Public Comment Deadline:** August 24, 2016.

**Effective Date:** September 8, 2016.

**Agency Contact:** Sandra Reen, Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4437, FAX (804) 527-4428, or email [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

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# Regulations

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**Basis:** Section 54.1-2400 of the Code of Virginia provides the Board of Dentistry the authority to promulgate regulations to administer the regulatory system. The statutory authority for the board to promulgate regulations to determine the qualifications for restricted or temporary licensure is found in Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

**Purpose:** The purpose of this regulatory action is to make a correction in qualifications for a restricted or temporary license for dental faculty or persons enrolled in an advanced dental education program. Regulations were changed in 2012 for consistency with amendments to the Code of Virginia, but those changes were not made in promulgation of the new chapter. The amendments are necessary to avoid confusion in the qualifications, which are necessary to protect the public health and safety.

**Rationale for Using Fast-Track Rulemaking Process:** Amendments to 18VAC60-21, Regulations Governing the Practice of Dentistry, were previously adopted for consistency with current law in 18VAC60-20, which was repealed effective December 2, 2015. As a result of amendments to Chapter 27 (§ 54.1-2700 et seq.) of the Code of Virginia in 2012, changes in the qualifications for faculty licenses and temporary licenses for persons enrolled in advanced dental education programs were adopted as a final exempt action under § 2.2-4006 A 4 a of the Administrative Process Act. In the promulgation of new chapter 18VAC60-21 (effective December 2, 2015), those changes were not transferred. While the provisions of the Code of Virginia take precedence over the rules relating to qualifications for a faculty or temporary license, the current regulations need to be amended for consistency with the law.

Since the amendments to Code of Virginia occurred in 2012, the enabling language in the Administrative Process Act for adoption of exempt regulations is no longer applicable. Therefore, the only option is promulgation of a fast-track rulemaking action in order to correct regulations for consistency with Code of Virginia as soon as possible.

**Substance:** The amendments reflect statutory changes concerning the qualifications for dentistry faculty licenses and temporary licenses for persons enrolled in advanced dental education programs.

**Issues:** There are no advantages or disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

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

Summary of the Proposed Amendments to Regulation. The Board of Dentistry proposes to amend the Regulations Governing the Practice of Dentistry to reflect statutory changes concerning the qualifications for dentistry faculty licenses and temporary licenses for persons enrolled in advanced dental education programs.

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

**Estimated Economic Impact.** Chapters 20 and 116 of the 2012 Acts of Assembly amended Code Of Virginia Title 54.1, Chapter 27 (Dentistry) in part concerning the qualifications for dentistry faculty licenses and temporary licenses for persons enrolled in advanced dental education programs. The Regulations Governing the Practice of Dentistry does not currently reflect those changes. When the Code of Virginia and the Virginia Administrative Code conflict, the Code of Virginia applies. Thus, the proposal to amend this regulation to conform to the Code of Virginia will have no impact on applicable requirements. Nevertheless, the proposal will be beneficial in that it will reduce potential confusion for the public.

**Businesses and Entities Affected.** The proposed amendments pertain to individuals applying for either dental faculty licensure or dentist-temporary resident licensure. There are currently 14 individuals with dental faculty licenses, and 62 persons with dentist-temporary resident licenses.<sup>1</sup>

**Localities Particularly Affected.** The proposed amendments do not disproportionately affect particular localities.

**Projected Impact on Employment.** The proposed amendments do not affect employment.

**Effects on the Use and Value of Private Property.** The proposed amendments do not affect the use and value of private property.

**Real Estate Development Costs.** The proposed amendments do not affect real estate development costs.

**Small Businesses:**

**Definition.** Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

**Costs and Other Effects.** The proposed amendments do not affect small businesses.

**Alternative Method that Minimizes Adverse Impact.** The proposed amendments do not adversely affect small businesses.

**Adverse Impacts:**

**Businesses.** The proposed amendments do not adversely affect businesses.

**Localities.** The proposed amendments do not adversely affect localities.

**Other Entities.** The proposed amendments do not adversely affect other entities.

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<sup>1</sup>Data obtained from the Department of Health Professions' License Lookup webpage (<https://dhp.virginiainteractive.org/Lookup/Index>) on March 23, 2016.

Agency's Response to Economic Impact Analysis: The Board of Dentistry concurs with the analysis of the Department of Planning and Budget.

**Summary:**

*Amendments concerning the qualifications for dentistry faculty licenses and temporary licenses for persons enrolled in advance dental education programs are made to comport with Chapters 20 and 116 of the 2012 Acts of Assembly.*

**18VAC60-21-230. Qualifications for a restricted license; temporary permit or license.**

A. Temporary permit for public health settings. A temporary permit shall be issued only for the purpose of allowing dental practice in a dental clinic operated by a state agency or a Virginia charitable organization as limited by § 54.1-2715 of the Code.

1. Passage of a clinical competency examination is not required, but the applicant cannot have failed a clinical competency examination accepted by the board.
2. A temporary permit will not be renewed unless the holder shows that extraordinary circumstances prevented the holder from taking the licensure examination during the term of the temporary permit.

B. Faculty license. A faculty license shall be issued for the purpose of allowing dental practice as a faculty member of an accredited dental program when the applicant meets the entry requirements of § 54.1-2713 of the Code.

- ~~1. Passage of a clinical competency examination is not required, but the applicant cannot have failed a clinical competency examination accepted by the board.~~
- ~~2. The holder of a faculty license may practice intramurally and may receive fees for service but cannot practice privately.~~
- ~~3. 1.~~ A faculty license shall remain valid only while the holder is serving on the faculty of an accredited dental program in the Commonwealth. When any such license holder ceases to continue serving on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of employment.
- ~~4. 2.~~ The dean of the dental school shall notify the board within five working days of such termination of employment.

C. Restricted license to teach for foreign dentists. The board may issue a restricted license to a foreign dentist to teach in an accredited dental program in the Commonwealth in accordance with provisions of § 54.1-2714 of the Code.

D. Temporary licenses to persons enrolled in advanced dental education programs. A dental intern, resident, or post-doctoral certificate or degree candidate shall obtain a temporary license to practice in Virginia in accordance with provisions of § 54.1-2711.1 of the Code.

~~1. The applicant shall have successfully completed a D.D.S. or D.M.D. degree program required for admission to a clinical competency examination accepted by the board. Submission of a letter of confirmation from the registrar of the school or college conferring the professional degree, or official transcripts confirming the professional degree and date the degree was received, is required.~~

- ~~2. 1.~~ The applicant shall submit a recommendation from the dean of the dental school or the director of the accredited advanced dental education program specifying the applicant's acceptance as an intern, resident, or post-doctoral certificate or degree candidate. The beginning and ending dates of the internship, residency, or post-doctoral program shall be specified.
- ~~3. 2.~~ The temporary license permits the holder to practice only in the hospital or outpatient clinics that are recognized parts of an advanced dental education program.
- ~~4. 3.~~ The temporary license may be renewed annually by June 30, for up to five times, upon the recommendation of the dean of the dental school or director of the accredited advanced dental education program.
- ~~5. 4.~~ The temporary license holder shall be responsible and accountable at all times to a licensed dentist, who is a member of the staff where the internship, residency, or post-doctoral program is taken. The holder is prohibited from practicing outside of the advanced dental education program.
- ~~6. 5.~~ The temporary license holder shall abide by the accrediting requirements for an advanced dental education program as approved by the Commission on Dental Accreditation of the American Dental Association.

~~D. E.~~ Restricted volunteer license.

1. In accordance with § 54.1-2712.1 of the Code, the board may issue a restricted volunteer license to a dentist who:
  - a. Held an unrestricted license in Virginia or another U.S. jurisdiction as a licensee in good standing at the time the license expired or became inactive;
  - b. Is volunteering for a public health or community free clinic that provides dental services to populations of underserved people;
  - c. Has fulfilled the board's requirement related to knowledge of the laws and regulations governing the practice of dentistry in Virginia;
  - d. Has not failed a clinical examination within the past five years; and
  - e. Has had at least five years of clinical practice.
2. A person holding a restricted volunteer license under this section shall:
  - a. Only practice in public health or community free clinics that provide dental services to underserved populations;

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- b. Only treat patients who have been screened by the approved clinic and are eligible for treatment;
- c. Attest on a form provided by the board that he will not receive remuneration directly or indirectly for providing dental services; and
- d. Not be required to complete continuing education in order to renew such a license.

3. The restricted volunteer license shall specify whether supervision is required, and if not, the date by which it will be required. If a dentist with a restricted volunteer license issued under this section has not held an active, unrestricted license and been engaged in active practice within the past five years, he shall only practice dentistry and perform dental procedures if a dentist with an unrestricted Virginia license, volunteering at the clinic, reviews the quality of care rendered by the dentist with the restricted volunteer license at least every 30 days. If supervision is required, the supervising dentist shall directly observe patient care being provided by the restricted volunteer dentist and review all patient charts at least quarterly. Such supervision shall be noted in patient charts and maintained in accordance with 18VAC60-21-90.

4. A restricted volunteer license granted pursuant to this section shall expire on June 30 of the second year after its issuance or shall terminate when the supervising dentist withdraws his sponsorship.

5. A dentist holding a restricted volunteer license issued pursuant to this section is subject to the provisions of this chapter and the disciplinary regulations that apply to all licensees practicing in Virginia.

~~E.~~ F. Registration for voluntary practice by out-of-state licensees. Any dentist who does not hold a license to practice in Virginia and who seeks registration to practice on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people shall:

1. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice;
2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide the name of the nonprofit organization, and the dates and location of the voluntary provision of services; and
4. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 5 of § 54.1-2701 of the Code.

VA.R. Doc. No. R16-4600; Filed July 1, 2016, 4:13 p.m.

## DEPARTMENT OF HEALTH PROFESSIONS

### Proposed Regulation

Title of Regulation: **18VAC76-20. Regulations Governing the Prescription Monitoring Program (amending 18VAC76-20-40).**

Statutory Authority: § 54.1-2520 of the Code of Virginia.

Public Hearing Information: September 14, 2016 - 9:50 a.m. - Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Board Room 3, Richmond, VA 23233-1463.

Public Comment Deadline: September 23, 2016.

Agency Contact: Ralph Orr, Program Manager, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4523, FAX (804) 527-4470, or email [ralph.orr@dhp.virginia.gov](mailto:ralph.orr@dhp.virginia.gov).

Basis: The statutory authority for the Director of the Department of Health Professions to promulgate regulations is found in § 54.1-2520 of the Code of Virginia, which authorizes the director to promulgate such regulations necessary to implement the prescription monitoring program. The statutory authority for specifying data elements contained in and the format for the Prescription Monitoring Program (PMP) report is found in § 54.1-2521 of the Code of Virginia.

Purpose: Prescription drug abuse is one of the leading causes of death in the Commonwealth. The Governor's Task Force on Prescription Drug and Heroin Abuse has been studying ways to combat the problem from several perspectives, including data collection and monitoring. It is the task force's recommendation that updating the reporting format and including additional data elements will assist prescribers and other providers in a better understanding of the standard of care for prescribing opioids and other drugs with potential for abuse. To the extent that collection of more precise data on prescribing and dispensing can address the issue of prescription drug abuse, this regulatory action is necessary to protect the health and safety of the citizens of the Commonwealth.

Substance: The format for reporting data to the PMP is amended to Version 4.2 (2011) of the Electronic Reporting Standard for Prescription Monitoring Programs of the American Society of Automation in Pharmacy. The requirement for notifying dispensers and software providers when a new file layout with new data elements is prescribed in regulation is amended from 30 days to 90 days to give them longer to conform.

To facilitate collection of meaningful data that is more useful in developing reports on prescribing of controlled substances, 18VAC76-20-40 is amended to include the following data elements: (i) the National Provider Identifier, which identifies the specialty area of practice; (ii) the species code, which identifies whether the prescription is written for a human or animal; (iii) the gender code; (iv) the Electronic Prescription

Reference Number if it is an electronic prescription; and (v) an indicator if the prescription is a partial fill.

Issues: The primary advantage to the public would be more complete information in the PMP and timelier reporting so that prescribers and dispensers have sufficient data to make appropriate decisions for patients. There are no disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Upon recommendation from the Governor's Task Force on Prescription Drug and Heroin Abuse and the Prescription Monitoring Program (PMP) Advisory Committee, the Department of Health Professions (DHP) proposes to add several new pieces of information that doctors who dispense medications and pharmacists will be required to report to the PMP. DHP also proposes to allow affected entities 90 days to start reporting the newly required data.

Result of Analysis. Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact. Current regulation requires reporting of certain information on prescriptions dispensed in the Commonwealth to the PMP. Currently, health care providers that dispense medications as well as pharmacists are required to report 1) the Drug Enforcement Administration registration number of the dispenser, 2) the total number of refills ordered, 3) whether the prescription is new or a refill and 4) the date that the prescription was written by the prescriber. This information is filled out and submitted electronically and is pulled from payment system software that collects much more data than is required by the PMP. Currently, effected entities have 30 days to start reporting required data after they are notified that such reports are required.

As a consequence of recommendations from the Governor's Task Force on Prescription Drug and Heroin Abuse and the Prescription Monitoring Program (PMP) Advisory Committee, DHP now proposes to add requirements that these entities also report: 1) the National Provider Identifier of the prescriber, 2) whether the prescription is a partial refill, 3) the gender code of the patient, 4) a species code for the patient (so that the system can differentiate medicines prescribed for humans versus medicines prescribed for animals) and 5) the Electronic Prescription Reference Number and the Electronic Prescription Order Number, if it is an electronic prescription. Most of the newly required data elements will make patients easier to identify and differentiate. The requirement to report partial fills for prescriptions will allow the system to refrain from flagging an individual for filling two prescriptions for the same drug in a short amount of time when in actuality one prescription was filled in two partial orders (likely because the pharmacist did not have enough of the medication to fill it all at once but the

patient could not wait for a new order of the medication to come in). DHP also proposes to allow providers 90 days, rather than the 30 days they are currently allowed, to adjust to reporting these new data points.

DHP reports that affected entities will not incur any costs on account of these proposed changes. Providers will only need to check additional elements in their already existing software interface in order for those elements to be reported to the PMP. These changes will likely benefit both consumers and health care providers as they will reduce the chances of either a patient or a provider being unfairly flagged either because of ambiguous identity or because partial fills of prescriptions are being viewed as multiple complete fills.

Businesses and Entities Affected. These proposed regulatory changes will affect all pharmacists as well as doctors and dentists who dispense drugs. DHP reports that there are 2,183 dispensers who currently report to the PMP.

Localities Particularly Affected. No locality will be particularly affected by these proposed regulatory changes.

Projected Impact on Employment. These proposed regulatory changes are unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property. These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs. These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:

Definition. Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

Costs and Other Effects. Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Alternative Method that Minimizes Adverse Impact. Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Adverse Impacts:

Businesses. Businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Localities. Localities in the Commonwealth are unlikely to see any adverse impacts on account of these proposed regulatory changes.

Other Entities. No other entities are likely to be adversely affected by these proposed changes.

Agency's Response to Economic Impact Analysis: The agency concurs with the economic impact analysis of the Department of Planning and Budget.

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## Summary:

*The proposed amendments update the required version for reporting data electronically to the Prescription Monitoring Program, require several new data elements in the report, and allow dispensers at least 90 days from notification by the director to comply when a new file layout with new data elements is prescribed.*

### **18VAC76-20-40. Standards for the manner and format of reports and a schedule for reporting.**

A. Data shall be transmitted to the department or its agent within seven days of dispensing as provided in the Electronic Reporting Standard for Prescription Monitoring Programs, Version ~~4.1 (November 2009)~~ 4.2 (September 2011) of the American Society of Automation in Pharmacy (ASAP), which are hereby incorporated by reference into this chapter.

B. Data shall be transmitted in a file layout provided by the department and shall be transmitted by a media acceptable to the vendor contracted by the director for the program. Such transmission shall begin on a date specified by the director, no less than ~~30~~ 90 days from notification by the director to dispensers required to report.

C. Under extraordinary circumstances, an alternative means of reporting may be approved by the director.

D. Data not accepted by the vendor due to a substantial number of errors or omissions shall be corrected and resubmitted to the vendor within five business days of receiving notification that the submitted data had an unacceptable number of errors or problems.

E. Required data elements shall include those listed in subsection B of § 54.1-2521 of the Code of Virginia and the following:

1. The Drug Enforcement Administration (DEA) registration number of the dispenser;
2. The National Provider Identifier of the prescriber;
- ~~3.~~ 4. The total number of refills ordered;
- ~~4.~~ Whether the prescription is a new prescription or a refill; and
5. Whether the prescription is a partial fill;
6. The gender code;
7. The species code;
8. The Electronic Prescription Reference Number, and the Electronic Prescription Order Number if it is an electronic prescription; and
9. The date the prescription was written by the prescriber.

DOCUMENTS INCORPORATED BY REFERENCE  
(18VAC76-20)

Implementation Guide ASAP Standard (Electronic Reporting Standard) for Prescription Monitoring Programs, Version 4, Release ~~4~~ 2, ~~November 2009~~ September 2011, American Society for Automation in Pharmacy, 492

Norristown Road, Suite 160, Blue Bell, PA 19422  
(<http://www.asapnet.org>).

VA.R. Doc. No. R16-4370; Filed July 1, 2016, 2:24 p.m.

## BOARD OF MEDICINE

### Fast-Track Regulation

**Title of Regulation:** 18VAC85-101. Regulations Governing the Practice of Radiologic Technology (amending 18VAC85-101-40, 18VAC85-101-110).

**Statutory Authority:** §§ 54.1-2400 and 54.1-2956.8:1 of the Code of Virginia.

**Public Hearing Information:** No public hearings are scheduled.

**Public Comment Deadline:** August 24, 2016.

**Effective Date:** September 8, 2016.

**Agency Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, FAX (804) 527-4429, or email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

**Basis:** Section 54.1-2400 authorizes the Board of Medicine to promulgate regulations to administer the regulatory system.

The specific authority for the board to regulate the qualifications governing the licensure of radiologist assistants, radiologic technologists, and radiologic technologists, limited is found in § 54.1-2956.8:1 of the Code of Virginia.

**Purpose:** Currently, the regulation requires submission of evidence that an applicant has passed an examination with a minimum score acceptable to the board. This requirement may be confusing to applicants and the public because the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB) examines the applicant, determines the passing score, and grants certification on that basis. The amendment is necessary because the board does not determine the minimum passing score and does not receive a score from ARRT or NMTCB. The credentialing bodies provide documentation that the applicant has been certified with the appropriate credential as evidence that the certifying examination has been passed.

Since the certifying examination and resulting credential qualifies a person in an area of radiography – radiologic technology, nuclear medicine, sonography, etc., the regulation is amended to clarify that the radiologic technologist must practice consistent with his education and certifying examination. No statutory authority exists to grant specialty licenses in radiography, so the public is protected by specifying that the licensee is responsible for practicing within his area of education and expertise.

**Rationale for Using Fast-Track Rulemaking Process:** There is no controversy in the adoption of these amendments, which

are explanatory of current practice and clarifying for the licensee and the public.

**Substance:** The amendment in 18VAC85-101-40 clarifies that the Board of Medicine determines qualification for licensure of radiologic technologists based on certification by the ARRT or the NMTCB; such certification is evidence of passage of an examination and meets the statutory requirement for a testing program.

The amendment in 18VAC85-101-110 clarifies that a radiologic technologist is responsible for administering and documenting procedures consistent with his education and certifying examination.

**Issues:** The primary advantage to the public is assurance that a radiologic technologist is practicing consistent with the credential for which he is qualified. There are no disadvantages to the public. There are no advantages or disadvantages to the agency or the Commonwealth.

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

Summary of the Proposed Amendments to Regulation. The Board of Medicine (Board) proposes to clarify that a radiologic technologist's scope of practice must be consistent with his or her education and certification and that he or she can submit evidence of passage of a certification examination without the need to submit evidence of a passing score.

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

Estimated Economic Impact. One of the conditions for licensure as a radiologic technologist is passage of an examination resulting in certification by the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB). These entities issue primary pathway certifications in radiography, nuclear medicine technology, radiation therapy, magnetic resonance imaging, or sonography. Despite different subspecialty certifications, Virginia statutes recognize only one type of licensure and use the generic title "radiologic technologist" for any of the subspecialty certifications.<sup>1</sup> Since the Board does not have the authority to issue subspecialty certifications under the statute, it proposes to clarify that a radiologic technologist's scope of practice must be consistent with his or her education and certification.

In addition, the current regulation requires submission of evidence of "certification with a minimum passing score acceptable to the Board." However, the Board does not determine the minimum passing score and requires only a certification which is granted upon passage of the examination based on a score determined by ARRT or NMTCB. Thus, the Board proposes to eliminate the language requiring submission of evidence of minimum passing score acceptable to the Board.

Both of the proposed changes are mere clarifications and are not expected to create any significant economic effect other than improving the clarity of the regulation.

Businesses and Entities Affected. Currently, there are 3,893 licensed radiologic technologists in Virginia. Specific subspecialty certifications of the licensed radiologic technologists are not tracked.

Localities Particularly Affected. The proposed changes apply statewide.

Projected Impact on Employment. No impact on employment is expected.

Effects on the Use and Value of Private Property. No impact on the use and value of private property is expected.

Real Estate Development Costs. No impact on real estate development costs is expected.

**Small Businesses:**

Definition. Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

Costs and Other Effects. Radiologic technologists work in many types of practices and employment settings, some of which may be small businesses. However, the proposed changes are not anticipated to have any significant economic impact on them other than improving the clarity of the regulation.

Alternative Method that Minimizes Adverse Impact. No adverse impact on small businesses is expected.

**Adverse Impacts:**

Businesses. The proposed amendments do not have an adverse impact on non-small businesses.

Localities. The proposed amendments will not adversely affect localities.

Other Entities. The proposed amendments will not adversely affect other entities.

<sup>1</sup>See Virginia Code sections 54.1-2956.8:1 and 54.1-2956.8:2.

**Agency's Response to Economic Impact Analysis:** The Board of Medicine concurs with the analysis of the Department of Planning and Budget.

**Summary:**

*The amendments clarify that a radiologic technologist's scope of practice must be consistent with his education and certification and that he can submit evidence of passage of a certification examination without the need to submit evidence of a passing score.*

**18VAC85-101-40. Licensure requirements.**

A. An applicant for board licensure shall:

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1. Meet the educational requirements specified in 18VAC85-101-30;
2. Submit the required application, fee, and credentials to the board; and
3. Submit evidence of passage of an examination resulting in certification by the ARRT or the NMTCB certification examination with a minimum passing score acceptable to the board.

B. If an applicant has been licensed or certified in another jurisdiction, he shall provide information on the status of each license or certificate held and verification from that jurisdiction of any current, unrestricted license.

C. An applicant who fails the ARRT or NMTCB examination shall follow the policies and procedures of the certifying body for successive attempts.

## **18VAC85-101-110. Individual responsibilities to patients and to licensed doctor of medicine, osteopathy, chiropractic, or podiatry.**

A. The radiologic technologist's responsibilities are to administer and document procedures consistent with his education and certifying examination and within the limit of his professional knowledge, judgment, and skills.

B. A radiologic technologist shall maintain continuing communication with the delegating practitioner.

VA.R. Doc. No. R16-4633; Filed July 1, 2016, 4:14 p.m.

### **Proposed Regulation**

Title of Regulation: **18VAC85-150. Regulations Governing the Practice of Behavior Analysis (amending 18VAC85-150-90, 18VAC85-150-100).**

Statutory Authority: §§ 54.1-2400 and 54.1-2957.16 of the Code of Virginia.

Public Hearing Information:

August 5, 2016 - 8:40 a.m. - Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, VA 23233-1463

Public Comment Deadline: September 23, 2016.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, FAX (804) 527-4429, or email [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov).

Basis: Section 54.1-2400 of the Code of Virginia provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system.

Section 54.1-2957.16 of the Code of Virginia mandates that the Board of Medicine promulgate regulations for the licensure of behavior analysts and assistant behavior analysts.

Purpose: Chapter 3 of the 2012 Acts of the Assembly mandated that the Board of Medicine promulgate regulations to implement the provisions of the act within 280 days of its enactment. Emergency regulations were developed and then replaced with permanent regulations. At that time, the

continuing competency requirements for renewal of license were set to mirror the requirements for maintenance of certification with the Behavior Analyst Certification Board (BACB). Certification by the BACB is required for initial licensure, and although licensees are not required to maintain current certification to renew a license, they are encouraged to do so.

In 2013, the BACB announced that, beginning in December 2014, the requirements for maintenance of certification would be changed from a three-year cycle to a two-year cycle and the hourly requirement would be increased. The proposed regulations for behavior analysts and assistant behavior analysts are consistent with the continuing competency requirements of the certification board, to include four hours each biennium in ethics relating to professional practice. The BACB offers several types of continuing education that are acceptable for certification and for renewal of licensure. With the additional hours, notably the hours of ethics, licensees may be better prepared to handle situations encountered in their practice and more knowledgeable about modalities and treatments that will improve outcomes and protect the health and safety of their clients.

Substance: The amendments change continuing education requirements for the biennial renewal from 24 to 32 hours for behavior analysts and from 16 to 20 hours for assistant behavior analysts. Four of those hours must be in ethics relating to professional practice.

Issues: The primary advantage to the public is knowledgeable behavior analysts and assistant behavior analysts who have more hours of continuing education to keep them informed about new modalities and theories of behavior analysis and specific hours relating to professional ethics. There are no disadvantages to the public. There are no advantages or disadvantages to the Commonwealth or the agency.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Medicine (Board) proposes to increase the required number of continuing education hours for biennial license renewal from: a) 24 to 32 for behavior analysts and b) 16 to 20 for assistant behavior analysts. The board is also proposing to add a requirement that four of the required hours be related to the practice of ethics in behavior analysis.

Result of Analysis. It is not clear that the uncertain benefits exceed the costs of the proposed amendments.

Estimated Economic Impact. The profession of behavior analysis has been regulated since 2012, when Chapter 3 of the 2012 Acts of Assembly directed the board to promulgate emergency regulations licensing this profession. The final version of the initial licensure regulations took effect on May 7, 2014.

Under the regulation applicants for Virginia licensure must at the time of application hold current certification by the

national Behavior Analysis Certification Board (BACB) in order to qualify for initial licensure as a behavior analyst or an assistant behavior analyst. Licensees are not required to maintain active certification with BACB for license renewal. Nonetheless, in the initial creation of the regulation, the Board set the number of continuing education hours per annum required for license renewal to match the number required for BACB certification renewal: 24 hours over two years for behavior analysts, and 16 hours over two years for assistant behavior analysts.<sup>1</sup>

In 2013, the BACB announced that, beginning in December of 2014, the required number of hours for maintenance of certification would increase to 32 hours and 20 hours for behavior analysts and assistant behavior analysts, respectively. Further, four of the hours must be related to ethics in the practice of behavior analysis. The Board proposes to amend the regulation's continuing education requirements to match the changes to the BACB's continuing education requirements.

The regulation specifies that the continuing education be approved and documented by a sponsor recognized by the BACB. The BACB website includes links to online continuing education courses offered by its recognized sponsors. The lower-priced courses cost about \$15 per hour.<sup>2</sup> Thus the proposed required additional 8 hours would cost behavior analysts about \$120 plus the value of their time. According to PayScale Human Capital, board certified behavior analysts earn on average \$35 per hour.<sup>3</sup> Assuming that the value of time for behavioral analysts is their average hourly earnings, the proposed required additional 8 hours approximately cost an additional \$280. Combining the course fees and the value of time expended, the proposed addition to the required number of continuing education hours would cost behavioral analysts approximately \$400 every two years.

Given the approximate course cost of \$15 per hour, the proposed required additional 4 hours would cost assistant behavior analysts about \$60 plus the value of their time. Data is not available for assistant behavior analyst average earnings. If we assume assistant behavior analysts earn \$20 per hour, the value of the additional 4 hours expended on continuing education would cost an additional \$80. Combining the course fees and the value of time expended, the proposed addition to the required number of continuing education hours would cost assistant behavioral analysts approximately \$140 every two years.

The benefit of the proposal is more difficult to estimate than the cost. Continuing education can certainly be beneficial. Learning of new developments or methods through training can expand or at least maintain expertise. If analysts believe they would benefit by taking more hours of continuing education than is required by the regulation, they are of course free to do so. If it is believed that there is a topic or area of concern or new development within the profession that licensees need new training on, and analysts may not

remain competent without such training, a specific training requirement such as the proposed ethics training requirement would be more likely to be effective in addressing the issue than an increase in required non-specified course hours.

As mentioned above, the impetus for the Board's proposed amendments is to match changes to the national BACB certification renewal requirements. According to the Department of Health Professions, most licensees have chosen to maintain active certification with BACB. The proposed amendments will not directly affect these individuals since they are already meeting the proposed requirements in order to keep active BACB certification,

**Businesses and Entities Affected.** The proposed amendments affect the 648 behavior analysts and 119 assistant behavior analysts licensed by the Commonwealth, and providers of BACB-approved continuing education.

**Localities Particularly Affected.** Behavior analysts and assistant behavior analysts are sometimes employed by school divisions. The proposed amendments would particularly affect those localities that employ behavior analysts and assistant behavior analysts in their schools.

**Projected Impact on Employment.** If none of the currently licensed analysts were maintaining their BACB certification, the proposed amendments would require the 648 behavior analysts and 119 assistant behavior analysts to take an additional 5,660 hours<sup>4</sup> of courses and pay approximately an additional \$84,900<sup>5</sup> in fees over every two years to BACB-approved continuing education providers. Since most are likely already meeting the requirements, there will likely be considerably less new business for course providers due to the proposed amendments. The increase of business that does occur may have a small positive impact on employment for course providers. Most of the approved online providers are based outside of the Commonwealth.

**Effects on the Use and Value of Private Property.** Those behavior analysts and assistant behavior analysts who have chosen to not maintain active certification with BACB would need to take additional courses as described above. The increase in in business may have a small positive impact on the net worth of course providers. Most of the approved online providers are based outside of the Commonwealth.

**Real Estate Development Costs.** The proposed amendments do not affect real estate development costs.

**Small Businesses:**

**Definition.** Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

**Costs and Other Effects.** The proposal to increase the number of hours of continuing education required for license renewal requires behavior analysts and assistant behavior analysts to expend additional time and dollars. To the extent that

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behavior analysts and assistant behavior analysts employed by small businesses are reimbursed for their expenses and are permitted to take continuing education courses during the workday, the proposed amendments will increase costs for those small businesses.

Alternative Method that Minimizes Adverse Impact. The Board could choose to not increase the number of hours of continuing education required for license renewal.

Adverse Impacts:

Businesses. The proposal to increase the number of hours of continuing education required for license renewal requires behavior analysts and assistant behavior analysts to expend additional time and dollars. To the extent that behavior analysts and assistant behavior analysts employed by businesses are reimbursed for their expenses and are permitted to take continuing education courses during the workday, the proposed amendments will increase costs for those firms.

Localities. Behavior analysts and assistant behavior analysts are sometimes employed by school divisions. To the extent that behavior analysts and assistant behavior analysts employed by school divisions are reimbursed for their expenses and are permitted to take continuing education courses during the workday, the proposed amendments will increase costs for those localities that employ behavior analysts and assistant behavior analysts in their schools.

Other Entities. Non-profit organizations and governmental entities could also potentially employ behavior analysts and assistant behavior analysts. To the extent that the analysts are reimbursed for their expenses and are permitted to take continuing education courses during the workday, the proposed amendments will increase costs for these organizations and entities as well.

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<sup>1</sup>The BACB required 36 hours of continuing education over three years for behavior analyst certification renewal 24 hours over three years for assistant behavior analyst certification. The required hours for Virginia license renewal and national certification renewal both were 12 hours per annum for behavior analysts and 8 hours per annum for assistant behavior analysts.

<sup>2</sup>The BACB website (bacb.com) and various linked course provider websites were viewed on April 14, 2016.

<sup>3</sup>The PayScale Human Capital website (payscale.com) was viewed on April 14, 2016.

<sup>4</sup> $(648 \times 8) + (119 \times 4) = 5,660$

<sup>5</sup> $(648 \times \$120) + (119 \times \$60) = \$84,900$

**Agency's Response to Economic Impact Analysis:** The Board of Medicine concurs with the economic impact analysis of the Department of Planning and Budget.

**Summary:**

*The proposed amendments increase the required number of continuing education hours for biennial license renewal from 24 to 32 for behavior analysts and from 16 to 20 for assistant behavior analysts and require that four of the required hours be related to the practice of ethics in*

*behavior analysis. In addition, the proposed amendments amend the number of continuing education hours required to reactivate an inactive license or reinstate a license that has lapsed more than two years.*

**18VAC85-150-90. Reactivation or reinstatement.**

A. To reactivate an inactive license or to reinstate a license that has been lapsed for more than two years, a behavior analyst or assistant behavior analyst shall submit evidence of competency to return to active practice to include one of the following:

1. Information on continued practice in another jurisdiction as a licensed behavior analyst or a licensed assistant behavior analyst or with certification as a BCBA® or BCaBA® during the period in which the license has been inactive or lapsed;
2. ~~Twelve~~ Sixteen hours of continuing education for each year in which the license as a behavior analyst or 10 hours for each year in which the license as an assistant behavior analyst has been inactive or lapsed, not to exceed three years; or
3. Recertification by passage of the BCBA® or the BCaBA® certification examination from the BACB.

B. To reactivate an inactive license, a behavior analyst or assistant behavior analyst shall pay a fee equal to the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure.

C. To reinstate a license that has been lapsed for more than two years, a behavior analyst or assistant behavior analyst shall file an application for reinstatement and pay the fee for reinstatement of his license as prescribed in 18VAC85-150-40. The board may specify additional requirements for reinstatement of a license so lapsed to include education, experience, or reexamination.

D. A behavior analyst or assistant behavior analyst whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board, fulfill additional requirements as specified in the order from the board, and make payment of the fee for reinstatement of his licensure as prescribed in 18VAC85-150-40 pursuant to § 54.1-2408.2 of the Code of Virginia.

E. The board reserves the right to deny a request for reactivation or reinstatement to any licensee who has been determined to have committed an act in violation of § 54.1-2915 of the Code of Virginia or any provisions of this chapter.

**18VAC85-150-100. Continuing education requirements.**

A. In order to renew an active license, a behavior analyst shall attest to having completed ~~24~~ 32 hours of continuing education and an assistant behavior analyst shall attest to having completed ~~16~~ 20 hours of continuing education as approved and documented by a sponsor recognized by the BACB within the last biennium. Four of the required hours shall be related to ethics in the practice of behavior analysis.

B. A practitioner shall be exempt from the continuing education requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The practitioner shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of its active licensees to determine compliance. The practitioners selected for the audit shall provide all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing education requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption from all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

VA.R. Doc. No. R16-4296; Filed July 1, 2016, 2:25 p.m.

**BOARD OF COUNSELING**

**Final Regulation**

**Titles of Regulations:** 18VAC115-20. **Regulations Governing the Practice of Professional Counseling (amending 18VAC115-20-10, 18VAC115-20-40 through 18VAC115-20-70, 18VAC115-20-130).**

**18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18VAC115-50-10, 18VAC115-50-20, 18VAC115-50-30 through 18VAC115-50-96, 18VAC115-50-100, 18VAC115-50-110, 18VAC115-50-120).**

**18VAC115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18VAC115-60-10, 18VAC115-60-20, 18VAC115-60-40 through 18VAC115-60-90, 18VAC115-60-110, 18VAC115-60-115, 18VAC115-60-116, 18VAC115-60-120, 18VAC115-60-130, 18VAC115-60-140; repealing 18VAC115-60-55).**

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

Effective Date: August 24, 2016.

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4406, FAX (804) 527-4435, or email jaime.hoyle@dhp.virginia.gov.

Summary:

*The amendments (i) add the Council for Accreditation of Counseling and Related Educational Programs and the Council on Rehabilitation Education as groups that can approve educational programs under the professional*

*counselor licensure program; (ii) eliminate the requirement that a transcript be included when applying for licensure if one was already submitted for approval of residency; (iii) modify experience requirements in 18VAC115-50 and 18VAC115-60 for individuals seeking licensure by endorsement so that they only have to have clinical practice 24 of the 60 months immediately before licensure application, instead of five of the last six years as currently required; (iv) allow the use of real-time visual contact technology (e.g., Skype or other like services) to meet face-to-face supervision requirements during residency; (v) allow 20 hours of supervision obtained during an internship to count toward the 200 hours of face-to-face supervision required during residency so long as the internship supervision was under a licensed professional counselor or, in the case of interns working toward licensure as a marriage and family therapist, a licensed professional counselor or a licensed marriage and family therapist; (vi) require that residencies be completed in not less than 21 months and not more than four years; (vii) add local governments to the groups whose continuing education programs are approved by the board to count toward continuing education requirements; (viii) disallow certain professionals from providing supervision for residencies because the board does not have disciplinary or regulatory authority over these groups; and (ix) require applicants for licensure to provide a current report from the U.S. Department of Health and Human Services National Practitioner Data Bank, which contains disciplinary and malpractice history.*

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.

Part I  
General Provisions

**18VAC115-20-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia:

- "Appraisal activities"
- "Board"
- "Counseling"
- ~~"Counseling treatment intervention"~~
- "Professional counselor"

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

"Ancillary counseling services" means activities such as case management, recordkeeping, referral, and coordination of services.

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"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

"CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Clinical counseling services" means activities such as assessment, diagnosis, treatment planning, and treatment implementation.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"CORE" means Council on Rehabilitation Education.

"Exempt setting" means an agency or institution in which licensure is not required to engage in the practice of counseling according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Face-to-face" means the in-person delivery of clinical counseling services for a client.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means a formal academic course from a regionally accredited college or university in which supervised, practical experience is obtained in a clinical setting in the application of counseling principles, methods, and techniques.

"Jurisdiction" means a state, territory, district, province, or country that has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting that does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the ~~United States~~ U.S. Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a ~~post-graduate~~ postgraduate, supervised, clinical experience registered with the board.

"Resident" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in professional counseling under supervision.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual or group consultation, guidance, and instruction that is specific

to the clinical counseling services being performed with respect to the clinical skills and competencies of the person supervised.

## Part II

### Requirements for Licensure

#### **18VAC115-20-40. Prerequisites for licensure by examination.**

Every applicant for licensure examination by the board shall:

1. Meet the degree program requirements prescribed in 18VAC115-20-49, the course work requirements prescribed in 18VAC115-20-51, and the experience requirements prescribed in 18VAC115-20-52; ~~and~~
2. Pass the licensure examination specified by the board;
3. Submit the following to the board:
  - a. A completed application;
  - b. Official transcripts documenting the applicant's completion of the degree program and coursework requirements prescribed in 18VAC115-20-49 and 18VAC115-20-51. Transcripts previously submitted for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained;
  - c. Verification of Supervision forms documenting fulfillment of the residency requirements of 18VAC115-20-52 and copies of all required evaluation forms, including verification of current licensure of the supervisor if any portion of the residency occurred in another jurisdiction;
  - d. Verification of any other mental health or health professional license or certificate ever held in another jurisdiction; ~~and~~
  - e. The application processing and initial licensure fee as prescribed in 18VAC115-20-20; and
  - f. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and

~~3.~~ 4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

#### **18VAC115-20-45. Prerequisites for licensure by endorsement.**

A. Every applicant for licensure by endorsement shall hold or have held a professional counselor license in another jurisdiction of the United States and shall submit the following:

1. A completed application;
2. The application processing fee and initial licensure fee as prescribed in 18VAC115-20-20;

3. Verification of all mental health or health professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis;

4. Documentation of having completed education and experience requirements as specified in subsection B of this section;

5. Verification of a passing score on an examination required for counseling licensure in the jurisdiction in which licensure was obtained; ~~and~~

6. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and

~~6.~~ 7. An affidavit of having read and understood the regulations and laws governing the practice of professional counseling in Virginia.

B. Every applicant for licensure by endorsement shall meet one of the following:

1. Educational requirements consistent with those specified in 18VAC115-20-49 and 18VAC115-20-51 and experience requirements consistent with those specified in 18VAC115-20-52; ~~or~~

2. If an applicant does not have educational and experience credentials consistent with those required by this chapter, he shall provide:

a. Documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and

b. Evidence of post-licensure clinical practice in counseling, as defined in § 54.1-3500 of the Code of Virginia, for 24 of the last 60 months immediately preceding his licensure application in Virginia. Clinical practice shall mean the rendering of direct clinical counseling services or clinical supervision of counseling services; ~~or~~

3. In lieu of transcripts verifying education and documentation verifying supervised experience, the board may accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity.

**18VAC115-20-49. Degree program requirements.**

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice counseling ~~and counseling treatment intervention~~, as defined in § 54.1-3500 of the Code of Virginia, which is offered by a college or university accredited by a regional accrediting agency and which meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;

2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study; and

3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

B. Programs that are approved by CACREP or CORE are recognized as meeting the requirements of subsection A of this section.

**18VAC115-20-51. Coursework requirements.**

A. The applicant shall have successfully completed 60 semester hours or 90 quarter hours of graduate study in the following core coursework with a minimum of three semester hours or 4.0 quarter hours in each of subdivisions 1 through 12 of this subsection:

1. Professional counseling identity, function, and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Human growth and development;
5. Group counseling and psychotherapy theories and techniques;
6. Career counseling and development theories and techniques;
7. Appraisal, evaluation, and diagnostic procedures;
8. Abnormal behavior and psychopathology;
9. Multicultural counseling theories and techniques;
10. Research;
11. Diagnosis and treatment of addictive disorders;
12. Marriage and family systems theory; and
13. Supervised internship of at least 600 hours to include 240 hours of face-to-face client contact. [ Internship Only internship ] hours [ shall not begin until earned after ] completion of 30 [ graduate ] semester hours [ toward the graduate degree may be counted towards residency hours ].

B. If 60 graduate hours in counseling were completed prior to April 12, 2000, the board may accept those hours if they meet the regulations in effect at the time the 60 hours were completed.

**18VAC115-20-52. Residency requirements.**

A. Registration. Applicants who render counseling services shall:

1. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;
2. Have submitted an official transcript documenting a graduate degree as specified in 18VAC115-20-49 to include completion of the coursework and internship requirement specified in 18VAC115-20-51; and

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3. Pay the registration fee.

## B. Residency requirements.

1. The applicant for licensure shall have completed a 3,400-hour supervised residency in the role of a professional counselor working with various populations, clinical problems, and theoretical approaches in the following areas:

- a. Assessment and diagnosis using psychotherapy techniques;
- b. Appraisal, evaluation, and diagnostic procedures;
- c. Treatment planning and implementation;
- d. Case management and recordkeeping;
- e. Professional counselor identity and function; and
- f. Professional ethics and standards of practice.

2. The residency shall include a minimum of 200 hours of ~~face-to-face~~ in-person supervision between supervisor and resident in the consultation and review of clinical counseling services provided by the resident. Supervision shall occur at a minimum of one hour and a maximum of four hours per 40 hours of work experience during the period of the residency. For the purpose of meeting the 200-hour supervision requirement, ~~face-to-face~~ in-person may include the use of secured technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed professional counselor.

3. No more than half of the 200 hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of individual supervision.

4. Supervision that is not concurrent with a residency will not be accepted, nor will residency hours be accrued in the absence of approved supervision.

5. The residency shall include at least 2,000 hours of face-to-face client contact in providing clinical counseling services. The remaining hours may be spent in the performance of ancillary counseling services.

6. A graduate-level internship in excess of 600 hours, which was completed in a program that meets the requirements set forth in 18VAC115-20-49, may count for up to an additional 300 hours towards the requirements of a residency.

7. The residency shall be completed in not less than [ 18 21 ] months or more than four years. Residents who began a residency before [ (insert effective date of the regulation) August 24, 2016, ] shall complete the residency by [ (insert four years after the effective date) August 24, 2020 ]. An individual who does not complete the residency after four

years shall submit evidence to the board showing why the supervised experience should be allowed to continue.

8. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability that limits the resident's access to qualified supervision.

~~8.~~ 9. Residents may not call themselves professional counselors, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or professional counselors. During the residency, residents shall use their names and the initials of their degree, and the title "Resident in Counseling" in all written communications. Clients shall be informed in writing of the resident's status and the supervisor's name, professional address, and phone number.

~~9.~~ 10. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

11. Residency hours approved by the licensing board in another [ U.S. United States ] jurisdiction that meet the requirements of this section shall be accepted.

C. Supervisory qualifications. A person who provides supervision for a resident in professional counseling shall:

1. Document two years of post-licensure clinical experience;
2. Have received professional training in supervision, consisting of three credit hours or 4.0 quarter hours in graduate-level coursework in supervision or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-20-106; and
3. Shall hold an active, unrestricted license as a professional counselor; or a marriage and family therapist; substance abuse treatment practitioner; school psychologist, clinical psychologist, clinical social worker, or psychiatrist in the jurisdiction where the supervision is being provided. At least 100 hours of the supervision shall be rendered by a licensed professional counselor. [ Supervisors who are substance abuse treatment practitioners, school psychologists, clinical psychologists, clinical social workers, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017. ]

D. Supervisory responsibilities.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.
2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.
3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.

4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision B 1 of this section.
5. The supervisor shall provide supervision as defined in 18VAC115-20-10.

Part III  
Examinations

**18VAC115-20-70. General examination requirements; schedules; time limits.**

- A. Every applicant for initial licensure by examination by the board as a professional counselor shall pass a written examination as prescribed by the board.
- B. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained.
- C. A candidate approved to sit for the examination shall ~~take~~ pass the examination within two years from the date of such initial approval. If the candidate has not ~~taken~~ passed the examination by the end of the two-year period here prescribed:
  1. The initial approval to sit for the examination shall then become invalid; and
  2. ~~In order to be considered for the examination later, the~~ The applicant shall file a new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the applicant shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.
- D. The board shall establish a passing score on the written examination.
- E. A candidate for examination or an applicant shall not provide clinical counseling services unless he is under supervision approved by the board.

Part V

Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement

**18VAC115-20-130. Standards of practice.**

- A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone, or electronically, these standards shall apply to the practice of counseling.
- B. Persons licensed or registered by the board shall:
  1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;

2. Practice only within the boundaries of their competence, based on their education, training, supervised experience, and appropriate professional experience and represent their education, training, and experience accurately to clients;
3. Stay abreast of new counseling information, concepts, applications, and practices that are necessary to providing appropriate, effective professional services;
4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients;
8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;
9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;
10. Select tests for use with clients that are valid, reliable, and appropriate and carefully interpret the performance of individuals not represented in standardized norms;
11. Determine whether a client is receiving services from another mental health service provider, and if so, refrain from providing services to the client without having an informed consent discussion with the client and having been granted communication privileges with the other professional;
12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the ~~United States~~ U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

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13. Advertise professional services fairly and accurately in a manner that is not false, misleading, or deceptive.

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release records to others only with the client's expressed written consent or that of the client's legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations; and

5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred to another mental health service provider or given to the client or his legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, bartering, or close personal relationships with clients. Counselors shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and not counsel persons with whom they have had a romantic relationship

or sexual intimacy. Counselors shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Counselors who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, or adverse impact on the client. A client's consent to, initiation of, or participation in sexual behavior or involvement with a counselor does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any romantic relationship or sexual intimacy or establish a counseling or psychotherapeutic relationship with a supervisee or student. Counselors shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student or the potential for interference with the supervisor's professional judgment; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of professional counseling.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent, or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

## **18VAC115-50-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia: (i) "board," (ii) "marriage and family therapy," (iii) "marriage and family therapist," and (iv) "practice of marriage and family therapy."

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

"Ancillary counseling services" means activities such as case management, recordkeeping, referral, and coordination of services.

"CACREP" means the Council for Accreditation of Counseling and Related ~~Education~~ Educational Programs.

"COAMFTE" means the Commission on Accreditation for Marriage and Family Therapy Education.

"Clinical marriage and family services" means activities such as assessment, diagnosis, and treatment planning and treatment implementation for couples and families.

"Face-to-face" means the in-person delivery of clinical marriage and family services for a client.

"Internship" means a supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings formal academic course from a regionally accredited university in which supervised practical experience is obtained in a clinical setting in the application of counseling principles, methods, and techniques.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the United States U.S. Secretary of Education as responsible for accrediting senior post-secondary institutions and training programs.

"Residency" means a ~~post-internship~~ postgraduate, supervised clinical experience registered with the board.

"Resident" means an individual who has submitted a supervisory contract to the board and has received board approval to provide clinical services in marriage and family therapy under supervision.

"Supervision" means an ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented, individual or group consultation, guidance and instruction with respect to the clinical skills and competencies of the person or persons being supervised.

**18VAC115-50-20. Fees.**

A. The board has established fees for the following:

Registration of supervision	\$50
Add or change supervisor	\$25
Initial licensure by examination: Processing and initial licensure	\$140
Initial licensure by endorsement: Processing and initial licensure	\$140
Active annual license renewal	\$105
Inactive annual license renewal	\$55
Penalty for late renewal	\$35
Reinstatement of a lapsed license	\$165
Verification of license to another jurisdiction	\$25
Additional or replacement licenses	\$5
Additional or replacement wall certificates	\$15
Returned check	\$35

Reinstatement following revocation or suspension \$500

~~One-time reduction for renewal of an active license due on June 30, 2010~~ \$52

~~One-time reduction for renewal of an inactive license due on June 30, 2010~~ \$27

B. Fees shall be paid to the board or its contractor or both in appropriate amounts as specified in the application instructions. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

**18VAC115-50-30. Application for licensure by examination.**

Every applicant for ~~examination~~ for licensure by examination by the board shall:

1. Meet the education and experience requirements prescribed in 18VAC115-50-50, 18VAC115-50-55 and 18VAC115-50-60;
2. Meet the examination requirements prescribed in 18VAC115-50-70;
2. 3. Submit to the board office the following items:
  - a. A completed application;
  - b. The application processing and initial licensure fee prescribed in 18VAC115-50-20;
  - c. Documentation, on the appropriate forms, of the successful completion of the residency requirements of 18VAC115-50-60 along with documentation of the supervisor's out-of-state license where applicable;
  - d. Official transcript or transcripts ~~in the original sealed envelope with the registrar's signature across the sealed envelope flap~~ submitted from the appropriate institutions of higher education ~~directly to the applicant~~, verifying satisfactory completion of the education requirements set forth in 18VAC115-50-50 and 18VAC115-50-55. Previously submitted transcripts for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained; and
  - e. Verification on a board-approved form ~~that any of any mental health or health~~ out-of-state license, certification, or registration ~~is in good standing~~, ever held in another jurisdiction; and
  - f. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

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## 18VAC115-50-40. Application for licensure by endorsement.

A. Every applicant for licensure by endorsement shall hold or have held a marriage and family license in another jurisdiction in the United States and shall submit:

1. A completed application;
2. The application processing and initial licensure fee prescribed in 18VAC115-50-20; ~~and~~
3. Documentation of licensure as follows:
  - a. Verification of all mental health or health professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement, the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis; and
  - b. Documentation of a marriage and family therapy license obtained by standards specified in subsection B of this section;
4. Verification of a passing score on a marriage and family therapy licensure examination in the jurisdiction in which licensure was obtained;
5. An affidavit of having read and understood the regulations and laws governing the practice of marriage and family therapy in Virginia; and
6. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

B. Every applicant for licensure by endorsement shall meet one of the following:

1. Educational requirements consistent with those specified in 18VAC115-50-50 and 18VAC115-50-55 and experience requirements consistent with those specified in 18VAC115-50-60; ~~or~~
2. If an applicant does not have educational and experience credentials consistent with those required by this chapter, he shall provide:
  - a. Documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials; and
  - b. Evidence of ~~post licensure~~ clinical practice as a marriage and family therapist for five 24 of the last ~~six years~~ 60 months immediately preceding his licensure application in Virginia. Clinical practice shall mean the rendering of direct clinical services in marriage and family therapy or clinical supervision of marriage and family services; or
3. In lieu of transcripts verifying education and documentation verifying supervised experience, the board may accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity.

## 18VAC115-50-50. Degree program requirements.

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice marriage and family therapy ~~or a discipline related to the practice of marriage and family therapy~~ as defined in § 54.1-3500 of the Code of Virginia from a college or university which is accredited by a regional accrediting agency and which meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare students to practice marriage and family therapy as documented by the institution;
2. There must be an identifiable marriage and family therapy training faculty and an identifiable body of students who complete that sequence of academic study; and
3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

B. Programs that are approved by CACREP as programs in marriage and family counseling/therapy or by COAMFTE are recognized as meeting the ~~definition of a graduate degree program that prepares individuals to practice marriage and family therapy or a discipline related to the practice of marriage and family therapy as defined in § 54.1-3500 of the Code of Virginia~~ requirements of subsection A of this section.

## 18VAC115-50-55. ~~Course—work~~ Coursework requirements.

A. The applicant shall have successfully completed 60 semester hours or 90 quarter hours of graduate ~~study in the following core areas~~ coursework with a minimum of six semester hours or nine quarter hours completed in each of the core areas identified in subdivisions 1 and 2 of this subsection, and three semester hours or 4.0 quarter hours in each of the core areas identified in subdivisions 3 through ~~6~~ 9 of this subsection (~~suggested courses are listed in parentheses after each core area~~):

1. Marriage and family studies (marital and family development; family systems theory);
2. Marriage and family therapy (systemic therapeutic interventions and application of major theoretical approaches);
3. Human growth and development (~~theories of counseling; psychotherapy techniques with individuals; human growth and lifespan development; personality theory; psychopathology; human sexuality; multicultural issues~~) across the lifespan;
4. Abnormal behaviors;
5. Diagnosis and treatment of addictive behaviors;
6. Multicultural counseling;
7. Professional studies (~~professional identity and function; ethical and legal issues~~) ethics;
8. Research (research methods; quantitative methods; statistics);

~~6. 9.~~ Assessment and treatment (appraisal, assessment and diagnostic procedures); and

~~7. 10.~~ Supervised internship of at least 600 hours to include 240 hours of direct client contact. Three hundred of the internship hours and 120 of the direct client contact, of which 200 hours shall be with couples and families. [ Internship Only internship ] hours [ shall not begin until earned after ] completion of 30 [ graduate ] semester hours [ toward the graduate degree may be counted towards residency hours ].

B. If the graduate hours in marriage and family therapy were begun prior to January 19, 2000, the board may accept those hours if they meet the requirements which were in effect on July 9, 1997. If the applicant holds a current, unrestricted license as a professional counselor, clinical psychologist, or clinical social worker, the board may accept evidence of successful completion of 60 semester hours or 90 quarter hours of graduate study, including a minimum of six semester hours or nine quarter hours completed in marriage and family studies (marital and family development; family systems theory) and six semester hours or nine quarter hours completed in marriage and family therapy (systemic therapeutic interventions and application of major theoretical approaches).

**18VAC115-50-60. Residency requirements.**

A. Registration. 4. Applicants who render counseling marriage and family therapy services shall:

- ~~a. 1.~~ With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;
- ~~b. 2.~~ Have submitted an official transcript documenting a graduate degree as specified in 18VAC115-50-50 to include completion of the coursework and internship requirement specified in 18VAC115-50-55; and
- ~~c. 3.~~ Pay the registration fee.

~~2. After September 3, 2008, applicants who are beginning their residencies in exempt settings shall register supervision with the board to assure acceptability at the time of application.~~

B. Residency requirements.

1. The applicant shall have completed at least two years of supervised post graduate degree experience, representing no fewer than 4,000 3,400 hours of supervised work experience residency in the role of a marriage and family therapist, to include 200 hours of in-person supervision with the supervisor in the practice of marriage and family therapy consultation and review of marriage and family services provided by the resident. For the purpose of meeting the 200 hours of supervision required for a residency, in-person may also include the use of technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident. At least one-half of the 200 hours of

supervision shall be rendered by a licensed marriage and family therapist.

a. Residents shall receive a minimum of one hour and a maximum of four hours of supervision for every 40 hours of supervised work experience.

b. No more than 100 hours of the supervision may be acquired through group supervision, with the group consisting of no more than six residents. One hour of group supervision will be deemed equivalent to one hour of individual supervision.

c. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed marriage and family therapist or a licensed professional counselor.

~~2. Of the 4,000 hours stipulated, The residency shall include documentation of at least 2,000 hours must be acquired in direct client contact of which 1,000 hours shall be clinical marriage and family services of which 1,000 hours shall be face-to-face client contact with couples or families or both. The remaining hours may be spent in the performance of ancillary counseling services. For applicants who hold current, unrestricted licensure as a professional counselor, clinical psychologist, or clinical social worker, the remaining hours may be waived.~~

3. The residency shall consist of practice in the core areas set forth in 18VAC115-50-55.

4. The residency shall begin after the completion of a master's degree in marriage and family therapy or a related discipline as set forth in 18VAC115-50-50.

5. A graduate-level internship in excess of 600 hours, which was completed in a program that meets the requirements set forth in 18VAC115-50-50, may count for no more than 600 of the required 4,000 hours of experience. The internship shall include 20 hours of individual on site supervision, and 20 hours of individual or group off site supervision. Internship hours shall not begin until completion of 30 semester hours toward the graduate degree up to an additional 300 hours towards the requirements of a residency.

6. A graduate level degree internship completed in a COAMFTE approved program or a CACREP approved program in marriage and family counseling/therapy may count for no more than 900 of the required 4,000 hours of experience. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's access to qualified supervision.

~~7. In order for a graduate level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection C of this section.~~

~~8. 7.~~ Residents shall not call themselves marriage and family therapists, solicit clients, directly bill for services

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rendered, or in any way represent themselves as marriage and family therapists. During the residency, they may use their names, the initials of their degree and the title "Resident in Marriage and Family Therapy." Clients shall be informed in writing of the resident's status, along with the name, address and telephone number of the resident's supervisor.

9. 8. Residents shall not engage in practice under supervision in any areas for which they do not have appropriate education.

~~10. Residents who do not become candidates for licensure after five years of supervised training shall submit an explanation to the board stating reasons the residency should be allowed to continue.~~ 9. The residency shall be completed in not less than [ 18 21 ] months or more than four years. Residents who began a residency before [ (insert effective date of the regulation) August 24, 2016, ] shall complete the residency by [ (insert four years after the effective date) August 24, 2020 ]. An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue.

10. Residency hours that are approved by the licensing board in another [ U.S. United States ] jurisdiction and that meet the requirements of this section shall be accepted.

C. Supervisory qualifications. A person who provides supervision for a resident in marriage and family therapy shall:

1. Hold an active, unrestricted license as a marriage and family therapist; or professional counselor; clinical psychologist, clinical social worker or psychiatrist in the jurisdiction where the supervision is being provided;

2. Document two years post-licensure marriage and family therapy experience; and

3. Have received professional training in supervision, consisting of three credit hours or 4.0 quarter hours in graduate-level coursework in supervision or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-50-96. ~~Persons who have provided supervision for a residency prior to September 3, 2008 shall complete such coursework or continuing education by September 3, 2010.~~ At least one-half of the 200 hours of supervision shall be rendered by a licensed marriage and family therapist. [ Supervisors who are clinical psychologists, clinical social workers, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017. ]

D. Supervisory responsibilities.

1. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period. The supervisor shall report the total hours of residency and evaluate the applicant's competency to the board.

2. Supervision by an individual whose relationship to the resident is deemed by the board to compromise the objectivity of the supervisor is prohibited.

3. The supervisor shall provide supervision as defined in 18VAC115-50-10 and shall assume full responsibility for the clinical activities of residents as specified within the supervisory contract, for the duration of the residency.

## **18VAC115-50-70. General examination requirements.**

A. All applicants for initial licensure shall pass an examination, with a passing score as determined by the board. The examination is waived for an applicant who holds a current and unrestricted license as a professional counselor issued by the board.

B. The examination shall concentrate on the core areas of marriage and family therapy set forth in subsection A of 18VAC115-50-55.

C. ~~Approved applicants shall~~ A candidate approved to sit for the examination shall pass the examination within two years from the initial notification date of approval. ~~Failure to do so will result in the revocation of approval and obligate the applicant to file a new application for examination. If the candidate has not passed the examination within two years from the date of initial approval:~~

1. The initial approval to sit for the examination shall then become invalid; and

2. The applicant shall file a new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the candidate shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.

~~D. Applicants who fail the examination twice in succession shall document completion of 45 clock hours of additional education or training acceptable to the board addressing the areas of deficiency as reported in the examination results prior to obtaining board approval for reexamination.~~ Applicants or candidates for examination shall not provide marriage and family services unless they are under supervision approved by the board.

## **18VAC115-50-90. Annual renewal of license.**

A. All licensees shall renew licenses on or before June 30 of each year.

B. All licensees who intend to continue an active practice shall submit to the board on or before June 30 of each year:

1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and

2. The renewal fee prescribed in 18VAC115-50-20.

C. A licensee who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as

established in 18VAC115-50-20. No person shall practice marriage and family therapy in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC115-50-100 C.

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. After the renewal date, the license is expired; practice with an expired license is prohibited and may constitute grounds for disciplinary action.

**18VAC115-50-95. Continued competency requirements for renewal of a license.**

A. ~~After July 1, 2004, marriage~~ Marriage and family therapists shall be required to have completed a minimum of 20 hours of continuing competency for each annual licensure renewal. A minimum of two of these hours shall be in courses that emphasize the ethics, standards of practice or laws governing behavioral science professions in Virginia.

B. The board may grant an extension for good cause of up to one year for the completion of continuing competency requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing competency requirement.

C. The board may grant an exemption for all or part of the continuing competency requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters.

D. Those individuals dually licensed by this board will not be required to obtain continuing competency for each license. Dually licensed [~~individual~~ individuals] will only be required to provide the hours set out in subsection A of this section or subsection A of 18VAC115-20-105 in the Regulations Governing the Practice of Professional Counseling, or subsection A of 18VAC115-60-115 in the Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.

**18VAC115-50-96. Continuing competency activity criteria.**

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;
2. Counseling theory;
3. Human growth and development;
4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;

7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved, mental health-related activities:

- a. Regionally accredited university or college level academic courses in a behavioral health discipline.
- b. Continuing education programs offered by universities or colleges.
- c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state, or local governmental agencies or licensed health facilities and licensed hospitals.
- d. Workshops, seminars, conferences, or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

- (1) The ~~American~~ International Association of Marriage and Family Counselors and its state affiliates.
- (2) The American Association ~~of~~ for Marriage and Family ~~Therapists~~ Therapy and its state affiliates.
- (3) The American Association of State Counseling Boards.
- (4) The American Counseling Association and its state and local affiliates.
- (5) The American Psychological Association and its state affiliates.
- (6) The Commission on Rehabilitation Counselor Certification.
- (7) NAADAC, The Association for Addiction Professionals. and its state and local affiliates.
- (8) National Association of Social Workers.
- (9) National Board for Certified Counselors.
- (10) A national behavioral health organization or certification body.
- (11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.
- (12) The American Association of Pastoral Counselors.

2. Individual professional activities.

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a. Publication/presentation/new program development.

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development activity will count for a maximum of eight hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of [~~ten~~ 10] hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision that you provide to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officers of state or national counseling organization; editor [~~and/or~~ or] reviewer of professional counseling journals; member of state counseling licensure/certification board; member of a national counselor certification board; member of a national ethics disciplinary review committee rendering licenses; active member of a counseling committee producing a substantial written product; chair of a major counseling conference or convention; other leadership positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists him in his direct service of his clients. Examples include language courses, software training, medical topics, etc.

## **18VAC115-50-100. Late renewal, reinstatement.**

A. A person whose license has expired may renew it within one year after its expiration date by paying the ~~penalty~~ late fee prescribed in 18VAC115-50-20 as well as the license fee prescribed for the period the license was not renewed and providing evidence of having met all applicable continuing competency requirements.

B. A person seeking reinstatement of a license one year or more after its expiration date must ~~apply~~:

1. Apply for reinstatement; and pay the reinstatement fee; ~~submit~~;

2. Submit documentation of any mental health license he holds or has held in another jurisdiction, if applicable;

3. Submit evidence regarding the continued ability to perform the functions within the scope of practice of the license; if required by the board to demonstrate competency; and ~~provide~~

4. Provide evidence of having met all applicable continuing competency requirements not to exceed a maximum of 80 hours obtained within the four years immediately preceding application for reinstatement.

C. A person wishing to reactivate an inactive license shall submit (i) the renewal fee for active licensure minus any fee already paid for inactive licensure renewal and (ii) documentation of continued competency hours equal to the number of years the license has been inactive, not to exceed a maximum of 80 hours, obtained within the four years immediately preceding application for reinstatement. The board may require additional evidence regarding the person's continued ability to perform the functions within the scope of practice of the license.

## **18VAC115-50-110. Standards of practice.**

A. The protection of the public's health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of marriage and family therapy.

B. Persons licensed or registered by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;

2. Practice only within the boundaries of their competence, based on their education, training, supervised experience and appropriate professional experience and represent their education, training, and experience accurately to clients;

3. Stay abreast of new marriage and family therapy information, concepts, applications and practices that are necessary to providing appropriate, effective professional services;

4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;

5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when

necessary, following termination of a counseling relationship;

6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;

7. Disclose to clients all experimental methods of treatment and inform client of the risks and benefits of any such treatment. Ensure that the welfare of the client is not compromised in any experimentation or research involving those clients;

8. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services;

9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;

10. Select tests for use with clients that are valid, reliable and appropriate and carefully interpret the performance of individuals not represented in standardized norms;

11. Determine whether a client is receiving services from another mental health service provider, and if so, refrain from providing services to the client without having an informed consent discussion with the client and having been granted communication privileges with the other professional;

12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the ~~United States~~ U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

13. Advertise professional services fairly and accurately in a manner that is not false, misleading or deceptive.

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release client records to others only with clients' expressed written consent or that of their legally

authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations; and

5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have transferred to another mental health service provider or given to the client or his legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, bartering, or close personal relationships with clients. ~~Counselors~~ Marriage and family therapists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and also not counsel persons with whom they have had a sexual intimacy or romantic relationship. Marriage and family therapists shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Marriage and family therapists who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, and adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a

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marriage and family therapist does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any romantic relationships or sexual relationship or establish a counseling or psychotherapeutic relationship with a supervisee or student. Marriage and family therapists shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student or the potential for interference with the supervisor's professional judgment; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of marriage and family therapy.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

## **18VAC115-50-120. Disciplinary action.**

A. Action by the board to revoke, suspend, deny issuance or removal of a license, or take other disciplinary action may be taken in accordance with the following:

1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of marriage and family therapy, or any provision of this chapter;

2. Procurement of a license, including submission of an application or supervisory forms, by fraud or misrepresentation;

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or the general public or if one is unable to practice marriage and family therapy with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition;

4. Intentional or negligent conduct that causes or is likely to cause injury to a client or clients;

5. Performance of functions outside the demonstrable areas of competency;

6. Violating or abetting another person in the violation of any provision of any statute applicable to the practice of

marriage and family therapy, or any part or portion of this chapter; ~~or~~

7. Failure to comply with the continued competency requirements set forth in this chapter; or

8. Performance of an act likely to deceive, defraud, or harm the public.

B. Following the revocation or suspension of a license, the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached.

## Part I

### General Provisions

#### **18VAC115-60-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia:

"Board"

"Licensed substance abuse treatment practitioner"

"Substance abuse"

"Substance abuse treatment"

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

"Ancillary services" means activities such as case management, recordkeeping, referral, and coordination of services.

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a substance abuse treatment practitioner.

"CACREP" means the Council for Accreditation of Counseling and Related ~~Education~~ Educational Programs.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Clinical substance abuse treatment services" means activities such as assessment, diagnosis, treatment planning, and treatment implementation.

"COAMFTE" means the Commission on Accreditation for Marriage and Family Therapy Education.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Exempt setting" means an agency or institution in which licensure is not required to engage in the practice of substance abuse treatment according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Face-to-face" means the in-person delivery of clinical substance abuse treatment services for a client.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means ~~supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings~~ a formal academic course from a regionally accredited university in which supervised, practical experience is obtained in a clinical setting in the application of counseling principles, methods and techniques.

"Jurisdiction" means a state, territory, district, province or country which has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting which does not meet the conditions of exemption from the requirements of licensure to engage in the practice of substance abuse treatment as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the ~~United States~~ U.S. Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a ~~post-internship~~ postgraduate, supervised, clinical experience registered with the board.

"Resident" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in substance abuse treatment under supervision.

**18VAC115-60-20. Fees required by the board.**

A. The board has established the following fees applicable to licensure as a substance abuse treatment practitioner:

Registration of supervision (initial)	\$50
Add/change supervisor	\$25
Initial licensure by examination: Processing and initial licensure	\$140
Initial licensure by endorsement: Processing and initial licensure	\$140
Active annual license renewal	\$105
Inactive annual license renewal	\$55
Duplicate license	\$5
Verification of license to another jurisdiction	\$25
Late renewal	\$35
Reinstatement of a lapsed license	\$165
Replacement of or additional wall certificate	\$15
Returned check	\$35

Reinstatement following revocation or suspension \$500

~~One-time reduction for renewal of an active license due on June 30, 2010~~ \$52

~~One-time reduction for renewal of an inactive license due on June 30, 2010~~ \$27

B. Fees shall be paid directly to the board or its contractor, or both, in appropriate amounts as specified in the application instructions. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

Part II  
Requirements for Licensure

**18VAC115-60-40. Application for licensure by examination.**

Every applicant for ~~examination~~ for licensure by examination by the board shall:

1. Meet the degree program, ~~course work~~ coursework, and experience requirements prescribed in 18VAC115-60-60, 18VAC115-60-70, and 18VAC115-60-80; ~~and~~
2. Pass the examination required for initial licensure as prescribed in 18VAC115-60-90;
3. Submit the following items to the board:
  - a. A completed application;
  - b. Official transcripts documenting the applicant's completion of the degree program and [ ~~course work~~ coursework ] requirements prescribed in 18VAC115-60-60 and 18VAC115-60-70. Transcripts previously submitted for registration of supervision do not have to be resubmitted unless additional coursework was subsequently obtained;
  - c. Verification of supervision forms documenting fulfillment of the ~~experience~~ residency requirements of 18VAC115-60-80 and copies of all required evaluation forms, including verification of current licensure of the supervisor of any portion of the residency occurred in another jurisdiction;
  - d. Documentation of any other mental health or health professional license or certificate ever held in another jurisdiction; ~~and~~
  - e. The application processing and initial licensure fee; as prescribed in 18VAC115-60-20; and
  - f. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
4. Have no unresolved disciplinary action against a mental health or health professional license or certificate held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

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## **18VAC115-60-50. Prerequisites for licensure by endorsement.**

A. Every applicant for licensure by endorsement shall submit:

1. A completed application;
2. The application processing and initial licensure fee as prescribed in 18VAC115-60-20;
3. Verification of all mental health or health professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement, the applicant shall have no unresolved disciplinary action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis;
4. Further documentation of one of the following:

a. A current substance abuse treatment license in good standing in another jurisdiction obtained by meeting requirements substantially equivalent to those set forth in this chapter; or

b. A mental health license in good standing in a category acceptable to the board which required completion of a master's degree in mental health to include 60 graduate semester hours in mental health; and

(1) Board-recognized national certification in substance abuse treatment;

(2) If the master's degree was in substance abuse treatment, two years of post-licensure experience in providing substance abuse treatment;

(3) If the master's degree was not in substance abuse treatment, five years of post-licensure experience in substance abuse treatment plus 12 credit hours of didactic training in the substance abuse treatment competencies set forth in 18VAC115-60-70 C; or

(4) Current substance abuse counselor certification in Virginia in good standing or a Virginia substance abuse treatment specialty licensure designation with two years of post-licensure or certification substance abuse treatment experience;

c. Documentation of education and supervised experience that met the requirements of the jurisdiction in which he was initially licensed as verified by an official transcript and a certified copy of the original application materials and evidence of post-licensure clinical practice for five 24 of the last six years 60 months immediately preceding his licensure application in Virginia. Clinical practice shall mean the rendering of direct clinical substance abuse treatment services or clinical supervision of such services.

5. Verification of a passing score on a substance abuse licensure examination as established by the jurisdiction in which licensure was obtained. The examination is waived for an applicant who holds a current and unrestricted

license as a professional counselor within the Commonwealth of Virginia;

6. Official transcripts documenting the applicant's completion of the education requirements prescribed in 18VAC115-60-60 and 18VAC115-60-70; ~~and~~

7. An affidavit of having read and understood the regulations and laws governing the practice of substance abuse treatment in Virginia; ~~and~~

8. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

B. In lieu of transcripts verifying education and documentation verifying supervised experience, the board may accept verification from the credentials registry of the American Association of State Counseling Boards or any other board-recognized entity.

## **18VAC115-60-55. ~~Time-limited waiver of certain licensure requirements. (Repealed.)~~**

~~Until February 26, 2004, individuals who do not meet the licensure requirements set forth in 18VAC115-60-50 and 18VAC115-60-60 through 18VAC115-60-90 may be eligible for licensure if they submit a completed application and processing fee and provide evidence that they meet the following criteria:~~

~~1. A passing score on a board approved examination;~~

~~2. A minimum of three comprehensive reports from:~~

~~a. At least two licensed mental health professionals, one of whom must be licensed in Virginia, that affirm competence in all areas outlined in 18VAC115-60-80 C 1 and attest to the applicant's ability to practice autonomously; and~~

~~b. One or more clinical supervisors who have provided supervision, as defined in 18VAC115-60-10, of the applicant for a total of one year within the applicant's most recent five years of practice. If supervision was provided in an exempt setting, the report may be submitted by an unlicensed mental health professional; and~~

~~3. One of the following:~~

~~a. Five years full time experience in substance abuse treatment plus a master's degree in a mental health field from a regionally accredited institution of higher learning with a total of 36 graduate hours covering mental health content to include three graduate semester hours or 4.5 graduate quarter hours in each area of the following:~~

~~(1) Counseling and psychotherapy techniques;~~

~~(2) Appraisal, evaluation and diagnostic procedures;~~

~~(3) Abnormal behavior and psychopathology;~~

~~(4) Group counseling and psychotherapy, theories and techniques; and~~

~~(5) Research.~~

~~The remaining graduate semester hours shall include content in the following areas:~~

- ~~(1) Assessment, appraisal, evaluation and diagnosis specific to substance abuse;~~
- ~~(2) Treatment planning models, client case management, interventions and treatments to include relapse prevention, referral process, step models and documentation process;~~
- ~~(3) Understanding addictions: The biochemical, socio-cultural and psychological factors of substance use and abuse;~~
- ~~(4) Addictions and special populations, including, but not limited to, adolescents, women, ethnic groups and the elderly; and~~
- ~~(5) Client and community education; or~~

~~b. Ten years full-time experience in substance abuse treatment plus a bachelor's degree from a regionally accredited institution of higher learning, plus 30 graduate hours covering mental health content to include three graduate semester hours or 4.5 graduate quarter hours in each area of the following:~~

- ~~(1) Counseling and psychotherapy techniques;~~
- ~~(2) Appraisal, evaluation and diagnostic procedures;~~
- ~~(3) Abnormal behavior and psychopathology;~~
- ~~(4) Group counseling and psychotherapy, theories and techniques; and~~
- ~~(5) Research.~~

~~The remaining graduate hours shall include content in the following areas:~~

- ~~(1) Assessment, appraisal, evaluation and diagnosis specific to substance abuse;~~
- ~~(2) Treatment planning models, client case management, interventions and treatments to include relapse prevention, referral process, step models and documentation process;~~
- ~~(3) Understanding addictions: the biochemical, socio-cultural and psychological factors of substance use and abuse;~~
- ~~(4) Addictions and special populations, including, but not limited to, adolescents, women, ethnic groups and the elderly; and~~
- ~~(5) Client and community education.~~

**18VAC115-60-60. Degree program requirements.**

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice substance abuse treatment or a related counseling discipline as defined in § 54.1-3500 of the Code of Virginia from a college or university accredited by a regional accrediting agency that meets the following criteria:

- 1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;
- 2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study; and
- 3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

~~B. Education that does not come from a degree program meeting the requirements set forth in this section shall not be acceptable for licensure. Programs that are approved by CACREP as programs in addictions counseling are recognized as meeting the requirements of subsection A of this section.~~

**18VAC115-60-70. ~~Course work~~ Coursework requirements.**

A. The applicant shall have successfully completed 60 semester hours or 90 quarter hours of graduate study.

B. The applicant shall have completed a general core curriculum containing a minimum of three semester hours or 4.0 quarter hours in each of the areas identified in this section:

- 1. Professional identity, function and ethics;
- 2. Theories of counseling and psychotherapy;
- 3. Counseling and psychotherapy techniques;
- 4. Group counseling and psychotherapy, theories and techniques;
- 5. Appraisal, evaluation and diagnostic procedures;
- 6. Abnormal behavior and psychopathology;
- 7. Multicultural counseling, theories and techniques;
- 8. Research; and
- 9. Marriage and family systems theory.

C. The applicant shall also have completed 12 graduate semester credit hours or 18 graduate quarter hours in the following substance abuse treatment competencies.

- 1. Assessment, appraisal, evaluation and diagnosis specific to substance abuse;
- 2. Treatment planning models, client case management, interventions and treatments to include relapse prevention, referral process, step models and documentation process;
- 3. Understanding addictions: The biochemical, sociocultural and psychological factors of substance use and abuse;
- 4. Addictions and special populations including, but not limited to, adolescents, women, ethnic groups and the elderly; and
- 5. Client and community education.

D. The applicant shall have completed a supervised internship of 600 hours to include 240 hours of direct client contact. ~~At least 450 of the internship hours and, of which~~

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~~200 of the direct client contact~~ hours shall be in treating substance abuse-specific treatment problems. [ Internship Only internship ] hours [ ~~shall not begin until~~ earned after ] completion of 30 [ graduate ] semester hours [ toward the graduate degree may be counted towards residency hours ]].

E. One course may satisfy study in more than one content area set forth in subsections B and C of this section.

F. If the applicant holds a current, unrestricted license as a professional counselor, clinical psychologist, or clinical social worker, the board may accept evidence of successful completion of 60 semester hours or 90 quarter hours of graduate study, including the hours specified in subsection C of this section.

## **18VAC115-60-80. Residency requirements.**

A. Registration. Applicants who render substance abuse treatment services shall:

1. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;
2. Have submitted an official transcript documenting a graduate degree as specified in 18VAC115-60-60 to include completion of the coursework and internship requirement specified in 18VAC115-60-70; and
3. Pay the registration fee.

~~B. After September 3, 2008, applicants~~ Applicants who are beginning their residencies in exempt settings shall register supervision with the board to assure acceptability at the time of application.

C. Residency requirements.

1. The applicant for licensure shall have completed ~~a 4,000 hour~~ no fewer than 3,400 hours in a supervised residency in substance abuse treatment with various populations, clinical problems and theoretical approaches in the following areas:
  - a. Clinical evaluation;
  - b. Treatment planning, documentation and implementation;
  - c. Referral and service coordination;
  - d. Individual and group counseling and case management;
  - e. Client family and community education; and
  - f. Professional and ethical responsibility.

2. The residency shall include a minimum of 200 hours of in-person supervision between supervisor and resident occurring at a minimum of one hour and a maximum of four hours per 40 hours of work experience during the period of the residency.

- a. No more than half of these hours may be satisfied with group supervision.
- b. One hour of group supervision will be deemed equivalent to one hour of individual supervision.

c. Supervision that is not concurrent with a residency will not be accepted, nor will residency hours be accrued in the absence of approved supervision.

d. For the purpose of meeting the 200-hour supervision requirement, in-person supervision may include the use of technology that maintains client confidentiality and provides real-time, visual contact between the supervisor and the resident.

e. Up to 20 hours of the supervision received during the supervised internship may be counted towards the 200 hours of in-person supervision if the supervision was provided by a licensed professional counselor.

3. The residency shall include at least 2,000 hours of face-to-face client contact in providing clinical substance abuse treatment services with individuals, families, or groups of individuals suffering from the effects of substance abuse or dependence. The remaining hours may be spent in the performance of ancillary services.

4. A graduate level degree internship in excess of 600 hours, which is completed in a program that meets the requirements set forth in 18VAC115-60-70, may count for ~~no more than 600 hours of the required 4,000 hours of experience.~~ The internship shall include 20 hours of individual or group off site supervision, and 20 hours of individual on site supervision. Internship hours shall not begin until completion of 30 semester hours toward the graduate degree up to an additional 300 hours towards the requirements of a residency.

5. ~~A graduate level degree internship completed in a COAMFTE or CACREP approved program may count for no more than 900 of the required 4,000 hours of experience.~~ The residency shall be completed in not less than [ 18 21 ] months or more than four years. Residents who began a residency before [ (insert effective date of the regulation) August 24, 2016, ] shall complete the residency by [ (insert four years after the effective date) August 24, 2020 ]. An individual who does not complete the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue.

~~6. In order for a graduate level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection D of this section.~~

~~7. 6.~~ The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's access to qualified supervision.

~~8. 7.~~ Residents may not call themselves substance abuse treatment practitioners, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or substance abuse treatment practitioners. During the residency, residents shall use their names and the initials of their degree, and the title

"Resident in Substance Abuse Treatment" in all written communications. Clients shall be informed in writing of the resident's status, the supervisor's name, professional address, and telephone number.

~~9.~~ 8. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

9. Residency hours that are approved by the licensing board in another [ U.S. United States ] jurisdiction and that meet the requirements of this section shall be accepted.

D. Supervisory qualifications.

1. A person who provides supervision for a resident in substance abuse treatment shall hold an active, unrestricted license as a professional counselor, ~~marriage and family therapist, or~~ substance abuse treatment practitioner, ~~school psychologist, clinical psychologist, clinical social worker, clinical nurse specialist or psychiatrist~~ in the jurisdiction where the supervision is being provided. [ Supervisors who are marriage and family therapists, school psychologists, clinical psychologists, clinical social workers, clinical nurse specialists, or psychiatrists and have been approved to provide supervision may continue to do so until August 24, 2017. ]

2. All supervisors shall document two years post-licensure substance abuse treatment experience, and at least 100 hours of didactic instruction in substance abuse treatment, and training or experience in supervision. ~~Within three years of January 19, 2000, supervisors~~ Supervisors must document a three-credit-hour course in supervision, a 4.0-quarter-hour course in supervision, or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-60-116.

E. Supervisory responsibilities.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.

2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.

3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.

4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision C 1 of this section.

F. Documentation of supervision. Applicants shall document successful completion of their residency on the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. ~~Supervised experience obtained prior to January 19, 2000, may be accepted towards licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.~~

Part III  
Examinations

**18VAC115-60-90. General examination requirements; schedules; time limits.**

A. Every applicant for initial licensure as a substance abuse treatment practitioner by examination shall pass a written examination as prescribed by the board.

B. Every applicant for licensure as a substance abuse treatment practitioner by endorsement shall have passed ~~an~~ a substance abuse examination deemed by the board to be substantially equivalent to the Virginia examination.

C. The examination is waived for an applicant who holds a current and unrestricted license as a professional counselor issued by the board.

~~D.~~ D. A candidate approved by the board to sit for the examination shall ~~take~~ pass the examination within two years from the date of such initial board approval. If the candidate has not ~~taken~~ passed the examination ~~by the end of the two-year period prescribed in this subsection~~ within two years from the date of initial approval:

1. The initial board approval to sit for the examination shall then become invalid; and

2. ~~In order to be considered for the examination later, the~~ The applicant shall file a complete new application with the board, meet the requirements in effect at that time, and provide evidence of why the board should approve the reapplication for examination. If approved by the board, the applicant shall pass the examination within two years of such approval. If the examination is not passed within the additional two-year period, a new application will not be accepted.

~~D. Applicants who fail the examination twice in succession shall document completion of 45 clock hours of additional education or training acceptable to the board, addressing the areas of deficiency as reported in the examination results prior to obtaining board approval for reexamination.~~

E. The board shall establish a passing score on the written examination.

F. A candidate for examination or an applicant shall not provide clinical services unless he is under supervision approved by the board.

Part IV  
Licensure Renewal; Reinstatement

**18VAC115-60-110. Renewal of licensure.**

A. All licensees shall renew licenses on or before June 30 of each year.

B. Every license holder who intends to continue an active practice shall submit to the board on or before June 30 of each year:

1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and

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2. The renewal fee prescribed in 18VAC115-60-20.

C. A licensee who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC115-60-20. No person shall practice substance abuse treatment in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC115-60-120 C.

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. After the renewal date, the license is expired; practice with an expired license is prohibited and may constitute grounds for disciplinary action.

## **18VAC115-60-115. Continued competency requirements for renewal of a license.**

A. ~~After July 1, 2004, licensed~~ Licensed substance abuse treatment practitioners shall be required to have completed a minimum of 20 hours of continuing competency for each annual licensure renewal. A minimum of two of these hours shall be in courses that emphasize the ethics, standard of practice or laws governing behavioral science professions in Virginia.

B. The board may grant an extension for good cause of up to one year for the completion of continuing competency requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing competency requirement.

C. The board may grant an exemption for all or part of the continuing competency requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

D. Those individuals dually licensed by this board will not be required to obtain continuing competency for each license. Dually licensed individuals will only be required to provide the hours set out in subsection A of this section or subsection A of 18VAC115-50-95 in the Regulations Governing the Practice of Marriage and Family Therapy, or subsection A of 18VAC115-20-105 in the Regulations Governing the Practice of Professional Counseling.

## **18VAC115-60-116. Continuing competency activity criteria.**

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;
2. Counseling theory;
3. Human growth and development;

4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;
7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved, mental health-related activities:

- a. Regionally accredited university-or college-level academic courses in a behavioral health discipline.
- b. Continuing education programs offered by universities or colleges.
- c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state, or local governmental agencies or licensed health facilities and licensed hospitals.
- d. Workshops, seminars, conferences, or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:
  - (1) The ~~American~~ International Association of Marriage and Family Counselors and its state affiliates.
  - (2) The American Association ~~of~~ for Marriage and Family ~~Therapists~~ Therapy and its state affiliates.
  - (3) The American Association of State Counseling Boards.
  - (4) The American Counseling Association and its state and local affiliates.
  - (5) The American Psychological Association and its state affiliates.
  - (6) The Commission on Rehabilitation Counselor Certification.
  - (7) NAADAC, The Association for Addiction Professionals, and its state and local affiliates.
  - (8) National Association of Social Workers.
  - (9) The National Board for Certified Counselors.
  - (10) A national behavioral health organization or certification body.
  - (11) Individuals or organizations that have been approved as continuing competency sponsors by the

American Association of State Counseling Boards or a counseling board in another state.

2. Individual professional activities.

a. Publication/presentation/new program development.

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development. Activity will count for a maximum of eight hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of 10 hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision that you provide to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officers of state or national counseling organization; editor [ ~~and/or~~ or ] reviewer of professional counseling journals; member of state counseling licensure/certification board; member of a national counselor certification board; member of a national ethics disciplinary review committee rendering licenses; active member of a counseling committee producing a substantial written product; chair of a major counseling conference or convention; other leadership positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists him in his direct service of his clients. Examples include language courses, software training, medical topics, etc.

**18VAC115-60-120. Late renewal; reinstatement.**

A. A person whose license has expired may renew it within one year after its expiration date by paying the late renewal

fee prescribed in 18VAC115-60-20, as well as the license fee prescribed for the year the license was not renewed and providing evidence of having met all applicable continuing competency requirements.

B. A person who fails to renew a license after one year or more and wishes to resume practice shall apply for reinstatement, pay the reinstatement fee for a lapsed license, submit evidence regarding the continued ability to perform the functions within the scope of practice of the license verification of any mental health license he holds or has held in another jurisdiction, if applicable, and provide evidence of having met all applicable continuing competency requirements not to exceed a maximum of 80 hours obtained within the four years immediately preceding application for reinstatement. The board may require the applicant for reinstatement to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

C. A person wishing to reactivate an inactive license shall submit (i) the renewal fee for active licensure minus any fee already paid for inactive licensure renewal ~~and~~; (ii) documentation of continued competency hours equal to the number of years the license has been inactive not to exceed a maximum of 80 hours obtained within the four years immediately preceding application for reactivation; and (iii) verification of any mental health license he holds or has held in another jurisdiction, if applicable. The board may require the applicant for reactivation to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

Part V

Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement

**18VAC115-60-130. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of substance abuse treatment.

B. Persons licensed or registered by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;

2. Practice only within the boundaries of their competence, based on their education, training, supervised experience and appropriate professional experience and represent their education, training and experience accurately to clients;

3. Stay abreast of new substance abuse treatment information, concepts, application and practices that are necessary to providing appropriate, effective professional services;

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4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
  5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
  6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
  7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients;
  8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;
  9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; the limitations of confidentiality; and other pertinent information when counseling is initiated and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;
  10. Select tests for use with clients that are valid, reliable and appropriate and carefully interpret the performance of individuals not represented in standardized norms;
  11. Determine whether a client is receiving services from another mental health service provider, and if so, refrain from providing services to the client without having an informed consent discussion with the client and having been granted communication privileges with the other professional;
  12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the ~~United States~~ U.S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and
  13. Advertise professional services fairly and accurately in a manner that is not false, misleading or deceptive.
- C. In regard to patient records, persons licensed by the board shall:
1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;
  2. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality;
  3. Disclose or release records to others only with clients' expressed written consent or that of their legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;
  4. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the substance abuse treatment relationship with the following exceptions:
    - a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or 10 years following termination, whichever comes later;
    - b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or
    - c. Records that have been transferred to another mental health service provider or given to the client; and
  5. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing or public presentations.
- D. In regard to dual relationships, persons licensed by the board shall:
1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, bartering, or close personal relationships with clients. Counselors shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;
  2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and not counsel persons with whom they have had a ~~sexual~~ romantic relationship or sexual intimacy. Licensed substance abuse treatment practitioners shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Licensed substance abuse treatment practitioners who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time

since counseling, termination circumstances, client's personal history and mental status, or adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a licensed substance abuse treatment practitioner does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any sexual intimacy or romantic relationship or establish a counseling or psychotherapeutic relationship with a supervisee or student. Licensed substance abuse treatment practitioners shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or the potential for interference with the supervisor's professional judgment; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of substance abuse treatment.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § 54.1-2400.1 of the Code of Virginia, may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

**18VAC115-60-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.**

A. Action by the board to revoke, suspend, deny issuance or renewal of a license, or take other disciplinary action may be taken in accord with the following:

1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of substance abuse treatment, or any provision of this chapter;

2. Procurement of a license, including submission of an application or supervisory forms, by fraud or misrepresentation-;

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice substance abuse treatment with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition;

4. Intentional or negligent conduct that causes or is likely to cause injury to a client;

5. Performance of functions outside the demonstrable areas of competency;

6. Failure to comply with the continued competency requirements set forth in this chapter; ~~or~~

7. Violating or abetting another person in the violation of any provision of any statute applicable to the practice of licensed substance abuse therapy, or any part or portion of this chapter; or

8. Performance of an act likely to deceive, defraud, or harm the public.

B. Following the revocation or suspension of a license the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached.

V.A.R. Doc. No. R14-4067; Filed July 1, 2016, 11:48 a.m.

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**Fast-Track Regulation**

Title of Regulation: **18VAC120-11. Public Participation Guidelines (amending 18VAC120-11-50).**

Statutory Authority: §§ 2.2-4007.02 and 54.1-201 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: August 24, 2016.

Effective Date: September 8, 2016.

Agency Contact: Mary Broz-Vaughan, Director of Communications, Legislation and Consumer Affairs, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8537, FAX (804) 527-4403, or email mary.broz-vaughan@dpor.virginia.gov.

Basis: Section 2.2-4007.02 of the Code of Virginia mandates each agency develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations. The Director of the Department of Professional and Occupational Regulation is the promulgating entity.

Purpose: The proposed change updates the agency's public participation guidelines to conform to the change in the Administrative Process Act enacted by Chapter 795 of the 2012 Acts of Assembly. The related provision provides that in formulating any regulation an interested party shall be entitled to be accompanied by and represented by counsel or other qualified representative. Allowing interested parties to be accompanied by and represented by counsel or other parties is beneficial to the public welfare.

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Rationale for Using Fast-Track Rulemaking Process: As the proposed change merely conforms the regulation to the underlying statute (§ 2.2-4007.02 B of the Code of Virginia), the rulemaking is not expected to be controversial and, therefore, is appropriate for the fast-track rulemaking process.

Substance: The proposed change allows persons interested in the development of regulations to be accompanied by and represented by counsel or other representative.

Issues: As the proposed change merely updates the regulation to conform to the underlying statute, the primary advantage is to ensure consistency between the law and regulation, which should reduce the chance of any confusion. There are no anticipated disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 795 of the 2012 Acts of Assembly, the Department of Professional and Occupational Regulation (DPOR) proposes to update its regulation to allow persons interested in the development of regulations to be accompanied by and represented by counsel or other representative.

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

Estimated Economic Impact. Chapter 795 of the 2012 Acts of Assembly<sup>1</sup> allows persons interested in the development of regulations to be accompanied by and represented by counsel or other representative. The main purpose of the public participation guidelines is to facilitate citizen participation in rulemaking. Allowing interested parties to be accompanied by and represented by counsel or other parties is beneficial to the rulemaking process.

The proposed change updates the regulation to reflect the existing right of interested parties under the statute since 2012. Thus, no significant economic impact is expected upon promulgation of this amendment other than improving the consistency between the statute and the regulation.

Businesses and Entities Affected. The proposed amendment to DPOR's public participation guidelines potentially affects all citizens and entities in the Commonwealth who have an interest in its regulations.

Localities Particularly Affected. The proposed amendment does not disproportionately affect particular localities.

Projected Impact on Employment. No impact on employment is expected upon promulgation of the proposed amendment.

Effects on the Use and Value of Private Property. No impact on the use and value of private property is expected.

Real Estate Development Costs. No impact on real estate development costs is expected.

Small Businesses:

Definition. Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

Costs and Other Effects. The proposed amendment would have the same effect as that discussed above on small businesses interested in the development of DPOR regulations.

Alternative Method that Minimizes Adverse Impact. The proposed amendment does not adversely affect small businesses.

Adverse Impacts:

Businesses. The proposed amendment does not adversely affect non-small businesses.

Localities. The proposed amendment does not adversely affect localities.

Other Entities. The proposed amendment does not adversely affect other entities.

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<sup>1</sup><http://leg1.state.va.us/cgi-bin/legp504.exe?121+ful+CHAP0795>

Agency's Response to Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

*Pursuant to Chapter 795 of the 2012 Acts of Assembly, the proposed amendment allows persons interested in the development of regulations to be accompanied by and represented by counsel or other representative.*

Part III

Public Participation Procedures

**18VAC120-11-50. Public comment.**

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.

2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

VA.R. Doc. No. R16-4691; Filed July 5, 2016, 10:00 a.m.



**TITLE 19. PUBLIC SAFETY**

**DEPARTMENT OF STATE POLICE**

**Final Regulation**

**REGISTRAR'S NOTICE:** The Department of State Police is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 6 of the Code of Virginia, which exempts agency action relating to customary military, naval, or police functions.

**Title of Regulation:** **19VAC30-70. Motor Vehicle Safety Inspection Rules and Regulations (amending 19VAC30-70-2 through 19VAC30-70-7, 19VAC30-70-9 through 19VAC30-70-20, 19VAC30-70-31 through 19VAC30-70-210, 19VAC30-70-230, 19VAC30-70-240, 19VAC30-70-270, 19VAC30-70-280, 19VAC30-70-300, 19VAC30-70-310, 19VAC30-70-320, 19VAC30-70-340, 19VAC30-70-350, 19VAC30-70-360, 19VAC30-70-380, 19VAC30-70-400, 19VAC30-70-410, 19VAC30-70-440 through**

**19VAC30-70-570, 19VAC30-70-590 through 19VAC30-70-650, 19VAC30-70-670; repealing 19VAC30-70-70).**

**Statutory Authority:** § 46.2-1165 of the Code of Virginia.

**Effective Date:** October 3, 2016.

**Agency Contact:** Lt. Colonel Tracy Russillo, Regulatory Coordinator, Department of State Police, P.O. Box 27472, Richmond, VA 23261, telephone (804) 674-4606, FAX (804) 674-2936, or email [tracy.russillo@vsp.virginia.gov](mailto:tracy.russillo@vsp.virginia.gov).

**Summary:**

*This action updates the Motor Vehicle Safety Inspection Rules and Regulations by making technical corrections and other revisions to comply with changes in Virginia law since 2012.*

**CHAPTER 70**

**MOTOR VEHICLE SAFETY INSPECTION RULES AND REGULATIONS**

**19VAC30-70-2. Corrective action procedures.**

These procedures are intended to establish an equitable and effective process for recognizing and correcting unacceptable work performances. When multiple offenses arise out of the same act or inspection, disciplinary action will be taken on the most serious offense. All classes of offenses will apply uniformly to the inspectors involved in the offenses and management alike, where it is revealed that management was involved in the matter or had knowledge of its occurrence.

Unacceptable work performance shall be divided into four groups of offenses based on the seriousness as they pertain to vehicle safety.

Specified disciplinary action for each class offense shall not be exceeded. However, if ~~strong mitigating~~ **additional aggravating** circumstances exist, the appropriate corrective action will be taken.

**19VAC30-70-3. Class I offenses.**

Class I offenses are unacceptable work performances less serious in nature, but which require correction in order to maintain an efficient and effective Official Motor Vehicle Inspection Program. A violation of any paragraph of the following sections of the Official Motor Vehicle Safety Inspection Manual and rules and agreements not covered in the Official Motor Vehicle Safety Inspection Manual or those disseminated by other means shall constitute a Class I offense, unless designated otherwise:

- 19VAC30-70-10 A through D
- 19VAC30-70-10 F through I
- 19VAC30-70-10 K through O
- 19VAC30-70-10 U
- 19VAC30-70-20 in its entirety
- 19VAC30-70-30 in its entirety
- 19VAC30-70-40 in its entirety
- 19VAC30-70-50 in its entirety

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19VAC30-70-60 in its entirety  
19VAC30-70-70 in its entirety  
19VAC30-70-80 B 3  
19VAC30-70-160 in its entirety (except subdivisions I 10 and 11 g (2))  
19VAC30-70-170 in its entirety  
19VAC30-70-200 in its entirety  
19VAC30-70-290 in its entirety  
19VAC30-70-310 in its entirety  
19VAC30-70-330 in its entirety  
19VAC30-70-360 D 4 e and f  
19VAC30-70-410 in its entirety  
19VAC30-70-440 B  
19VAC30-70-530 in its entirety (except subdivisions ~~H~~ K 10 i and K 11 g (2))  
19VAC30-70-540 in its entirety  
19VAC30-70-570 in its entirety  
19VAC30-70-660 in its entirety

Disciplinary action for Class I offenses shall be:

1st offense - ~~Oral reprimand~~ Verbal counseling - Recorded on Form SP-164.

~~2nd offense - Oral reprimand by a supervisor - Recorded on Form SP-164.~~

~~3rd~~ 2nd offense - Written reprimand from the safety officer or his designee.

~~4th~~ 3rd offense - Suspension of not less than 15 ~~nor~~ or more than 30 days.

Offenses shall be cumulative in nature and shall remain active for 24 months from date of offense.

#### **19VAC30-70-4. Class II offenses.**

Class II offenses shall be violations of any section of the Official Motor Vehicle Safety Inspection Manual considered very serious but the consequence of such violation or omission is not likely to be an imminent cause or contributing factor to a traffic crash or other vehicle related injury. A violation of the following sections of the Official Motor Vehicle Safety Inspection Manual shall constitute a Class II offense unless designated otherwise:

19VAC30-70-150 in its entirety  
19VAC30-70-180 in its entirety  
19VAC30-70-210 in its entirety  
19VAC30-70-230 in its entirety  
19VAC30-70-240 in its entirety  
19VAC30-70-250 in its entirety  
19VAC30-70-260 in its entirety  
19VAC30-70-270 in its entirety  
19VAC30-70-280 in its entirety

19VAC30-70-300 in its entirety  
19VAC30-70-320 in its entirety  
19VAC30-70-360 A 7 and C ~~1 through C 13~~  
19VAC30-70-380 in its entirety  
19VAC30-70-390 in its entirety  
19VAC30-70-420 in its entirety  
19VAC30-70-520 in its entirety  
19VAC30-70-550 in its entirety  
19VAC30-70-580 in its entirety  
19VAC30-70-600 in its entirety  
19VAC30-70-610 in its entirety  
19VAC30-70-620 in its entirety  
19VAC30-70-630 in its entirety  
19VAC30-70-640 in its entirety  
19VAC30-70-650 in its entirety  
19VAC30-70-670 in its entirety  
19VAC30-70-680 in its entirety

Disciplinary action for a Class II offense shall be:

1st Offense - ~~Oral reprimand~~ Verbal counseling - Recorded on Form SP-164 ~~and confirmed by a supervisor.~~

2nd Offense - Written reprimand from the safety officer or his designee.

3rd Offense - Suspension of not less than 30 ~~nor~~ or more than 60 days.

Offenses are cumulative in nature and shall remain active for a period of 24 months from date of offense.

A Class II offense in combination with three Class I offenses shall be grounds for no less than a 30-day ~~nor~~ or more than a 60-day suspension.

#### **19VAC30-70-5. Class III offenses.**

Class III offenses ~~shall~~ may be violations of those sections of the Official Motor Vehicle Safety Inspection Manual considered more severe in nature, and usually considered most critical from a safety or administrative viewpoint. They would ~~consist of~~ include the omission of checking or improper approval of an item so critical to the safe operation of a motor vehicle as to have the potential of being the imminent cause or factor of a motor vehicle crash. A violation of the following sections of the Official Motor Vehicle Safety Inspection Manual shall constitute a Class III offense unless designated otherwise:

19VAC30-70-10 J, and P, P1, P2  
19VAC30-70-11 in its entirety  
19VAC30-70-80 in its entirety (except subdivision B 3)  
19VAC30-70-90 in its entirety  
19VAC30-70-100 in its entirety  
19VAC30-70-110 in its entirety

- 19VAC30-70-120 in its entirety
- 19VAC30-70-130 in its entirety
- 19VAC30-70-140 in its entirety
- 19VAC30-70-160 I 10 h and 11 f
- 19VAC30-70-160 I 10 g and 11 g (2)
- 19VAC30-70-190 in its entirety
- 19VAC30-70-220 in its entirety
- 19VAC30-70-340 in its entirety
- 19VAC30-70-350 in its entirety
- 19VAC30-70-360 A and B
- ~~19VAC30-70-360 D 15 through D 22~~
- 19VAC30-70-370 in its entirety
- 19VAC30-70-400 in its entirety
- 19VAC30-70-440 in its entirety (except subdivision B 2)
- 19VAC30-70-450 in its entirety
- 19VAC30-70-460 in its entirety
- 19VAC30-70-470 in its entirety
- 19VAC30-70-480 in its entirety
- 19VAC30-70-490 in its entirety
- 19VAC30-70-500 in its entirety
- 19VAC30-70-510 in its entirety
- 19VAC30-70-530 ~~H~~ K 10 i and K 11 g (2)
- 19VAC30-70-560 in its entirety
- 19VAC30-70-590 in its entirety
- 19VAC30-70-690 in its entirety

Disciplinary action for a Class III offense shall be:

- 1st offense - Written reprimand from the safety officer or his designee.
- 2nd offense - Suspension for not less than 45 ~~not~~ or more than 90 days.

Offenses are cumulative in nature and will remain active for a period of 24 months from date of offense.

A Class III offense in combination with two Class II offenses or three Class I offenses shall be grounds for not less than a 60-day ~~not~~ or more than a 90-day suspension.

**19VAC30-70-6. Class IV offenses.**

Class IV offenses are those violations considered so critically important to the integrity and credibility of the Official Annual Motor Vehicle Inspection Program as to require immediate and severe disciplinary action. The following violations and actions shall be considered a Class IV offense:

- 1. Loss of driver's license, with the exception of an administrative court-ordered suspension that does not exceed seven days.

- 2. Obvious usage of either alcohol and/or drugs by an employee associated with the Annual Motor Vehicle Inspection Program.
- 3. Loss of inspection stickers through neglect or subsequent violations of subsection K of 19VAC30-70-10.
- 4. Improper use of inspection supplies such as placement on a vehicle that has not been inspected or failure to affix the inspection sticker to the vehicle in its proper location, after inspection.
- 5. Falsifying inspection receipts or inspection records.
- 6. Giving false information during an inspection complaint investigation.
- 7. Performing either an inspection or inspections at a station without authority from the safety officer.
- 8. The arrest of any person associated with the inspection program for a criminal offense or the institution of civil action of a nature that would tend to immediately reflect upon the integrity and reputation of the Department of State Police ~~shall~~ may be grounds for an immediate suspension ~~upon~~ until final court disposition. The conviction for such a criminal offense or a civil judgment or bankruptcy may result in a revocation of the station appointment.
- 9. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection by inspectors, managers or business owners.
- 10. Illegal use of inspection supplies such as stealing, selling, mailing or giving away, shall be grounds for revocation.
- 11. Nonpayment of inspection fees.
- 12. Conduct displayed by station owners and/or safety inspectors that may be rude or discourteous, or the use of profanity and/or verbal abuse directed at or towards Safety Division Personnel, may be grounds for revocation.
- 13. Failure of any person connected with the inspection program to immediately notify their supervising trooper or Safety Division Area Office of an arrest for a criminal offense or the institution of civil action.
- 14. Any misuse or falsification of the automated Motor Vehicle Inspection Program (MVIP) system through neglect or intentionally allowing an assigned password or Personal Identification Number (PIN) to be used by other persons.
- 15. Willfully obtaining computer services without proper authority from the safety officer.
- 16. Failure to adequately explain and differentiate, both orally and in writing, to customers what repairs are necessary to pass the safety inspection and those repairs that are only recommended. Each station shall explicitly (not fine print) convey to each customer when his vehicle will be examined beyond the parameters of the state

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inspection and empower the customer with the ability to decline this service.

Disciplinary action for a Class IV offense shall be immediate suspension or revocation. A suspension shall not be less than 90 days ~~nor~~ or more than six months. A revocation shall not be less than one year ~~nor~~ or more than three years. Offenses are cumulative in nature and will remain active for a period of 24 months from the date of the offense. For a subsequent violation within 24 months, the suspension shall not be less than six months ~~nor~~ or more than one year.

In the case of the loss of the driver's license, the suspension shall remain in effect until the driver's license is reinstated and consideration for reinstatement of inspection privileges will be made at that time.

In cases concerning nonpayment of fees when the inspection station has been given 15 days to reply to their final notice, the suspension of the affected inspection station shall remain in effect until all inspection fees are paid. Consideration for reinstatement of inspection privileges will be made when all fees are paid. Furthermore, stations that have not paid their processing fee after the 15-day period will not be issued any additional inspection supplies. Supply orders may resume when the inspection fee is paid and the station has been reinstated to an active status.

A Class IV offense in combination with three Class I offenses, two Class II offenses, or one Class III offense shall be grounds for no less than a 90-day ~~nor~~ or more than a six-month suspension.

## **19VAC30-70-7. General information.**

All suspension or revocation decisions may be appealed. The request must be made in writing to the safety officer within 15 calendar days of receiving the official notice of suspension or revocation.

Any violation under any class of offenses requiring a third suspension within a 24-month period shall be grounds for a revocation. The suspension or revocation period for a subsequent violation requiring suspension or revocation under any class of offenses within a 24-month period shall be twice that of a previous suspension or revocation.

For suspension periods of less than six months, inspection stations and safety inspectors will not be required to file an application for reinstatement.

For suspension periods of six months or more, or revocation periods of one to three years, inspection stations must complete the process as set forth for original appointment. Reapplications may be made 60 days prior to the suspension expiration. Suspended safety inspectors shall contact the nearest Safety Division Area Office or supervising trooper to request reinstatement.

Inspection stations ~~who~~ that have their privilege to perform inspections revoked must complete the application process as set forth for original appointments after the expiration of the period of revocation. Safety inspectors who have their

privilege to perform inspections revoked must complete the application process for initial certification, after the expiration of the period of revocation.

If during the course of an official investigation, station management voluntarily surrenders the station's inspection supplies, particularly after being cautioned not to do so, the station shall not be eligible for reinstatement for a period of 90 days. This voluntary action shall not be the subject of an appeal.

If during the course of an official investigation, an inspector voluntarily surrenders his inspector license, particularly after being cautioned not to do so, the inspector shall not be eligible for reinstatement for a period of 90 days. This voluntary action shall not be the subject of an appeal.

## **19VAC30-70-9. Examinations for inspector's license.**

A. The Department of State Police administers the written examination for original certification for all inspectors. With few exceptions, recertifications are done at the normal testing sites along with original certification tests.

B. In order for an individual to become a certified safety inspector, the following actions shall be followed:

1. The person shall contact his assigned Safety Division trooper or the local Safety Division Area Office to obtain the following:

- a. Mechanics Certification Application, Form SP-170B;
- b. Criminal History Record Request, Form SP-167; and
- c. Mechanics Application Worksheet.

2. The supervising trooper or Safety Division office personnel should ask some preliminary questions to ensure the applicant is qualified to apply.

3. The applicant shall complete (i) Form SP-170B in its entirety and have it notarized on the back; (ii) Form SP-167, to only include sections "Name Information To Be Searched" and "Affidavit For Release of Information," and have it notarized; and complete (iii) the worksheet with two character references, two mechanical references, places of employment, and qualified automotive training or schools completed.

4. The applicant shall then take the completed application forms to the State Police testing site and present it to the trooper conducting the written examination. Applicants arriving after the designated testing time will not be eligible to participate in the written examination.

5. The trooper will verify the notarizations and check the driver's license for validity and identification of the applicant. If the applicant's driver's license is found to be expired, suspended or revoked, the applicant will be advised and the application will be destroyed. The applicant may reapply once the driver's license has been reissued or reinstated.

6. If the applicant successfully completes the test, the trooper will note at the end of Section I on the Form SP-

170B the word "Passed" and the date. The trooper will sign the test and send it to Safety Division Headquarters, Mechanics File Section, for further processing and investigation.

7. The Class A examination will consist of five sections: general information, brakes, suspension, lights, and glass. Each section will contain 20 questions. A minimum score of 75% must be attained for each section and for the practical examination. The Class B and C examinations will consist of 50 questions each. A minimum score of 74 must be attained on the written and practical examination.

8. If the applicant fails the test, it will be noted at the end of Section Ion the Form SP-170B with the word "Failed" and the date.

9. If the applicant desires to test again for the written or practical test, he may do so after 30 days. If the applicant is again unsuccessful in passing the examination or examinations, the trooper shall take the application forms and forward them to Safety Division Headquarters, Mechanics File Section. The applicant may contact his assigned Safety Division trooper or the local Safety Division Area Office after six months to reapply.

C. Recertification.

1. Safety inspectors desiring to renew their inspector's license must participate in the recertification written examination. Inspectors arriving after the designated testing time will not be eligible to participate in the written examination.

2. All safety inspectors will be required to satisfactorily pass the appropriate examination for the license the inspector holds.

3. A safety inspector will not be permitted to perform inspections after the expiration date of his inspector's license.

4. A safety inspector's license shall be valid for a period of three years.

5. All safety inspectors' licenses will display an inspector's VSP number and will no longer display the social security number. The inspector's VSP number will be written on the inspection sticker receipt or displayed on the automated MVIP receipt.

6. Safety inspector testing sites will no longer be included on an inspection bulletin. Testing site information will be updated in the computer system, so that the usual letters going to inspectors to remind them of their upcoming recertification will contain the updated information. All Safety Division Area Offices will also have the updated information.

7. If the safety inspector has any questions about the testing sites, the safety inspector should contact the Safety Division Area Office closest to him. The office numbers are:

Richmond 804-743-2217

Culpeper 540-829-7414

Amherst 434-946-7676

Wytheville 276-228-6220

Suffolk 757-925-2432

Salem 540-387-5437

Fairfax 703-803-2622

D. Reinstatement of safety inspector licenses following a period of suspension or revocation.

1. Once a safety inspector's license has been suspended, regardless of the cause for suspension, no application Form SP-170B is required for reinstatement; however, Form SP-170D and Form SP-167 must be completed.

2. If the inspector is suspended for less than six months, the safety inspector's license will be held at the local Safety Division Area Office and returned upon the expiration of the suspension period. A check will be made with DMV prior to reinstatement.

3. If the inspector's license has been suspended for six months or more, he may request reinstatement 60 days prior to the suspension expiration by contacting the supervising trooper. A check will be made by the supervising trooper with DMV and the Central Criminal Records Exchange. A credit report shall also be reviewed by the supervising trooper prior to reinstatement of the inspector. The inspector's license will be returned after the suspension expiration if still valid.

4. If the suspended inspector's license expires during the suspension period, the inspector may complete the process for inspector recertification as set forth in this section. The trooper administering the test will retain all documentation. The inspector's license will be returned at the end of the suspension period and the appropriate documents forwarded to the Safety Division.

5. Inspectors whose safety inspector's licenses have been revoked must complete the application process for initial certification as set forth in this section.

E. Vo-Tech students who successfully complete the Vocational Automotive Mechanics Course and who are expected to graduate from the program with the required 1,080 hours, and meet the requirements of the Department of State Police, will be certified as safety inspectors.

1. The Vo-Tech instructor will contact his assigned Safety Division trooper or the local Safety Division Area Office by March 15 of each year. The written examination will be scheduled for students who are at least 18 years of age or who will be at least 18 years of age by May 31 of that year.

2. The Safety Division troopers responsible for administering the written examinations at the Vo-Tech Centers will forward sufficient application Form SP-170B for each student to complete prior to the testing date. A Criminal History Record Request (Form SP-167) if the

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student is at least 18 years of age, must also be completed. The Safety Division trooper will indicate at the top of the Form SP-170B the name of the Vo-Tech school where the examination was given.

3. The trooper will verify the notarizations and check the driver's license for validity and identification of the applicant. If the applicant's driver's license is found to be expired, suspended or revoked, the applicant will be advised and the application will be destroyed. The applicant may re-apply once the driver's license has been reissued or reinstated.

4. If the applicant successfully completes the written examination, the trooper will note at the end of Section I on the Form SP-170B the word "Passed" and the date. The trooper will sign the test and forward it to Safety Division Headquarters, Mechanics File Section, for further processing and investigation. Due to the age of these students, this should be done in a minimal amount of time.

5. If the applicant fails the test, it will be noted at the end of Section I on the Form SP-170B with the word "Failed" and the date.

a. The Safety Division trooper will only administer one written examination at the Vo-Tech Center. Those students who fail the first written examination may retest, but not sooner than 30 days from the date of the last written examination. Those students who fail the first written examination will keep the Form SP-170B in their possession and present it to the Safety Division trooper at the test site prior to taking the second written examination.

b. The second written examination will not be administered to the students prior to ~~June 15 of that~~ the end of the school year. Prior to taking the second written examination, the student shall have completed the Vocational Automotive Mechanics Course and must be employed at an Official Inspection Station. These students will not be required to have completed the one year of practical experience as an automotive mechanic.

~~c. Students who do not pass the initial examination should visit a testing site in their area to take a second written examination.~~

~~d. c.~~ For those students who pass the second written examination, the Safety Division trooper will forward the student's Form SP-170B to the Safety Division for further processing and investigation. Those students who successfully pass all phases for original certification will then be issued a temporary inspector license by the Safety Division trooper.

~~e. d.~~ Students failing the second written examination will not be allowed to test again for six months and must complete the application process as set forth for original certification.

6. The written examination will consist of five sections: general information, brakes, suspension, lights, and glass. Each section will contain 20 questions. A minimum score of 75% must be attained for each section.

7. Those students who successfully complete all phases of the written examination and background checks will then be administered a practical examination. The Vo-Tech instructor who holds a valid ~~Class A~~ Class A Safety Inspector's License will administer the practical "Class A" examination to each student who is expected to graduate from the program. The Safety Division trooper should be on hand to observe at least some of the practical examinations administered by the Vo-Tech instructor to ensure that testing is administered according to Safety Division regulations.

8. Those students who successfully complete all phases for original certification by May 31 will be issued a temporary inspector license by the Safety Division trooper. The Safety Division trooper will then forward the completed temporary inspector license to the Safety Division Headquarters, Mechanics File Section.

a. The Safety Division will mail a permanent inspector's license to the student, provided he is at least 18 years of age ~~after June 15~~ by May 31 of that year.

b. The Vo-Tech instructor will be required to contact the Safety Division trooper prior to ~~June 15 of that~~ the end of the school year if any student fails to complete the Vocational Automotive Mechanics Course.

c. Any student who fails to complete the Vocational Automotive Mechanics Course will not be licensed as a certified safety inspector and will be required to complete the application process as set forth for original certification.

9. Those students who will be at least 18 years of age after May 31 of that year and have successfully completed the Vocational Automotive Mechanics Course must contact the Safety Division trooper assigned to the inspection station where they are employed and complete the application process as set forth for original certification. These students will not be required to have completed the one year of practical experience as an automotive mechanic.

## **19VAC30-70-9.1. Official inspection station appointment.**

A. These procedures are applicable to the application process for initial appointment, reclassification of appointment, change in ownership, change in name, and reinstatement of the appointment for an official inspection station following a period of suspension or revocation.

For investigations involving changes to the original report, only those areas of inquiry which have changed need to be reported.

For changes in station name, location, and classification only, a narrative report is not required. These requests may be

reported on the Form SP-164. This report should include information pertinent to the change. A statement should be included to report verification of information contained in the station's new application for appointment.

1. Any garage or other facility that routinely performs motor vehicle, motorcycle, or trailer repairs may apply to the Department of State Police in writing for appointment as an Official Safety Inspection Station.

a. The Department of State Police will forward an application package to the applicant.

b. The application form or forms are to be completed and returned to the Department of State Police for processing.

c. The application shall include the names, addresses, email addresses, telephone numbers, dates of birth, and social security numbers for the applicant and each person who will supervise or otherwise participate in the program. Each person will also be required to execute an Authorization for Release of Information Form and a Criminal History Record Request (Form SP-167). When a corporation with other established inspection stations is applying for an additional location, it shall not be necessary for the corporate officers to complete the Form SP-167 or undergo the usual background investigation. In these situations, the Department of State Police is only concerned with the personnel who will be responsible for handling and securing the safety inspection supplies.

2. Each inspection station application will be reviewed and the applicant must meet the following criteria:

a. The facility must have been in business at its present location for a minimum of six months.

(1) This requirement will not apply to a change in location for a previously appointed station or a change in ownership which does not affect the station's ability to perform safety inspections.

(2) This requirement will not apply to a repair garage that is an established business and is expanding its mechanical convenience to the general public by the addition of other repair locations.

(3) This requirement will not apply to a business license as a franchised dealer of new vehicles.

b. The facility must perform motor vehicle, motorcycle, or trailer repairs routinely.

c. The station must have on hand or be willing to purchase the necessary equipment as identified by the Department of State Police for performing safety inspections.

d. The station must employ or be willing to employ at least one full time safety inspector with the appropriate license for the desired station's classification.

e. The facility's physical plant must meet the specific standards for the station classification for which the appointment is required.

3. Each applicant station must undergo a background investigation to determine if the business and associated personnel meet the following minimum criteria:

a. A review of the history of management and all persons employed who will participate in the inspection program must reflect general compliance with all federal, state, and local laws.

b. The character, attitude, knowledge of safety inspection requirements, mechanical ability, and experience of each individual who will perform or supervise safety inspections must be satisfactory.

c. The applicant and all participants must be familiar with and agree to comply with the Official Motor Vehicle Inspection Manual. Each vehicle presented for safety inspection must be inspected in strict compliance with the Code of Virginia and the Official Motor Vehicle Inspection Manual.

d. The business establishment must be financially stable. Its future existence should not be dependent upon appointment as an inspection station. The applicant and all persons to be associated with the inspection program must be in compliance with any judgment order or meeting all financial obligations, or both. The applicant and all persons to be associated with the inspection program must be in good financial standing for a period of at least one year.

4. Each business must agree to provide the necessary space, equipment, and personnel to conduct inspections as required by the Department of State Police. Facilities and equipment will be maintained in a manner satisfactory to the superintendent. All safety inspectors will read and be thoroughly familiar with the instructions furnished for Official Inspection Stations and agree to abide by these instructions and to carefully inspect every motor vehicle, trailer, and semi-trailer presented for inspection as required by the Official Motor Vehicle Safety Inspection Manual. Businesses must operate inspection stations in strict accordance with the Code of Virginia and the Official Motor Vehicle Inspection Manual. The appointment of an inspection station may be canceled at any time by the superintendent and will be automatically canceled if any change in address, name, or ownership is made without proper notification.

5. Any applicant whose application is rejected or withdrawn may not reapply sooner than six months from the date he is notified of the rejection of their application or from the date the application is withdrawn.

6. Each business to be appointed will be assigned one of 11 classifications based upon the physical plant specifications or other criteria as follows:

a. Unlimited: The inspection lane shall be level or on the same plane and in good condition for 60 feet. The front portion of the lane shall be level or on the same plane for

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a minimum of 40 feet. The entrance shall be at least 13-1/2 feet in height and no less than nine feet in width. (Space should be adequate to allow a tractor truck towing a 53-foot trailer access to the inspection lane.)

b. Small exemption: The inspection lane shall be level or on the same plane for 40 feet. The entrance opening shall be at least 10 feet in height, eight feet in width, and adequate to accommodate vehicles 40 feet in length. Any vehicle exceeding 10 feet in height may be inspected if the building entrance will allow such vehicle to completely enter the designated inspection lane.

c. Large exemption: The inspection lane shall be level or on the same plane and in good condition for 60 feet. The front portion of the lane shall be level or on the same plane for a minimum of 40 feet. The entrance shall be at least 13-1/2 feet in height and no less than nine feet in width. (Space should be adequate to allow a tractor truck towing a 53-foot trailer access to the inspection lane.) This classification is required to inspect only vehicles with a GVWR exceeding 10,000 pounds.

d. Motorcycle: The inspection lane shall be level or on the same plane. The entrance shall be adequate to accommodate the motorcycle and the operator.

e. Unlimited trailer: The inspection lane shall be reasonably level and in good condition for 60 feet. The entrance shall be at least 13-1/2 feet in height and no less than nine feet in width. This classification is required to inspect all trailers.

f. Small trailer exemption: The inspection lane shall be reasonably level and in good condition for 40 feet. The entrance shall be at least 10 feet in height and adequate to accommodate trailers 40 feet in length. This classification is required to inspect only those trailers not exceeding 40 feet in length or 10 feet in height measured to the highest part of the trailer but not including racks, air conditioners, antennas, etc.

g. Large trailer exemption: The inspection lane shall be reasonably level and in good condition for 60 feet. The entrance shall be at least 13-1/2 feet in height and adequate to accommodate all legal size trailers. This classification is required to inspect only property-carrying trailers exceeding 10 feet in height or 40 feet in length.

h. Safety and emissions: The inspection lane shall be level or on the same plane. The lane must accommodate most passenger cars and light trucks. The emissions equipment must be placed in the lane at a location to allow the inspected vehicle to be positioned with all four wheels on the floor or on an above-ground ramp on a plane to the floor to accommodate headlight aiming and other required inspection procedures. Any above-ground structure must be constructed so as to permit proper steering, suspension, brake, and undercarriage inspection as outlined in the Official Motor Vehicle Safety

Inspection Manual. A list of local inspection stations that can accommodate vehicles that cannot be safety inspected due to the pretenses of emissions equipment must be maintained and available for customers. A "bottle" jack or other appropriate lifting equipment may be used for safety inspection on above-ground structures.

i. Private station: The inspection lane shall be level or on the same plane. The entrance and size must be adequate to accommodate any vehicle in the fleet. An applicant who owns and operates less than 20 vehicles will not be considered.

j. Private station (fleet service contractor): The inspection lane shall be level or on the same plane. The entrance and size must be adequate to accommodate any vehicle in the fleet to be inspected. This classification will permit the inspection of all vehicles that the applicant has a written agreement to service and repair. An applicant who does not have at least six written agreements to service private fleets with at least five vehicles in each fleet or at least one written agreement to service a private fleet with at least 30 vehicles in the fleet will not be considered for this type of appointment. Vehicles not covered by a written agreement for service, and repair other than the vehicles owned by the applicant's company or corporation, shall not be inspected by a garage having this type of classification.

k. Private station (government): The inspection lane shall be level or on the same plane. The entrance and size must be adequate to accommodate any vehicle in the fleet to be inspected. This classification will permit the inspection of all vehicles in the government entity's fleet, the fleet of any volunteer or paid fire department, or any other unit or agency of the government structure having a written agreement with such governmental entity for repair and/or inspection service. An applicant for this classification must own or have a written agreement to inspect 30 or more vehicles. Vehicles not owned by or covered by a written agreement shall not be inspected by a garage having this type of classification.

7. Classifications listed in subdivisions a through h of this subsection must be open to the public and have at least one safety inspector available to perform inspections during normal business hours as set forth in 19VAC30-70-10.

8. Private inspection station classifications may be assigned to businesses or governmental entities with fixed garage or repair facilities operating or contracting with vehicle fleets.

B. A representative of any official inspection station may apply to the Department of State Police in writing to request a change of the station's status.

1. An application form or forms will be forwarded to the applicant.

2. The applicant will complete the application form or forms and contact the Department of State Police in keeping with the application instructions. Applications will include all data as set forth in this section.

3. A Safety Division trooper will be assigned to complete the appropriate investigation to affect the change. A change in status investigation will include:

- (1) A review of the existing station file.
- (2) An update of the file to include personnel, facility, or other significant changes. Criteria for appointment and background investigation procedures for a change in status will be in keeping with this section.
- (3) Official inspection stations will be permitted to continue to perform safety inspections during a change of ownership investigation provided at least one safety inspector is retained from the prior owner.
- (4) If disqualifying criteria is revealed, the station's appointment shall be canceled until final disposition of the application is made or until issues of disqualifying criteria are resolved.

C. Once an official inspection station has been suspended, regardless of the cause for the suspension, management may request reinstatement up to 60 days prior to the expiration of the suspension period. Stations whose appointments are revoked may complete the application process as set forth for original appointments after the expiration of the period of revocation.

1. The applicant station must submit a letter to Safety Division Headquarters (Attention: Station Files) requesting reinstatement.
2. An application package will be forwarded to the applicant.
3. The completed application forms are to be returned to Safety Division Headquarters (Attention: Station Files).
4. After review, the application package is forwarded to the appropriate Safety Division Area Office for investigation.
  - a. The trooper assigned to the investigation will compare the information in the new application package to the information in the existing files.
  - b. The investigation will focus on any changes or inconsistencies.
  - c. The applicant station must meet all criteria for appointment as set forth in this section.
  - d. Any applicant whose application for reinstatement is rejected or withdrawn may not reapply sooner than six months from the date he is notified of the rejection or withdrawal of the application.

D. Failure to comply with the provisions of this section shall be grounds for termination of the application process or cancellation of the official inspection station's appointment. An applicant having an application terminated or an official

inspection station having an appointment canceled for noncompliance may not reapply for a period of one year.

Part II  
Inspection Requirements

**19VAC30-70-10. Official inspection station requirements.**

A. Official inspection stations, except private appointments, shall be open at least eight hours of each normal business day, and shall be able to perform inspections 12 months throughout the year, except during illness of limited duration or normal vacation.

1. Normal business hours, Monday through Friday, are defined as an eight-hour period of time between 8 a.m. and 6 p.m.
2. Stations are not prohibited from performing inspections at times other than during normal business hours.
3. A station that advertises inspections beyond normal business hours shall be able to perform such inspections.
4. If a station desires to maintain business hours that are different from those defined in this section, written permission must be obtained from the safety officer and a sign setting forth the inspection hours must be posted conspicuously at the station where it can be observed by a person desiring to have a vehicle inspected.

B. At least one full time safety inspector to perform inspections and one inspection lane meeting the minimum requirements shall be available for inspection at all times during the normal business day. All inspections must be made only at the locations and in the inspection lane approved by the Department of State Police.

The designated inspection areas, including any location where customers are permitted to enter when submitting vehicles for inspection, must be kept clean, and free from excessive dirt, grease, and loose materials. If requested, customers presenting vehicles for inspection shall be allowed to observe the inspection process from a safe location designated by the station.

C. Inspection station facilities must be properly maintained and must present a businesslike appearance to the general public. Property adjacent to the inspection station that is owned or controlled by the station must be free of debris, litter, used parts and junk vehicles. Vehicles properly contained within fenced storage areas shall be deemed to comply with this requirement.

D. Inspections shall be performed on a first-come, first-served basis. Motorists shall not be required to make an appointment to obtain an inspection, except that appointments required by § 46.2-1158.01 of the Code of Virginia shall be made. Businesses that take in motorists' vehicles for inspection at the beginning of the work day shall not be required to stop the work already taken in to provide an inspection for a drive-in motorist, provided inspections are actually being performed at the time and will continue through the day.

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A station may inquire about accepting safety inspections by appointment. If the requirements are met, then the official inspection station may, in addition to having one lane for the first-come, first-served customers, also have a second inspection lane designated for customers who have made appointments for a designated time slot. An additional certified safety inspector shall be available to perform those inspections that are made by an appointment. If interested, stations should first contact their supervising trooper for specific requirements and guidelines.

E. Safety inspectors, managers who supervise inspection activities, and business owners, through participation in the Official Motor Vehicle Inspection Program, are representatives of the Department of State Police and should conduct themselves in a manner to avoid controversy in dealing with customers presenting vehicles for inspection. The use of profanity or verbal abuse directed at customers presenting their vehicles for inspection will be grounds for suspension from participation in the inspection program and will be considered a Class IV offense as set forth in 19VAC30-70-6.

Controversy that cannot be calmly resolved by the safety inspector, managers, and owners should be referred to the supervising trooper for handling.

F. The "Certificate of Appointment" must be framed under glass or clear plastic and posted in the customer waiting area where it can be observed and read by a person submitting a vehicle for inspection.

Inspection stations must have garage liability insurance in the amount of at least \$500,000 with an approved surplus lines carrier or insurance company licensed to write such insurance in this Commonwealth. This requirement shall not apply to inspection stations that only inspect their company-owned, government-owned, or leased vehicles.

G. The required "Official Inspection Procedure" sheet and the "Direct Inquiries" sheet furnished to each station must both be framed under glass or clear plastic and posted conspicuously in the customer waiting area where they can be observed and read by a person submitting a vehicle for inspection.

H. The poster designating the station as an official inspection station shall be posted in a prominent location, outside or visible outside the station, to alert passersby that inspection services are available. Private inspection stations shall not display an outside poster.

I. Each official inspection station shall display a list with the name(s) and license expiration date of all employees licensed to inspect at that station, adjacent to the certificate of appointment. The Official Motor Vehicle Safety Inspection Manual will be kept at or near the point of inspection for ready reference.

J. Important -- Any change in name, ownership or location of any official inspection station cancels the appointment of

that station and the Department of State Police must be notified immediately. The department shall be notified when an official inspection station discontinues operation.

K. All inspection supplies, inspection binders and manual, unused stickers, duplicates of certificates issued, bulletins and other forms are the property of the Department of State Police and must be safeguarded against loss.

L. Inspection supplies issued to an inspection station can be used only by that station and are not to be loaned or reissued to any other station with the exception of inserts.

1. Stations must maintain a sufficient supply of approval stickers, ~~trailer/motorcycle decals~~ trailer and motorcycle approval stickers, rejection stickers and inserts. When reordering supplies, station owners/managers shall request sufficient supplies to sustain their business for at least six months. However, it is realized that a few stations will not be able to comply with the six-month requirement since there is a maximum of 100 books per order limit. Also, when ordering supplies, the following information should be considered so that the station does not order an excessive amount of supplies: each book of approval stickers ~~and trailer/motorcycle decals~~ stickers/decals contains 25 stickers, the ~~monthly~~ month inserts are packaged in strips of 50 each, ~~and trailer/motorcycle~~ and trailer and motorcycle decals are five per strip. In December of each year, a supply of ~~yearly~~ year inserts will be shipped to each station based on their previous year's usage. In November, each station shall check its stock of ~~monthly~~ month inserts and order what is needed for the months of January through June. In May, the same should be done for the months of July through December.

2. Inspection stations that exhaust their supply of approval stickers, trailer and motorcycle approval stickers, rejection stickers, and inserts ~~rejection stickers, or trailer/motorcycle decals~~, shall immediately stop performing new inspections and contact their supervising trooper or the nearest Safety Division Area Office.

M. All losses of stickers must be reported immediately to the supervising inspection trooper or the nearest Safety Division Area Office ~~or supervising inspection trooper~~.

N. Every precaution against the loss of stickers must be taken. If the loss occurs through carelessness or neglect, a suspension of the station may result.

O. Manuals, bulletins, other regulations and lists of approved equipment must be available at all times for reference. Revisions to the inspection manual must be inserted in the manual at the proper location promptly after being received by the inspection station. Bulletins of temporary interest and pages of bulletins containing the synopsis of manual revisions will be retained in the front of each station's inspection manual for 24 months. Each safety inspector shall review the material contained in each inspection bulletin and manual revision within 15 days of its

receipt. The safety inspector shall certify that the revisions have been reviewed by signing his name and placing the date reviewed by the signature on the bottom or reverse side of the bulletin or manual revision cover sheet. Station management shall be responsible to see that each safety inspector is familiar with all bulletins and manual revisions and shall be required to furnish evidence to the department that all bulletins and manual revisions have been reviewed by each licensed inspector.

A copy of the diagram drawn by the investigating trooper, showing the approved inspection lane or lanes will be inserted in a plastic page protector and inserted as the last page of the official inspection manual at each official inspection station. The name of the station and the date will be inserted in the top right corner.

P. Private appointment may be made of company stations or government stations that own and operate a minimum of 20 vehicles and they may inspect only company-owned or government-owned vehicles respectively. When authorized by the department, they may inspect vehicles of a wholly-owned subsidiary or leased vehicles.

1. A private station may perform inspections during each month of the year or may elect to inspect only during certain designated months.
2. A private station not electing to inspect vehicles every month of the year that finds it necessary to inspect a vehicle during a month other than those selected for inspection may issue a sticker to the vehicle from the nearest past inspection month.

Q. All official inspection station owners, managers, and certified safety inspectors shall comply with the Virginia inspection laws and the inspection rules and regulations and will adhere to all instructions given by the supervising trooper or the Safety Division. Reports of violations will be investigated and, if found to be valid, may result in the suspension of the station, suspension of the inspector, possible court action, or other appropriate action, or any combination of these actions. Repeated violations or serious violations may result in a revocation of the station appointment by the superintendent.

R. The arrest of any person associated with the inspection program for a criminal offense of a nature that would tend to immediately reflect upon the integrity and reputation of the Department of State Police ~~shall~~ may be grounds for an immediate suspension, and the conviction for such an offense may result in a revocation of the station's appointment.

S. When a station has been suspended or revoked, it must release to an employee of the Department of State Police all inspection supplies, posters, and papers including the certificate of appointment. Failure to do so is a violation of § 46.2-1172 of the Code of Virginia.

T. The authority of the superintendent to suspend the designation or appointment of an official inspection station as

provided in § 46.2-1163 of the Code of Virginia, or to suspend the certification of an inspector designated to perform inspections at an official inspection station, and, in keeping with the provisions of § 46.2-1166 of the Code of Virginia, is hereby delegated to any of the following supervisory ranks of the Department of State Police: Lieutenant Colonel, Major, Captain, Lieutenant, First Sergeant, and Sergeant.

U. Each station must purchase and keep in proper operating condition the following equipment: computer, printer, internet connection, paper hole punch, black ball point pen or pens or black marker or markers, sticker scraper with replacement razor blades, tire tread depth gauge, amp meter, headlight and auxiliary lamp adjustment tools, 12" ruler, 25' measuring tape, torque wrench or torque sticks, brake pads/shoes/disc/drum measuring device, dial indicator, micrometer, pry bars, roller jack (at least 4-ton), and an approved type optical headlight aiming device. Each station that requests an additional inspection lane that is not in close proximity to the originally approved inspection lane must purchase an additional approved headlight machine for each lane that meets the minimum requirements. Stations are required to have one of the following headlight aiming devices effective January 1, 2013: the Hopkins Vision1, Hopkins Vision 100, American Aimers Vision 100, American Aimers Vision 2 Pro, or the Symtech (former L.E.T.) HBA-5, PLA-11, and PLA-12. This shall not apply to "trailer-only" inspection stations.

## **19VAC30-70-11. Automated Motor Vehicle Inspection Program (MVIP).**

A. Effective March 1, 2011, the automated Motor Vehicle Inspection Program (MVIP) was implemented. The MVIP system will enable the Safety Division and inspection stations to more efficiently record and retain data, thereby enhancing the overall operation of the program.

B. Passwords or personal identification numbers (PINs) shall only be used by the person to whom they were assigned.

C. Automated stations shall order all supplies via the MVIP system. Stations will ensure supplies are ordered no more than once per month.

D. Once a certified safety inspector completes an inspection, he will be required to immediately enter the inspection information via the MVIP system.

E. All stations and inspectors are required to verify the accuracy of the information entered through the MVIP system to include:

1. One copy of the official safety inspection approval/rejection receipt shall be printed on 8-1/2 by 11 inch white paper and given to the customer or placed in the vehicle. The size of the print on the receipt shall not be reduced.
2. The printed official inspection receipt number shall correspond with the issued decal.

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3. The complete vehicle identification number (VIN) shall be verified before submitting the inspection through the MVIP system and printing the official inspection receipt.

F. ~~When a station has a voided decal and entered it as a void, it must be entered into MVIP by the inspector. Once entered,~~ the receipt shall be printed, attached to the decal, and retained until the supervising trooper's next visit. The supervising trooper will be responsible for destroying the voided sticker and a Form SP-164 will not be required.

G. ~~Before a completed book of receipts is destroyed~~ Once a book of stickers is completed, station management shall ensure that all decals are accounted for and all information has been entered correctly into the MVIP system. Completed books shall be retained by the station for a period of six months. At the end of the six month period, used receipts shall be destroyed by burning or shredding.

## **19VAC30-70-20. General inspection requirements.**

A. Each Official Inspection Station must inspect every vehicle presented for inspection as prescribed by ~~Department regulations~~ this chapter, either approving or rejecting it. Inspections will not be performed unless requested.

1. Dealers' vehicles shall be inspected according to these standards. The dealer's name rather than the license number shall be shown on the ~~inspection receipt~~ rear of the approval/rejection sticker.

2. Out-of-state vehicles may be inspected, but shall not be approved unless they meet the requirements of the Official Motor Vehicle Safety Inspection Manual.

3. When a vehicle is presented for inspection the entire approval sticker, if any, on the vehicle must be removed before any inspection is begun (except a rejection sticker). After removing the inspection sticker, the safety inspector who is to perform the inspection must drive the vehicle into an approved inspection lane unless the safety inspector is not qualified to operate the vehicle. During the operation of the vehicle, the safety inspector must make application of the service and parking brakes and check for conditions as set forth in the Service Brake Section of the Official Motor Vehicle Safety Inspection Manual applicable to the vehicle being inspected.

WARNING: No razor blades or similar devices should be used to remove stickers from "Securiflex", "Anti-Lacerative" or "Inner Shield" type windshield. These windshields are identified as AS-14. Any questions concerning removal should be directed to the nearest Safety Division Area Office.

B. Each inspection shall be a complete, uninterrupted inspection and shall include a check of all applicable items in the Official Motor Vehicle Safety Inspection Manual. All repair tools and testing equipment required prior to a station's appointment shall be properly maintained and available for use during each inspection.

C. The term "inspection" as ~~herein~~ used in this chapter shall not include repairs or adjustments. Repairs or adjustments necessary to bring the vehicle in conformity with these regulations may be made by agreement between the owner and such station or whatever repair shop the owner may select. When requested to do so by the person submitting a vehicle for inspection, any repairs or adjustments necessary to bring the vehicle into compliance with the inspection program rules and regulations shall be made by the inspection station performing the inspection. The inspection station management may utilize the option of subcontracting the repairs or adjustments provided the application filed for the station appointment reflected that such repairs or adjustments will be subcontracted.

D. Each vehicle that meets the requirements as set forth in these regulations shall be issued an approval sticker. Those vehicles that do not meet the inspection requirements shall be issued a rejection sticker. Any trailer required to be inspected under the provisions of the Code of Virginia may, only if the size or configuration of the trailer and the size and configuration of the facilities of the inspection station prevent the trailer from being inspected inside the inspection station, be inspected outside the inspection station. The location on the outside of an inspection station where trailers may be inspected shall be approved by the Department of State Police and shown on the station diagram.

E. Inspections may be made when it is raining or snowing. Care must be exercised when making inspections in inclement weather. Vehicles covered with ice, snow, mud or other debris to the extent that required parts cannot be inspected, may be refused inspection until the operator removes such debris.

## **19VAC30-70-31. Inspector certification.**

A. Upon request, a Mechanics Certification Application (Form SP-170B) and a Criminal History Record Request (Form SP-167) will be provided to individuals desiring appointment as certified safety inspectors.

1. The application package will include instructions to help guide the applicant through the process.

2. Applicants may be certified in any of the following classes after completing the necessary requirements and the appropriate examinations:

- a. Class A – May inspect any motor vehicle, motorcycle, or trailer.
- b. Class B – May inspect trailers only.
- c. Class C – May inspect motorcycles only.

B. Applicants should immediately prepare for the written examination by studying the Official Motor Vehicle Safety Inspection Manual in its entirety.

1. When sufficiently prepared for the examination, the applicant should visit a testing site in his area to complete the appropriate examination.

2. The applicant will present his completed application Form SP-170B, a Criminal History Records Request (Form SP -167), and a valid driver's license at the testing site. The applicant's identity will be verified by comparing the driver's license to the application form. The application will be reviewed for proper notarization. The application shall include the applicant's name, address, date of birth, social security number, driver's license number, physical, personal, and employment data.

3. If the applicant's driver's license is expired, suspended, or revoked, the applicant will be advised and the application will be destroyed. The applicant may reapply after his driver's license is reinstated.

C. The Class A inspector examination will consist of five sections containing 20 questions each. A minimum score of 75% must be attained for each section. The Class B and C inspector examinations will consist of 50 questions each. A minimum score of 74% must be attained. If the applicant fails the test, it will be noted at the end of Section I on the Form SP-170B with the word "Failed" and the date. The application will be returned to the applicant. Applicants failing to attain the minimum score will not be allowed to test again for 30 days. Applicants failing a second or subsequent examination will not be allowed to test again for six months.

D. The Mechanics Certification Application (Form SP-170B) and Criminal History Record Request (Form SP-167) for applicants who achieve a minimum score or greater will be forwarded to Safety Division Headquarters.

1. The applicant's record will be checked against safety inspector and Central Criminal Records Exchange (CCRE) files.

2. Inspection and criminal record information along with the applicant's driver transcript will be forwarded with the application to the appropriate Safety Division Area Office for investigation.

3. A credit check will be performed to determine that the applicant associated with the inspection program is in compliance with any judgment order or is meeting all financial obligations, or both.

E. A background investigation will be conducted consisting of the following:

1. Verification that the applicant is at least 18 years of age.

2. Verification that the applicant has not less than one year's practical experience employed as an automotive technician repairing vehicles for the public or has satisfactorily completed a training program in the field of automotive mechanics approved by the Department of State Police. The following training programs in the field of automotive mechanics have been approved as a substitute for the one year's practical experience requirement:

a. The two-year Associate Degree or diploma programs in automotive technology offered by the Virginia

Community College System consisting of the following minimum curriculum:

(1) Automotive Electrical Systems - 3 semester hours

(2) Braking Systems - 3 semester hours

(3) Emissions Control Systems - 3 semester hours

(4) Suspension and Steering Systems - 3 semester hours

(5) Vehicle Safety Inspection - 2 semester hours

b. The 1,080-hour Career Technical Automotive Services Technology Program, offered by the Office of Career Technical Education, State Department of Education, in the various technical schools located throughout Virginia or be certified by the National Institute for Automotive Service Excellence (ASE), or both.

(1) Upon the successful completion of this course, including a practical test as defined in this section, the student must complete a Mechanics Certification Application (Form SP-170B) and a Criminal History Record Request (Form SP-167), pass a written test as defined in subsection C of this section, and submit to a background investigation as defined in this subsection. Upon successful completion of these requirements, the student, if 18 years of age, will be certified as a safety inspector and issued a safety inspector license. ~~In the event the student is under the age of 18 years, he will be issued a condition letter of appointment as a certified safety inspector. Upon his 18th birthday, providing he still meets all of the requirements, he will be issued a safety inspector license.~~

(2) If the student scores less than 75% on any part of the examination, the application will be returned to the certifying trooper. Students scoring less than 75% on any part of the examination may retest at the certifying trooper's next recertification testing date, but not sooner than 30 days from the date of the last examination. If the student passes the test at this time and is at least 18 years of age, he will be issued a safety inspector license. Upon the student's 18th birthday, providing he still meets all of the requirements, the student will be issued a safety inspector license.

(3) Students failing the second written examination will not be allowed to test again for six months. In order to retest the student must be at least 18 years of age and must complete the application process set forth for original certification.

c. The 1,500-hour Course #1 entitled "Auto-Diesel Technician Course" offered by the Nashville Auto Diesel College, Inc., 1524 Gallatin Road, Nashville, Tennessee 37206.

3. A determination of the applicant's mechanical ability through interviews with employers and customers.

4. A review of the applicant's current driving record on file with the Department of Motor Vehicles (DMV) will be

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utilized in determining applicant's suitability for certification.

5. Determination of the character and reputation of the applicant through previous associates, employers, and records.

6. Determination of the applicant's attitude towards the inspection program and receptiveness to State Police supervision through personal interview.

7. The investigating trooper shall administer a practical examination to determine the applicant's ability to conduct a safety inspection. The applicant will conduct a complete inspection including the use of the optical headlight aimer.

F. Any applicant whose application is rejected or withdrawn may not reapply sooner than six months from the date he is notified of the rejection of their application or their application is withdrawn.

G. When a safety inspector is certified, the bottom of the Form SP-170B will be completed by the certifying trooper. The classification for which the safety inspector is being certified, and the date of certification must be entered by the trooper on the bottom of the Form SP-170B. The Form SP-170B shall then be forwarded to the Safety Division Area Office.

H. Upon certification, the supervising trooper will fill out the temporary inspector's license in triplicate, forwarding the original (white copy) to Safety Division Headquarters, issuing the canary copy to the inspector, and retaining the pink copy at the Safety Division Area Office for six months. Once the safety inspector has been issued ~~his~~ ~~her~~ his temporary license, he will be eligible to begin inspecting.

I. All safety inspector licenses shall be valid for a period of three years.

## **19VAC30-70-32. Reinstatement of safety inspector license following suspension or revocation.**

A. Reinstatement of safety inspector licenses following a period of suspension or revocation.

1. Once a safety inspector's license has been suspended, regardless of the cause for suspension, he may request reinstatement up to 60 days prior to the expiration of the suspension period.

a. No application Form SP-170B is required for reinstatement; however, Form SP-170D and Form SP-167 must be completed. The safety inspector's license will be held at the local Safety Division Area Office and returned upon the expiration of the suspension period. In all cases, Safety Division Headquarters must be notified forthwith by electronic means of the reinstatement of the license. The Form SP-164 will be filed to indicate the date the inspector was reinstated.

b. The inspector shall contact his supervising trooper or nearest Safety Division Area Office to initiate the reinstatement process.

c. The inspector's records on file at the Department of Motor Vehicles and Central Criminal Records Exchange will be reviewed to determine his suitability for reinstatement. If the suspended inspector's records indicate he is suitable for reinstatement, at the end of the suspension period or other appropriate time, the original inspector's license will be returned. A temporary license may be issued if the original is not available.

If the suspended inspector's license should expire during the suspension period, the inspector may complete the process for inspector recertification as outlined in 19VAC30-70-9. The trooper administering the test will retain all documentation. The inspector's license will be returned at the end of the suspension period and the appropriate documents forwarded to the Safety Division.

2. Inspectors whose safety inspector's licenses have been revoked must complete the application process as set forth for initial certification after the expiration of the period of revocation.

B. Safety inspectors who desire to change their license classification must complete the written and practical examinations as outlined in 19VAC30-70-9.

C. Safety inspectors desiring to renew their inspector's license must participate in the recertification process. The process will require:

1. Review of training materials as may be presented at the certification testing site by State Police personnel.

2. Completion of the appropriate examination for the class license the inspector holds. A minimum score must be attained as previously outlined in 19VAC30-70-9.

3. An inspector holding an expired license may be tested as long as his license has not been expired more than one month. During the period of expiration he will not be permitted to perform inspections.

An inspector holding an expired inspector license which has not been expired more than one month and who fails the recertification examination the first time during this one-month grace period may be retested one additional time not sooner than 30 days from the date of the last recertification examination. Inspectors failing this subsequent examination will not be retested for six months and must complete the application process as set forth for initial certification.

D. Failure to comply with the provisions of this section shall be grounds for the termination of the application process or cancellation of the safety inspector's license, or both. Applicants having applications terminated ~~and/or~~ or safety inspector's license canceled may not reapply for a period of one year.

## **19VAC30-70-40. Fees.**

A. Before the inspection of a vehicle begins, the vehicle owner or operator must be informed that a charge is to be made.

B. The maximum inspection fees effective July 1, 2006, are as follows:

\$51 for each inspection of any (i) tractor truck, (ii) truck that has a gross vehicle weight rating of 26,000 pounds or more, or (iii) motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver.

\$12 for each inspection of any motorcycle.

\$16 for each inspection of any other vehicle, including trailers and motor homes.

1. Inspection fees will result in inspection stations retaining and forwarding \$.50 to the Department of State Police to support the department's costs in administering the Motor Vehicle Inspection Program (MVIP). Collection of these fees will begin on ~~May~~ March 15 of every year.

2. \$10 of the \$12 inspection fee for motorcycles shall be retained by the inspection station and the other \$2.00 shall be transmitted to the Department of State Police. Collection of these fees will begin ~~May~~ March 15 of every year.

3. After the appropriate fee has been determined for each station, a letter from the Safety Division will be mailed to the station requiring that a check for that amount be mailed in the enclosed envelope to: Department of State Police, Safety Division, 7700 Midlothian Turnpike, North Chesterfield, VA 23235. The check must be made out to the Department of State Police. The letter will include the following notice: "Do Not Send The Processing Fee To The P.O. Box ~~Or Include With The Monthly Inspection Receipts~~. All Fees Are To Be Sent To The Safety Division Street Address."

4. The station will have 30 days in which to mail in the processing fee. In the event a check does not clear the bank for any reason, a \$15 fee will be assessed the station. Also, under 19VAC30-70-5, a returned check will be a Class III offense and administrative actions may be held against the station's record. Once the station has been contacted by the Department of State Police regarding a returned check, it will have 15 days to respond. If the returned check dispute is not settled in this period of time, administrative or legal sanctions, or both, may be taken against the station and, in addition, any requests for supplies will not be honored until the dispute has been settled.

C. If a rejected vehicle is not submitted to the same station within the validity period of the rejection sticker or is submitted to another official inspection station, a complete inspection must be performed and a charge of \$51 may be made for inspection of tractor trucks, trucks that have a gross vehicle weight rating of 26,000 pounds or more, and buses that seat more than 15 passengers, including the driver. A charge of \$16 may be made for each inspection performed on any other vehicle to include recreational motor homes and

trailers. A charge of \$12 may be made for each motorcycle inspection.

NOTE: The truck inspection fee does not pertain to any trailer.

D. A charge of \$1.00 may be made for reinspection of a vehicle rejected by the same station during the 15-day validity of the rejection sticker.

E. Inspection stations shall not charge an additional fee to those customers who drop off their vehicles for a state inspection. This is a violation of § 46.2-1167 of the Code of Virginia unless the station charges a "storage fee" for all services and repairs and not just for inspections.

**19VAC30-70-50. Approval stickers and decals.**

A. If the vehicle meets all inspection requirements, ~~the inspection sticker receipt shall be legibly filled out in its entirety with a black ball point pen and signed by the certified safety inspector making the inspection. Automated MVIP stations are required to have the certified safety inspector performing the inspection shall immediately enter the receipt information via the MVIP system. The inspection fee (if no charge then indicate N/A), the cost of the repairs relating to the inspection and the complete vehicle identification number (VIN), tag number or car dealer name if a dealer tag is attached, mileage, year, make, and model must be filled out on the receipt. A circle to indicate which wheels were pulled to check the brakes, and an individual mark shall be made in each equipment block of the approval receipt that was pertinent to the inspection (straight or zig zag lines are not acceptable).~~

The inspection sticker is not valid unless the rear portion is completed with the vehicle make, year built, license plate number (dealer name if a dealer tag is displayed), body type, and the complete vehicle identification number (VIN). ~~The VIN should be entered using indelible ink. The inspection sticker shall be completed using black indelible ink.~~

B. Approval stickers and decals shall be issued according to the following schedule:

ANNUAL PROGRAM

- Vehicles inspected in January are issued stickers bearing the Number "1"
- Vehicles inspected in February are issued stickers bearing the Number "2"
- Vehicles inspected in March are issued stickers bearing the Number "3"
- Vehicles inspected in April are issued stickers bearing the Number "4"
- Vehicles inspected in May are issued stickers bearing the Number "5"
- Vehicles inspected in June are issued stickers bearing the Number "6"
- Vehicles inspected in July are issued stickers bearing the Number "7"
- Vehicles inspected in August are issued stickers bearing the Number "8"

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Vehicles inspected in September are issued stickers bearing the Number "9"

Vehicles inspected in October are issued stickers bearing the Number "10"

Vehicles inspected in November are issued stickers bearing the Number "11"

Vehicles inspected in December are issued stickers bearing the Number "12"

All February annual inspection stickers for trailer and motorcycle decals (#2) due to expire at midnight, February 28 automatically will be valid through midnight February 29 each leap year.

C. The numeral decal indicating the month of expiration shall be inserted in the box identified as month and the numeral decal indicating the year of expiration shall be inserted in the box identified as year of the approval sticker and the trailer or motorcycle ~~decal~~ sticker. Extreme care should be used by inspectors in applying these inserts. On all windshields, except school buses, the sticker is to be placed at the bottom of the windshield so that the inside or left edge of the sticker is one inch to the right of the vertical center of the windshield when looking through the windshield from inside the vehicle. (If the vehicle is normally operated from the right side, the sticker must be placed one inch to the left of the vertical center of the windshield.)

On passenger vehicles not equipped with a windshield, the sticker shall be placed on or under the dash and protected in some manner from the weather.

The approval sticker on official yellow school buses is to be placed at the bottom and in the right corner of the windshield when looking through the windshield from inside the vehicle.

EXCEPTIONS: The approval sticker shall be placed one inch to the right of the vertical center of the windshield when looking through the windshield from the inside on all new flat-face cowl yellow school buses. On vehicles equipped with heating and grid elements on the inside of the windshield, the sticker shall be placed one inch above the top of the grid element and the inside left edge of the sticker shall be one inch to the right of the vertical center when looking through the windshield from the inside.

Stickers or decals used by counties, cities and towns in lieu of license plates affixed adjacent to the old approval sticker and which are affixed in the location where the new approval sticker is required to be placed will not be removed. In these cases, the approval sticker will be placed as close to one inch to the right of the vertical center of the windshield as it can be placed without removing or overlapping the county, city or town decal.

D. The Code of Virginia requires that the inspection sticker be displayed on the windshield or at other designated places at all times. The inspection sticker cannot be transferred from one vehicle to another.

EXCEPTION: If the windshield in a vehicle is replaced, a valid sticker may be removed from the old windshield and placed on the new windshield.

E. The ~~decal~~ sticker issued to a motorcycle shall be affixed to the left side of the cycle where it will be most visible after mounting. The ~~decal~~ sticker may be placed on a plate on the left side where it will be most visible and securely fastened to the motorcycle for the purpose of displaying the ~~decal~~ sticker. The sticker may be placed horizontally or vertically.

F. Trailer ~~decals~~ stickers will be issued to all trailers and semitrailers required to be inspected. (No boat, utility, or travel trailer that is not equipped with brakes shall be required to be inspected.)

G. All inspected trailers must display a trailer ~~decal~~ sticker on that particular vehicle. These ~~decals~~ stickers are to be placed on the left side of the trailer near the front corner. The ~~decal~~ sticker must be affixed to the trailer body or frame. In those instances where a metal back container with a removable transparent cover has been permanently affixed to the trailer body, the ~~decal~~ sticker may be glued to it. The container must be permanently mounted in such a manner that the ~~decal~~ sticker must be destroyed to remove it.

H. In all other cases involving unusually designed trailers such as pole trailers, the safety inspector is to exercise his own good judgment in placing the ~~decal~~ sticker at a point where it will be as prominent as possible and visible for examination from the left side.

I. Motorcycles have a separate ~~decal~~ sticker that is orange and issued with the prefix M. Trailers have a separate ~~decal~~ sticker that is blue and issued with the prefix T. The trailer and motorcycle receipts are completed in the same manner as other inspection receipts.

J. Appointed stations will keep sufficient inspection supplies on hand to meet their needs. ~~Requests for additional supplies may be made to the Safety Division by telephone, in writing or via e-mail. Automated stations shall order all supplies shall be ordered via the MVIP system. Requests for supplies that are to be picked up at the Safety Division Headquarters must be made at least 24 hours prior to pick up. If email is used, the subject line should include the station number and station name. If written request is preferred or if there is a need to return inspection receipts to the Safety Division via United States Postal Service, then it shall be addressed to: Safety Division, Department of State Police, P.O. Box 85607, Richmond, VA 23285-5607.~~

1. ~~Do not make requests for stickers on inventory forms or slips of paper enclosed with returned supplies.~~

2. Packing slips mailed with inspection supplies will be kept on file at the station for at least 24 months.

K. All unused center inserts used to indicate the month that a sticker ~~or decal~~ expires, in possession of the inspection station at the end of each month, shall be retained by the inspection station, properly safeguarded, and used in the inspection of

vehicles for that particular month in the following year or be disposed of as directed by the Department of State Police.

All inspection supplies that are voided, damaged, disfigured or become unserviceable in any manner, will be returned to the Safety Division. New replacement supplies will be issued to the station. Expired stickers will be picked up by the station's supervising trooper.

~~L. The white receipts for all approval stickers including trailer/motorcycle stickers and pink copies for rejection stickers will be removed from the sticker books and placed in numerical order for submission to the Safety Division by the fifth of the month following the month of inspection. (Staples or tape are not to be used to secure these receipts.) All voided approval/rejection stickers and decals, along with the white and pink receipts, shall be marked void and returned to the Safety Division. The yellow receipt shall also be marked void and retained in the book. All voided approval/rejection stickers will be picked up by the station's supervising trooper.~~

M. The receipt for the approval sticker, to include MVIP system approval ~~and or~~ rejection printed ~~copies~~, receipt shall be given to the owner or operator of the vehicle.

N. All yellow receipt copies of approval stickers and decals will be retained in the books and shall be kept on file at the station for at least 24 months. They may be inspected by any law-enforcement officer during normal business hours.

O. Safety Division troopers may replace inspection stickers that have separated from the windshield of motor vehicles and become lost or damaged without conducting an inspection of the safety components of the vehicle. Such replacement of inspection stickers shall be made only in accordance with the following provisions:

1. A vehicle owner or operator complaining of the loss or damage to the inspection sticker on the windshield of their vehicle due to separation of the sticker from the windshield shall be directed to the nearest Safety Division Area Office or Safety Division trooper.
2. Safety Division troopers, upon receipt of a complaint from a vehicle owner or operator that their inspection sticker has been stolen, lost or become damaged due to separation from the windshield, will make arrangements to meet the person to effect the replacement of the sticker. A vehicle owner or operator alleging theft of the inspection sticker will furnish proof to the Safety Division trooper that such theft has been reported to the proper law-enforcement authority.
3. The vehicle owner or operator must produce the original safety inspection approval sticker receipt indicating a valid approval inspection sticker was issued to the vehicle within the past 11 months. (The vehicle must be reinspected if the expiration of the original inspection sticker is in the month the request is being made.)
4. The Safety Division trooper will verify by the inspection receipt that the vehicle was issued an approval inspection

sticker within the past 11 months and will then issue a replacement inspection sticker to the vehicle. If any obvious equipment defects are detected during the replacement process, the vehicle will not be issued a replacement approval sticker.

5. The Safety Division trooper will complete the inspection sticker receipt for the approval sticker from information contained on the original receipt. The date the replacement sticker is issued will be used in the date space. In the space for Inspection Related Charges, the trooper will insert the word "REPLACEMENT" and the sticker number from the original inspection receipt.

6. The Safety Division trooper will sign the receipt vertically in the O.K. column in the "Equipment Inspected" blocks. These blocks will not otherwise be completed.

7. The Safety Division trooper shall place month and year inserts on the inspection sticker to reflect the expiration as shown on the original approval inspection sticker and place the inspection sticker on the windshield in accordance with the requirements of subsection C of this section.

8. The Safety Division trooper will enter the replacement information into the MVIP system.

P. New vehicle safety inspections.

1. Section 46.2-1158.01 of the Code of Virginia allows an employee who customarily performs the inspection requirement of a manufacturer or distributor of new motor vehicles to place an inspection sticker furnished by the Department of State Police on the vehicle once it has met the requirements of that manufacturer or distributor. This employee does not have to be a certified safety inspector.

2. With the addition of other personnel using Department of State Police inspection supplies, a system shall be developed at each inspection station to afford accountability of all supplies. The system shall include proper safeguards to prevent the loss of supplies through carelessness, neglect, theft, or unauthorized use.

3. Inspection stations shall not mix annual state inspections with predelivery inspections (PDI) in the same book of inspection stickers.

4. All employees shall be reminded that anyone who performs inspections, whether it be for the annual inspection or the PDI inspection, is subject to criminal prosecution if inspection supplies are used illegally or used in some other unauthorized way.

5. Station management and licensed safety inspectors are subject to administrative sanctions for any misuse of inspection supplies.

6. The inspection receipts shall be completed as usual with the following exceptions: On the "inspector" line, the initials "PDI" (for predelivery inspection) and the printed employee's name performing the inspection shall be entered. On the "inspector's license number" line, the letters "N/A" shall be entered. In the equipment inspected

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section, the words "New Vehicle" shall be entered in the "adjust" column. The PDI employee performing the inspection shall sign his name in the "O.K." column.

## **19VAC30-70-60. Rejection stickers.**

A. Only one rejection sticker shall be issued to any one vehicle. A rejection sticker shall not be issued to any vehicle already bearing such a sticker or to one which bears evidence of previously being issued a rejection sticker. When a vehicle is bearing a valid or expired rejection sticker, it is not to be removed unless the vehicle meets all of the inspection requirements.

B. A vehicle rejected by one station may be reinspected by another station if the owner desires to have this done; however, that station shall perform a complete inspection of the vehicle.

C. Reinspection of a rejected vehicle by the same station during the 15-day validity of the rejection sticker need include only a check of the items previously found defective, unless there is an obvious equipment defect that would warrant further rejection of the vehicle. Such reinspection will not constitute a complete inspection and a \$1.00 fee may be charged. Furthermore, if a vehicle returns for reinspection within the 15-day period, the rejecting station will reinspect the vehicle without delay or at the reasonable conclusion of the current inspection being performed.

1. If additional defects are detected during reinspection of a vehicle previously rejected, the vehicle will not be issued an approval sticker.

2. No vehicle bearing a valid rejection sticker shall be entitled to receive more than two reinspections by the rejecting station during the validity period of the rejection sticker.

3. The validity period of the rejection sticker shall be 15 days in addition to the day of inspection.

4. Any vehicle that is presented for inspection at another inspection station after the 15-day validity period, if the vehicle was rejected for brakes, and the inspector cannot determine which wheels were checked, then all four wheels will be removed to ensure that all repairs or defects have been corrected.

D. If repairs are to be made to a rejected vehicle that would necessitate removing the vehicle from the inspection lane, no rejection sticker need be issued; however, the vehicle must be returned to an approved lane for a recheck of the rejected items and the application of the approval sticker.

E. If the vehicle does not meet all the requirements and the owner does not authorize immediate repairs, and if a rejection sticker has not already been issued, a rejection sticker shall be legibly filled out in its entirety with a black ball point pen. ~~Automated MVIP stations are required to have the~~ The certified safety inspector performing the inspection shall immediately enter the receipt information via the MVIP system. The complete vehicle identification number (VIN),

tag number or car dealer name if a dealer tag is attached, mileage, year, make, and model shall be included. A circle to indicate which wheels were pulled to check the brakes and an individual mark shall be placed in each equipment block of the rejection sticker that was pertinent to the rejection. In addition, information may be written on any blank area as to the exact nature of the rejection (i.e., front brakes vs. rear brakes). The date of issue shall be punched, and the sticker affixed to the same location as indicated in subsections C, E, and G of 19VAC30-70-50 ~~C, E, and G~~. (When affixed to a trailer or motorcycle, the face of the rejection sticker shall be attached to the trailer or motorcycle in order to allow the rejection data on the back side to be read.)

F. The operator of the rejected vehicle shall be informed of the following:

1. The rejection sticker is valid for 15 days in addition to the date of inspection.

2. The rejection sticker places no travel restriction on the operation of the vehicle and is issued in lieu of an approval sticker.

3. The vehicle operator is legally responsible for any defect if operated on the highway and may be subject to a traffic summons for any existing equipment violation.

G. Duplicate copies (pink) of rejection stickers shall be forwarded, in numerical order, to the Safety Division by the fifth of the month following the month of inspection. The yellow copy shall be retained, in numerical order, by the station for at least 24 months.

## **~~19VAC30-70-70. Inventory. (Repealed.)~~**

~~A. Each inspection station at the end of each quarter shall fill in the applicable portion of an Inspection Sticker Inventory Report (Form SP 221) in duplicate on approval stickers, trailer/motorcycle decals and rejection stickers used or unused. This report shall be completed by the fifth of April, July, October and January for the preceding quarter and shall be kept on file at the station.~~

~~NOTE: The submission of the quarterly inventory report does not apply to automated MVIP system users.~~

~~1. At the end of the quarter, the monthly totals will be combined into a quarterly total reflecting the total number of approval stickers, trailer/motorcycle decals, rejection stickers and voided stickers used during the quarter. All approval stickers, trailer/motorcycle decals and rejection stickers unused and on hand at the end of the quarter shall be listed in the space provided on the Inspection Sticker Inventory Report (Form SP 221).~~

~~2. The inventory report, after its completion, shall be retained at the inspection station until it is reviewed and picked up by the station's supervising trooper. The duplicate copy of the inventory report shall be retained by the station for at least 24 months.~~

~~B. The quarterly inventory reports shall be completed according to the following schedule:~~

Quarter of Year	Months of
1st	January, February, March
2nd	April, May, June
3rd	July, August, September
4th	October, November, December

Part III

Inspection Requirements for Passenger Vehicles and Vehicles Up to 10,000 Pounds (GVWR)

**19VAC30-70-80. Service brakes.**

A. The inspector, as a minimum, must drive all vehicles into the inspection lane and test both service and parking brakes.

B. A minimum of two wheels or two wheels and drums, one front and one rear, must be removed from each passenger and multipurpose vehicle with a gross vehicle weight rating of 10,000 pounds gross vehicle weight rating (GVWR) or less at the time of inspection, except those listed in subdivisions 1, 2, and 3 of this subsection. Two front wheels or two front wheels and drums must be removed from vehicles listed in subdivision 3 of this subsection.

1. Motorcycles.
2. A new model vehicle is defined as a vehicle that has not been titled or leased and is less than one year old, measured from October 1 as of each year; if such motor vehicle does not have a model year, such measurement shall be made from the date of manufacture.
3. Trucks with floating axles that require seal replacement upon removal of rear wheels. The inspection receipt (approval and rejection) shall be marked to reflect which wheels were pulled.

Warning: Lug nuts must be torqued to the manufacturer's specifications to prevent damage to disc rotors. The use of an impact wrench may exceed the manufacturer's specifications and damage disc rotors.

C. If any braking problem is detected, the inspector may test drive or require a test drive of the vehicle.

D. Inspect for and reject if:

1. Vehicle is not equipped with brakes or any brake has been disconnected, rendered inoperative, or improperly installed. Trailers having an actual gross weight of less than 3,000 pounds are not required to be equipped with brakes; however, if brakes are installed, these vehicles must be inspected.

Brake System Failure Indicator Lamp

2. Passenger vehicles manufactured after January 1, 1968, are not equipped with a red brake failure warning lamp or warning lamp does not light with parking brake applied when ignition key is turned to the start position, except for anti-lock system. The red brake failure warning lamp

should light when the ignition key is turned to the start position; on some imports it may be checked when the emergency brake is applied or other factory installed test button. (DO NOT reject if only the amber ABS/anti-lock brake lamp is on.) With the engine running and parking brake released, the red brake failure warning lamp should go off, except for vehicles equipped with anti-lock system. If so, apply service brake for 10 seconds and if the red brake failure warning lamp lights again the system is defective. Also, if the warning lamp light does not come on when there is a leak or the warning lamp light is not functioning properly, the system is defective and shall be rejected. NOTE: This paragraph does not apply to vehicles registered as street rods nor does it imply that the red brake failure warning lamp needs to light when the emergency brake is set. There are many vehicles that are not factory equipped with an emergency brake indicator light.

Brake Linings and Disc Pads

3. Riveted linings or disc pads are worn to less than 2/32 of an inch over the rivet head(s).
4. Bonded or molded linings or disc pads are worn to less than 2/32 of an inch in thickness.
5. Wire in wire-backed lining is visible in friction surface.
6. Snap-on brake linings are loose.
7. Any lining is broken or cracked so that the lining or parts of the lining are not firmly attached to the shoe or has cracks on the friction surface extending to the open edge.
8. Grease or other contamination is present on the linings, drums, or rotors.
9. Rivets in riveted linings are loose or missing.
10. Any lining or pad is misaligned or does not make full contact with the drum or rotor.

Brake Drums and Discs

11. Brake drums or brake discs (rotors) are worn or scored to the extent that their ~~remachining~~ machining would result in a failure to meet manufacturer's specifications. Use the specification stamped on the rotor or drum if available.

NOTE: A number of vehicles on the market are equipped with a lock nut to hold the rear brake drum in place. Manufacturers recommend replacement of these lock nuts after each removal to prevent failure of the component. If the customer is advised up front, then the wholesale cost of the replacement nut may be charged to the customer.

NOTE: The proper method to remove the rear brake assembly on the 2000 Ford Focus is to remove the four bolts from the opposite side of the assembly. Removal otherwise may damage the outside grease cap and incur a cost to replace.

12. Brake drums or discs have any external crack or cracks more than one half the width of the friction surface of the drum or disc. NOTE: Do not confuse short hairline heat cracks with flexural cracks.

# Regulations

## Mechanical Linkage

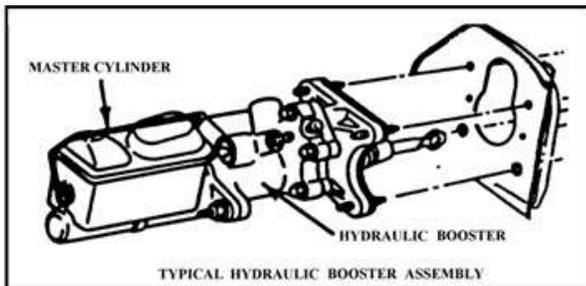
13. Cables are frayed or frozen.
14. Mechanical parts missing, broken, badly worn, or misaligned.

## E. Hydraulic.

NOTE: Some motor vehicles, beginning with 1976 models, have a hydraulic power system that serves both the power-assisted brakes and power-assisted steering system. Some vehicles, beginning with 1985 models, have an integrated hydraulic actuation and anti-lock brake unit using only brake fluid.

1. Brake hydraulic system. Inspector should check the brake hydraulic system in the following manner: test vehicle in a standing position; apply moderate pressure to the brake pedal for 10 seconds. Brake pedal height must be maintained. On vehicles equipped with power-assisted systems, the engine should be running.
2. Hydraulic system operation. Stop engine, then depress brake pedal several times to eliminate all pressure. Depress pedal with a light foot-force (30 pounds). While maintaining this force on the pedal, start engine and observe if pedal moves slightly when engine starts.

Reject vehicle if pedal does not move slightly as engine is started while force is on brake pedal.



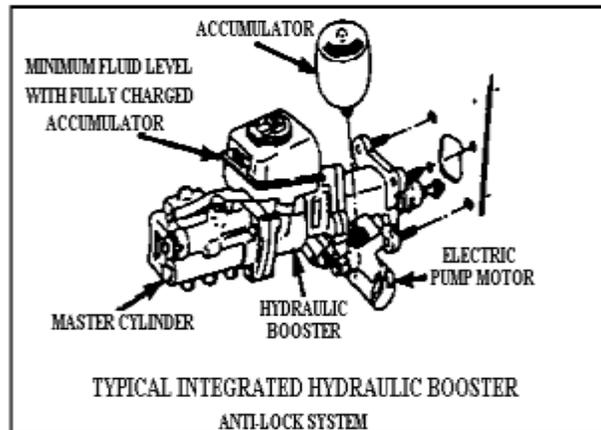
3. Condition of hydraulic booster power brake system. Inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; if there is any leakage of fluid at the pump, steering gear or brake booster, or any of the lines or hoses in the system; or if belts are frayed, cracked or excessively worn.

4. Integrated hydraulic booster/anti-lock system operation. With the ignition key in the off position, depress brake pedal a minimum of 25 times to deplete all residual stored pressure in the accumulator. Depress pedal with a light foot-force (25 pounds). Place ignition key in the on position and allow 60 seconds for the brake warning light to go out and the electric pump to shut off.

Reject vehicle if the brake pedal does not move down slightly as the pump builds pressure or if the brake and anti-lock warning lights remain on longer than 60 seconds.

NOTE: The inspection of the ABS light is only for an integrated system that is an earlier system. The newer system that has the nonintegrated systems does not need to be checked. If the ABS system malfunctions on the newer system, the brake systems are still functional.

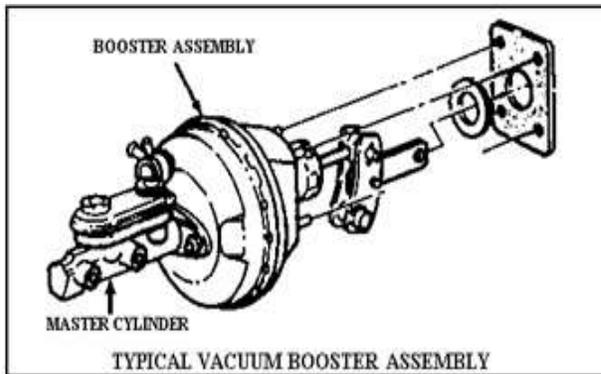


5. Condition of integrated hydraulic booster/anti-lock system with electronic pump. With the system fully charged, inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; or if there is any leakage of fluid at the pump or brake booster, or any of the lines or hoses in the system.

6. Vacuum system operation. Stop engine then depress brake pedal several times to eliminate all vacuum in the system. Depress pedal with a light foot-force (25 pounds). While maintaining this force on the pedal, start engine and observe if pedal moves down slightly when engine starts.

Reject vehicle if pedal does not move down slightly as engine is started while force is on the brake pedal. In full vacuum-equipped vehicles, there is insufficient vacuum reserve for one full service brake application after engine is stopped.



7. Condition of vacuum booster power brake system. Reject vehicle if there are collapsed, cracked, broken, badly chafed or improperly supported hoses and tubes, loose or broken hose clamps.

F. Inspect for and reject if:

General Specifications - Hydraulic Brakes

1. There is any leakage in the master cylinder, wheel cylinders, or brake calipers. When checking for leakage in rear wheel cylinders, do not disturb the dust boot.

NOTE: Do not reject for the common dust ball formed on wheel cylinders or for wetness that may have spread to the backing plate unless it has contaminated the linings or drums as specified in subdivision D 8 of this section. Consumers should be advised of this wear so that they will be aware that repair may be needed before their next inspection. This may not warrant an immediate repair considering the dual valve master cylinder.

2. Fluid level in master cylinder is below the proper level for the particular vehicle.

3. There is any evidence of a caliper sticking or binding.

Electric Brake System

4. Trailers show an amperage value more than 20% above or 30% below the brake manufacturer's maximum current rating for each brake.

5. Amp meter shows no reading or indicator is not steady on application and release of brake controller.

6. Any terminal connections are loose or dirty; wires are broken, frayed, or unsupported; any single conductor nonstranded wire or wires below the size recommended by the brake manufacturers are installed.

7. Electrical trailer brakes do not apply automatically when the breakaway safety switch is operated.

8. Breakaway braking devices are missing or inoperative; cable is frayed or broken.

General Specifications

8. ~~There is any leakage in any hydraulic, air, or vacuum lines; hoses have any cracks, crimps, restrictions, or are abraded exposing fabric; tubing or connections leak, are~~

~~crimped, restricted, cracked or broken; any valves leak or are inoperative.~~

~~Reject the vehicle if the brake hoses or tubing are stretched or extended and do not allow for suspension movement.~~

~~Brake tubing and hoses must:~~

~~a. Be long and flexible enough to accommodate without damage all normal motions of the parts to which it is attached;~~

~~b. Be secured against chaffing, kinking, or other mechanical damage; and~~

~~c. Be installed in a manner that prevents it from contacting the vehicle's exhaust system or any other source of high temperatures.~~

~~9. Brakes are not equalized so as to stop the vehicle on a straight line.~~

~~10. There is less than 1/5 reserve in actuator travel of the service brake when fully applied on all hydraulic, mechanical, or power assisted hydraulic braking systems.~~

~~11. When tested on dry, hard, approximately level road free from loose material, at a speed of 20 miles per hour without leaving a 12-foot wide lane, results in excess of the following distances are obtained: (When in doubt about a vehicle's stopping ability, the inspector shall conduct a road test.)~~

~~a. Any motor vehicle (except motorcycles, trucks, and tractor trucks with semitrailers attached) four wheel brakes—25 feet.~~

~~b. Any motor vehicle (except motorcycles, trucks, and tractor trucks with semitrailers attached) two wheel brakes—45 feet.~~

~~c. All combinations of vehicles—40 feet.~~

9. Absence of braking action on any wheel required to have brakes.

10. There is any leakage in any hydraulic, air, or vacuum lines; hoses have any cracks, crimps, or restrictions or are abraded, exposing inner fabric; tubing or connections leak or are crimped, restricted, cracked, or broken; or any valves leak or are inoperative.

a. Reject the vehicle if the brake hoses or tubing are stretched or extended and do not allow for suspension movement.

b. Brake tubing and hoses must be:

(1) Long and flexible enough to accommodate without damage all normal motions of the parts to which they are attached;

(2) Secured against chaffing, kinking, or other mechanical damage; and

(3) Installed in a manner that prevents them from contacting the vehicle's exhaust system or any other source of high temperatures.

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11. Any hydraulic brake tubing has been repaired using a compression fitting.

12. Brakes are not equalized so as to stop the vehicle on a straight line.

13. There is less than 1/5 reserve in actuator travel of the service brake when fully applied on all hydraulic, mechanical, or power-assisted hydraulic braking systems.

14. When tested on dry, hard, approximately level road free from loose material, at a speed of 20 miles per hour without leaving a 12-foot wide lane, results in excess of the following distances are obtained:

(When in doubt about a vehicle's stopping ability, the inspector shall conduct a road test.)

a. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) four wheel brakes - 25 feet.

b. Any motor vehicle (except motorcycles, trucks, and tractor-trucks with semitrailers attached) two wheel brakes - 45 feet.

c. All combinations of vehicles - 40 feet.

## **19VAC30-70-90. Brakes: emergency, parking, or holding; batteries.**

A. Some vehicles are equipped with an actual emergency brake, while others have only a parking or holding brake. Some types may be actuated by a foot or hand lever, while others may incorporate a switch or valve to actuate the brake. Air and vacuum brake systems may employ spring activating parking brakes.

B. Inspect for and reject if:

1. Vehicle or combination of vehicles is not equipped with a parking, holding, or emergency brake in good working order of the type installed as original standard factory equipment for the vehicle on which it is installed.

2. The parking brake actuating mechanism does not fully release when the control is operated to the off position or if the parking brake lamp light remains on.

NOTE: The light does not apply to vehicles that are not equipped with a parking (emergency) brake indicator light.

3. Any mechanical parts are missing, broken, badly worn, or are inoperative.

4. Cables are stretched, worn, or frayed or not operating freely.

5. Grease or other contamination is present on the linings, drums, or rotors.

6. Parking brake will not hold the vehicle stationary with the engine running at slightly accelerated speed with shift lever in drive position for automatic transmission or shift lever in low gear with clutch engaged for standard shift transmission.

7. Holding brake will not disengage when engine is started and vehicle is placed in drive. Holding brake will not hold

vehicle stationary with foot on holding brake and vehicle in drive.

8. On vehicles equipped with automatic transmissions, the vehicle will start in any gear other than (P) park and (N) neutral. If the gearshift indicator does not identify the park (P) and neutral (N) positions, then the vehicle shall be rejected.

9. On vehicles equipped with manual transmissions, the vehicle will start in any gear if the clutch is not depressed or disengaged.

NOTE: This will not apply to older model vehicles, which were not originally equipped with a neutral-safety switch, clutch disengagement system or clutch pedal position sensor by the manufacturer.

10. The accelerator does not disengage after being depressed, allowing the engine to return to a normal idle speed.

~~11. Any battery is not attached to a fixed part of the motor vehicle and protected by a removable cover or enclosure if the battery is installed in a location other than the engine compartment. This includes all brackets, hardware, bolts, and bushings used for securely mounting the battery to the vehicle.~~

~~a. Removable covers or enclosures shall be substantial and shall be securely latched or fastened.~~

~~b. The battery compartment shall have openings to provide ample battery ventilation and drainage.~~

~~c. Whenever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulating bushing.~~

~~d. Whenever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.~~

C. Battery mounting and storage. Inspect for and reject if:

1. A battery is not securely attached to a fixed part of the motor vehicle or trailer. A battery is not protected by a removable cover or enclosure if the battery is installed in a location other than the engine compartment.

2. All brackets, hardware, bolts, and bushings used for securely mounting the battery to the vehicle are not present.

3. Removable covers or enclosures are not substantial and are not securely latched or fastened.

4. The battery compartment does not have openings to provide ample battery ventilation and drainage.

5. Whenever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulating bushing.

6. Whenever a battery and a fuel tank are both placed under the driver's seat, (i) the battery and fuel tank are not partitioned from each other or (ii) each compartment is not provided with an independent cover, ventilation, and drainage.

**19VAC30-70-100. Brakes: trailer (GVWR less than 10,000 pounds).**

Inspect for and reject if:

1. Trailer brakes do not comply with 19VAC30-70-80 and 19VAC30-70-90.
2. Operator does not have full control over brakes. For the purpose of this subdivision, surge brakes are considered to be in control of the operator.
3. ~~All~~ Breakaway braking devices are missing or inoperative or cable is frayed or broken, or trailers, manufactured or assembled after January 1, 1964, having an actual gross weight of 3,000 pounds or more are not equipped with emergency breakaway brakes designed to:
  - a. Apply automatically upon breakaway from towing vehicle.
  - b. Remain fully applied for at least 15 minutes.
  - c. Apply and release by operation of the manual emergency control.
4. A minimum of one wheel must be removed from each axle equipped with brakes to inspect the brake components.

NOTE: Trailers having an actual gross weight of 3,000 pounds or more, but with a manufacturer's gross weight rating of less than 10,000 pounds, need not be equipped with brakes on all wheels.

- a. Exception: Wheels on trailers equipped with open brake mechanisms are not required to be removed.
- b. The inspection receipt approval and rejection shall be marked to reflect ~~on~~ which ~~side—the~~ wheel, drum, or ~~wheels were pulled~~ dust cover was removed or inspected.

**19VAC30-70-110. Steering and suspension.**

A. The steering and suspension systems installed and utilized on motor vehicles have evolved to where many different suspension systems are being designed, developed, and employed on vehicles. To properly inspect the steering and suspension on vehicles, it may be necessary for the inspection to be made in accordance with manufacturer's recommended procedures in addition to meeting any requirements outlined in this regulation.

B. Inspect for and reject if:

1. Any modification has been made that affects normal functioning of the shock absorbers. The inspector should operate the vehicle when in doubt. (If there is no evidence of the convolutions (coils) of the spring hitting one another, one pair (two) of nonmetallic coil spring stabilizers may be present in each of a vehicle's front coil

springs, provided the installation of the stabilizers does not cause the springs to be higher than their original height.)

Shock absorbers in fully extended or compressed positions when the vehicle is stationary will not function normally.

2. The front end suspension has been modified by the use of lift blocks. (A lift block is defined as any solid piece of wood, metal, or other material placed between and separating the vehicle's front axle and the springs.) This does not prohibit the use of shims that may be necessary to correct front end alignment.
3. Any modification has been made to the front end suspension which reduces turning radius, bypasses safety components of original steering mechanism or if there is any lateral movement between the axle and frame.
4. Any modification has been made to the suspension to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision.

Reject the vehicle if it has been modified by any means so as to raise its body more than three inches above the manufacturer's attachment points or the frame rail (exclude original manufacturer's spacers, washers or bushings when measuring).

5. Any modification has been made to cause the wheels to come in contact with the body or frame under normal operating conditions.
6. A motor vehicle has a repair kit or preventive maintenance kit installed on a tie rod end, idler arm, ball joint, or any other part of the vehicle's steering gear.

NOTE: The repair kit or preventive maintenance kit usually consists of a small coil spring and a plastic cap that is placed over the bolt stud of the component and held in place by a retaining nut. There is nothing in this paragraph that prohibits the replacement of parts or components of a motor vehicle's steering gear in order to correct deficiencies in the steering gear.

7. When checked visually, the wheels appear to be out of line or an axle is bent.
8. Any vehicle that shimmies or wanders at normal operating speeds.
9. Rack and pinion steering bellows (boot) is defective or missing. Do not inspect CV boots, CV joints, or universal joints on rear wheel drive vehicles.

NOTE: CV boots on the vehicle shall not be rejected if the CV boots are defective or missing.

10. Power steering is defective and affects adequate steering of the vehicle or power steering fluid in reservoir is below operating level, or if there is an obvious leak of power steering fluid. Do not reject for dampness.

NOTE: If the vehicle is equipped with power steering, the engine must be running during testing.

# Regulations

11. Power steering hoses have any cracks, crimps, or restrictions or are abraded, exposing inner fabric; tubing or connections leak or are crimped, restricted, cracked, or broken. Power steering tubing and hoses must be secured against chaffing, kinking, or other mechanical damage and be installed in a manner that prevents contact with the vehicle's exhaust system or any other source of high temperatures.

12. Power steering belt does not have sufficient tension, is frayed, or missing. The serpentine belt should only be rejected if a chunk of the ribbing is missing or a deep cut or crack exposes the inner fabric of the belt. (Do not reject for the many little surface cracks that appear in the ribs or back.)

13. Any modification has been made to any part of the steering or suspension system that affects proper steering or suspension or any part of the original suspension system has been disconnected.

NOTE: "All thread rod material" shall not be used as U-bolts in the suspension system.

Vehicles registered as street rods may substitute any part of the original suspension system provided the components are installed in accordance with the component manufacturers' specifications.

14. Any modification or replacement has been made to the steering wheel that affects proper steering. The steering wheel shall be rejected if the outside diameter is less than 13 inches unless original factory equipment.

15. Steering column has any absence or looseness of bolts or positioning parts, resulting in motion of the steering column from its normal position.

16. A spring is broken, sagging or misaligned, shackles are worn or loose, or if air bags are collapsed or the air suspension system leaks or is deflated.

CAUTION: Underneath inspection of a vehicle equipped with air suspension with excessive leak down could result in serious personal injury.

~~16. Vehicles designed for shock absorbers or cross stabilizer links if any are disconnected or, broken, bent, loose, or do not function properly on vehicles with this design.~~

17. Shock absorbers or cross stabilizer links if any are disconnected or, broken, bent, loose, or do not function properly on vehicles with this design.

18. Any front or rear axle or suspension positioning parts are cracked, broken, loose, worn, bent or missing, resulting in shifting of an axle from the normal position. Any control arm or suspension positioning part using bushings for control, support and normal functioning is deteriorated, damaged or missing.

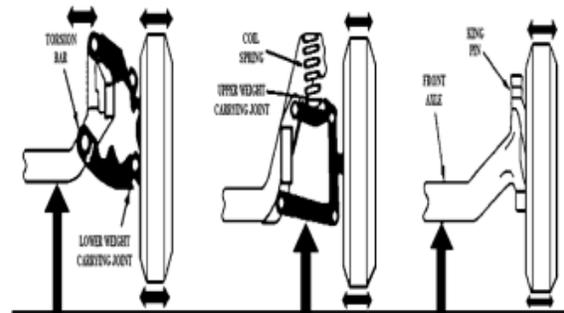
NOTE: All rear suspension parts including but not limited to control arms (upper and lower ball joints, radius or torque arms, stabilizer bars, and trailing arms) shall not have any damage or noticeable play when checked with hand pressure.

19. A MacPherson strut installed on a motor vehicle is broken, bent, loose or does not function properly.

NOTE: Do not reject a shock absorber or MacPherson strut unless there is evidence of leakage that causes the device not to function properly.

20. If vehicles measured movement at top or bottom of tire is greater than:

Wheel Size:	less than 17 inches -	1/4 inch
	17 to 18 inches -	3/8 inch
	over 18 inches -	1/2 inch



Proper lifting for wheel bearing, steering linkage looseness, and king pin play action

FIGURE A      FIGURE B      FIGURE C

NOTE: King pin play. If vehicle is equipped with king pins, first eliminate all wheel bearing movement by applying service brake. With front end lifted as illustrated for inspecting wheel bearings (Figure C), grasp the tire at the top and bottom and attempt to move it in and out to detect looseness. Measure the movement at the top or bottom of the tire at the outer circumference.

## C. Wheel bearing/steering linkage.

Reject vehicle if any wheel bearing is excessively worn or not properly adjusted; any cotter key or other locking device is missing or inoperative.

NOTE: Lifting techniques vary for measuring wheel bearing movement. On vehicles with coil spring or torsion bar on lower support arm - hoist at frame (Figure A). On vehicles with coil spring on upper support arm - hoist at lower support arm (Figure B). On front wheel drive vehicles, the inspector must consult manufacturer's lifting information.

NOTE: With vehicle lifted properly, grasp tire at top and bottom, rock in and out and record movement. Wheel bearing looseness is detected by the relative movement between the brake drum or disc and the braking plate or splash shield.

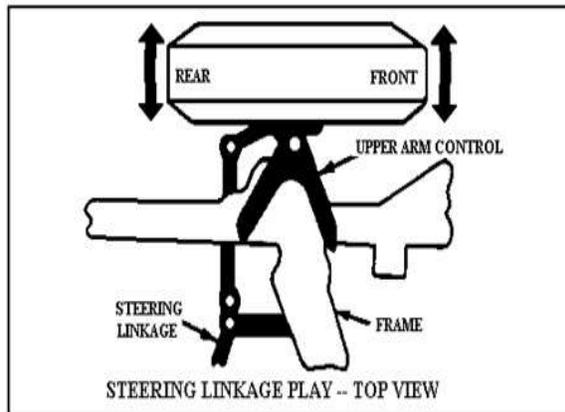
CAUTION: If air suspension vehicles are hoisted via body support area, air spring damage may occur if the air

suspension switch is not turned off. Reject vehicle if relative movement between drum and backing plate (disc and splash shield) is more than 1/8 inch measured at the outer circumference of the tire.

#### D. Steering linkage play.

1. Reject vehicle if measured movement at front or rear of tire is greater than:

Wheel Size:	16 inches or less -	1/4 inch (6.5mm)
	17 to 18 inches -	3/8 inch (9.5mm)
	over 18 inches -	1/2 inch (13mm)



NOTE: First eliminate all wheel-bearing movement by applying service brake. With vehicle lifted as shown in the diagram and wheels in straight-ahead position, grasp front and rear of tire and attempt to move assembly right and left without moving the steering gear.

2. Reject vehicle if the steering mechanism is unusually tight or binding when turning the steering wheel completely to the left or right or the steering mechanism will not turn in both directions stop to stop.

3. Reject vehicle if the steering stops have been removed or adjusted in so that steering radius is reduced.

E. Steering lash/travel. Reject vehicle if inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point, mechanical linkage and/or if steering gear box has any loose or missing bolts, or excessive wear, and/or looseness is found at any other location in the steering that adversely affects the steering of the vehicle.

NOTE: For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and belt condition must be adequate before testing.

With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on the steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can again be detected

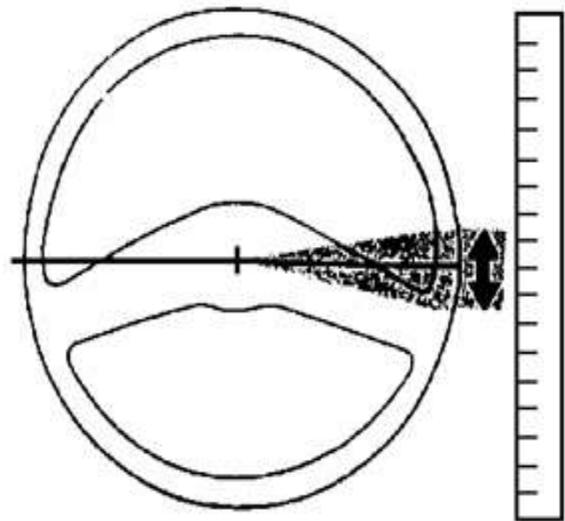
at the front road wheel (see diagram). Measure lash at steering wheel. Special lash-checking instruments may be used to measure free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. Reject vehicle if steering wheel movement exceeds:

Power - 2 inches

Manual - 3 inches

Rack & Pinion - (Power or Manual) - 0.4 inch - see note

NOTE: No play is permissible for Volkswagen and Audi vehicles - consult respective manufacturer's specifications.



STEERING LASH

#### F. Steering lash/travel; trucks.

NOTE: Before inspection, the vehicle must be placed on a smooth, dry, level surface. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and belt condition must be adequate before testing. With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can be detected at the front road wheel. Measure lash at steering wheel. Special lash-checking instruments are also available, measuring free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. With vehicle raised, visually inspect steering linkage, ball studs, tie rod end socket assemblies and all pivot points.

NOTE: On vehicles with power steering, engine must be running.

Reject vehicle if steering wheel movement exceeds:

Steering Wheel Size and Lash

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Steering wheel diameter	Power steering system	Manual steering system
16 inches or less	2 inches (51 mm)	4-1/4 inches (108 mm)
18 inches	2-1/4 inches (57 mm)	4-3/4 inches (121 mm)
19 inches	2-3/8 inches (60 mm)	5 inches (127 mm)
20 inches	2-1/2 inches (64 mm)	5-1/4 inches (133 mm)
21 inches	2-5/8 inches (67 mm)	5-1/2 inches (140 mm)
22 inches	2-3/4 inches (70 mm)	5-3/4 inches (146 mm)

G. Ball joint wear (front and rear). There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints. Many vehicles on the road, however, do not have wear-indicating ball joints. The inspection of both types will be discussed. With the broadening use of rear suspension ball joints, their inspection shall be made in accordance with manufacturer's recommended procedures. Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking most ball joints. On late model vehicles, it may be necessary to check for both horizontal and vertical movement. Figures 1, 2, 3 and 4 illustrate the proper hoisting for checking ball joints.

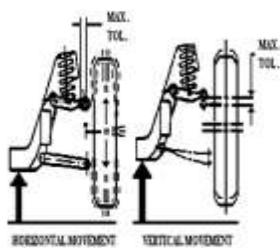


FIGURE 1

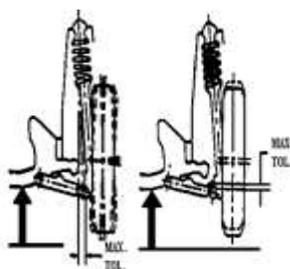


FIGURE 2



FIGURE 3

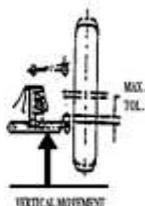


FIGURE 4

SPRING OR TORSION BAR ON LOWER CONTROL ARM  
RAISING POSITIONS FOR SUSPENSION SYSTEMS

NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

NOTE: To check ball joint wear on vehicles not listed in above referred to section and diagram or tables when the spring is supported on the lower control arm; and to check the king pin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

H. Ball joints without wear indicators (front and rear).

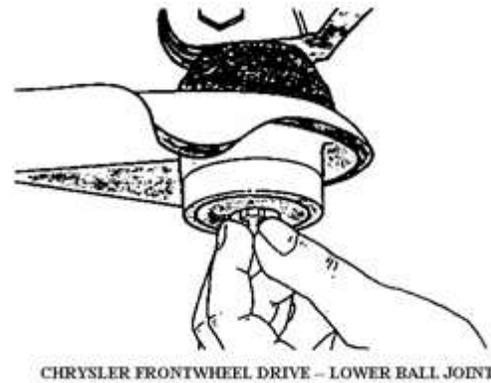
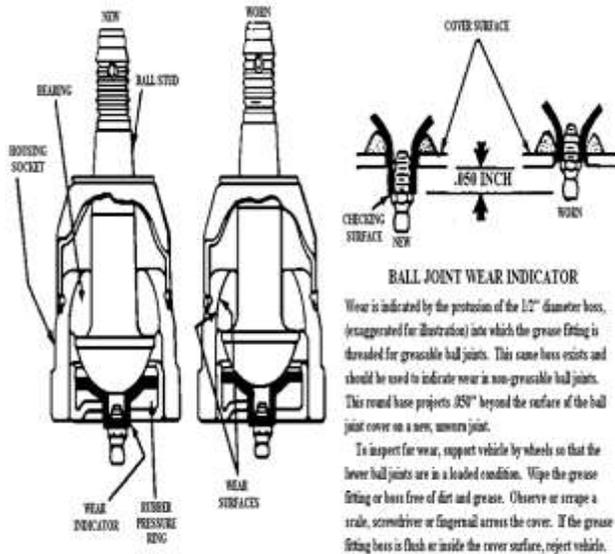
1. If play is detected in any ball joint without "wear-indicating" ball joints, it will be necessary for the inspection to be made in accordance with the manufacturer's recommended procedures and specifications prior to rejecting the vehicle.

2. If there are no manufacturer's recommended procedures and specifications, the lower ball joints will be checked when hoisted as in Figures 1 or 2 of subsection G of this section, or in the upper ball joints when hoisted as in Figures 3 or 4 of subsection G of this section. There should be no noticeable play detected in the ball joints when checked in this manner.

3. Reject vehicle if play exceeds the manufacturer's specifications. Inspectors shall use a dial indicator or ball joint checking gauge when checking for play of a ball joint, when procedures and specifications are provided by the manufacturer.

I. Ball joints with wear indicators. Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.

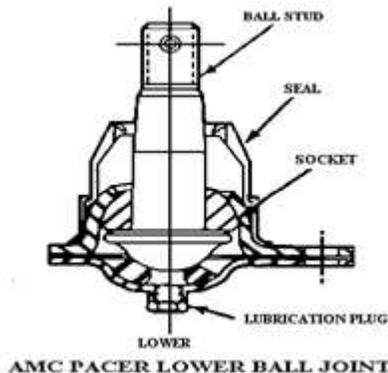


**19VAC30-70-120. Frame, engine mounts, coupling devices and emergency chains.**

Inspect for and reject if:

J. American Motors Pacer (only). Position vehicle on level surface. Remove lubrication plug from lower ball joint. Check lower ball joint clearance by inserting stiff wire or thin rod into lubrication plug hole until it contacts ball stud. Accurately mark rod with knife or scribe where it aligned with outer edge of plug hole. Distance from ball stud to outer edge of plug hole is ball joint clearance. Measure distance from mark to end of rod. (Anything less than 7/16 inch is acceptable.)

Reject vehicle if distance measured is 7/16 inch or more.



K. Chrysler front-wheel drive vehicles (lower only). With the weight of the vehicle resting on the road wheels, grasp the grease fitting as shown below and attempt to move fitting. No mechanical assistance or added force is necessary.

Reject vehicle if grease fitting shows any movement.

1. Frame or unitized body of any motor vehicle, trailer or semitrailer is broken, cracked, bent or damaged at any location, including any welded joint and/or is rusted or corroded to the point the frame is weakened as to constitute a hazard during the operation of the vehicle.
2. Engine or transmission mounts and hardware is broken or missing. This includes all hardware bolts and bushings used for mounting to the vehicle's frame, engine, or transmission. Any engine or transmission mount should shall be rejected if they allow the power train to come in contact with the firewall or other body parts. Cab mounts shall be rejected if they do not properly secure the body to the frame.
3. Trailer hitch or pintle hook is not securely attached. Reject if the pintle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.
4. Chains, cables, etc., used to attach a towed vehicle are not securely attached or are broken, worn or abraded.
5. Fifth wheel does not lock in position or have a locking mechanism in proper working order.
6. Fifth wheel assembly system has any leak of fluid or air.
7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame.
8. Trailer king pin is not secure, or is broken or worn so as to prevent secure fit in fifth wheel.
9. Any movement is detected at any location where any device has been placed between the body and the chassis.
10. Trailer is not equipped with an emergency chain or steel cable.

NOTE: Fifth wheel assembly system does not require an emergency chain or cable. A fifth wheel is defined as a device which interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, king pin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket

# Regulations

connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require an emergency chain or steel cable.

## 19VAC30-70-130. Tires; wheels; rims.

Inspect for and reject if:

1. Any tire is marked specifically for use other than on the highway such as "For Farm Use Only," ~~or~~ "For Off-Highway Use Only," ~~or~~ "For Mobile Home Use Only," or "For Trailer Use Only."

2. A radial tire is mismatched on the same axle with a bias ply tire or a bias belted tire.

3. Bias ply or bias belted tires are used on the rear axle when radial ply tires are used on the front axle.

EXCEPTION: On a two-axle vehicle equipped with truck tires with 20-inch rim diameter and larger, bias or radial tires may be used on either axle if the vehicle has dual rear wheels or is equipped with wide-base single tires.

4. A vehicle has installed on any axle a space saver emergency spare tire that is intended for temporary use.

5. Any motor vehicle, trailer or semitrailer, except the dual wheels installed on motor vehicles having seats for more than seven passengers (i) operated wholly within a municipality or (ii) operated by urban and suburban bus lines, which are defined as bus lines operating over regularly scheduled routes and the majority of whose passengers use the buses for traveling a distance not exceeding 40 miles, measured one way, on the same day between their place of abode and their place of work, shopping areas, or schools, is equipped with a tire that has a tread depth measuring less than  $\frac{2}{32}$  of an inch when measured as follows:

NOTE: The exemptions provided in (i) and (ii) of this paragraph do not apply to buses owned or operated by any public school district, private school or contract operator of buses.

NOTE: Measure in two adjacent tread grooves where tread is thinnest. Refer to Figure 1. If either of the grooves measure  $\frac{2}{32}$  of an inch or more, no further measurements are necessary and tread depth is satisfactory. Do not take measurements from the tread wear indicators.

6. If both adjacent grooves measure less than  $\frac{2}{32}$  of an inch, the tire tread depth must be measured again at two additional equally spaced intervals around the circumference of the tire in a like manner as the first measurement. Refer to Figure 1. If the tread depth is less than  $\frac{2}{32}$  of an inch in two adjacent tread grooves at each of the equally spaced intervals, the tire must be rejected.

MEASURE WHERE THE TREAD IS THINNEST IN TWO ADJACENT TREAD GROOVES

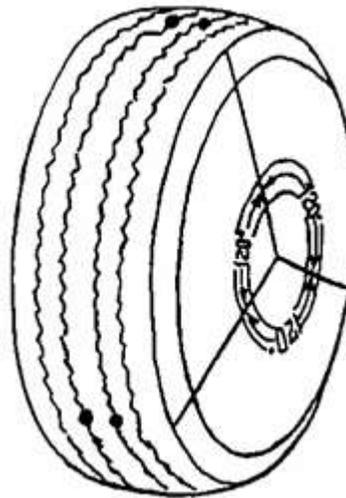


FIGURE 1

IF THE DEPTH IS LESS THAN  $\frac{2}{32}$ -INCH IN BOTH GROOVES, MEASURE AT TWO ADDITIONAL EQUALLY SPACED INTERVALS

7. A tire equipped with tread wear indicators if found to have such indicators in contact with the pavement in any two adjacent grooves at three equally spaced intervals around the circumference of the tire. Refer to Figure 2.

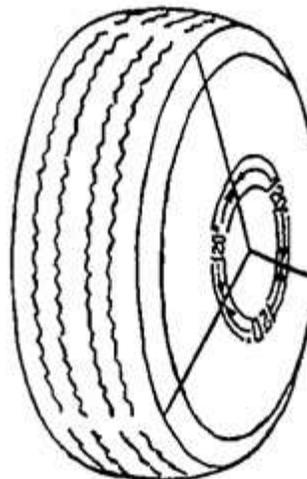


FIGURE 2

REJECT IF THE TREAD WEAR INDICATORS ARE IN CONTACT WITH THE PAVEMENT IN ANY TWO ADJACENT GROOVES AT THREE EQUALLY SPACED LOCATIONS

8. Any tire has a cut or puncture into the fabric. This does not include a plug or patch that may be used as a manner of repair.

NOTE: Plugs/patches shall be in the tread area only. Plugs/patches are not permitted in the sidewall of the tire.

9. Any tire is worn so that the fabric or steel cord is visible.

10. Any tire has knots or bulges in its sidewalls or if there is evidence of a broken belt under the tread, or if the tread is separating from the fabric. Any cracks in the sidewall where separation in the rubber is detected or the fabric is exposed, not to include fine hairline cracks.

11. Any tire that has been recut or regrooved except commercial tires so designed and constructed to provide for acceptable and safe recutting and regrooving. (Regrooved tires must be identified on each sidewall as a regrooved tire.)

12. Any wheel studs, bolts, nuts ~~or~~, lugs, or other fasteners (both spoke and disc wheels) are loose, broken, cracked, stripped, missing or, damaged, or otherwise ineffective.

13. Wheels are installed on the vehicle in a reversed position, except the wheels on vehicles that are reversed to perform part of a dual wheel combination.

14. Directional tires and/or wheels designed and manufactured to travel in one direction of rotation are not properly installed.

15. Rims or wheels are bent, cracked, or damaged so as to affect safe operation of the vehicle. Reject if lug nut holes are elongated (out of round).

NOTE: Refer to subdivision 1 of 19VAC30-70-180 (Clearance lamps and reflectors) for tires that exceed more than four inches from the body.

## **19VAC30-70-140. Headlamps; except motorcycles.**

A. Inspect for and reject if:

1. Any motor vehicle is not equipped with headlamps of an approved type. The headlamps must be marked with the headlamp manufacturer's name or trademark, and DOT. If the headlamp bulbs are replaceable, the headlamp lens must be marked with the headlamp light source type (bulb) for which it was designed and the bulb must match the lens code.

2. Headlights are not of the same approved type (Halogen, HID, etc.) except sealed beam headlamps. At least two headlamps are required.

3. In any headlamp the lens is cracked, broken, discolored, or rotated away from the proper position, or the reflector is not clean and bright.

4. Moisture or water buildup in headlamp is such that it affects the aiming pattern.

5. Headlamps omit light other than white. Light tints of color may be acceptable if the headlamp and headlamp bulbs are marked as required.

6. Bulbs are not of an approved type and marked with all of the following: light source type, the manufacturer's name or trade mark, and DOT.

NOTE:

- Approved headlamp bulbs: HB1, HB2, HB3, HB3A, HB4, HB4A, HB5, H1, H3, H7, H8, H8B, H9, H9B, H11, H11B, H11C, H13, H13C, H15, HIR1, HIR2.

- Approved headlamp bulbs that require ballast: 9500, D1R, D1S, D2R, D2S, D3R, D3S, D4R, D4S, D5S, D7S, D8S.

- Approved headlamp ballasts must be marked with the light source type (bulb) and DOT. The bulb type marked on the ballast must match the marking on the headlamp lens.

7. Any filament or bulb in headlamps fails to burn properly or headlamps are not at the same location or configuration as designed by manufacturer. (Location and type of headlamps can be found in subsection F of this section.)

8. Wiring is dangling or connections are loose; or if proper filaments do not burn at different switch positions; or if switches, including foot or hand dimmer, do not function properly and are not convenient to the driver.

9. Foreign material is placed on or in front of the headlamp lens or interferes with the beam from the lamp. No glazing may be placed over or in front of the headlamps unless it is a part of an approved headlamp assembly.

a. Reject if vehicle has wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of the headlamps.

b. Vehicles registered as street rods may have clear, rigid plastic or glass headlamp lens covers in front of sealed beam units to replace original manufacturer's equipment.

e- EXCEPTION: A clean impact film known as Headlight Savers produced by Grand Prix Motoring Accessories may be applied to the headlight lens to absorb impact of rocks, etc.

10. Lamps can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by the mounting.

11. Headlamps, auxiliary driving lamps and front fog lamps are not mounted so that the beams are aimable and the mounting does not prevent the aim of the lighting device from being disturbed while the vehicle is operating on public roads. All lamps shall be securely mounted on a rigid part of the vehicle.

12. A headlamp visor is over two inches long unless part of the original body design.

13. The high beam indicator in the driver's compartment does not burn when the high beam is on or does not go off when the low beam is on. (Vehicles not originally

# Regulations

equipped with an indicator are not required to comply unless sealed beam headlamps have been installed.)

## B. Aiming the headlamps.

1. Headlamps shall be checked for proper aim by using an optical headlamp aimer on every motor vehicle inspected, except vehicles with on-board aimers.

Headlamp aim on vehicles with on-board aimers shall be checked by visually examining the leveling device mounted either on or adjacent to the headlamp. Reject the vehicle if the leveling device shows the headlamp adjustment to exceed indicated specifications.

NOTE: Driving lamp and fog lamps must be aimed using the optical aimer, according to instructions in 19VAC30-70-160 I 10 i and 11 g (2).

2. Headlamps are not aimed within the following tolerances using the optical aimer.

a. The center of the hot spot of all single element high beam lamps is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

b. The left edge of the lamp pattern of any low beam lamp or any combination or multi-element lamp is more than four inches to the left or right of the vertical centerline or the top edge of the lamp pattern is more than four inches above or below the horizontal centerline when checked on low beam.

## C. Optical aimer.

1. Approved optical headlamp machines shall be used to properly aim all headlamps, except vehicles with on-board aimers. Optical aimers must be properly calibrated and used in the manner recommended by the manufacturer.

The optical headlamp machine must be aligned to the vehicle in accordance with the manufacturer's specifications.

2. When aiming headlamps, first look for the type of lamp, which will be found embossed on the lens. The type determines which aiming requirements must be followed for the optical aimer.

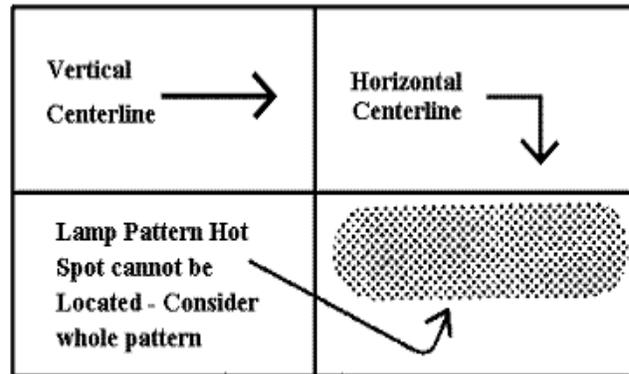
3. All low beam or combination/multi-element headlamps must be set by aiming the lamp pattern with the lamps set on low beam.

NOTE: If attempting to align a composite or sealed beam lamp with a high and low beam within the same housing, align only the low beam. If aligning a four-lamp system with high and low beams in separate housings, it may be necessary to cover the low beam while aligning the high beam, if all four lamps are on at the same time.

4. Pattern should be aimed so that the left edge does not extend to the left or right of straight ahead, and the top of the pattern should be even with the horizontal.

Pattern "A" represents the light pattern as it should appear on the view screen of the approved aimer when checking

the low-beam pattern on a single element headlamp or a combination multi-element headlamp.



**PATTERN A - COMBINATION MULTI-ELEMENT OR LOW BEAM LAMP**

5. All VOL and VOR headlamps will be aimed as follows:

To properly aim a combination multi-element or low-beam VOL or VOR headlamp assembly, the headlamp pattern should be aimed on low beam only.

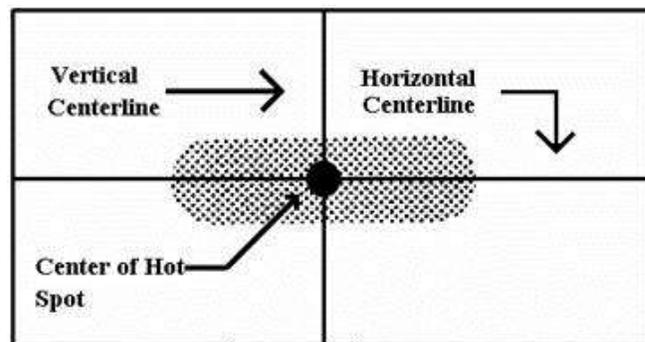
Letters marked on the headlamp cover should properly identify VOL and VOR headlamps.

NOTE: VOL and VOR headlamps will normally have only one adjustment, which will be for the vertical aim only. The horizontal aim should be disregarded, as the horizontal aim is preset at the factory.

6. All single element high beam headlamps shall be set by aiming the center of the hot spot with the lamps set on high beam.

7. Aim straight ahead-center of the hot spot should be centered with the vertical and horizontal centerlines.

Pattern "B" represents the light pattern as it should appear on the view screen of the approved aimers.



**PATTERN B - SINGLE ELEMENT HIGH BEAM LAMP**

8. When lamp pairs are mounted horizontally, the low beam lamp must be on the outer side and when mounted

vertically, the low beam lamp must be at the higher position in the pair.

9. The four headlamp system must be wired so that only the lower beam lamp will burn when the light beams are depressed. When switched to high beams, both high beam and low beam may burn.

The "F" type halogen headlamp 1986 (LF-UF) of the four headlamp system will function in the following manner: system must be used so the low beam does not burn with the high beam.

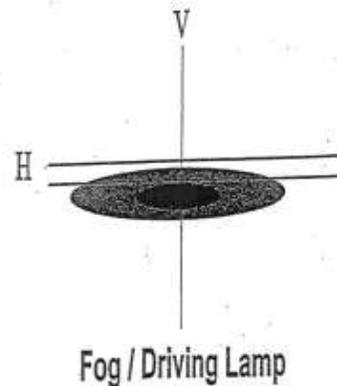
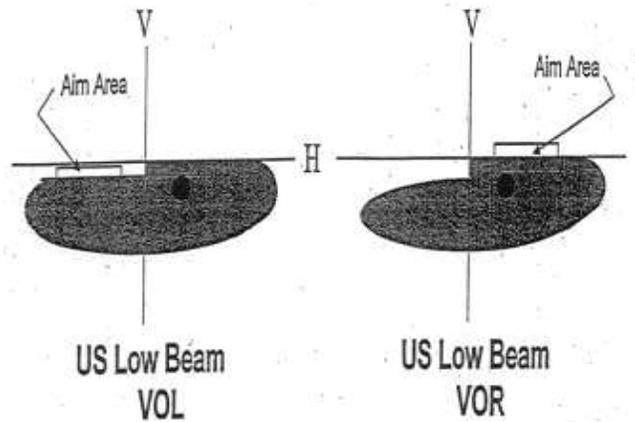
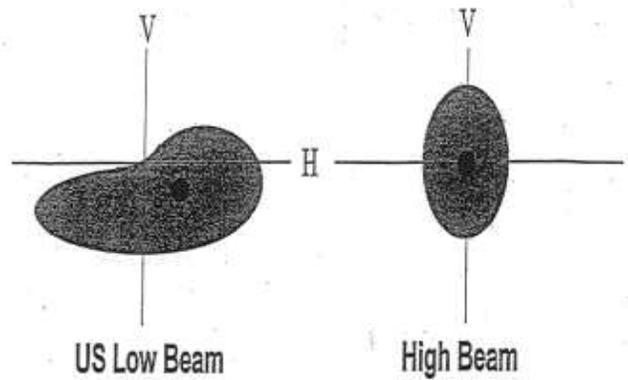
D. Headlamps on vehicles used for snow removal. Approved auxiliary headlamps may be mounted above the conventional headlamps. (These lamps must be in compliance with this section in its entirety, subdivision 7 of 19VAC30-70-150, and subdivision 1 of 19VAC30-70-170.)

E. Inspect for and reject if:

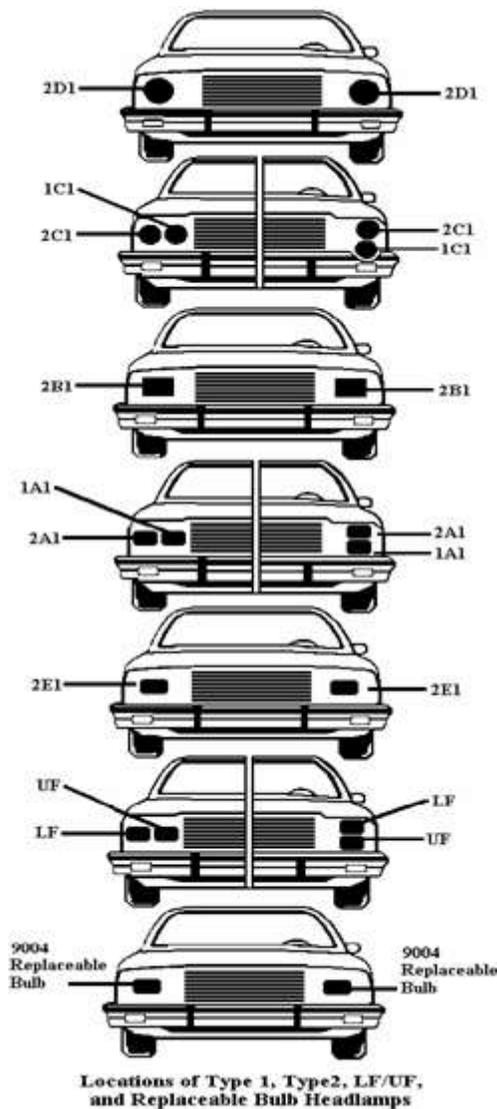
1. Lamps are not an approved type as previously indicated in section A 6.
2. Lamps are not mounted in a manner that will permit proper aiming.
3. Lamps are mounted so as to obstruct the driver's vision.
4. The auxiliary headlamp circuit does not contain a switch that will deactivate the primary headlamp system when the auxiliary headlamps are in use.
5. Auxiliary headlamps are not aimed in accordance with the provisions of subdivision B 2 of this section.
6. Headlamps are not wired in accordance with the provisions of subdivision C 8 of this section.

NOTE: Light patterns shown in the following diagram will be displayed on the most recently approved light machines produced by Hopkins and Symtech Corporations.

HEADLAMP PATTERNS



# Regulations



NOTE: Always inspect the following sealed beam and replaceable bulb and integral beam headlamps on LOW BEAM only:

- 5-3/4 inch, marked 2, 2C, or 2C1
- 7 inch, marked 2, 2D, or 2D1
- 100 X 165mm rectangular, marked 2A, 2A1, or 2E1, 2G1 or 2H1
- 200 X 142mm rectangular, marked 2B or 2B1
- Replaceable bulb headlamp, marked LF with 9004 (HB1)
- 92 X 160mm rectangular, marked LF
- Replaceable bulb headlamps with 9006 (HB4) alone or in combination with 9005 (HB3)
- 55 X 135mm rectangular, marked L
- Integral beam headlamp when high and low beam reflectors move together.

## 19VAC30-70-150. Rear lamps: tail lamp; license plate lamps; and rear lamp combinations.

Inspect for and reject if:

1. Vehicle is not equipped with a rear (tail lamp) or rear lamp combination of an approved type or light assembly does not work as designed by the manufacturer. The approval designation letters that must appear are DOT or SAE-A-I-S-T-P for single lamps, DOT or SAE-A-I-S-T-P-R with a backup light, DOT or SAE-A-I-S-T-P-P2-R with a wrap around side-marker lamp and backup light.
2. The vehicle is equipped with more than one rear lamp, if all are not in operating condition.
3. The vehicle is not equipped with a license plate lamp of an approved type (DOT or SAE-L) that emits a white light. The license plate lamp may be a separate lamp or part of a combination rear lamp.
4. License plate is not illuminated by an approved license plate lamp that ~~admits~~ emits a white light.
5. Lens on rear lamps, or lens area in combination rear lamps (tail lamps) are not red or contain a dot of another color. LED ~~light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

NOTE: Replacement tail lamps, commonly sold as "clear" tail lamps or "Euro-Tail" lamps will not pass inspection if the red lamps are replaced with clear ones.

6. Lens has piece broken from it or does not fit properly. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. NOTE: Taping or gluing cracks or pieces is not permitted.

7. Filament in all rear (tail) lamps does not burn when headlamp switch is turned on to any position, or if lamps do not provide a red light visible to the rear through an approved red lens as annotated in subdivision 1 of this section. If it is a rear lamp combination incorporated with a wrap around side-marker light, then the side-marker lens must be red and not a clear lens with a red bulb. If the bulb, socket and wiring are removed from the side-marker lamps, then they will not be considered during the inspection.

8. Rear (tail) lamp is not mounted near extreme rear of vehicle. Dump trucks and other specially constructed vehicles may mount the rear lamp at a point other than on the extreme rear, provided such rear lamp is clearly visible from the rear, and further provided that a red reflector of an approved type is mounted on the extreme rear. In unusual cases, the rear lamp may be mounted on the cab. Reject if the lamp is hidden by a bolster or other part of the body or frame, is not mounted securely, or if the lamp does not make a good electrical contact.

9. The vehicle has wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of rear lamps, license plate lamps and rear lamp combinations.

10. Wiring or electrical connections are defective or filaments do not burn.

NOTE: Every trailer shall carry at the rear two red tail lights of a type approved by the superintendent.

**19VAC30-70-160. Auxiliary lamps: backup; cornering; driving; fog; spot and warning.**

A. Auxiliary lamps on a vehicle consist of seven general types: backup lamps (SAE-R), cornering lamps (SAE-K), driving lamps (SAE-Y), front fog lamps with an amber or clear lens (SAE-F and rear fog lamps with red lens (SAE-F2), spot lamps (SAE-O), warning lamps (SAE-W, W2, W3), and daytime running lamps (DRLs) (SAE-Y2).

B. School buses may be equipped with an eight-lamp warning system of two red and two amber warning lamps of an approved type (SAE-W2) on the front and rear of such vehicle.

1. School buses may also be equipped with roof-mounted flashing white or amber warning lamps of an approved type (SAE-W2).

2. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign which meets FMVSS specifications (Federal Motor Vehicle Safety Standards, 49 CFR Part 571). The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

C. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type (SAE-R).

D. No more than four lamps, including two headlamps, may be lighted at any time to provide general illumination ahead of the vehicle.

E. Approved type (DOT or SAE-W) blue or blue and red lights are permitted on Department of Corrections vehicles designated by the Director of the Department of Corrections and any law-enforcement vehicle.

1. Approved type secondary warning lights installed only on the four corners, on law-enforcement vehicles, Department of Corrections, fire apparatus, government-owned vehicle operated on official business by a local fire chief or other local fire official, rescue squad vehicle, ambulance, or any other emergency medical vehicles. These lights shall also have primary warning lights installed.

2. The hide-away or undercover strobe lights shall be installed in the side marker lights, tail lights or parking lights. The strobe itself must be clear and the lens color must continue to be the same type and color as originally

approved. It will not be permissible to install the hide-away lights in the headlights or in the backup lights.

3. Approved type (SAE-W) red warning lights or red and white lights showing to the front are permitted on fire department vehicles, including publicly-owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, local department of emergency management, animal warden vehicles, school buses and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, the Tultex Corporation, the Winchester Medical Center, or the National Aeronautics and Space Administration's Wallops Flight Facility.

4. No more than two flashing or steady-burning red lights or red and white combination lights of an approved type (SAE-W) may be installed on one vehicle owned by any member of a fire department, volunteer fire company or volunteer rescue squad, any ambulance driver employed by a privately-owned ambulance service, and any police chaplain.

F. Vehicles mentioned in subsection E of this section permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of a fire department, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately-owned ambulance service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both.

2. The headlamp system includes a switch or device which prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

3. Emergency vehicles in Chesapeake, Poquoson, and York County may be equipped with flashing headlights that will function whenever their warning lights are activated.

G. Any fire-fighting vehicle, ambulance, rescue or life-saving vehicle, Virginia Department of Transportation vehicle, or tow truck may be equipped with clear auxiliary lamps which shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government-owned police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

H. Approved type (SAE-W) amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the state waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used

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# Regulations

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for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type (SAE-W) amber flashing, blinking or alternating lights are permitted on fire apparatus, government-owned vehicles operated on official business by a local fire chief or other local fire official, rescue squad vehicles, ambulances, and any other emergency medical vehicles to be equipped with alternating blinking or flashing red, or red and white secondary lights mounted inside the vehicle's tail lights or marker lights.

2. Approved type (SAE-W) amber flashing, blinking or alternating lights are permitted on vehicles owned and used by municipal safety officers in the performance of their official duties, businesses providing security services and vehicles used to collect and deliver the United States mail, vehicles used by law-enforcement personnel in the enforcement of laws governing motor vehicle parking, government-owned law-enforcement vehicles provided the lights are used for giving directional warning and vehicles used to provide escort for funeral processions.

3. Approved type (SAE-W) amber flashing, blinking or alternating lights are permitted on vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track.

4. An approved type (SAE-W) amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the back-up lights and audible alarm.

5. An approved type (SAE-W) green warning light is permitted on vehicles used by police, fire-fighting, or rescue personnel as command centers at the scene of incidents. Such lights shall not be activated while the vehicle is operating upon the highway.

## I. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than for which it was approved.

EXCEPTION: Any lighting device that is both covered and not illuminated, other than lamps required, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlamps must be checked for aim as outlined in subdivisions I 10 i and 11 g of this section if not covered.

NOTE: The covers shall be a type that would be installed as original equipment and not tape, paper bags, aluminum foil or similar materials per subdivision I 11 g (2).

2. A vehicle has installed on it a warning lamp (DOT or SAE-W) that is not of an approved type or has been altered.

Reject if the vehicle has wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of any auxiliary lamps: backup, cornering, driving, fog, spot, or warning lamps.

3. Motor vehicles may be equipped with more than two fog or auxiliary lights; however, only two of these types of lights can be illuminated at any time. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered in inspection.)

5. Vehicle is equipped with a lighted advertising sign, except commercial motor vehicles, buses operated as public carriers, taxicabs, and privately-owned passenger cars used for home delivery of commercially prepared food. Commercial motor vehicles, buses operated as public carriers, and taxicabs may be equipped with vacant and destination signs and one steady burning white light for the nighttime illumination of external advertising. Privately-owned passenger cars used for home delivery of commercially prepared food may be equipped with one steady burning white light for the nighttime illumination of a sign identifying the business delivering the food. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted.

8. Backup lamps are not required. However, if installed they must operate and be inspected.

## Inspect for and reject if:

a. Lamps are not of an approved type (DOT or SAE-R) or a lamp has been altered;

b. Wiring or electrical connections are defective or filaments do not burn;

c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted;

d. Lens is other than clear. LED ~~light emitting~~ (light-emitting diode) lights with a clear lens are acceptable; if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning;

e. Lamps are not wired into the reverse gear ~~or~~. Vehicles manufactured without backup lamps may be wired into an independent circuit.

9. Cornering lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- a. Lamps are not of an approved type (DOT or SAE-K) or a lamp has been altered;
- b. Wiring or electrical connections are defective or filaments do not burn;
- c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted;
- d. The color of the light is other than clear or amber;
- e. The lamps do not burn in conjunction with the turn signals.

10. Driving lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- a. Driving lamps are installed on vehicles equipped with the four-headlamp system, except the "F" type headlamp system;
- b. A vehicle is equipped with more than two driving lamps;
- c. Driving lamps are not of an approved type or have been altered;
- d. The color of the lamp is other than white;
- e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted;
- f. Wiring or electrical connections are defective;
- g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration;
- h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated;
- i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp;

NOTE: Driving lamps must be aimed using the optical headlight aimer. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

11. Fog lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

a. A vehicle may be equipped with more than two fog lamps; however, not more than two fog lamps can be illuminated at any time;

b. Lamps are not of an approved type (DOT or SAE-F on front or F2 on rear plus two-digit year and manufacturer) or a lamp has been altered;

c. The lens is other than clear or amber. Fog lamps may have black-end bulbs or small metal caps over the end of the bulb;

d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted;

e. Wiring or electrical connections are defective or filaments do not burn;

f. Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly;

g. Lamps are not wired and aimed according to the following instructions:

(1) Fog lamps are general illumination lamps as covered in subsection A of this section. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp system, or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

(2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

12. Spot lamps are not required; however, if installed they must operate and be inspected.

Inspect for and reject if:

- a. Vehicle is equipped with more than two spot lamps;
- b. Lamps are not of an approved type (DOT or SAE-O) or a lamp has been altered;
- c. The lens in any spot lamp is other than clear;
- d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted;
- e. Wiring or electrical connections are defective or filaments do not burn.

13. Daytime Running Lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

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# Regulations

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NOTE: DRLs may or may not be wired into the tail light circuit.

Inspect for and reject if:

- a. Any lamp, except headlamps, used as DRLs if not an approved type (SAE-Y2) and is not marked "DRL";
- b. Fog lamps or parking lamps are used as DRLs;
- c. More than one pair of lamps is used and/or designated as DRLs;
- d. A DRL is mounted higher than 34 inches measured to the center of the lamp;
- e. The color is other than white to amber;
- f. DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

## 19VAC30-70-170. Parking lamps.

A. Parking lamps are not required; however, if installed they must operate and be inspected. Parking lamps may burn in conjunction with the headlamps.

B. Inspect for and reject if:

1. Lamps are not of an approved type (DOT or SAE-P) or a lamp has been altered;

NOTE: The clear lens lights between the headlamps and the red lens lights between tail lamps on various vehicles are approved parking lamps and must work if not rendered inoperative by removing the bulb, socket and wiring from each individual lamp.

2. Parking lamps have other than white or amber lenses showing to the front. If the lens is clear, then the bulb shall be amber;
3. Parking lamps do not burn with the rear lamps;
4. If lens has a piece broken from it. Lens may have one or more cracks provided no off-color light projects through the crack or cracks. Taping or gluing cracks or pieces is not permitted.
5. Reject if the vehicle has unapproved lens or plastic covers, any other materials which are not original equipment or any colored material placed on or in front of the parking lamps;
6. Wiring or electrical connections are defective or filaments do not burn.
7. LED ~~light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

## 19VAC30-70-180. Clearance lamps, side marker lamps, and reflectors.

Inspect for and reject if:

1. Any motor vehicle, trailer, semitrailer or other vehicle is not equipped with clearance lamps if the vehicle is over seven feet wide or if any portion extends four inches or more outside the front fender line.

NOTE: See 19VAC30-70-550 for vehicles exceeding 10,000 GVWR.

When a motor vehicle with a trailer attached is presented, the combination may be considered as one unit in meeting this requirement. If presented separately, the individual unit must meet these requirements.

2. Lamps (DOT or SAE-P2, P3, PC, or PC2) or reflectors (DOT or SAE-A or B) are not of an approved type or a lamp has been altered.

Reject if the vehicle has wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of lamps or reflectors.

3. Lenses on lamps on the front are not amber and lenses on lamps on the rear are not red or if a lens has a piece broken from it. A lens may have one or more cracks provided an off-color light does not project through the crack or cracks. Taping or gluing cracks or pieces is not permitted.

NOTE: LED ~~light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

4. Wiring or electrical connections are defective, all filaments do not burn.
5. Two amber lamps are not mounted on the front and two red lamps on the rear, so as to indicate the extreme width of the body, and as high on the permanent body as practical, except that approved 180 degree lamps with yellow or amber lens may be mounted on the side of the vehicle at or as near the front as possible, or if the front is not the widest portion, the lamps may be installed on the side and as near that point as possible. And with the further exception that 180 degree lamps with red lens may be mounted on the side of the vehicle at or as near the rear as possible or if the rear is not the widest portion of the vehicle, the lamps may be installed on the side as near that point as possible.
6. Any vehicle equipped with three red identification lamps with the lamp centers spaced not less than six inches or more than 12 inches apart and installed as close as practicable to the top of the vehicle and as close as practicable to the vertical centerline of the vehicle may have the rear clearance lamps required by subdivision 5 of

this section, mounted at any height but indicate as nearly as practicable the extreme width of the vehicle.

NOTE: Other specially constructed vehicles may be equipped with the required clearance lamps not mounted on the extreme rear, provided such red lamps are clearly visible from the rear and provided further that two red reflectors of an approved type are mounted on the extreme rear. In unusual cases the rear lamp may be mounted on the cab and another red reflex reflector placed on the extreme rear.

NOTE: In addition to the required clearance lamps showing to the front and to the rear, a vehicle may be equipped with side marker lamps on the side of the vehicle. When such an installation is used, all of the clearance lamps on the side except the one at or near the rear must have an amber lens. The side marker lamps on the side at or near the rear must have a red lens.

7. Any vehicle covered by subdivision 1 of this section, except school buses, is not equipped with amber reflectors on the sides as near the front as practical, and red reflectors on the rear. The reflectors must be at least 15 inches and not more than 60 inches from the ground. No reflector can have a piece broken from its reflective surface, but may have one or more cracks. Taping or gluing cracks or pieces is not permitted.

8. Any combination of vehicles whose actual length exceeds 35 feet if the vehicles are not wide enough to require clearance lights, if the vehicle is not equipped with reflex reflectors of a type approved by the ~~superintendent~~ superintendent and mounted on the widest part of the towed vehicle so as to be visible from the front and sides of the vehicle. No reflector can have a piece broken from its reflective surface, but may have one or more cracks. Taping or gluing cracks or pieces is not permitted.

9. Any passenger vehicle is equipped with clearance lamps, unless such lamps are used to mark the extreme width of the vehicle or used as taxicab identification, or used as supplemental turn signals. (See 19VAC30-70-190 B.)

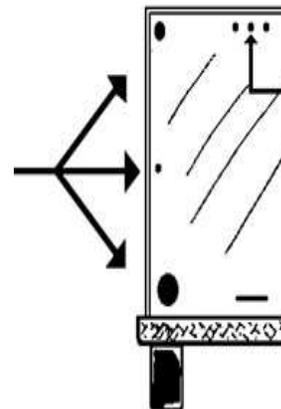
10. Vehicles so constructed as to make compliance with the requirements of subdivisions 1, 5, 7, 9, and 10 of this section impractical will be equipped with clearance lamps and reflectors at the most practical location to provide maximum visibility.

11. Any vehicle is not equipped with two front side marker lights (amber) and two rear side marker lights (red).

12. Any vehicle is not equipped with two front side reflectors (amber), two rear side reflectors (red), and two reflectors mounted on the rear (red).

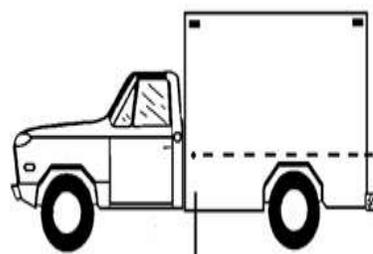


If equipped with three red identification lamps, the required clearance lamps may be mounted at any height so long as they indicate, as nearly as practicable, the extreme width of the vehicle.



NOTE: Must be equipped with three red identification lamps

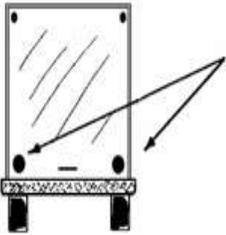
ILLUSTRATIONS FOR PROPER INSTALLATION OF REFLECTORS



At least 15 inches and not more than 60 inches from the ground.

Amber Reflector

# Regulations



Red Reflectors: At least 15 inches and not more than 60 inches from the ground.

## 19VAC30-70-190. Signal device (intention to stop or turn), hazard lights, stop lamp.

A. Any motor vehicle may be equipped with a switch that will permit all turn signal lamps to flash simultaneously.

B. Supplemental turn signals, properly wired into the turn signal circuit, may be installed. These may be either approved type turn signals or clearance lamps.

C. Single face lamps are permissible on the front, except tractor units shall be equipped with two-faced lamps mounted on the front fenders or on or near the front of the vehicle.

D. Inspect for and reject if:

1. Motor vehicle, or trailer, except an antique vehicle not originally equipped with a stop lamp, is not equipped with at least one stop lamp of an approved type (DOT or SAE-S) that automatically exhibits a red or amber light to the rear when the brake pedal is actuated;

2. Every passenger car manufactured for the 1986 or subsequent model year and multipurpose passenger vehicle, truck, or bus whose overall width is less than 80 inches, manufactured September 1, 1993, and subsequent model year is not equipped with a supplemental center high mount stop lamp of an approved type (DOT or SAE-U, U1 or U2) mounted at the vertical centerline of the vehicle which functions only in cooperation with the vehicle's stop lamps, brake lights and hazard lights. Any other vehicle on which a supplemental center high mount stop lamp is mounted shall have the lamp mounted at the vertical center line of the vehicle. The lamps shall be of an approved type and shall function only in conjunction with the stop lamps. The high mount stop lamp must be steady burning and not wired to flash with turn signals or other wig-wag device.

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use.

NOTE: Camper shells or rear spoilers that obscure the original manufacturer's high mount stop lamp must be equipped with a center high mount stop lamp ~~must be~~ in good working order.

NOTE: The original manufacturer's center high mount stop lamp will not be considered for inspection if it is obscured by a camper shell or rear spoiler that is equipped with a center high mount stop lamp of an approved type.

NOTE: Multipurpose passenger vehicles with an overall width of 80 or more inches or GVWR of 10,000 pounds or more are not required to be equipped with a center high mount stop lamp;

NOTE: No sticker or other foreign material shall be affixed to the vehicle in such a manner so as to obscure the center high mount stop lamp;

3. Proper signals do not go on with each throw of the switch or if stop signals do not go on with slightest pressure on the brake pedal. Turn signals may flash, however stop signals may not flash except when the vehicle is equipped with a brake warning system or device which will cause the brake lights to flash when the vehicle is in motion but committed to an emergency or panic stop;

4. Motor vehicle was manufactured after January 1, 1955, and is not equipped with approved signaling devices (SAE-I);

5. Vehicle is not equipped with a turn signal if such signal is not working properly or does not continue to function in the same manner as when it was originally manufactured. (The turn signal switch shall lock in place when positioned for a left turn or a right turn, and the turn signal indicators must function. Do not reject a vehicle if the self-cancelling mechanism in the switch does not function when the steering wheel is rotated.);

6. Switch is not convenient to the driver and not of an approved type;

7. Any vehicle so constructed so as to prevent the operator from making a hand and arm signal, if such vehicle is not equipped with an approved type signaling device;

8. Turn signal lens is not clear or amber to the front, or red or amber to the rear. Lens or bulb color has been altered or modified. If the turn signal lens is clear, then the bulb shall be amber.

NOTE: The pink color lens found on 1998 and 1999 Honda Accords emit the proper color light (amber) when the lamp is activated. There may be other manufacturers using the same configuration and are not in violation of the Federal Motor Vehicle Safety Standards;

9. Wiring or electrical connections are defective or filaments do not burn.

NOTE: LED ~~light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning;

10. Lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project

through the ~~crack(s)~~ cracks. **NOTE:** Tapping or gluing cracks or pieces is not permitted.

11. The hazard warning signal operating unit does not operate independently of the ignition or equivalent switch and when activated cause all turn signals to flash simultaneously.

**NOTE:** They are deemed not to be installed if none of the lights burn or flash when the switch is activated and the hazard warning signal flasher unit has been removed.

12. Device is not mounted near the rear for rear signals or near the front for front signals (except supplemental turn signals) or if the signal is hidden by a bolster or other part of body chassis.

13. All "Class A" signals are not mounted at least three feet apart. (This does not apply to the combination rear signal device.) However, signal lamps that are mounted as far apart as practical inside and at the rear of the frame so as to be properly visible will meet inspection requirements.

14. Any vehicle has wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of the signal device (intention to stop or turn), hazard lights or stop lamp.

#### **19VAC30-70-200. Permissible lighting equipment.**

A. Any vehicle may be equipped with:

1. Running board or courtesy lamps, of not over six candlepower.
2. Vacant or destination signs, if a taxicab or bus.
3. Identification lamps of approved type (SAE -P2 or P-3).
4. Interior lights, of not more than 15 candlepower.

Exception: This does not apply to alternating, blinking or flashing colored emergency lights mounted inside law-enforcement vehicles or flashing shielded red or red and white lights, mounted inside vehicles owned by members of volunteer fire companies, volunteer rescue squads or owned or used by professional firefighters, or police chaplains. Also, this does not apply to fire-fighting vehicles equipped with map lights.

5. Hood ornament light if of an approved type or permitted by the superintendent.
6. Any approved lamp in good working order when used for the purpose for which it was approved.

B. Side marker lamps are not required. If installed they must operate and be inspected. If the bulb, socket and wiring are removed from an individual lamp unit, the unit will not be considered during inspection. This does not include wraparound tail/marker lamp assembly/lens, which is intended to perform multiple functions.

C. Inspect for and reject if:

1. Lamps are not of an approved type (DOT or SAE-P2 or P3), or do not comply with subdivision 1 of this section;

2. Lamps are not installed on the permanent structure of the vehicle with one as far to the rear and one as far forward as practicable and at a location which is not less than 15 inches above the road surface when measured from the center of the lamp;

3. Lamps installed on the side to the rear do not have a red approved lens (SAE-P2). Lamps installed on the side of the front do not have a clear or amber approved lens (SAE-P2) so as to project an amber light. If the approved lens on the front side is clear, then the bulb shall be a DOT-approved amber bulb;

4. Lens has a piece broken from it. The lens may have one or more cracks provided no off-color light projects through the crack(s);

5. Any vehicle has wire, unapproved lens or plastic covers, any other materials which are not original equipment or any colored material placed on or in front of permissible lighting equipment;

6. Wiring or electrical connections are defective or filaments do not burn.

7. LED ~~light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

#### **19VAC30-70-210. Glass and glazing.**

A. Motor vehicles may be inspected without windshields, side glasses, or any kind of glazing, except that any motor vehicle other than a motorcycle that was manufactured, assembled, or reconstructed after July 1, 1970, must be equipped with a windshield. If glass or other glazing is installed, it must be inspected. If no windshield is installed, see 19VAC30-70-50 C for location of the sticker.

B. Inspect for and reject if:

1. Any motor vehicle manufactured or assembled after January 1, 1936, or any bus, taxicab or school bus manufactured or assembled after January 1, 1935, is not equipped throughout with safety glass, or other safety glazing material. (This requirement includes slide-in campers used on pickups or trucks, caps, or covers used on pickup trucks, motor homes, and vans.)

2. Any safety glass or glazing used in a motor vehicle is not of an approved type and properly identified (refer to approved equipment section). (Replacement safety glass installed in any part of a vehicle other than the windshield need not bear a trademark or name, provided the glass consists of two or more sheets of glass separated by a glazing material, and provided the glass is cut from a piece of approved safety glass, and provided the edge of the glass can be observed.)

**NOTE:** A number of 1998 and 1999 model year Ford Contour/Mystique, Econoline and Ranger vehicles were produced without the AS-1 windshield marking as required

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by FMVSS #205. Ford has certified that these vehicles' windshields meet all performance standards and will not be rejected.

3. Any glass at any location where glass is used is cracked or broken so that it is likely to cut or injure a person in the vehicle.

4. Windshield has any cloudiness more than three inches above the bottom, one inch inward from the outer borders, one inch down from the top, or one inch inward from the center strip. The bottom of the windshield shall be defined as the point where the top of the dash contacts the windshield.

5. Any distortion or obstruction that interferes with a driver's vision; any alteration that has been made to a vehicle that obstructs the driver's clear view through the windshield. This may include but is not limited to large objects hanging from the inside mirror, CB radios or tachometers on the dash, hood scoops and other ornamentation on or in front of the hood that is not transparent.

a. Any hood scoop installed on any motor vehicle manufactured for the year 1990 or earlier model year cannot exceed 2-1/4 inches high at its highest point measured from the junction of the dashboard and the windshield.

b. Any hood scoop installed on any motor vehicle manufactured for the 1991 or subsequent model year cannot exceed 1-1/8 inches high at its highest point measured from the junction of the dashboard and the windshield.

6. Windshield glass, on the driver's side, has any scratch more than 1/4 inch in width and six inches long within the area covered by the windshield wiper blade, excluding the three inches above the bottom of the windshield. A windshield wiper that remains parked within the driver's side windshield wiper area shall be rejected.

EXCEPTION: Do not reject safety grooves designed to clean wiper blades if the grooves do not extend upward from the bottom of the windshield more than six inches at the highest point.

7. There is a pit, chip, or star crack larger than 1-1/2 inches in diameter at any location in the windshield above the three-inch line at the bottom.

8. At any location in the windshield above the three-inch line at the bottom (as measured from the junction of the dash board and the windshield) there is more than one crack from the same point if at least one of the cracks is more than 1-1/2 inches in length. There is any crack that weakens the windshield so that one piece may be moved in relation to the other. (If there is more than one crack running from a star crack that extends above the three-inch line, the windshield shall be rejected.)

EXCEPTION: Windshield repair is a viable option to windshield replacement. A windshield that has been repaired will pass inspection unless:

a. It is likely to cut or injure a person.

b. There is any distortion that interferes with a driver's vision.

c. The windshield remains weakened so that one piece may be moved in relation to the other.

d. The integrity of the windshield has obviously been compromised by the damage or the repair.

9. Any sticker is on the windshield other than an official one required by law or permitted by the superintendent. Authorization is hereby granted for stickers measuring not more than 2-1/2 inches in width and four inches in length to be placed in the blind spot behind the rear view mirror. Department of Defense decals measuring no more than three inches in width and eight inches in length may be affixed to the upper edge of the center of the windshield. At the option of the motor vehicle's owner, the decal may be affixed at the lower left corner of the windshield so that the inside or left edge of the sticker or decal is within one inch of the extreme left edge of the windshield when looking through the windshield from inside the vehicle. When placed at this location, the bottom edge of the sticker or decal must be affixed within three inches of the bottom of the windshield. This location can only be used if the owner of the vehicle has chosen not to place any required county, town or city decal there. The normal location for any required county, town, or city decal is adjacent to the official inspection sticker and must not extend upward more than three inches from the bottom of the windshield. Commercial Vehicle Safety Alliance (CVSA) inspection decals may be placed at the bottom or sides of the windshield provided such decals do not extend more than 4-1/2 inches from the bottom of the windshield and are located outside the area swept by the windshield wipers and outside the driver's sight line.

Any sticker required by the laws of any other state or the District of Columbia and displayed upon the windshield of a vehicle submitted for inspection in this state is permitted by the superintendent, provided the vehicle is currently registered in that jurisdiction and the sticker is displayed in a manner designated by the issuing authority and has not expired. This includes vehicles with dual registration; i.e., Virginia and the District of Columbia.

NOTE: Fastoll Transponder devices may be affixed to the inside center of the windshield at the roof line just above the rear view mirror. If space does not allow, then it may be affixed to the immediate right of the mirror at the roof line.

NOTE: Volvo placed a warning sticker on the windshield of their cars equipped with side impact air bags. In accordance with this paragraph the sticker shall be

removed. If the sticker can be removed intact then it may be placed on the left rear window in the lower front corner. Customers should be referred to the nearest Safety Division area office for replacement if it could not be removed intact.

NOTE: A licensed motor vehicle dealer may apply one transponder sticker no larger than one inch by four inches and one barcode sticker no larger than three inches by four inches to the driver's side edge of a vehicle's windshield to be removed upon the sale or lease of the vehicle provided that it does not extend below the AS-1 line. In the absence of an AS-1 line the sticker cannot extend more than three inches downward from the top of the windshield.

EXCEPTION: Stickers or decals used by counties, cities and towns in lieu of license plates may be placed on the windshield without further authority. Except on privately owned yellow school buses, the sticker or decal shall be placed on the windshield adjacent to the right side of the official inspection sticker or the optional placement to the extreme lower left side of the windshield. The top edge of the sticker or decal shall not extend upward more than three inches from the bottom of the windshield. The left side edge adjacent to the official inspection sticker shall not be more than 1/4 inch from the right edge of the official inspection sticker when looking through the windshield from inside the vehicle. At the option of the motor vehicle owner, the sticker or decal may be affixed at the lower left corner of the windshield so that the inside or left edge of the sticker or decal is within one inch of the extreme left edge of the windshield when looking through the windshield from inside the vehicle. When placed at this location, the bottom edge of the sticker or decal must be affixed within three inches of the bottom of the windshield. Any expired sticker or decal, excluding a rejection sticker that is present on the windshield at the time of inspection, shall not be issued an approval sticker unless the owner/operator "authorizes" its removal. A rejection sticker will be issued versus an involuntary removal. On privately owned yellow school buses, the sticker or decal shall be placed on the windshield adjacent to the left side of the official inspection sticker, and not more than 1/4 inch from the left edge of the official inspection sticker when looking through the windshield from inside the vehicle. The top edge of the sticker shall not extend upward more than three inches from the bottom of the windshield.

10. Sunshading material on the windshield, or displaying words, lettering, numbers or pictures that does not extend below the AS-1 line is permitted. will not be considered for inspection. In the absence of an AS-1 line sunshading material on the windshield displaying words, lettering, numbers or pictures cannot extend more than three inches downward from the top of the windshield, unless authorized by the Virginia Department of Motor Vehicles and indicated on the vehicle registration.

NOTE: Vehicles with logos made into the glass at the factory meet federal standards and will pass state inspection.

11. Any sunscreening material is scratched, distorted, wrinkled or obscures or distorts clear vision through the glazing.

12. Front side windows have cloudiness above three inches from the bottom of the glass or other defects that affect the driver's vision or one or more cracks which permit one part of the glass to be moved in relation to another part. Wind silencers, breezes or other ventilator adaptors are not made of clear transparent material.

EXCEPTION: Colored or tinted ventvisors that do not exceed more than two inches from the forward door post into the driver's viewing area are permitted.

13. Glass in the left front door cannot be lowered so a hand signal can be given. (This does not apply to vehicles that were not designed and/or manufactured for the left front glass to be lowered, provided the vehicle is equipped with approved turn signals.) If either front door has the glass removed and material inserted in place of the glass that could obstruct the driver's vision.

EXCEPTION: Sunscreening material is permissible if the vehicle is equipped with a mirror on each side.

14. Any sticker or other obstruction is on either front side window, rear side windows, or rear windows. (The price label, fuel economy label and the buyer's guide required by federal statute and regulations to be affixed to new/used vehicles by the manufacturer shall normally be affixed to one of the rear side windows.) If a vehicle only has two door windows, the labels may be affixed to one of these windows. If a vehicle does not have any door or side windows the labels may be temporarily affixed to the right side of the windshield until the vehicle is sold to the first purchaser.

NOTE: A single sticker no larger than 20 square inches in area, if such sticker is totally contained within the lower five inches of the glass in the rear window if a vehicle has only one outside mirror, a single sticker or decal no larger than 10 square inches located in an area not more than three inches above the bottom and not more than eight inches from the rearmost edge of either front side window, is permissible and should not be rejected.

A single sticker issued by the Department of Transportation to identify a physically challenged driver, no larger than two inches by two inches, located not more than one inch to the rear of the front door post, or one inch to the rear of the front ventilator glass, if equipped with a ventilator glass, and no higher than one inch from the bottom of the window opening, is permitted on the front driver's side window on a vehicle specially equipped for the physically challenged.

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15. Rear window is clouded or distorted so that the driver does not have a view 200 feet to the rear.

EXCEPTIONS: The following are permissible if the vehicle is equipped with a mirror on each side:

- a. There is attached to one rear window of such motor vehicle one optically grooved clear plastic right angle rear view lens, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the operator of the motor vehicle to view below the line of sight as viewed through the rear window.
- b. There is affixed to the rear side windows, rear window or windows of such motor vehicle any sticker or stickers, regardless of size.
- c. There is affixed to the rear side windows, rear window or windows of such motor vehicle a single layer of sunshading material.
- d. Rear side windows, rear window or windows is clouded or distorted.

## 19VAC30-70-230. Windshield wiper; defroster.

A. Windshield wiper.

Inspect for and reject if:

1. Vehicle is equipped with a windshield and is not equipped with a windshield wiper;̄
2. Vehicle was manufactured before January 1, 1943, and is not equipped with at least one wiper on the driver's side. This wiper may be ~~hand operated~~; operated by hand.
3. Vehicle was manufactured after January 1, 1943, and is not equipped with a windshield wiper or wipers that clear both sides of the windshield. Vehicles converted from dual wipers to a single wiper are acceptable provided it continues to clear both sides of the windshield. These wipers must be mechanically operated by electric, vacuum, or air, but not by hand. A switch in good working order and convenient to the driver must be present to turn the wipers on and off. Any wiper that parks within the area covered by the driver's windshield wiper blade, excluding the three inches above the bottom of the windshield shall be rejected. (See 19VAC30-70-210 B 6)̄.
4. Blade has brittle worn, torn or ripped rubber or if metal comes in contact with the windshield; blade is not securely attached to wiper arm.
5. Wiper does not operate freely; or if it is an electrically or mechanically operated wiper which must be operated by hand.

NOTE: Inspect only wipers found on the front windshield. Rear or other wipers will not be considered.

B. Windshield defroster. Vehicles manufactured after January 1, 1969, must be equipped with windshield defroster systems.

Inspect for and reject if:

1. Any 1969 or subsequent model is not equipped with a windshield defroster system;
2. Defroster fan fails to function;
3. Fan functions, but a warm stream of air cannot be felt blowing against the windshield. Engine must be warm and all elements of the defroster system must be in the on position. Switch is not convenient to the driver and working properly.

## 19VAC30-70-240. Horns and other warning devices.

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Vehicle is not equipped with a horn in good working order, capable of emitting a sound audible under normal conditions over a distance of not less than 200 feet and is not firmly mounted.
2. A horn operating mechanism installed at a location readily accessible to the vehicle operator is not provided. Electrically operated horn, wiring, or electrical connections are defective.

## 19VAC30-70-270. Floor pan.

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. The floor pan or inner side panels, front or rear, are rusted out or have any holes other than normal drain holes that allow exhaust gases to enter the occupant compartment or trunk.
2. The floor pan is rusted through or is in such condition to create a hazard to the occupants. A hole in the floor pan which has been properly repaired by welding, or through the utilization of a metal patch riveted, screwed or welded to its surface is not prohibited. If the floor pan was initially constructed from wood, it may be patched with wood.

## 19VAC30-70-280. Seat.

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Any motor vehicle is not equipped with a seat to accommodate the operator.
2. The seat is not securely anchored.
3. Seat adjusting mechanism slips out of set position or the seat back will not lock in the proper upright position. Do not reject if it will not adjust as long as it does not violate subdivision 4 of this section.
4. The seat is not located to permit the operator to have adequate control of the steering and braking mechanisms and other instruments necessary for the safe operation of the motor vehicle.

## 19VAC30-70-300. Muffler, exhaust system and trailer venting.

A. Flexible tubing may be used anywhere in the exhaust system.

B. Inspection of exhaust system does not concern noise level.

C. Inspect for and reject if:

1. There is any leakage of exhaust gases at any point in the system. Do not reject "built-in" drain holes in muffler or tailpipe.
2. A muffler or catalytic converter has been repaired in any manner. The exhaust pipe may be welded to the muffler or catalytic converter. Holes or cracks in the exhaust line have been repaired with a patch or caulking.

NOTE: If a vehicle is inspected that does not have a muffler, the inspector should explain to the customer that although the vehicle will pass inspection without a muffler, it is a violation of state law for the vehicle to be operated on the highway without it.

NOTE: Nissan has designed an exhaust repair for leak/noise at the front tube for the 2002-03 Nissan Pathfinders. The repair may require the application of a specially designed caulk to the front tube of the exhaust system. Since Nissan has designed the repair for their vehicles and trained Nissan technicians would perform the repair, this would be acceptable and should not be rejected. This exception would not preclude the rejection of exhaust systems repaired in a manner that is not designed or approved by the manufacturer and not performed by trained persons.

3. Tailpipe opening is mashed or pinched.
4. Any components of the exhaust system are not properly secured. Brackets or hangers are loose, broken, or missing.
5. The exhaust system fails to discharge the exhaust to the rear or sides of ~~that part of a property-carrying vehicle that is designed for and normally used for the driver and passengers and to the rear or sides of~~ the passenger and trunk compartment of passenger vehicles.
6. The exhaust system fails to discharge the exhaust to the rear or sides of the passenger compartment that is designed for and normally used for the driver and passengers of a property-carrying vehicle.

D. Trailers and semitrailer venting. Inspection of trailers and semitrailers will include a visual inspection of the venting of cooking or heating appliances to the outside of the trailer or semitrailer to determine if the heating and cooking appliances are adequately vented to the outside to prevent the asphyxiation of occupants of any trailer or semitrailer by the operation of the heating or cooking appliances.

1. Reject the trailer or semitrailer if not equipped with a vent or venting system to the outside.
2. Reject the trailer or semitrailer if there is any complete or partial obstruction of the vent or venting system.

**19VAC30-70-310. Air pollution control system or device.**

A. No motor vehicle manufactured for the model year 1973 or for subsequent model years shall be operated on the highways of this Commonwealth unless it is equipped with an air pollution control system or device, or combination of such

systems or devices installed in accordance with federal laws and regulations.

B. The provisions of this section shall not prohibit or prevent shop adjustments or replacements of equipment for maintenance or repair or the conversion of engines to low polluting fuels, such as, but not limited to, natural gas or propane, so long as such action does not degrade in any manner or to any degree the ~~anti-pollution~~ anti-pollution capabilities of the vehicle power system.

C. Inspect for and reject if:

1. The air pollution control system or device on motor vehicles manufactured for the model year 1973 or for subsequent model years has been removed or otherwise rendered inoperable. The conversion of an engine to utilize low polluting fuels such as natural gas or propane may result in the removal of some part of the pollution control system; however, if the engine is converted to utilize both low polluting fuels and/or gasoline no part of the pollution control system or device can be removed or otherwise rendered inoperable.

2. Any of the essential parts of the pollution control system or devices on vehicles manufactured for the model year 1973 or for subsequent model years have been removed, rendered ~~inoperative~~ inoperable or disconnected. This includes any belt, valve, pump, hose line, cap, ~~canister~~ canister, catalytic converter and the restrictor in the gasoline tank filler neck on vehicles required to use unleaded fuel.

NOTE: In order to determine if a motor vehicle was originally equipped with emissions control equipment, refer to the vehicle's emissions control information label which is usually located in the engine compartment.

3. The emission control system or device on motor vehicles manufactured for the model year 1973 or for subsequent model years is not comparable to that designed for use upon the particular vehicle as standard factory equipment.

Any new or used after market catalytic converter installed on a vehicle after December 31, 1987, shall meet and be installed in accordance with specifications established by the Environmental Protection Agency. A catalytic converter so installed shall be identified with a visible, permanent, non-destructible label or stamp which will identify the manufacturer, vehicle application and month and year of manufacture. The label shall be in accordance with the following format:

- a. New converters - N/XX/YYYY/ZZZZ
  - b. Used converters - U/XX/YYYY/ZZZZ
- N - New converter designation  
 U - Used converter designation  
 XX - Manufacturer code issued by EPA  
 YYYY - Numerical designation of vehicle application

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ZZZZ - Month and year of manufacture (i.e. - 0188 for January, 1988)

## **19VAC30-70-320. Fuel system.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Any part of the fuel system is not securely fastened.
2. There is fuel leakage at any point in the fuel system.
3. The fuel tank filler cap is missing.
4. The fuel tank crossover lines are not protected.
5. Any part of the fuel system comes in contact with the exhaust system.
6. Fuel lines or hoses have any cracks, crimps, or restrictions or are abraded, exposing inner fabric.

## **19VAC30-70-340. Motorcycle brakes.**

A. The inspector, if qualified to operate a motorcycle, must drive it into the inspection lane and test the service brakes. If not qualified to operate motorcycles, the inspector must observe the operator operate the brakes. The inspector is required to observe and inspect the braking system on both wheels if so equipped or required to be equipped.

B. Inspect for and reject if:

1. Any motorcycle is not equipped with a brake, or which has a disconnected brake.
2. Any motorcycle which was originally equipped with a service brake system on both the front or rear wheel(s) if the service brake system has been altered by removing or disconnecting any of the brake system components from any of the wheels.
3. Any motorcycle manufactured after July 1, 1974, is not equipped with either a split service brake system or two independently actuated service brake systems which shall act on the front as well as the rear wheel or wheels.
4. Bonded linings or disc pads are worn to less than 2/32 of an inch in thickness or riveted linings or disc pads are worn to less than 2/32 of an inch over the rivet head(s).
5. Any lining is broken or cracked so that the lining or parts of the lining are not firmly attached to the shoe or disc pad.
6. Grease or any other contamination is present on the ~~lining or disc pad~~ brake lining, disc pad, drum or rotor.
7. Rivets in riveted linings or disc pads are loose or missing.
8. A brake drum or brake disc (rotor) is scored to the extent that it impairs the braking system.
9. A brake drum or brake disc is worn beyond the manufacturer's recommended limit. (A brake drum or brake disc shall under no circumstances be re-machined beyond the manufacturer's specifications.)
10. Rods are bent, cotter keys or lock nuts are missing, cables frayed or broken or parts misaligned.

11. When operated at 20 miles per hour on a dry, level, hard surface free from loose material, the brakes will not stop the motorcycle within 30 feet.

12. Levers (foot and hand) do not have at least 1/3 of their travel as reserve after brakes are fully applied.

13. Any leaks in master cylinder, wheel cylinders, or any brake hoses or lines.

14. A motorcycle that is equipped with a front and rear master cylinder, if one or both are not displaying the recommended manufacturer fluid level.

15. Any line or hose not installed so as to prevent damage or abrasion by contact with the frame or other components. There is any leakage in any hydraulic, air, or vacuum lines; hoses have any cracks, crimps, restrictions, or are abraded exposing fabric; tubing or connections leak, are crimped, restricted, cracked or broken; any valves leak or are inoperative. Reject the vehicle if the brake hoses or tubing are stretched or extended and do not allow for suspension movement. Brake tubing and hoses must:

- a. Be long and flexible enough to accommodate without damage all normal motions of the parts to which it is attached;
- b. Be secured against chaffing, kinking, or other mechanical damage; and
- c. Be installed in a manner that prevents it from contacting the vehicle's exhaust system or any other source of high temperatures.

## **19VAC30-70-350. Motorcycle airbag, seat, steering, and suspension.**

Inspect for and reject if:

1. Frame is bent or damaged so as to constitute a hazard in proper operation.
  2. Wheels are out of line to a degree steering and control is affected.
  3. Steering-head bearing is loose, broken, defective or out of adjustment.
  4. Handlebars are loose, bent, broken or damaged in such a manner as to affect proper steering.
  5. Shock absorbers are broken, worn, missing, defective, disconnected or do not function properly.
  6. Any spring in the suspension system is broken or sagging.
- NOTE: If a motorcycle or autocytle is equipped or designed with steering or suspension components similar in design to a passenger vehicle, the steering or suspension will be inspected as if the motorcycle or autocytle were a passenger vehicle.
7. If motorcycle seat or seats are not securely fastened.
  8. Any motorcycle designed to carry more than one person is not equipped with a footrest for each passenger.

9. The battery is not attached to a fixed part of the motorcycle and protected by a removable cover or enclosure if the battery is installed in a location other than the engine compartment. This includes all brackets, hardware, bolts, and bushings used for securely mounting the battery to the motorcycle.

- a. Removable covers or enclosures shall be substantial and shall be securely latched or fastened.
- b. The battery compartment shall have openings to provide ample battery ventilation and drainage.
- c. Whenever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulating bushing.
- d. Whenever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other and each compartment shall be provided with an independent cover, ventilation, and drainage.

10. Air bag and air bag readiness light. Inspect for and reject if:

- a. Any defects in the air bag system are noted by the air bag readiness light or otherwise indicated;
- b. The air bag has been deployed and has not been replaced (and is not deactivated because of a medical or other exemption and a notice is posted to indicate that it has been deactivated);
- c. Any part of the air bag system has been removed from the motorcycle; or
- d. If the air bag indicator fails to light or stays on continuously.

NOTE: Checking the air bag readiness light. Turn the ignition key to the on position; the air bag readiness light will indicate normal operation by lighting for six to eight seconds, then turning off.

A system malfunction is indicated by the flashing or continuous illumination of the readiness light or failure of the light to turn on.

NOTE: Any motorcycle not originally manufactured with an air bag readiness light shall not be rejected for not having this item.

**19VAC30-70-360. Motorcycle lights: headlamp, rear, signal, warning.**

A. Headlamps. Inspect for and reject if:

- 1. Motorcycle is not equipped with at least one motorcycle headlamp.
- 2. Any motorcycle headlamp is not of an approved type (SAE-M). A motorcycle may have one or more headlamps. In addition to the headlamp(s), a motorcycle may be equipped with not more than two auxiliary headlamps of a type approved (SAE-C) by the superintendent and identified as "auxiliary front lamps."

3. Lens and reflector do not match except in sealed units, or if the lens is cracked, broken or rotated, or if the lens and reflector are not clean or bright.

4. Any motorcycle lights-headlamp, rear lamp, signal or warning lamp has any wire, unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of lamp or lens.

5. Lamp is not focused or any filament or bulb fails to burn.

6. Lamp is not mounted securely or if switch does not operate properly.

7. The center of the hot spot is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline. The headlamp shall be checked for proper aim by using an optical headlamp aimer.

8. The high beam indicator does not burn when the high beam is on or does not go off when the low beam is on.

NOTE: Motorcycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute, provided they are equipped with a switch or device that prevents flashing of headlights when headlights are required to be lighted.

NOTE: Inspection is to be performed with lamp on high beam.

NOTE: The use of strobe lights being placed inside the headlamps of police motorcycles is permitted. The strobe light system developed by Harley-Davidson for use in police motorcycle headlamps has been tested and does meet the current standard; therefore, strobe light systems of this type and similar types may be used in police motorcycle headlamp systems.

B. Aiming the headlamp. All headlamps that do not comply with subdivision A 7 of this section shall be aimed straight ahead. (Zero inches up or down and zero inches to the right or left.)

C. Rear lamp. Inspect for and reject if:

~~1. The high beam indicator does not burn when the high beam is on or does not go off when the low beam is on.~~

~~2. Motorcycle 1. The motorcycle~~ is not equipped with a rear lamp of approved type (SAE-T-S-P-A).

~~3. Lamp 2. The lamp~~ is not mounted near rear of vehicle, or is not mounted securely, or if lamp does not make a good electrical connection.

~~4. 3. Lenses~~ are not red to the rear and clear or amber to the front or any lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the ~~crack(s)~~ cracks.

NOTE: LED ~~(light-emitting~~ (light-emitting diode) lights with a clear lens are acceptable if of an approved type. For

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those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

~~5.~~ 4. Filaments in all lamps do not burn when headlamp switch is turned on to any position.

~~6.~~ 5. The rear license plate is not illuminated by an approved license plate bulb.

D. Signal device (intention to stop or turn).

1. Signal devices are not required on motorcycles; however, if installed, they must operate and be inspected.

2. Signal lamp lenses installed on the front of the motorcycle shall be amber and be located on each side of the vertical centerline of the motorcycle and as far apart as practicable and not closer than nine inches, measured from the optical centerline of the lamps, and to be located on the same level and not less than 20 inches above the ground level. The optical centerline of the lamp shall not be less than four inches from the retaining ring of the headlamp unit.

3. Signal lamps installed on the rear of the motorcycle shall be red or amber and shall be located on each side of the vertical centerline of the motorcycle as far apart as practicable but not closer than nine inches, measured from the optical centerline of the lens, and shall be located on the same level and not less than 20 inches above the ground level.

4. Inspect for and reject if:

a. Motorcycle, except an antique vehicle not originally equipped with a stop lamp, is not equipped with at least one stop lamp of an approved type that automatically exhibits a red or amber light to the rear when the brake control foot pedal or hand grip brake control device is activated. (On motorcycles manufactured prior to January 1, 1972, the activation of the front wheel brake control device is not required to activate the stop lamp.)

NOTE: Motorcycles may be equipped with a means of varying the brightness of the vehicle's brake light ~~for a duration of not more than five seconds~~ upon application of the vehicle's brakes.

b. The signal lamp is not of an approved type (SAE-D) or does not flash.

c. Lens in brake lamp or signal lamp has a piece broken from it. (Lens in brake lamp or signal lamp may have one or more cracks provided an off-color light does not project through the crack or cracks.)

d. Wiring or electrical connections are defective or any filaments do not burn.

e. Switch is not convenient to the driver and not of an approved type.

f. Signal devices are not installed as provided in subdivisions D 1 and 2 of this section.

E. Warning lights. Inspect for and reject if:

1. Warning lamps are not of an approved type or have been altered.

2. Any lighted advertising sign is present.

## **19VAC30-70-380. Motorcycle horn.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Motorcycle is not equipped with a horn in good working order capable of emitting sound audible under normal conditions for a distance no less than 200 feet.

2. Horn is not mounted securely, wiring is defective, control button is not operating properly, or is not installed at a location readily accessible to the operator.

## **19VAC30-70-400. Motorcycle tires, wheels, rims.**

Inspect for and reject if:

1. Any tire has a cut or puncture, not to include a plug or patch that may be used as a manner of repair, or is worn so that the fabric is visible.

NOTE: Plugs/patches shall be in the tread area only. Plugs/patches are not permitted in the side wall of the tire.

2. Any tire has knots or bulges in any side wall or if there is evidence of a broken belt under the tread or of the tread separating from the fabric.

3. Any bolts, nuts, lugs or spokes are bent, loose or missing. Rims or wheels are bent, cracked or damaged so as to affect the safe operation of the motorcycle.

4. Wheel bearings are excessively worn or out of adjustment.

5. Any motorcycle is equipped with a tire that has a tread depth measuring less than 2/32 of an inch when measured in accordance with the instructions set forth in subdivisions 6, 7, and 8 of 19VAC30-70-130.

6. Any tire is marked specifically for use other than on the highway such as "For Farm Use Only," "For Off-Highway Use Only," ~~or~~ "For Mobile Home Use Only," or "For Trailer Use Only."

7. Any motorcycle tire has been recut or regrooved.

8. Directional tires ~~and/or~~ or wheels designed and manufactured to go in a certain direction or rotation are not installed in the proper direction of rotation.

## **19VAC30-70-410. Motorcycle windscreen and glazing.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Any windscreen is not of an approved type.

2. Any windscreen obstructs the driver's vision.

3. Any decal, support, or installation component interferes with the driver's vision.

## **19VAC30-70-440. Service brakes.**

A. The inspector, at a minimum, must drive all vehicles into the inspection lane and test both service and parking brakes, except vehicles the inspector is not qualified to drive. In these

cases, the inspector will ride in the vehicle and observe the application of the brakes.

B. A minimum of one wheel or one wheel and drum or dust cover must be removed from each vehicle at the time of inspection except vehicles having open brake mechanisms that will permit the inspection of the brake lining, or discs and disc pads, without removing the wheel and rim.

WARNING: Failure to properly torque lug nuts may cause severe damage to the wheel.

The inspection receipt (approval and rejection) shall be marked to reflect which wheel and drum or dust cover was removed or inspected.

C. If any braking problem is detected, the inspector may test drive or require a test drive of the vehicle.

D. Inspect for and reject if:

1. Any commercial motor vehicle manufactured on or after October 20, 1994, is equipped with an air brake system but is not equipped with the proper and functioning automatic brake adjuster system and brake adjuster indicator.
2. Vehicles equipped with air brakes: when the air brake adjustment on vehicles is equal to or exceeds values in the following tables for cam brakes or brake shoe travel is greater than 1/16" on wedge brakes when measured according to Illustrations #1 and #2. (See procedure in addition to illustrations.)

TABLE 1 MINIMUM CRITERIA FOR BRAKE ADJUSTMENT COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD OUT-OF- SERVICE CRITERIA		
Brake adjustment shall not exceed those specifications contained hereunder relating to "Brake adjustment limit." (Dimensions are in inches.)		
CLAMP TYPE BRAKE CHAMBER DATA		
Type	Outside Diameter	Brakes Exceeding the Maximum Brake Adjustment Limit Shall be Readjusted
6	4-1/2 (114mm)	1-1/4 (32mm)
9	5-1/4 (133mm)	1-3/8 (35mm)
12	5-11/16 (145mm)	1-3/8 (35mm)
16	6-3/8 (162mm)	1-3/4 (45mm)

20	6-25/32 (172mm)	1-3/4 (45mm)
24	7-7/32 (184mm)	1-3/4 (45mm)
30	8-3/32 (206mm)	2.0 (51mm)
36	9.0 (229mm)	2-1/4 (57mm)

NOTE: A brake found at the adjustment limit is not to be rejected.

**LONG STROKE CLAMP TYPE BRAKE  
CHAMBER DATA**

Type	Outside Diameter	Brakes Exceeding the Maximum Brake Adjustment Limit Shall be Readjusted
12	5-11/16 (14.5mm)	1-3/4 (45mm)
16	6-3/8 (162mm)	2.0 (51mm)
20	6-25/32 (172mm)	2.0 (51mm)
24	7-7/32 (184mm)	2.0 (51mm)
24*	7-7/32 (184mm)	2.5 (64mm)
30	8-3/32 (206mm)	2.5 (64mm)

\*For 3" maximum stroke type 24 chambers

NOTE: A brake found at the adjustment limit is not to be rejected.

NOTE: 3" long stroke brake chambers are identified by square air line ports and a trapezoidal tag attached to the chamber.

**BOLT TYPE BRAKE CHAMBER DATA**

Type	Outside Diameter	Brakes Exceeding the Maximum Brake Adjustment Limit Shall be Readjusted
A (12)	6-15/16 (176mm)	1-3/8 (35mm)
B (24)	-3/16 (234mm)	1-3/4 (45mm)

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C (16)	8-1/16 (205mm)	1-3/4 (45mm)
D (6)	5-1/4 (133mm)	1-1/4 (32mm)
E (9)	6-3/16 (157mm)	1-3/8 (35mm)
F (36)	11.0 (279mm)	2-1/4 (57mm)
G (30)	9-7/8 (251mm)	2.0 (51mm)

NOTE: A brake found at the adjustment limit is not to be rejected.

### ROTOCHAMBER DATA

Type	Outside Diameter	Brakes Exceeding the Maximum Brake Adjustment Limit Shall be Readjusted
9	4-9/32 (109mm)	1-1/2 (38mm)
12	4-13/16 (122mm)	1-1/2 (38mm)
16	5-13/32 (138mm)	2.0 (51mm)
20	5-15/16 (151mm)	2.0 (51mm)
24	6-13/32 (163mm)	2.0 (51mm)
30	7-1/16 (180mm)	2-1/4 (57mm)
36	7-5/8 (194mm)	2-3/4 (70mm)
50	8-7/8 (226mm)	3.0 (76mm)

NOTE: A brake found at the adjustment limit is not to be rejected.

### DD-3 BRAKE CHAMBER DATA

Type	Outside Diameter	Brakes Exceeding the Maximum Brake Adjustment Limit Shall be Readjusted
30	8-1/8 (206mm)	2-1/4 (57mm)

NOTE: This chamber has three air lines and is found on motor coaches.

NOTE: A brake found at the adjustment limit is not to be rejected.

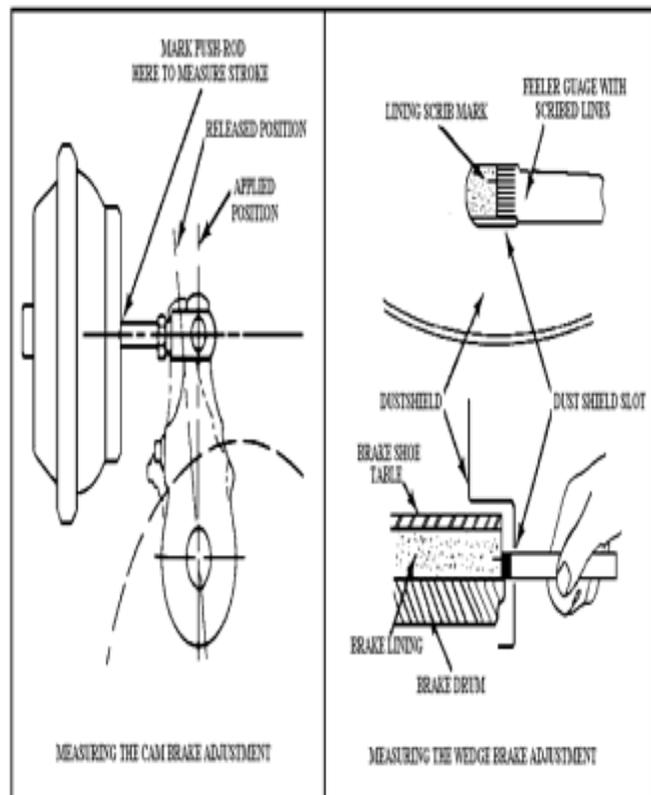
### WEDGE BRAKE DATA

The combined movement of both brake shoe lining scribe marks shall not exceed 1/8 inch (3.18mm).

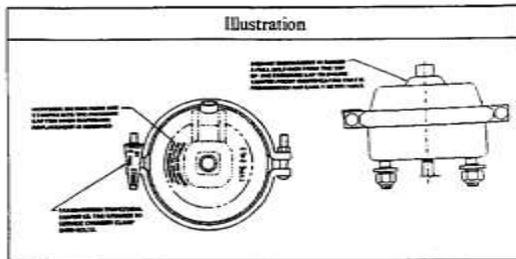
### PROCEDURE FOR MEASURING CAM AND WEDGE BRAKES AND HOW TO PROPERLY IDENTIFY 3" LONG STROKE CHAMBERS

On vehicles equipped with cam brakes, mark each brake chamber push rod at the face of the brake chamber with the brakes released. Apply the air brakes fully, minimum air pressure of 90 to 100 psi, and measure the distance the push rod travels from the face of the chamber to the mark previously made when the brakes were released. This measurement is the push-rod stroke (see illustration).

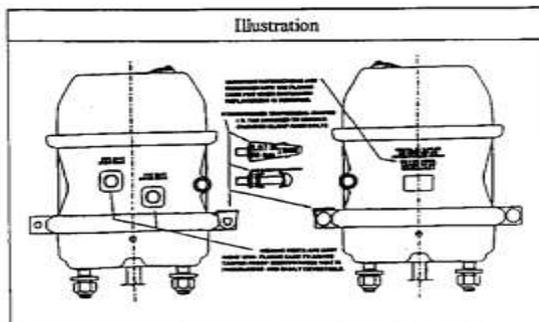
On vehicles equipped with wedge brakes, remove the inspection hole cover at each dust shield and with the brakes released, scribe a line on the edge of the brake lining. Apply the air brakes fully and measure the distance the brake lining travels.



3" Long Stroke Chamber Identification  
Service Chambers



3" Long Stroke Chamber Identification  
Spring Brake Chamber



3. Brake hose and tubing. There is any leakage in any hydraulic, air or vacuum lines; hoses have any cracks, crimps, restrictions, or are abraded exposing fabric into second ply of fabric; tubing or connections leak, are crimped, restricted, cracked, or broken.

- a. Hose with any damage extending through the reinforcement ply. Rubber impregnated fabric cover is not a reinforcement ply. Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.
- b. Bulge or swelling when air pressure is applied.
- c. Two hoses improperly joined (such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube).
- d. Brake tubing and hose must:
  - (1) Be long and flexible enough to accommodate without damage all normal motions of the parts to which it is attached;
  - (2) Be secured against chaffing, kinking, or other mechanical damage; and
  - (3) Be installed in a manner that prevents it from contacting the vehicle's exhaust system or any other source of high temperatures.

e. Any hydraulic brake tubing has been repaired using a compression fitting.

#### 4. Service brakes.

- a. There is less than 1/5 reserve in pedal travel of the service brake when fully applied on all hydraulic, mechanical, or power-assisted hydraulic braking systems.
- b. When tested on dry, hard, approximately level road free from loose material at a speed of 20 miles per hour without leaving a 12-foot wide lane, a distance in excess of the following stopping distance is obtained:

Any bus, truck or tractor - 40 feet;

All combinations of vehicles - 40 feet.

c. Every motor vehicle, trailer or semitrailer is not equipped with operational brakes on all wheels (except as shown in subdivision a below) or any brake has been disconnected or rendered inoperative or improperly installed.

(1) Road tractors, tractor trucks, or trucks if manufactured prior to July 25, 1980, having three or more axles are not required to have brakes on the steering axle; however, if installed must be inspected and meet all requirements of this section.

(2) Missing, bent or broken mechanical components including: shoes, lining pads, spring, anchor pin, spiders, cam rollers, push rods and air chamber mounting bolts, air reservoirs not securely mounted or leaks.

(3) Absence of braking action on any axle required to have brakes, upon application of the service brakes (such as missing brakes or brake shoes, failing to move upon application of a wedge, S-cam or disc brake).

(4) Loose brake components including air chambers, spiders and cam shaft support brackets.

(5) Audible air leak at brake chamber (example: ruptured diaphragm, loose chamber clamp, etc.)

d. Linings or pads are broken or cracked so that brake pad is not firmly attached to the shoe or improperly installed or cracks on the friction surface extends to the open edge.

(1) Rivets or bolts are loose or missing.

(2) Lining or pad friction surface is saturated with oil, grease or brake fluid.

e. Nonsteering axles. Lining has a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes and less than 1/8 inch for air disc brakes, lining with a thickness less than 3/16 inch for a shoe with a continuous strip of lining or to wear indicators if so equipped.

(1) Steering axles. Lining has thickness less than 1/4 inch at the shoe center from drum brakes, less than 1/8 inch for air disc brakes and 1/16 inch or less for hydraulic disc

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and electric brakes, lining with a thickness less than 3/16 inch for a shoe with a continuous strip of lining or to wear indicators if so equipped.

(2) Mismatch across any power unit steering axle of:

(a) Air chamber sizes.

(b) Slack adjuster length.

f. Thickness of riveted or bolted lining is less than 2/32 of an inch above the rivet or bolt head(s).

g. Any lining or pad is misaligned or does not make full contact with the drum or rotor.

## 5. Brake Drums and Discs.

a. Brake drums or brake discs (rotors) are worn or scored to the extent that their remachining would result in a failure to meet manufacturer's specifications.

b. Brake drums or discs with any external crack or cracks that open upon brake application.

NOTE: Do not confuse short hairline heat cracks with flexural cracks.

## 6. Mechanical linkage.

Any portion of the drum or rotor missing or in danger of falling away.

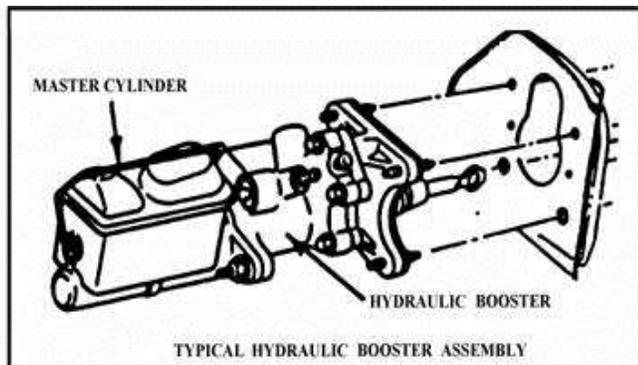
## 7. Hydraulic.

NOTE: Some motor vehicles, beginning with 1976 models, have a hydraulic power system that serves both the power assisted brakes and power assisted steering system. Some vehicles, beginning with 1985 models, have an integrated hydraulic actuation and anti-lock brake unit using only brake fluid.

## 8. Hydraulic System Operation.

Stop engine, then depress brake pedal several times to eliminate all pressure. Depress pedal with a light foot-force (30 pounds). While maintaining this force on the pedal, start engine and observe if pedal moves slightly when engine starts.

Reject vehicle if pedal does not move slightly as engine is started while force is on brake pedal.



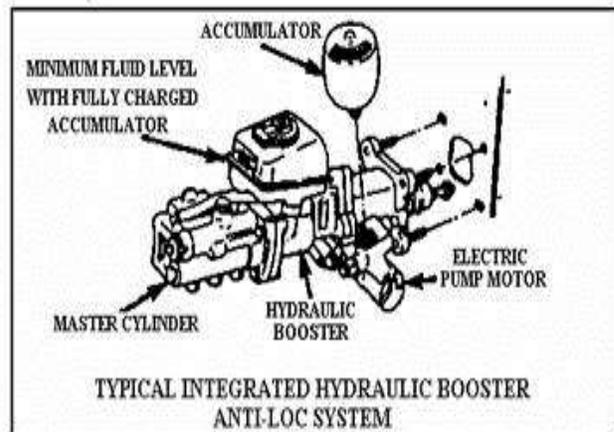
## 9. Condition of hydraulic booster power brake system.

Inspect system for fluid level and leaks. Reject vehicle if there is insufficient fluid in the power steering pump reservoir; if there are broken, kinked or restricted fluid lines or hoses; if there is any leakage of fluid at the pump, steering gear or brake booster, or any of the lines or hoses in the system; or if belts are frayed, cracked or excessively worn.

## 10. Integrated hydraulic booster/anti-lock system operation.

With the ignition key in the off position, depress brake pedal a minimum of 25 times to deplete all residual stored pressure in the accumulator. Depress pedal with a light foot-force (25 lbs.). Place ignition key in the on position and allow 60 seconds for the brake warning light to go out and the electric pump to shut off.

Reject vehicle if the brake pedal does not move down slightly as the pump builds pressure or if the brake and anti-lock warning lights remain on longer than 60 seconds.



## 11. Condition of integrated hydraulic booster/anti-lock system with electronic pump.

With the system fully charged, inspect system for fluid level and leaks.

Reject vehicle if there is insufficient fluid in the reservoir; if there are broken, kinked or restricted fluid lines or hoses; or if there is any leakage of fluid at the pump or brake booster, or any of the lines or hoses in the system.

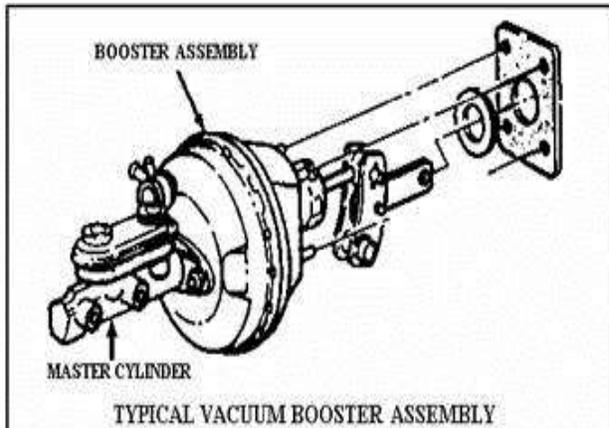
## 12. Vacuum system operation.

Stop engine then depress brake pedal several times to eliminate all vacuum in the system. Depress pedal with a light foot-force (25 lbs.). While maintaining this force on the pedal, start engine and observe if pedal moves down slightly when engine starts.

Reject vehicle if pedal does not move down slightly as engine is started while force is on the brake pedal. In full vacuum-equipped vehicles, there is insufficient vacuum

reserve for one full service brake application after engine is stopped.

- a. Has insufficient vacuum reserve to permit one full brake application after engine is shut off.
- b. Lacks an operative low-vacuum warning device as required.



13. Condition of vacuum booster power brake system.

- a. Visual inspection. Reject vehicle if there are collapsed, cracked, broken, badly chafed or improperly supported hoses and tubes, loose or broken hose clamps.
- b. There is any leakage in the hydraulic system. (Do not disturb the dust boot when checking for leaking wheel cylinders.)
- c. Fluid level in master cylinder is below the proper level for the particular vehicle.
- d. There is any evidence of a caliper sticking or binding.

14. Air brakes.

- a. Motor vehicle is equipped with air brakes and does not have an operating air pressure gauge.
- b. Any bus, truck, road tractor and tractor truck manufactured after March 15, 1975, must have a visible low air warning device. Those manufactured on or before March 15, 1975, may have either an audible or visible low air warning device.

Low pressure warning device is missing, inoperative or does not operate at 55 psi and below or 1/2 the governor cut out pressure, whichever is less.

- c. Compressed air reserve is not sufficient to make one full service brake application after engine is stopped, or with system fully charged, the reservoir pressure is lowered more than 30% by one full brake application.

Brake chamber push rods do not follow application of service brake pedal, or do not reach full released position (example: defective return spring).

- d. Any bus, truck, road tractor, or tractor truck manufactured after February 28, 1975, if equipped with a

manually operated device to reduce or remove the braking effort upon its front wheels.

15. Electric brakes.

- a. Trailers show an amperage value more than 20% above or 30% below the brake manufacturer's maximum current rating for each brake.
- b. Ammeter shows no reading or indicator is not steady on application and release of brake controller.
- c. Any terminal connections are loose or dirty; wires are broken, frayed or unsupported; any single conductor or nonstranded wire or wires below size recommended by brake manufacturers are installed.
- d. Electrical trailer brakes do not apply automatically when breakaway safety switch is operated.
- e. Absence of braking action on any wheel required to have brakes.
- f. Missing or inoperative breakaway braking device(s) device; cable is frayed or broken.

16. Air compressor.

- a. Compressor drive belts are in condition of impending or probable failure.
- b. Loose compressor mounting bolts or compressor leaks.
- c. Cracked, broken or loose pulley.
- d. Tractor protection valve(s) is defective or inoperative.
- e. Air safety relief valve is defective or inoperative.

**19VAC30-70-450. Brakes: emergency parking or holding; batteries.**

A. Some vehicles are equipped with an actual emergency brake, while others have only a parking or holding brake. Some types may be actuated by a foot or hand lever, while others may incorporate a switch or valve to actuate the brake. Air and vacuum brake systems may employ spring activating parking brakes.

B. Inspect for and reject if:

1. Vehicle or combination of vehicles is not equipped with a parking, holding, or emergency brake in good working order of the type installed as original standard factory equipment for the vehicle on which it is installed.
2. The brake actuating mechanism does not fully release when the control is operated to the off position.
3. Any mechanical parts are missing, broken, badly worn, or are inoperative.
4. Cables are stretched, worn, or frayed or not operating freely.
5. Parking brake will not hold the vehicle stationary with the engine running at slightly accelerated speed with shift lever in drive position for automatic transmission or shift lever in low gear with clutch engaged for standard shift transmission.

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6. On vehicles equipped with automatic transmissions, the vehicle will start in any gear other than (P) park or (N) neutral. If the gearshift indicator does not identify the park (P) and neutral (N) positions, then the vehicle shall be rejected.

7. On vehicles equipped with manual transmissions, the vehicle will start in any gear if the clutch is not depressed or disengaged.

NOTE: This will not apply to older vehicles, which were not originally equipped with a neutral-safety switch, clutch disengagement system or clutch pedal position sensor by the manufacturer.

8. Any nonmanufactured hole(s) in the spring brake housing section of a parking brake.

NOTE: All commercial motor vehicles manufactured after March 7, 1990, shall be equipped with a parking brake system adequate to hold the vehicle or combination under any condition of loading except agricultural commodity trailers, converter dollies, heavy haulers and pulpwood trailers.

## C. Battery mounting and storage.

~~NOTE: The battery shall be attached to a fixed part of the motor vehicle and protected by a removable cover or enclosure if the battery is installed in a location other than the engine compartment. This includes all brackets, hardware, bolts, and bushings used for securely mounting the battery to the vehicle.~~

~~1. Removable covers or enclosures shall be substantial and shall be securely latched or fastened.~~

~~2. The battery compartment shall have openings to provide ample battery ventilation and drainage.~~

~~3. Whenever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulating bushing.~~

~~4. Whenever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.~~

## Inspect for and reject if:

1. A battery is not securely attached to a fixed part of the motor vehicle or trailer. A battery is not protected by a removable cover or enclosure if the battery is installed in a location other than the engine compartment.

2. All brackets, hardware, bolts, and bushings used for securely mounting the battery to the vehicle are not present.

3. Removable covers or enclosures are not substantial and are not securely latched or fastened.

4. The battery compartment does not have openings to provide ample battery ventilation and drainage.

5. Whenever the cable to the starting motor passes through a metal compartment, the cable is not protected against grounding by an acid and waterproof insulating bushing.

6. Whenever a battery and a fuel tank are both placed under the driver's seat, (i) the batter and fuel tank are not partitioned from each other or (ii) each compartment is not provided with an independent cover, ventilation, and drainage.

## **19VAC30-70-460. Brakes: trailer (GVWR 10,000 pounds or more).**

A. All trailers and semitrailers having an actual gross weight of 10,000 pounds or more shall be equipped with operational brakes acting on all wheels.

B. Inspect for and reject if:

1. Trailer brakes do not comply with provisions of 19VAC30-70-430, 19VAC30-70-440 and 19VAC30-70-450.

2. Operator does not have full control over brakes. For the purpose of this subdivision, surge brakes are considered to be in control of the operator.

3. Combination will not stop as required in 19VAC30-70-440 D 5.

4. ~~Trailers~~ Breakaway braking devices are missing or inoperative or cable is frayed or broken, or trailers are not equipped with emergency breakaway brakes designed to:

a. Apply automatically upon breakaway from towing vehicle.

b. Remain fully applied for at least 15 minutes.

c. Apply and release by operation of the manual emergency control.

d. Apply automatically when the pressure in the towing vehicle reservoir is reduced to a point between 45 and 20 PSI by a series of foot applications, when equipped with air brakes.

NOTE: A minimum of one wheel must be removed from each axle equipped with brakes to inspect the brake components.

Exceptions:

a. Wheels on trailers equipped with open brake mechanisms are not required to be removed.

b. The inspection receipt (approval and rejection) shall be marked to reflect which wheel, drum or dust cover was removed or inspected.

## **19VAC30-70-470. Steering.**

Inspect for and reject if:

1. Play at any point in the steering mechanism is excessive. The steering mechanism is unusually tight and binding when turning the steering wheel completely to the right and left. The steering mechanism will not turn in both directions, stop to stop, or steering stops have been

removed. On certain model passenger buses, it may be necessary to open the inspection access door to allow visual inspection of the steering shaft universal joints.

2. Power steering is defective and affects adequate steering of the vehicle or fluid level in reservoir is below operating level or if there is an obvious leak of power steering fluid. Do not reject for dampness. ~~Belts or the serpentine belt does not have sufficient tension or are worn, frayed, or missing. Damage to hoses or leaks in hoses or fittings. Power steering hoses have any cracks, crimps, or restrictions or are abraded, exposing inner fabric; tubing or connections leak or are crimped, restricted, cracked, or broken. Power steering tubing and hoses must be secured against chaffing, kinking, or other mechanical damage and be installed in a manner that prevents contact with the vehicle's exhaust system or any other source of high temperatures. Power steering belt does not have sufficient tension, is frayed, or is missing. The serpentine belt should only be rejected if a chunk of the ribbing is missing or a deep cut or crack exposes the inner fabric of the belt. (Do not reject for the many little surface cracks that appear in the ribs or back.)~~

NOTE: If the vehicle is equipped with power steering, the engine must be running during testing.

3. Any modification has been made to any part of the steering system that affects proper steering. A repair kit or preventive maintenance kit has been installed on a tie rod end, idler arm, ball joint, or any other part of the vehicle's steering gear.

NOTE: This system requires moving components to be checked for steering wheel lash, loose parts or binding. To properly inspect the power steering components, the engine must be running.

NOTE: The repair kit or preventive maintenance kit usually consists of a small spring and a plastic cap that is placed over the bolt stud of the component and held in place by a retaining nut. There is nothing in this paragraph that prohibits the replacement of parts or components of a motor vehicle's steering gear in order to correct deficiencies in the steering gear.

4. Steering Lash/Travel-Trucks.

Before inspection the vehicle must be placed on a smooth, dry, level surface. For vehicles equipped with power steering, the engine must be running and the fluid level, belt tension and condition must be adequate before testing.

With road wheels in straight ahead position, turn steering wheel until motion can be detected at the front road wheels. Align a reference mark on steering wheel with a mark on a ruler and slowly turn steering wheel in the opposite direction until motion can be detected at the front road wheel. Measure lash at steering wheel. Special lash-checking instruments are also available, measuring

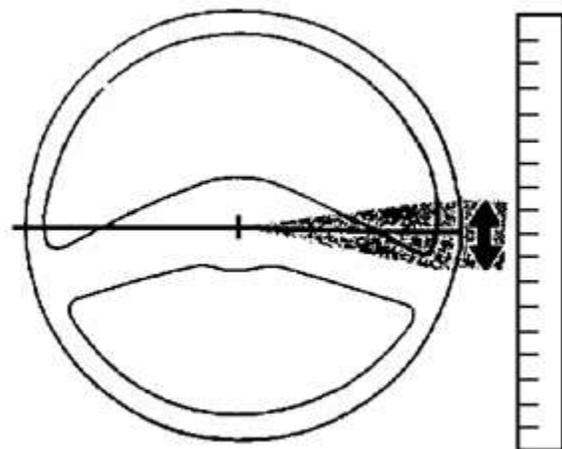
free play in inches or degrees. Such instruments should always be mounted and used according to the manufacturer's instructions. With vehicle raised, visually inspect steering linkage, ball studs, tie rod end socket assemblies and all pivot points. On vehicles with power steering, engine must be running.

Reject vehicle if steering wheel movement exceeds:

Steering Wheel Size and Lash

Steering wheel diameter	Manual steering system
16 inches or less	2 inches (51 mm)
18 inches	2 1/4 inches (57 mm)
19 inches	2 3/8 inches (60 mm)
20 inches	2 1/2 inches (64 mm)

Reject vehicle if visual inspection reveals excessive wear and/or looseness in any ball stud, end assembly, pivot point or mechanical linkage.



STEERING LASH

5. Any modification or replacement has been made to the steering wheel which affects proper steering. It shall be rejected if it is of a smaller size than the original factory equipment.

6. Steering column has any missing or loose bolts or positioning parts, resulting in motion of the steering column from its normal position. Steering shaft universal joints are loose or exhibit any abnormal movement when shaft is rotated. Any welded repairs are made to the steering system, steering column, steering gear box, pitman arm or universal joints. Any movement of a steering nut under steering load.

7. Any missing or loose bolts or other parts resulting in motion of the steering gear box at the point of attachment to the vehicle's frame.

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8. Any looseness of the pitman arm on the steering gear box, output shaft or gear box.
9. Any control arm bushing is missing.
10. Any vehicle equipped with an idler arm shows excessive looseness.
11. Any motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch measured with hand pressure only.
12. Loose clamps, clamp bolts on tie rod ends or drag links.
13. Any looseness in any threaded joint.
14. Loose or missing nut on tie rods, pitman arm, drag ink, steering arm or tie rod ends.
15. Wheel bearings/steering linkage.
  - a. With the front end of vehicle lifted properly, push pads away from rotor on disc brakes, and grab front tire at top and bottom, rock vigorously in and out and record movement. Wheel bearing looseness is detected by the relative movement between the brake drum or disc and the backing plate or splash shield.

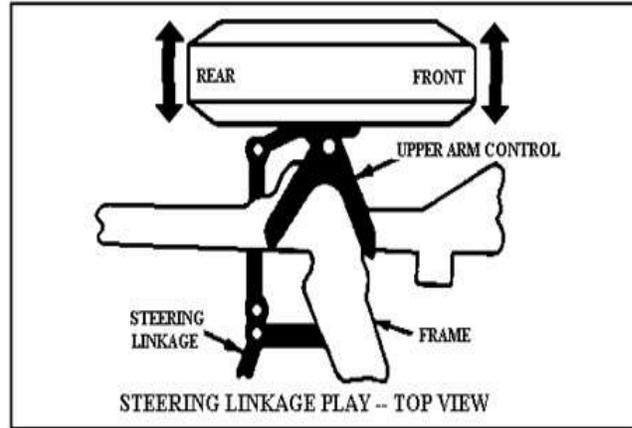
(1) Reject vehicle if relative movement between drum and backing plate (disc and splash shield) is more than 1/4 inch measured at the outer circumference of the tire for vehicles more than 10,000 pounds GVWR.

(2) Reject vehicle if any wheel bearing is excessively worn or not properly adjusted; any cotter key or other locking device is missing or inoperative.

b. Steering linkage play. First eliminate all wheel bearing movement by applying service brake. With vehicle lifted as shown below and wheels in straight ahead position, grasp front and rear of tire and attempt to move assembly right and left without moving the steering gear.

Reject vehicle if measured movement at front or rear of tire is greater than:

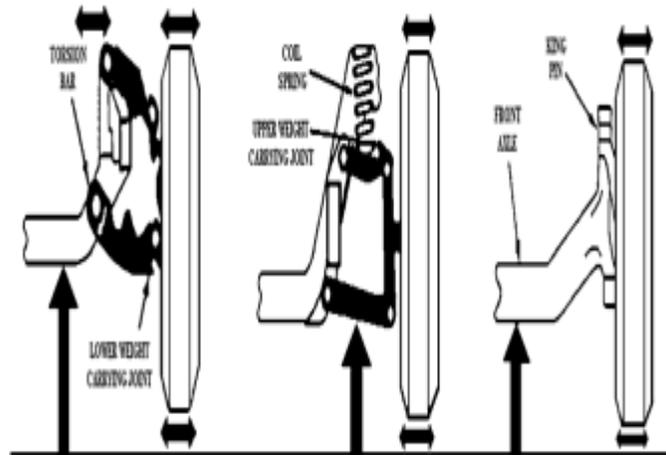
Wheel size:	17 inches or less	- 1/4 inch (6.5mm)
	17 to 18 inches	- 3/8 inch (9.5mm)
	over 18 inches	- 1/2 inch (13mm)



c. King pin. If vehicle is equipped with king pins, first eliminate all wheel bearing movement by applying service brake. With front end lifted as illustrated for inspecting wheel bearings, (Figure C) grasp the tire at the top and bottom and attempt to move in and out to detect looseness. Measure the movement at the top or bottom of the tire at the outer circumference.

Reject vehicle if measured movement at top or bottom of tire is greater than:

Wheel size:	16 inches or less	- 1/4 inch
	17 to 18 inches	- 3/8 inch
	over 18 inches	- 1/2 inch



Proper lifting for wheel bearing, steering linkage looseness, and king play action

FIGURE A                      FIGURE B                      FIGURE C

NOTE: Ball joint wear: There is a trend among U.S. automobile manufacturers toward the use of "wear-indicating" ball joints on light trucks. Many vehicles on the

road, however, do not have wear-indicating ball joints. The inspection of both types will be discussed.

Figures 1, 2, 3 and 4 below illustrate the proper hoisting for checking ball joints.

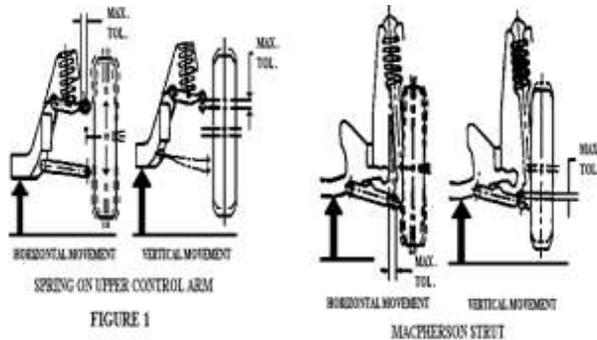


FIGURE 1

MACPHERSON STRUT  
FIGURE 2

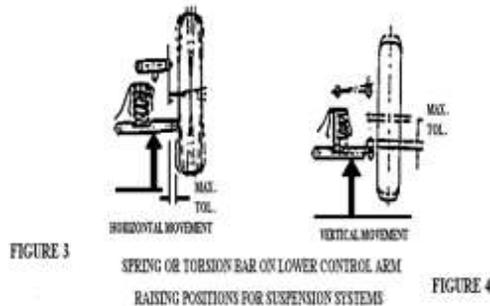


FIGURE 3

FIGURE 4

a. NOTE: To check ball joint wear on vehicles when the spring is supported on the upper control arm or when the spring is a part of a MacPherson strut or wear in any other type suspension not using ball joints when the front wheels are suspended on a solid axle, the vehicle must be hoisted as shown in Figure 1 or 2.

b. NOTE: Upper control arm must be stabilized in normal load carrying position by means of an upper control or other support tool to insure ball joint is in unloaded position.

c. NOTE: To check ball joint wear on vehicles not listed in above referred to section and diagram or tables when the spring is supported on the lower control arm; and to check the kingpin wear in any other type suspension not previously described when the wheels are independently suspended, the vehicle must be hoisted as shown in Figure 3 or 4.

16. Vehicles without wear indicator ball joint.

a. If play is detected in any ball joint without "wear-indicating" ball joints, it will be necessary for the inspection to be made in accordance with the manufacturer's recommended procedures and specifications prior to rejecting the vehicle.

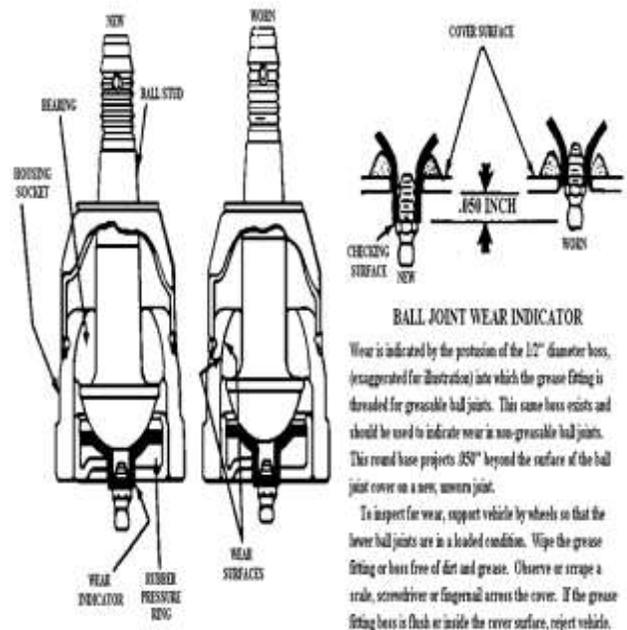
b. If there are no manufacturer's recommended procedures and specifications, the lower ball joints will

be checked when hoisted as in Figures 1 or 2, or in the upper ball joints when hoisted as in Figures 3 or 4. There should be no noticeable play detected in the ball joints when checked in this manner.

c. Reject vehicle if play exceeds the manufacturer's specifications. It is recommended that inspectors use a dial indicator or ball joint checking gauge when checking for play of a ball joint when procedures and specifications are provided by the manufacturer.

17. Ball joints with wear indicators (~~trucks~~). Support vehicle with ball joints loaded (in normal driving attitude). Wipe grease fitting and checking surface free of dirt and grease. Determine if checking surface extends beyond the surface of the ball joint cover.

Reject vehicle if checking surface is flush with or inside the cover surface.



18. Any vehicle inspected in accordance with the recommendation of the manufacturer of such vehicle and found to be within the specification shall be deemed to meet inspection regulations.

**19VAC30-70-480. Suspension.**

Inspect for and reject if:

1. Any positioning parts are cracked, broken, loose, or missing resulting in shifting of an axle from its normal position.
2. Any part of the torsion bar assembly or torque arm or any part used for attaching the same to the vehicle frame or axle is cracked, broken or missing.

NOTE: This does not apply to loose bushing(s) in torque or track arms.

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3. Vehicles designed for shock absorbers or cross stabilizer links, if any are missing, disconnected, broken, bent, loose or do not function properly.

4. Any leaf spring is broken, sagging, misaligned, or if spring ~~hangar(s)~~ hangers are worn or loose.

5. Any deflated air suspension system or leaks.

CAUTION: Underneath inspection of a vehicle equipped with air suspension with excessive leakdown could result in serious personal injury.

6. Any suspension system defect or any condition of loading that permits the body or frame to come in contact with a tire or any part of the wheel assemblies.

NOTE: "All thread rod" material shall not be used as U-bolts in the suspension system.

7. Sliding trailer tandem or multi-axle assemblies do not lock in place or have broken or missing parts.

8. Any coil spring is broken.

9. Vehicles with composite springs on either the power unit or trailer, if a crack, regardless of length, is visible on either side, top or bottom.

NOTE: A crack is a separation in any axis that passes completely through the spring.

## **19VAC30-70-490. Frame, engine mounts, coupling devices and emergency chains.**

Inspect for and reject if:

1. Frame of any bus, truck, tractor truck is cracked, loose, broken or sagging. Frame of any trailer or semi-trailer has any broken cracked, loose, or sagging top or bottom frame rails or frame is cracked or broken.

2. Engine, transmission or cab mounts, to include all hardware, bolts, and bushings used to connect the mount to the vehicle, frame, engine, or transmission are broken or missing. Any engine or transmission mount ~~should~~ shall be rejected if it allows the power train to come in contact with the firewall or other body parts. Cab mounts should be rejected if they do not properly secure the body to the frame.

3. Trailer hitch or pintle hook is not securely attached. Reject if the pintle eye or trailer drawbar has any cracks or if any welding repairs have been made to the pintle eye.

4. Chains, cables, etc., used to attach a towed vehicle are not securely attached, or are broken, worn or abraded.

5. Fifth wheel does not lock in position or have a locking mechanism that is in proper working order.

NOTE: Reject if horizontal movement exceeds 1/2 inch between upper and lower fifth wheel halves.

6. Fifth wheel assembly system has any leak of fluid or air.

7. Fifth wheel has any broken, missing, or damaged parts; or is not securely attached to the frame. This includes fore and aft stops.

8. Trailer king pin is not secure, or is broken, or worn so as to prevent secure fit in fifth wheel. The upper coupler device is not securely attached.

9. Any cracks, breaks or damaged parts in the stress or load bearing areas of a coupling device.

10. Trailer is not equipped with emergency chain(s) or steel cable(s).

NOTE: Fifth wheel assembly does not require emergency chain or steel cable. A fifth wheel is defined as a device that interfaces with and couples to the upper coupler assembly of a semitrailer. The upper coupler assembly is a structure consisting of an upper coupler plate, king pin and supporting framework which interfaces with and couples to a fifth wheel. Ball and socket connections also referred to as hitch and coupling connections are not fifth wheel assemblies and do require an emergency chain or steel cable.

11. Sliding trailer tandem or multi-axle assemblies do not lock in place or have worn, broken or missing parts.

## **19VAC30-70-500. Tires, wheels, rims.**

Inspect for and reject if:

1. Any tire is marked specifically for use other than on the highway, such as "For Farm Use Only," ~~or~~ "For Off-Highway Use Only," ~~or~~ any tire marked "Not for Steering Axle," ~~or~~ "For Mobile Home ~~use only~~ Use Only," or "For Trailer Use Only."

2. A radial tire is mismatched on the same axle with a bias ply tire or a bias belted tire.

3. Bias ply or bias belted tires are used on the rear axle when radial ply tires are used on the front axle. Except:

a. On a two-axle vehicle equipped with truck tires with 20-inch rim diameter and larger. Bias or radial tires may be used on either axle if the vehicle has dual rear wheels or is equipped with wide-base single tires.

b. Either bias or radial tires may be used on the steering axle of vehicles with three or more axles.

4. Bias tires and radial tires are mixed in a tandem-drive axle combination on a vehicle equipped with truck tires with 20-inch rim diameter and larger.

5. Any tire on the front wheel of a bus, truck or any tractor truck has a tread groove pattern of less than 4/32 inch when measured at any point on a major tread groove.

6. Any bus has regrooved, recapped, or retreaded tires on the front wheels.

7. Any motor vehicle, trailer or semitrailer, except the dual wheels installed on motor vehicles having seats for more than seven passengers: (i) operated wholly within a municipality, or (ii) operated by urban and suburban bus lines, which are defined as bus lines operating over regularly scheduled routes and the majority of whose passengers use the buses for traveling a distance of not exceeding 40 miles, measured one way, on the same day

between their place of abode and their place of work, shopping areas, or schools, is equipped with a tire that has a tread depth measuring less than  $2/32$  of an inch when measured as follows: NOTE: The exemptions provided in clauses (i) and (ii) of this paragraph do not apply to buses owned or operated by any public school district, private school, or contract operator of buses.

NOTE: Measure in two adjacent tread grooves where tread is thinnest. If either of the grooves measure  $2/32$  of an inch or more, no further measurements are necessary and tread depth is satisfactory. Do not measure on tread wear indicators.

If both adjacent grooves measure less than  $2/32$  of an inch, the tire tread depth must be measured again at two additional equally spaced intervals around the circumference of the tire in a like manner as the first measurement. If the tread depth is less than  $2/32$  of an inch in two adjacent tread grooves at each of the equally spaced intervals, the tire must be rejected.

NOTE: Refer to Figures 1, 2, 3, and 4 in this section for illustrations of how to measure tire tread.

**MEASURE WHERE THE TREAD IS THINNEST IN TWO ADJACENT TREAD GROOVES**

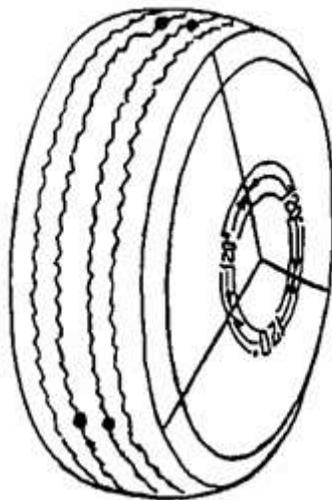


FIGURE 1

**IF THE DEPTH IS LESS THAN  $2/32$ -INCH IN BOTH GROOVES MEASURE AT TWO ADDITIONAL EQUALLY SPACED INTERVALS**

8. A tire equipped with tread wear indicators if found to have such indicators in contact with the pavement in any two adjacent grooves at three equally spaced intervals around the circumference of the tire. Refer to Figure 2.

**REJECT IF THE TREAD WEAR INDICATORS ARE IN CONTACT WITH THE PAVEMENT IN ANY TWO ADJACENT GROOVES AT THREE EQUALLY SPACED LOCATIONS**

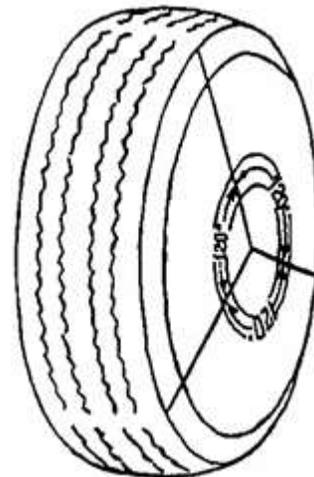


FIGURE 2

9. Any tire has a cut to the extent a ply or belt material is exposed or puncture, not to include a plug or patch that may be used as a manner of repair.

NOTE: Plugs/patches shall be in the tread area only. Plugs/patches are not permitted in the sidewall of the tire.

10. Any tire is worn so that the fabric or steel cord is visible.

11. Any tire has knots or bulges in its sidewalls or if there is evidence of a broken belt under the tread, or if the tread is separating from the fabric.

12. Any tire that has been recut or regrooved except commercial tires so designed and constructed to provide for acceptable and safe recutting and regrooving. Each tire that has been regrooved must be labeled with the word "Regroovable" molded on or into the tire on both sidewalls in raised or recessed letters.

13. Any tire is flat or has an audible air leak.

14. Any tire so mounted or inflated that it comes into contact with its mate or any parts of the vehicle.

15. Rims, or lock rings or wheels are bent, cracked or damaged so as to affect safe operation of the vehicle. Reject if lug nut holes are elongated (out of round).

16. Any wheel studs, bolts, nuts, lugs, or other fasteners (both spoke and disc wheels) are loose, broken, cracked, stripped, missing, or damaged or otherwise ineffective.

17. Any welded repair on aluminum wheel(s) on a steering axle or any welded repair (other than disc to rim attachment) on steel drive wheel(s) mounted on the steering axle.

18. Directional tires and/or wheels, designed and manufactured to go in a certain direction of rotation not installed in the proper direction of rotation.

FIGURE 3

ATTACHMENT TO BHCS NOTICE DATED 8/21/69

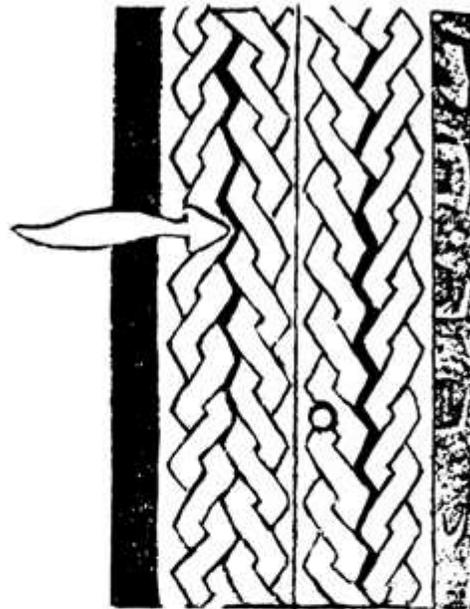
# HOW TO MEASURE TIRE TREAD

When measuring tread depth, a gauge calibrated in 32nds of an inch should be used.

The gauge should be placed at the point in one of the treads indicated by a arrow. Depth reading should not be taken in treads marked with a circle, since these are classified as "minor" treads.

Persons taking measurements will have to use discretion in measuring tread depths not pictured here. However, measurements should not be made in treads which are obviously of a "minor" nature.

This guide merely depicts a number of the most common treads.



## MAJOR TREAD GROOVE

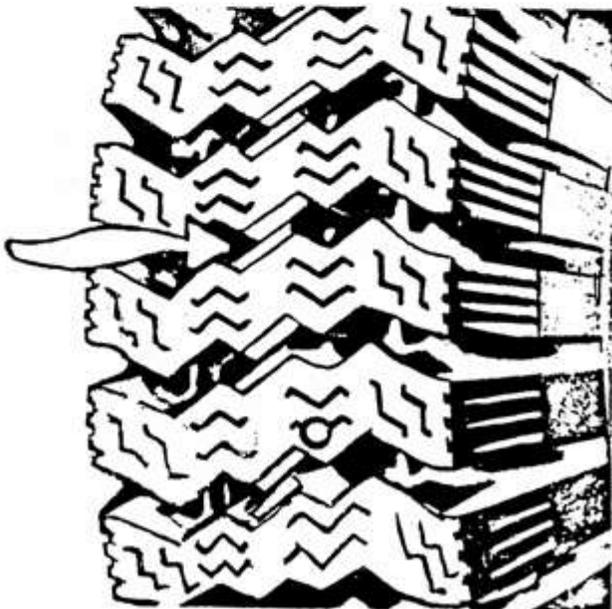
Grooves in the tread design molded through the complete thickness of the tread rubber running around and/or across the tire surface.

## ○ MINOR TREAD GROOVE

Remaining tire tread design other than major tread grooves.

## ◎ TIE-BAR

Molded rubber located in major tread grooves for the purpose of connecting and supporting the tire treads.



more

FIGURE 4



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# Regulations

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## 19VAC30-70-510. Headlamps.

### A. Inspect for and reject if:

1. Any motor vehicle is not equipped with headlamps of an approved type. The headlamps must be marked with the headlamp manufacturer's name or trademark, and DOT. If the headlamp bulbs are replaceable, the headlamp lens must be marked with the headlamp light source type (bulb) for which it was designed and the bulb must match the lens code.

2. Headlights are not of the same approved type (Halogen, HID, etc.) except sealed beam headlamps. At least two headlamps are required.

3. In any headlamp the lens is cracked, broken, discolored, or rotated away from the proper position, or the reflector is not clean and bright.

4. Moisture or water buildup in headlamp is such that it affects the aiming pattern.

5. Headlamps omit light other than white. Light tints of color may be acceptable if the headlamp and headlamp bulbs are marked as required.

6. Bulbs are not of an approved type and marked with all of the following: light source type, the manufacturer's name or trade mark, and DOT.

- a. Approved headlamp bulbs: HB1, HB2, HB3, HB3A, HB4, HB4A, HB5, H1, H3, H7, H8, H8B, H9, H9B, H11, H11B, H11C, H13, H13C, H15, HIR1, HIR2.

- b. Approved headlamp bulbs that require ballast: 9500, D1R, D1S, D2R, D2S, D3R, D3S, D4R, D4S, D5S, D7S, D8S.

- c. Approved headlamp ballasts must be marked with the light source type (bulb) and DOT. The bulb type marked on the ballast must match the marking on the headlamp lens.

7. Any filament or bulb in headlamps fails to burn properly or headlamps are not at the same location or configuration as designed by the manufacturer. (Location and type of headlamps can be found in subsection B of this section.)

8. Wiring is dangling or connections are loose, or if proper filaments do not burn at different switch positions, or if switches -- including foot or hand dimmer -- do not function properly, and are not convenient to the driver.

9. Foreign material is placed on or in front of the headlamp lens or interferes with the beam from the lamp. No glazing may be placed over or in front of the headlamps unless it is a part of an approved headlamp assembly. ~~a.~~ Reject if the vehicle has wire, unapproved plastic covers, any other materials that are not original equipment or any colored material placed on or in front of the headlamps.

~~b.~~ **EXCEPTION:** A clear impact film known as Headlight Savers produced by Grand Prix Motoring Accessories may be applied to the headlight lens to absorb impact of rocks, etc.

**EXCEPTION:** A law-enforcement special weapons and tactics (SWAT) or tactical armored vehicle, designed and manufactured exclusively for missions, may apply protective bars in front of the headlamps when designed and installed by the manufacturer.

**NOTE:** Headlamps, auxiliary driving lamps and front fog lamps shall be mounted so that the beams are aimable and the mounting shall prevent the aim of the lighting device from being disturbed while the vehicle is operating on public roads. All lamps shall be securely mounted on a rigid part of the vehicle.

10. Lamps can be moved easily by hand due to a broken fender or loose support, or if a good ground is not made by the mounting.

Headlamps, auxiliary driving lamps and front fog lamps shall be mounted so that the beams are aimable and the mounting shall prevent the aim of the lighting device from being disturbed while the vehicle is operating on public roads. All lamps shall be securely mounted on a rigid part of the vehicle.

11. A headlamp visor is over two inches long unless part of the original body design.

12. The beam indicator in the driver's compartment does not burn when the high beam is on. (Vehicles not originally equipped with an indicator are not required to comply unless sealed beam headlamps have been installed.)

13. Headlamps are not aimed within the following tolerances using optical aimer:

a. The center of the hot spot of all Type 1 lamps, all single element high beam lamps, and all lamps that do not have Type 2 embossed in the lens, is set more than four inches up or down from the horizontal centerline or more than four inches to the left or right from the vertical centerline.

b. The left edge of the lamp pattern of any low beam lamp or any combination or multi-element lamp or Type 2 lamp is more than four inches to the left or right of the vertical centerline or the top edge of the lamp pattern is more than four inches above or below the horizontal centerline.

### Aiming the Headlamps:

**NOTE:** Headlamps shall be checked for proper aim by using an optical headlamp aimer on every motor vehicle inspected.

### Optical Aimer:

**NOTE:** Approved optical headlamp machines may be used to properly aim any of the headlamps. Optical aimers must be properly calibrated and used in the manner recommended by the manufacturer.

**NOTE:** When aiming headlamps, first look for the type of lamp, which will be found embossed on the lens. The type

determines which aiming requirements must be followed for the optical aimer.

NOTE: All Type 2 headlamps and all low beam or multi-element headlamps must be set by aiming the lamp pattern with the lamps set on low beam.

NOTE: If attempting to align a composite or sealed beam lamp with a high and low beam within the same housing, align only the low beam. If aligning a four-lamp system with high and low beams in separate housings, it may be necessary to cover the low beam while aligning the high beam, if all four lamps are on at the same time.

NOTE: Pattern should be aimed so that the left edge does not extend to the left or right of straight ahead, and the top of the pattern should be even with the horizontal.

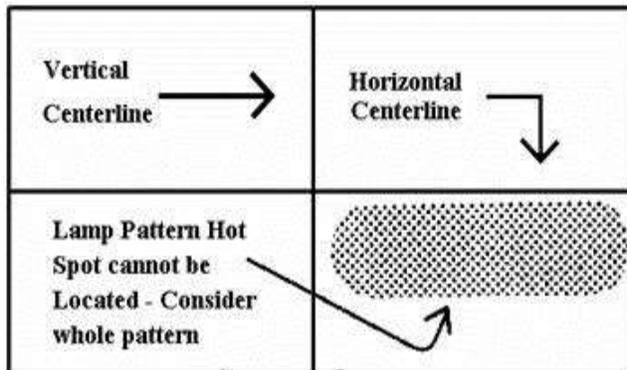
NOTE: All VOL and VOR headlamps will be aimed as follows:

To properly aim a combination multi-element or low beam VOL or VOR headlamp assembly, the headlamp pattern should be aimed on low beam only.

Letters marked on the headlamp cover should properly identify VOL and VOR headlamps.

NOTE: VOL and VOR headlamps will normally have only one adjustment, which will be for the vertical aim only. The horizontal aim should be disregarded, as the horizontal aim is preset at the factory.

Pattern "A" represents the light pattern, as it should appear on the view screen of the approved aimer when checking the low beam pattern on a single element headlamp or a combination multi-element headlamp.

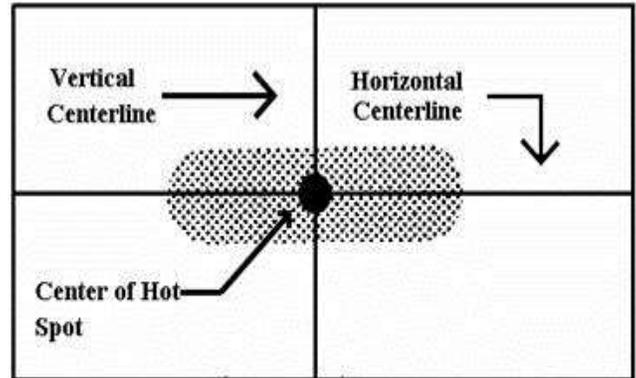


**PATTERN A - TYPE 2 LAMP**

NOTE: All Type 1 headlamps and all headlamps that do not have Type 2 embossed in the lens shall be set by aiming the center of the hot spot with the lamps set on high beam.

NOTE: Aim straight ahead-center of the hot spot should be centered with the vertical and horizontal centerlines.

Pattern "B" represents the light pattern as it should appear on the view screen of the approved aimer.



**PATTERN B - TYPE 1 LAMP**

NOTE: The four headlamp system combines four 5-3/4-inch lamps in pairs.

NOTE: One lamp embossed at the top as Type "1" and one embossed on the top as a Type "2" are arranged as a pair on each side.

NOTE: When lamp pairs are mounted horizontally, the Type "2" lamp must be on the outer side.

NOTE: The four headlamp system must be wired so that only the lower beam in the Type "2" lamps will burn when the light beams are depressed. When switched to high beams, both the Type "1" and Type "2" will burn.

NOTE: Light patterns shown on the following page will be displayed on the most recently approved light machines produced by Hopkins and Symtech Corporations.

**Aiming the Headlamps:**

NOTE: All headlamps that are found not to be within the 4 inch tolerance shall be adjusted to zero inches up or down and zero inches to the right or left.

**Headlamps on Vehicles used for Snow Removal:**

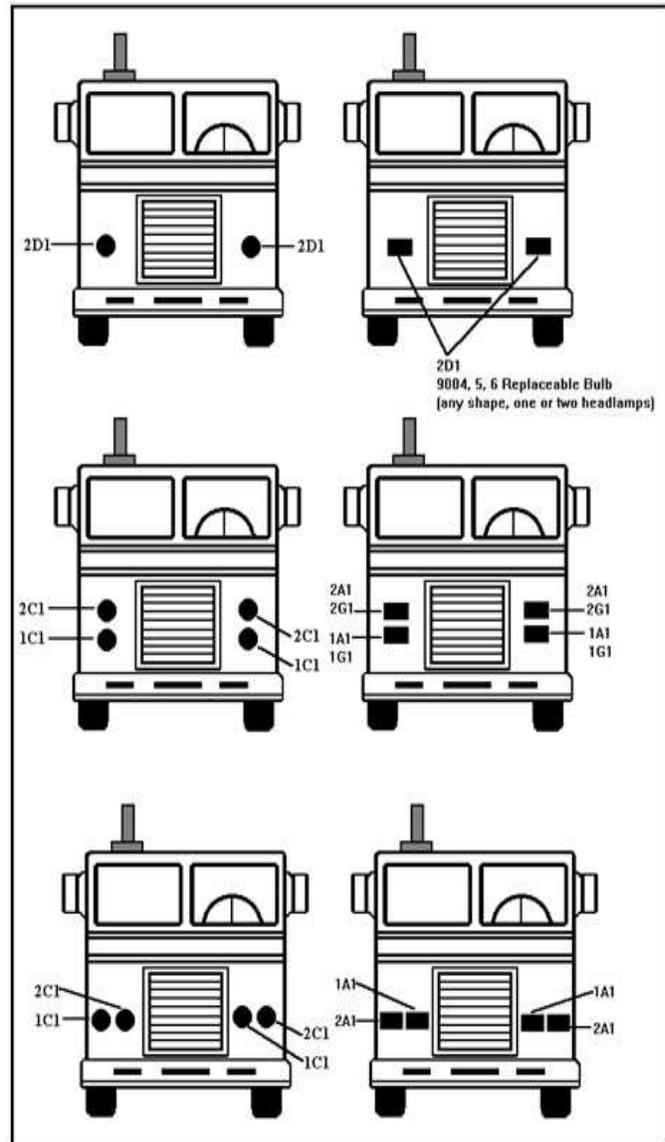
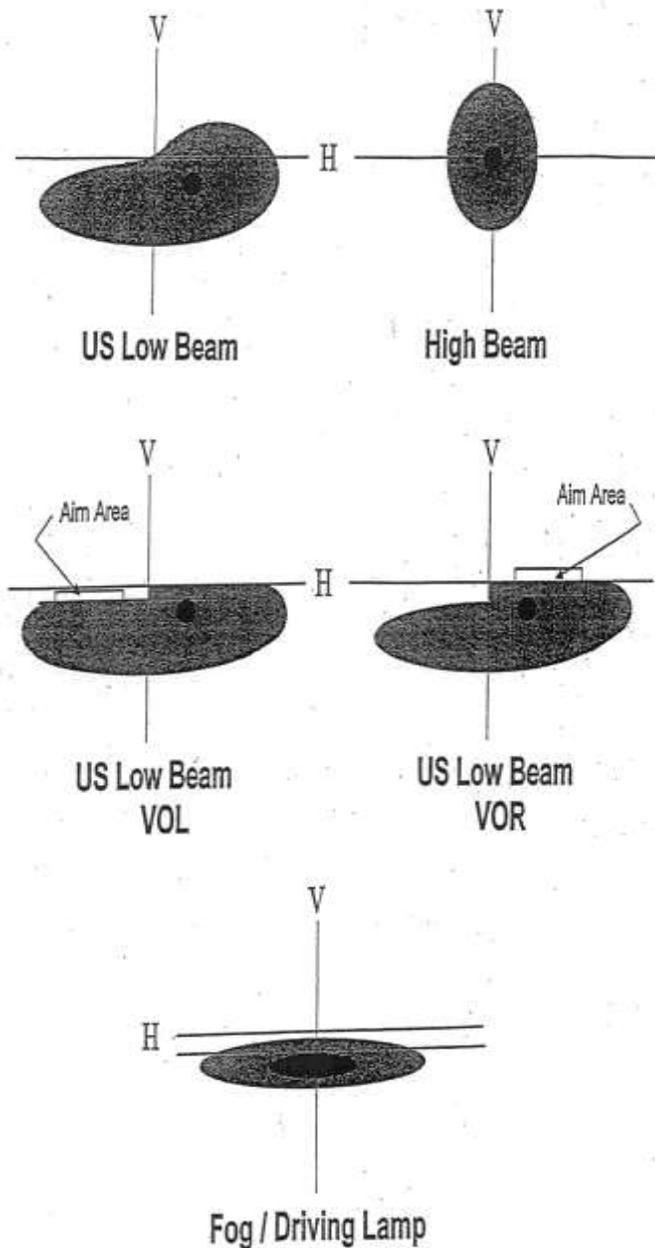
NOTE: Approved auxiliary headlamps (SAE-Z) may be mounted above the conventional headlamps. (These lamps must be in compliance with 19VAC30-70-140, in its entirety, 19VAC30-70-150, subdivision 7, and 19VAC30-70-170, subsection A, of this manual.)

**B. Inspect for and reject if:**

1. Lamps are not an approved type as indicated in subdivision A 6 of this section.
2. Lamps are not mounted in a manner that will permit proper aiming.
3. Lamps are mounted so as to obstruct the driver's vision.
4. The auxiliary headlamp circuit does not contain a switch that will deactivate the primary headlamp system when the auxiliary headlamps are in use.
5. Auxiliary headlamps are not aimed in accordance with the provisions of this section.

# Regulations

## HEADLAMP PATTERNS



NOTE: ALWAYS inspect the following sealed beam and replacement bulb headlamps on LOW BEAM only:

- 5-3/4 inch, marked Type 2 or 2C1
- 7 inch, marked Type 2 or 2DI
- 6-1/2 X 4-1/4 inch rectangular, marked Type 2QA or 2A1
- 2000 X 142mm rectangular, marked Type 2B or 2B1

### 19VAC30-70-520. Rear lamps: tail lamp; license plate lamps; and rear lamp combinations.

A. Inspect for and reject if:

1. Vehicle is not equipped with a rear (tail lamp) or rear lamp combination of an approved type and the light or light assembly does not work as approved. The approval

designation letters that must appear are DOT or SAE-A-I-S-T-P for single lamps and DOT or SAE-A-I-S-T-P-R if a backup light is incorporated.

2. The vehicle is equipped with more than one rear lamp, if all are not in operating condition.

3. The vehicle is not equipped with a license plate lamp of an approved type (DOT or SAE-L) which emits a white light. The license plate lamp may be a separate lamp or part of a combination rear lamp. (A road tractor or tractor-truck that does not have a rear license plate is not required to have a license plate lamp.)

4. Lens for license plate lamp is not illuminated by an approved license plate lamp that ~~admits~~ emits a white light.

5. Lens on rear lamps, or lens area in combination rear lamps (tail lamps) are not red or contain a DOT of another color. LED (~~light-emitting~~ light-emitting diode) lights with a clear lens are acceptable, if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

6. Lens has piece broken from it or does not fit properly. The lens may have one or more cracks provided an off-color light does not project through the crack(s).

NOTE: Taping or gluing cracks or pieces is not allowed.

7. Filament in all rear (tail) lamps does not burn when headlamp switch is turned on to any position, or if lamps do not provide a red light visible to the rear through an approved red lens as annotated in subdivision 1 of this subsection.

8. Rear (tail) lamp is not mounted near extreme rear of vehicle. Dump trucks and other specially constructed vehicles may mount the rear lamp at a point other than on the extreme rear, provided such rear lamp is clearly visible from the rear, and further provided that a red reflector of an approved type is mounted on the extreme rear. In unusual cases, the rear lamp may be mounted on the cab. Reject if the lamp is hidden by a bolster or other part of the body or frame, is not mounted securely, or if the lamp does not make a good electrical contact.

9. Wiring or electrical connections are defective or filaments do not burn.

10. Any vehicle has unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of rear lamps, tail lamps, license plate lamps or rear lamp combinations.

B. Every trailer shall carry at the rear, two red lights of a type approved by the ~~Superintendent~~ superintendent.

**19VAC30-70-530. Auxiliary lamps: backup; cornering; driving; fog; spot and warning.**

A. Auxiliary lamps on a vehicle consist of seven general types: backup lamps (SAE-R), cornering lamps (SAE-K),

driving lamps (SAE-Y), front fog lamps with an amber or clear lens (SAE-F) and rear fog lamps with red lens (SAE-F2), spot lamps (SAE-O), warning lamps (SAE-W), and daytime running lamps (DRLs) (SAE-Y2).

1. School buses may be equipped with an eight-lamp warning system of two red and two amber warning lamps of an approved type (SAE-W2) on the front and rear of such vehicle.

a. In addition to required warning lamps, school buses may be equipped with a stop signal arm consisting of an octagonal sign that meets FMVSS specifications (Federal Motor Vehicle Safety Standards, 49 CFR Part 571). The stop signal arm shall be reflectorized or be equipped with two red warning lamps of an approved type.

b. School buses may also be equipped with roof mounted flashing white or amber warning lamps of an approved type (SAE-W2).

2. Reject if the vehicle has wire, unapproved plastic covers, any other materials that are not original equipment or any colored material placed on or in front of any auxiliary ~~lamps-backup lamps, backup,~~ cornering, driving, fog, spot or warning lamps.

EXCEPTION: Any lighting device that is both covered and not illuminated, other than lamps required or permitted by this manual, shall not be considered for inspection. Fog and driving lamps mounted below the level of the regular headlights must be checked for aim as outlined in subdivisions K 10 i and K 11 g of this section, if not covered.

NOTE: The covers shall be a type that would be installed as original equipment and not tape, paper bags, aluminum foil or similar materials.

B. There is no limit on the number of backup lamps that a vehicle may have so long as they are of an approved type (SAE-R).

C. No more than four lamps, including two headlamps may be lighted at any time to provide general illumination ahead of the vehicle.

D. Approved type (DOT or SAE-W) blue or blue and red lights are permitted on Department of Corrections vehicles designated by the Director of the Department of Corrections and any law-enforcement vehicle.

E. Approved type blue or blue and red lights as well as approved type hide-away or undercover strobe warning lights are permissible for use on Department of Corrections and any law-enforcement vehicles.

1. Approved type secondary warning lights installed only on the four corners, on Department of Corrections and any law-enforcement vehicles, fire apparatus, government-owned vehicle operated on official business by a local fire chief or other local fire official, rescue squad vehicle, ambulance, or any other emergency medical vehicles.

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These lights shall also have primary warning lights installed.

2. The hide-away or undercover strobe lights shall be installed in the side marker lights, tail lights or parking lights. The strobe itself must be clear and the lens color must continue to be the same type and color as originally approved. It will not be permissible to install the hide-away lights in the headlights or in the backup lights.

F. Approved type (SAE-W) red warning lights or red and white lights showing to the front are permitted on fire department vehicles, including publicly owned state forest warden vehicles, ambulances, any rescue vehicle used for emergency calls, local Departments of Emergency Management, animal warden vehicles, school buses and vehicles used by security personnel at the Newport News Shipbuilding and Drydock Company, Bassett-Walker, Incorporated, the Tultex Corporation, the Winchester Medical Center, or the National Aeronautics and Space Administration's Wallops Flight Facility.

G. No more than two flashing or steady-burning red or combination red and white lights of an approved type may be installed on one vehicle owned by any member of a fire company, volunteer fire company, volunteer rescue squad or any ambulance driver employed by a privately owned ambulance service.

H. Vehicles mentioned in subsections D, E and F permitted to be equipped with flashing, blinking or alternating red, red and white, blue, or blue and red emergency lights (except vehicles owned by any member of a fire company, volunteer fire company, volunteer rescue squad or an ambulance driver employed by a privately owned ambulance service) may be equipped with the means to flash their headlamps when their emergency warning lamps are activated provided:

1. The headlamps are wired to allow either the upper beam or lower beam to flash but not both and;
2. The headlamp system includes a sensor that prevents flashing of headlamps when headlamps are required to be lighted pursuant to current statute.

Emergency vehicles in Chesapeake, Poquoson, and York County may be equipped with flashing headlights that will function whenever their warning lights are activated.

I. Any fire vehicle used exclusively for ~~fire fighting~~ firefighting, any ambulance or rescue or lifesaving vehicle used for the principal purpose of emergency relief or any wrecker used for the principal purpose of towing disabled vehicles may be equipped with clear auxiliary lamps that shall be used exclusively for lighting emergency scenes. Such lamps shall be of a type permitted by the superintendent. Any government-owned police vehicle may be equipped with clear auxiliary lamps of a type approved by the superintendent.

J. Approved type (SAE-W) amber flashing, blinking or alternating lights are permitted on vehicles used for the principal purpose of towing or servicing disabled vehicles or

in constructing, maintaining and repairing highways or utilities on or along public highways and vehicles used for the principal purpose of removing hazardous or polluting substances from the state waters or drainage areas on or along public highways. Such lamps are permitted on vehicles used for servicing automatic teller machines, refuse collection vehicles, hi-rail vehicles and on vehicles used for towing or escorting over-dimensional materials, equipment, boats, or manufactured housing units by authority of highway hauling permit.

1. Approved type (DOT or SAE-W) amber, red, and red and white flashing, blinking or alternating warning lights are permitted on fire apparatus, ambulances, and rescue and life-saving vehicles, provided the lights are mounted or installed as to be visible from behind the vehicle.

2. Approved type (DOT or SAE-W) amber flashing, blinking or alternating lights are permitted on vehicles owned and used by municipal safety officers in the performance of their official duties, by businesses providing security services and vehicles used to collect and deliver the United States mail, vehicles used by law-enforcement personnel in the enforcement of laws governing motor vehicle parking, and government-owned law-enforcement vehicles provided the lights are used for giving directional warning and vehicles used to provide escort for funeral processions.

3. An approved type amber flashing, blinking or alternating lights are permitted on vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track.

4. An approved type (DOT or SAE-W) amber flashing, blinking or alternating light may be mounted on the rear of any vehicle used to transport petroleum products. The light must be wired through the reverse gear circuit and activate in conjunction with the backup lights and audible alarm.

5. An approved type (SAE-W) green warning light is permitted on vehicles used by police, fire-fighting, or rescue personnel as command centers at the scene of incidents. Such lights shall not be activated while the vehicle is operating upon the highway.

K. Inspect for and reject if:

1. Vehicle has an auxiliary lamp being used for a purpose other than that for which it was approved.

Do not reject tractor trucks equipped with cargo lights of an approved type (SAE-G) that are mounted on the rear of the tractor cab and wired through an independent switch used to illuminate brake connectors and fifth-wheels for nighttime hookups.

2. A vehicle has installed on it a warning lamp that is not of an approved type or has been altered.

3. Vehicle is equipped with a combination of auxiliary lamps which include more than two fog lamps, or more than two spot lamps, or more than two driving lamps.

Motor vehicles may be equipped with more than two fog or auxiliary lights; however, only two of these types of lights can be illuminated at any time. Reject a vehicle equipped with a headlamp mounted or used as an auxiliary lamp.

NOTE: Vehicles equipped from the factory, with two driving lamps should not be rejected.

4. Vehicle is equipped with an auxiliary lamp that does not function properly. (If an auxiliary lamp has been modified by removing the wiring, bulb and socket, the unit will be considered an ornament and not a lamp and will not be considered for inspection.)

5. Vehicle is equipped with a lighted advertising sign, except commercial motor vehicles and buses operated as public carriers. These vehicles may be equipped with vacant and destination signs and one steadily burning white light for illumination of external advertising. Do not reject approved identification lights.

6. Any lamp is not of an approved type or if lamps to be burned together as a pair do not emit the same color light.

7. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

8. Backup lamps are not required on motor vehicles less than 26,001 pounds GVWR. However, if installed they must operate and be inspected.

Inspect for and reject if:

a. Lamps are not of an approved type (DOT or SAE-R) or a lamp has been altered.

b. Wiring or electrical connections are defective or filaments do not burn.

c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

d. Lens is other than clear. LED (~~light emitting~~ light-emitting diode) lights with a clear lens are acceptable, if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament burning filament-burning~~ bulbs), they will pass inspection if more than 50% of the diode lights are burning.

e. Lamps are not wired into the reverse gear ~~or~~ Vehicles manufactured without backup lamps may be wired into an independent circuit.

9. Cornering lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

a. Lamps are not of an approved type (DOT or SAE-K) or a lamp has been altered.

b. Wiring or electrical connections are defective or filaments do not burn.

c. The lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

d. The color of the light is other than clear or amber.

e. The lamps do not burn in conjunction with the turn signals.

10. Driving lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

a. Driving lamps are installed on vehicles equipped with the four-headlamp system, except the "F" type headlamp system.

b. A vehicle is equipped with more than two driving lamps.

c. Driving lamps are not of an approved type (DOT or SAE-Y) or have been altered.

d. The color of the lamp is other than white.

e. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

f. Wiring or electrical connections are defective or filaments do not burn.

g. Any driving lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent excessive vibration.

h. Driving lamps are not wired so that they will burn only when the high beams of the regular headlamps are activated.

i. Driving lamps are not aimed so that the center of the hot spot drops three inches in 25 feet so that the hot spot is directly ahead of the lamp.

NOTE: Driving lamps must be aimed using the optical headlight aimer. A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

11. Fog lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

a. A vehicle may be equipped with more than two fog lamps; however, not more than two lamps can be illuminated at any time.

b. Lamps are not of an approved type (SAE or DOT-F or F2) or a lamp has been altered.

c. The lens is other than clear or amber. (Fog lamps may have black end bulbs or small metal caps over the end of the bulb.)

d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more

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cracks provided an off-color light does not project through the crack or cracks.

e. Wiring or electrical connections are defective or filaments do not burn.

f. Any fog lamp is mounted above the level of the regular headlamps, or is not mounted firmly.

g. Lamps are not wired and aimed according to the following instructions:

(1) Fog lamps are general illumination lamps as covered in 19VAC30-70-160 D. They must burn through the tail light circuit even if on a separate switch. If installed on a vehicle with a four-headlamp system or a vehicle equipped with driving lamps, they must be wired into the low beam circuit.

(2) Fog lamps must be aimed so that the top edge of the high intensity zone is set at the horizontal centerline and the left edge of the high intensity zone is set at the vertical centerline. (Same as low beam headlights.)

NOTE: Fog lamps must be aimed using the optical headlight aimer.

(3) A tolerance of four inches in 25 feet is allowed in both the horizontal and the vertical adjustment.

12. Spot lamps are not required. However, if installed they must operate and be inspected.

Inspect for and reject if:

- a. Vehicle is equipped with more than two spot lamps.
- b. Lamps are not of an approved type (DOT or SAE-O) or a lamp has been altered.
- c. The lens in any spot lamp is other than clear.
- d. The lens has a piece broken from it or is rotated away from its proper position. The lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

e. Wiring or electrical connections are defective or filaments do not burn.

13. Daytime running lamps (DRLs) are not required. However, if installed they must operate and be inspected. DRLs must be installed in pairs.

NOTE: DRLs may or may not be wired into the tail light circuit.

Inspect for and reject if:

- a. Any lamp, except headlamps, used as DRLs is not an approved type (SAE-Y2) and is not marked "DRL."
- b. Fog lamps or parking lamps are used as DRLs.
- c. More than one pair of lamps are used and or designated as DRLs.
- d. A DRL is mounted higher than 34 inches measured to the center of the lamp.
- e. The color is other than white or amber.

f. DRLs do not deactivate when the headlamps are in any "on" position.

Any DRL optically combined with a turn signal or hazard lamp must deactivate when the turn signal or hazard lamp is activated and then reactivate when the turn signal or hazard lamp deactivates.

## 19VAC30-70-540. Parking lamps.

Parking lamps are not required. However, if installed they must operate and be inspected. Parking lamps may burn in conjunction with the headlamps.

Inspect for and reject if:

1. Lamps are not of an approved type (DOT or SAE-P) or a lamp has been altered.
2. Parking lamps have other than clear or amber lenses showing to the front. If the lens is clear, then the bulb shall be amber.
3. Parking lamps do not burn with the rear lamps.
4. If lens has a piece broken from it. Lens may have one or more cracks provided no off-color light projects through the crack or cracks.
5. Wiring or electrical connections are defective or filaments do not burn.
6. Any vehicle has unapproved lens or plastic covers, any other materials which are not original equipment or any colored material placed on or in front of parking lamps.

NOTE: LED (~~light-emitting~~ light-emitting diode) lights with a clear lens are acceptable if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

## 19VAC30-70-550. Clearance lamps, side marker lamps, and reflectors (under ~~26,000~~ 26,000 pounds GVWR).

Inspect for and reject if:

1. Any motor vehicle, trailer, semitrailer or other vehicle is not equipped with clearance lamps if the vehicle is over seven feet wide or if any portion extends four inches or more outside the front fender line.

When a motor vehicle with a trailer attached is presented, the combination may be considered as one unit in meeting this requirement. If presented separately, the individual unit must meet these requirements except that any tractor-truck need not be equipped with rear red dimension or marker lamps.

2. Lamps (DOT or SAE-P2, P3, PC or PC2) or reflectors (DOT or SAE-A or B) are not of an approved type or a lamp has been altered.

Reject if the lamps or reflectors have unapproved plastic covers, any other materials that are not original equipment or any colored material placed on or in front of lamps or reflectors.

EXCEPTION: A law-enforcement special weapons and tactics (SWAT) or tactical armored vehicle, designed and manufactured exclusively for SWAT missions, may apply protective bars in front of the clearance lamps, side marker lamps, and reflectors when designed and installed by the manufacturer.

Retro-reflective surfaces. Retro-reflective surfaces other than required reflectors may be used, provided (see diagram):

- a. Designs do not resemble traffic control signs, lights, or devices, except that straight edge striping resembling a barricade pattern may be used.
- b. Designs do not tend to distort the length and/or width of the motor vehicle.
- c. Such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector.
- d. No red color shall be used on the front of any motor vehicle, except for display of markings or placards required by law.

3. Lenses on lamps on the front are not amber and lenses on lamps on the rear are not red or if a lens has a piece broken from it. A lens may have one or more cracks provided an off-color light does not project through the crack or cracks.

4. Wiring or electrical connections are defective or all filaments do not burn.

NOTE: LED (~~light-emitting~~ light-emitting diode) lights with a clear lens are acceptable, if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

5. Two amber lamps are not mounted on the front and two red lamps on the rear, so as to indicate the extreme width of the body, and as high on the permanent body as practical, except that approved 180 degree lamps with yellow or amber lens may be mounted on the side of the vehicle at or as near the front as possible, or if the front is not the widest portion, the lamps may be installed on the side and as near that point as possible.

And with the further exception that 180 degree lamps with red lens may be mounted on the side of the vehicle at or as near the rear as possible or if the rear is not the widest portion of the vehicle, the lamps may be installed on the side as near that point as possible.

NOTE: Any vehicle equipped with three red identification lamps with the lamp centers spaced not less than six inches or more than 12 inches apart and installed as close as practicable to the top of the vehicle and as close as practicable to the vertical centerline of the vehicle may have the rear dimension or marker lamps required by subdivision 5 of this section mounted at any height but

indicate as nearly as practicable the extreme width of the vehicle.

NOTE: Dump trucks with a high lift body, concrete mixer trucks and other specially constructed vehicles may be equipped with the required clearance lamps not mounted on the extreme rear, provided such red lamps are clearly visible from the rear and provided further that two red reflectors of an approved type are mounted on the extreme rear. In unusual cases the rear lamp may be mounted on the cab and another red reflex reflector placed on the extreme rear.

NOTE: In addition to the required clearance lamps showing to the front and to the rear, a vehicle may be equipped with side marker lamps on the side of the vehicle. When such an installation is used, all of the side marker lamps on the side except the one at or near the rear must have an amber lens. The side marker lamps on the side at or near the rear must have a red lens.

6. Any vehicle covered by subdivision 1 of this section, except school buses, is not equipped with amber reflectors on the sides as near the front as practical, and red reflectors on the rear. The reflectors must be at least 15 inches and not more than 60 inches from the ground. No reflector can have a piece broken from its reflective surface, but may have one or more cracks.

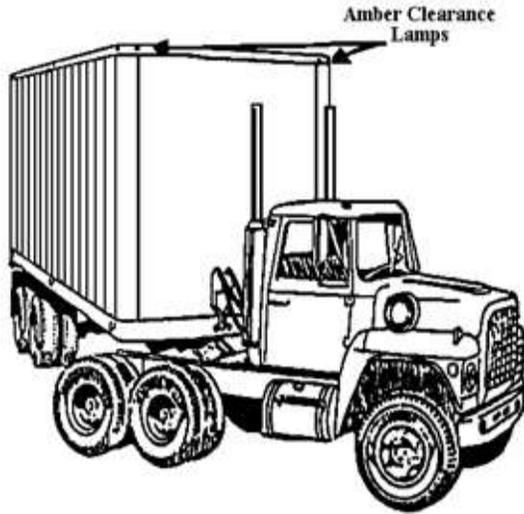
7. Any combination of vehicles whose actual length exceeds 35 feet if the vehicles are not wide enough to have clearance lights, if the vehicle is not equipped with reflex reflectors of a type approved by the superintendent and mounted on the widest part of the towed vehicle so as to be visible from the front and sides of the vehicle. No reflector can have a piece broken from its reflective surface, but may have one or more cracks.

8. Any passenger vehicle is equipped with clearance lamps, unless such lamps are used to mark the extreme width of the vehicle or used as taxicab identification, or used as supplemental turn signals. (See 19VAC30-70-190 B.)

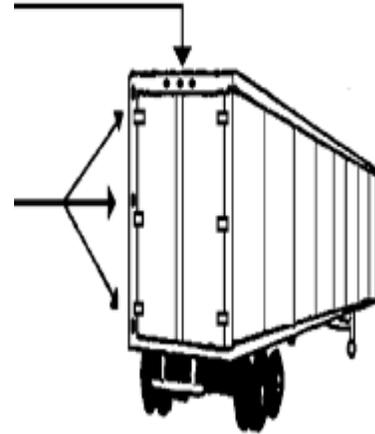
NOTE: Vehicles so constructed as to make compliance with the requirements of subdivisions 1, 5, 7, 9 and 10 of this section impractical, will be equipped with clearance lamps and reflectors at the most practical location to provide maximum visibility.

9. Any vehicle is not equipped with: two front side marker lights (amber), two rear side marker lights (red), and two rear reflectors (red).

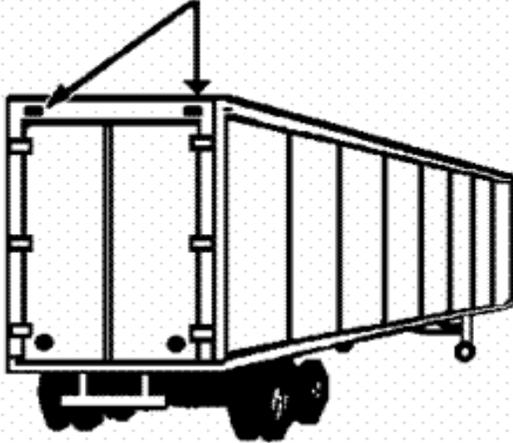
# Regulations



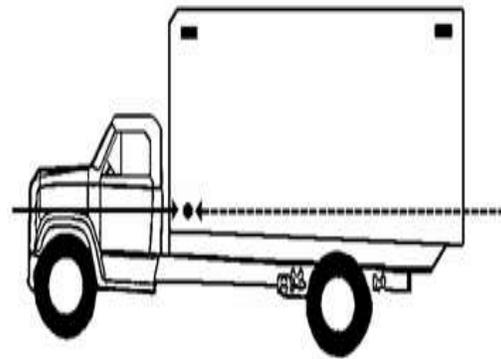
If equipped with three red identification lamps, the required clearance lamps may be mounted at any height so long as they indicate, as nearly as practicable, the extreme width of the vehicle.



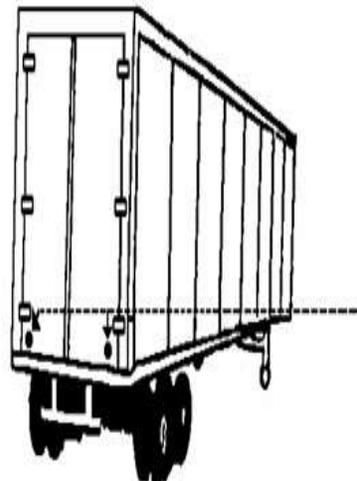
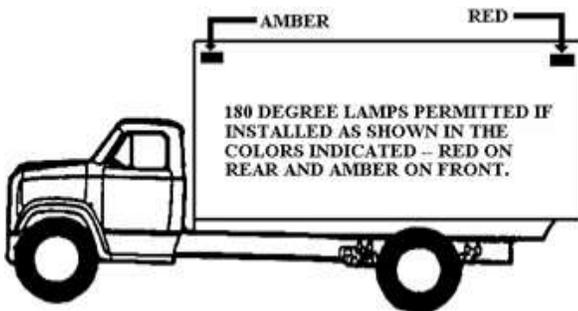
**RED CLEARANCE LAMPS**



**ILLUSTRATIONS FOR PROPER INSTALLATION OF REFLECTORS**



Amber Reflector -- At least 15 inches but not more than 60 inches from the ground



Red Reflectors -- At least 15 inches and not more than 60 inches from the ground

**19VAC30-70-560. Signal device (intention to stop or turn), hazard lights, stop lamps.**

A. Any motor vehicle may be equipped with a switch that will permit all turn signal lamps to flash simultaneously.

B. Supplemental turn signals, properly wired into the turn signal circuit may be installed. These may be either approved type turn signals or clearance lamps.

C. Single face lamps are permissible on the front except tractor units shall be equipped with two-faced lamps mounted on the front fenders or on or near the front of the vehicle.

D. Inspect for and reject if:

1. Motor vehicle or ~~trailer~~, trailer, except an antique vehicle not originally equipped with a stop lamp, is not equipped with at least two stop lamps of an approved type (DOT or SAE-S) that automatically exhibit a light through a red or amber lens to the rear when the brake pedal is actuated.

2. Proper signals do not go on with each throw of the switch or if stop signals do not go on with slightest pressure on the brake pedal. Turn signals may flash; however, stop signals may not flash .

Every passenger car manufactured for the 1986 or subsequent model year and multipurpose passenger vehicle, truck, or bus whose overall width is less than 80 inches, manufactured September 1, 1993, and subsequent model year is not equipped with a supplemental center high mount stop lamp of an approved type (DOT or SAE-U, U1 or U2) mounted at the vertical centerline of the vehicle that functions only in cooperation with the vehicle's brake lights and hazard lights. Any other vehicle on which a supplemental center high mount stop lamp is mounted shall have the lamp mounted at the vertical center line of the vehicle. The lamps shall be of an approved type and shall function only in conjunction with the stop lamps. The high mount stop lamp must be steady burning and not wired to flash with turn signals or other wig-wag device.

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use.

NOTE: Camper shells ~~and/or other items that may be temporarily carried on or attached to multipurpose vehicles will not be considered during inspection of the center high mount stop lamp, provided the lamp continues to function as designed~~ or rear spoilers that obscure the original manufacturer's high mount stop lamp must be equipped with a center high mount stop lamp in good working order.

NOTE: The original manufacturer's center high mount stop lamp will not be considered for inspection if it is obscured by a camper shell or rear spoiler that is equipped with a center high mount stop lamp of an approved type.

NOTE: Multipurpose passenger vehicles with an overall width of 80 or more inches or GVWR of 10,000 pounds or

more are not required to be equipped with a center high mount stop light.

NOTE: No sticker or other foreign material shall be affixed to the vehicle in such a manner so as to obscure the center high mount stop lamp.

3. Motor vehicle was manufactured after January 1, 1955, and is not equipped with approved signaling devices.

4. Vehicle is not equipped with a turn signal if such signal is not working properly or does not continue to function in the same manner as when it was originally manufactured. (The turn signal switch shall lock in place when positioned for a left turn or a right turn, and the turn signal indicators must function. Do not reject a vehicle if the self-cancelling mechanism in the switch does not function when the steering wheel is rotated.)

5. Switch is not convenient to the driver and/or not of an approved type.

6. Any vehicle constructed so as to prevent the operator from making a hand and arm signal, if such vehicle is not equipped with an approved type signaling device.

7. Turn signal lens is not clear or amber to the front, or red or amber to the rear. Lens or bulb color has been altered or modified. If the lens is clear, then the bulb shall be amber.

NOTE: LED (~~light-emitting~~ light-emitting diode) lights with a clear lens are acceptable, if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

8. Wiring or electrical connections are defective or filaments do not burn.

9. Lens has a piece broken from it. The lens may have one or more cracks provided an off-color light does not project through the crack(s).

NOTE: Taping or gluing cracks or pieces is not allowed.

NOTE: The hazard warning signal operating unit shall operate independently of the ignition or equivalent switch, and when activated, cause all turn signals to flash simultaneously.

NOTE: They are deemed not to be installed if none of the lights burn or flash when the switch is activated and the hazard warning signal flasher unit has been removed.

10. Device is not mounted near rear for rear signals, or near front for front signals (except supplemental turn signals) or if the signal is hidden by a bolster or other part of body chassis.

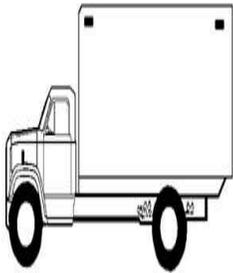
A tractor truck need not be equipped with mechanical or electrical signal devices on the rear if it is equipped with double-faced signal lamps mounted on the front fenders or on the sides near the front of the vehicle clearly visible to the rear.

# Regulations

11. All "Class A" signals are not mounted at least three feet apart. (This does not apply to the combination rear signal device.) However, signal lamps that are mounted as far apart as practical inside and at the rear of the frame so as to be properly visible will meet inspection requirements.

12. Any vehicle has unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of signal device (intention to stop or turn), hazard lights or stop lamp.

## ILLUSTRATIONS FOR PROPER INSTALLATION AND TYPE OF SIGNAL LIGHTS

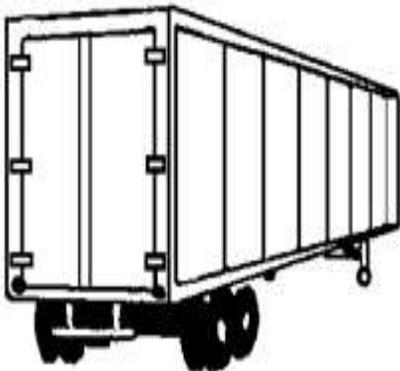


TRUCK: Front  
Permissible --  
Class A Type I  
Class A Type II  
Must show to front -  
may use two faced



TRUCK: Rear  
Permissible --  
Class A Type I  
Class A Type II  
--or--  
Combination  
Arrow Tail Stop  
& Signal

TRACTOR  
TRAILER: Front  
Permissible --  
Class A Type I  
Class A Type II  
Two faced lamps -  
must show to both  
front and rear

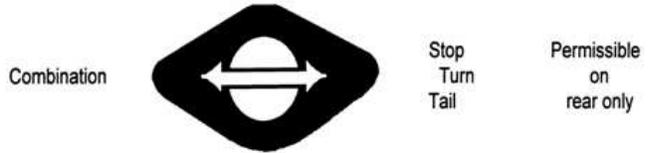


TRAILER: Rear  
Permissible --  
Class A Type I  
Class A Type II  
-- or --  
Combination  
Arrow Tail  
Stop & Signal

Class A Type I - Are lamps which indicate a change in direction by giving flashing warning signal (clear lens - amber to front; amber to red on rear) on the side toward

which the turn will be made.

Class A Type II - Are lamps which indicate a change in direction by means of illuminated arrow heads (flashing or steady) on the side toward which the turn will be made.



## 19VAC30-70-570. Permissible lighting equipment.

A. Any vehicle may be equipped with:

1. Running board or courtesy lamps, of not over six candlepower.
2. Vacant or destination signs, if a taxicab or bus.
3. Identification lamps of approved type (SAE-P2 or P3).
4. Interior lights. (Not more than 15 candlepower.)

Exception: This does not apply to alternating, blinking or flashing colored emergency lights mounted inside law-enforcement vehicles or flashing shielded red or red and white lights, mounted inside vehicles owned or used by members of volunteer fire companies, volunteer rescue squads or owned or used by professional firefighters, or police chaplains. Also, this does not apply to firefighting vehicles equipped with map lights.

5. A motor vehicle having a GVWR of 10,001 pounds or more may be equipped with an illuminated bumper guide attached to each end of the front bumper, provided:

- a. The light thereon is amber in color and less than 6 candlepower.
- b. The light is wired to burn only in conjunction with the marker or clearance lamps on the vehicle.

6. Any approved lamp in good working order when used for the purpose for which it was approved.

B. Inspect for and reject if:

1. Lamps are not of an approved type (DOT or SAE-P2, P3, PC), or do not comply with subsection A of this section.
2. Lamps are not installed on the permanent structure of the vehicle with one as far to the rear and one as far forward as practicable and at a location which is not less than 15 inches above the road surface when measured from the center of the lamp.
3. Lamps installed on the side to the rear do not project a red light and lamps installed on the front do not project an amber light.
4. Lens has a piece broken from it. The lens may have one or more cracks provided no off-color light projects through the crack(s).

5. Wiring or electrical connections are defective or filaments do not burn.

6. Any vehicle has unapproved lens or plastic covers, any other materials that are not original equipment or any colored material placed on or in front of permissible lighting equipment.

NOTE: LED (~~light-emitting~~ light-emitting diode) lights with a clear lens are acceptable, if of an approved type. For those vehicles that are equipped with a multiple LED light (not ~~filament-burning~~ filament-burning bulbs), they will pass inspection if more than 50% of the diode lights are burning.

**19VAC30-70-590. Mirrors.**

Inspect for and reject if:

1. Any motor vehicle is not equipped with at least one mirror.
2. Any bus, truck, road tractor or tractor truck is not equipped with two outside rear view mirrors, one at each side, firmly attached.

EXCEPTION: Only one outside mirror shall be required, on the driver's side, on vehicles so constructed that the driver has a view to the rear by means of an inside mirror.

Vehicles equipped with only one outside mirror must have the mirror on the driver's side.

NOTE: No motor vehicle shall be required to be equipped with an inside rear view mirror if it does not have a rear window or if the rear window is so obstructed as to prevent rearward vision by means of an inside rear view mirror, if the motor vehicle has horizontally and vertically adjustable outside rear view mirrors installed on both sides of such motor vehicle in such a manner as to provide the driver of such motor vehicle a clear view along both sides of such motor vehicle for a distance of not less than 200 feet.

3. Reflecting surface of mirror is cracked, broken, peeled, pitted, clouded, tarnished, the image is distorted, has sharp edges, reflects more than one image, or is not mounted securely.
4. Mirror does not give the driver a clear view of the road 200 feet to the rear.
5. Interior ~~rearview~~ rear view mirror;
  - a. Mirror is loose enough that rear view is impaired.
  - b. Mirror cannot be adjusted or will not maintain a set adjustment.
6. Exterior ~~rearview~~ rear view mirror;
  - a. Mirror is loose enough that rear view is impaired.
  - b. Left mirror is obscured by an unwiped portion of windshield or mirror is mounted so it cannot be adjusted from driver's seat. (Applies to 1969 and subsequent model vehicles.)

NOTE: A right side mirror is not required if the reflecting surface of the mirror has been completely

removed from the mirror housing. However, a vehicle will be required to have two outside mirrors if there is a sticker or stickers, regardless of size, sun-shading or tinting film, on the rear side windows or rear window.

NOTE: A single sticker, no larger than 20 square inches, if such sticker is totally contained within the lower five inches of the glass of the rear window, and does not obstruct the center high mount brake light, is allowed and will pass inspection.

**19VAC30-70-600. Windshield wiper/defroster.**

A. ~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Vehicle is equipped with a windshield and is not equipped with a windshield wiper.
2. Vehicle was manufactured before January 1, 1943, and is not equipped with at least one wiper on the driver's side. This wiper may be ~~hand-operated~~; operated by hand.
3. Vehicle was manufactured after January 1, 1943, and is not equipped with a windshield wiper or wipers that clear both sides of the windshield; these wipers must be mechanically operated (electrical, vacuum, or air, but not by hand). A switch in good working order must be present to turn the wipers on and off. Any wiper that parks within the area covered by the driver's windshield wiper blade, excluding the three inches above the bottom of the windshield shall be rejected (19VAC30-70-580 B 6).
4. Blade has brittle, worn, torn, or ripped rubber or if metal comes in contact with the windshield; the blade is not securely attached to wiper arm.
5. Wiper does not operate freely; or if it is an electrically or mechanically operated wiper that must be operated by hand.

NOTE: Inspect only wipers found on the front windshield.

B. Windshield Defroster: Vehicles manufactured after January 1, 1969, must be equipped with windshield defroster systems.

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Any 1969 or subsequent model not equipped with a windshield defroster system.
2. Defroster fan fails to function.
3. Fan functions, but a warm stream of air cannot be felt blowing against the windshield. (Engine must be warm and all elements of the defroster system must be in the on position.)

**19VAC30-70-610. Horns and other warning devices.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Vehicle is not equipped with a horn in good working order, capable of emitting a sound audible under normal conditions over a distance of not less than 200 feet and is not firmly mounted.

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# Regulations

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2. A horn operating mechanism installed at a location readily accessible to the vehicle operator is not provided. Electrically operated horn, wiring, or electrical connections are defective.

3. Vehicles used for garbage and refuse collection and disposal, or vehicles having a manufacturer's gross vehicle weight rating of 10,001 pounds or more and used primarily for highway repair or maintenance are not equipped with a device of an approved type wired through the reverse gear circuit, in good working order, which automatically emits an audible alarm signal when the vehicle is operated in reverse gear.

## **19VAC30-70-620. Doors.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. If each door located at the left and right side of the driver's seat is not equipped with a handle or opening device similar to that installed by the vehicle manufacturer which will permit the opening of the door from the outside and inside of the vehicle.

2. If each door located to the left and right side of the driver's seat is not equipped with a latching system similar to that installed by the vehicle manufacturer which will hold the door in its proper closed position.

## **19VAC30-70-630. Hood latch system.**

A. "Hood" means any exterior movable body panel forward of the windshield that is used to cover an engine, luggage, storage or battery compartment.

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Each hood is not provided with a hood latch system that will securely hold the hood in its proper fully-closed position.

2. The latch release mechanism or its parts are broken, missing or badly adjusted so that the hood cannot be opened and closed properly.

3. Latching system on a vehicle equipped with a tilt cab is defective, broken, missing, or not properly adjusted so that the tilt cab is held securely when it is in its latched position.

## **19VAC30-70-640. Floor pan.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. The floor pan or inner side panels, front or rear, are rusted out or have any holes other than normal drain holes which allow exhaust gases to enter the occupant compartment or trunk.

2. The floor pan is rusted through or is in such condition to create a hazard to the occupants. (A hole in the floor pan which has been properly repaired by welding, or through the utilization of a metal patch riveted, screwed or welded to its surface is not prohibited. If the floor pan was initially constructed from wood, it may be patched with wood.)

## **19VAC30-70-650. Seat.**

~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. Any motor vehicle is not equipped with a seat to accommodate the operator.

2. The seat is not securely anchored.

3. Seat adjusting mechanism slips out of set position or seat does not lock in normal upright position. Do not reject the seat if it will not adjust as long as it does not violate subdivision 4 of this section.

4. The seat is not located to permit the operator to have adequate control of the steering and braking mechanisms and other instruments necessary for the safe operation of the motor vehicle.

## **19VAC30-70-670. Muffler, exhaust system, and trailer venting.**

A. Flexible tubing may be used anywhere in the exhaust system.

B. Inspection of exhaust system does not concern noise level.

C. ~~INSPECT FOR AND REJECT IF~~ Inspect for and reject if:

1. There is any leakage of exhaust gases at any point in the system. Do not reject "built-in" drain holes in muffler or tailpipe.

2. A muffler or catalytic converter has been repaired in any manner. The exhaust pipe may be welded to the muffler or catalytic converter. Holes or cracks in the exhaust line have been repaired with a patch or caulking.

3. Tailpipe opening is mashed or pinched.

4. Brackets are loose, broken, or missing.

5. Discharge of exhaust:

a. The exhaust system fails to discharge the exhaust to the rear or sides of that part of a property-carrying vehicle which is designed for and normally used for the driver and passengers, and to the rear or sides of the passenger and trunk compartment of passenger vehicles.

b. The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within six inches forward of the rearmost part of the bus.

EXCEPTION: Type I small forward control buses (14,000 GVWR Class) and cutaway model buses (10,000 GVWR or less) may discharge the exhaust behind the rear wheels.

c. The exhaust system of a bus powered by other than a gasoline engine shall discharge to the atmosphere either:

(1) At or within 15 inches forward of the rearmost part of the vehicle; or

(2) To the rear of all doors or windows designed to open, except windows designed to be opened solely as emergency exits.

6. Inspection of trailers and semitrailers will include a visual inspection of the venting of cooking or heating appliances to the outside of the trailer or semitrailer to determine if the heating and cooking appliances are adequately vented to the outside to prevent the asphyxiation of occupants of any trailer or semitrailer by the operation of the heating or cooking appliances.

- a. Reject the trailer or semitrailer if not equipped with a vent or venting system to the outside.
- b. Reject the trailer or semitrailer if there is any complete or partial obstruction of the vent or venting system.

**NOTICE:** The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

#### FORMS (19VAC30-70)

~~Inspection Sticker Inventory Report, Form SP 221 (8/1/94).~~

~~Safety Inspector Notification Form (rev. 11/98.)~~

~~Mechanics Certification Application, Form SP 170 B, (9/04).~~

~~Criminal History Record Name Search Request, Form SP-167 (9/04).~~

~~Authorization for Release of Information, SP-170 D (eff. 09/78).~~

[Safety Inspector Notification Form \(rev. 6/2012\)](#)

Mechanics Certification Application, SP-170-B (rev. 6/2012) - must be obtained from Virginia State Police area office

Criminal History Record Name Search Request, SP-167 (rev. 12/2012) - must be obtained from Virginia State Police area office

Authorization for Release of Information, SP-170-D (rev. 10/2013) - must be obtained from Virginia State Police area office

[Inspection Station Complaint/Report, SP-164 \(rev. 10/01\)-](#)

VAR. Doc. No. R16-4533; Filed June 24, 2016, 1:34 p.m.

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# GENERAL NOTICES/ERRATA

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## STATE CORPORATION COMMISSION

### Bureau of Insurance

July 1, 2016

Administrative Letter 2016-05

TO: All Companies Licensed to Write Fire and Fire in Combination with Other Coverages Including Policies Providing Homeowners Coverage, Coverage on Owner-Occupied Dwellings, and Coverage for Tenants; and Interested Parties

RE: Mandatory Notices; Withdrawal of Administrative Letter 2015-05

This administrative letter compiles information provided in a previous administrative letter about notices required by a number of statutes when issuing certain property insurance policies and provides guidance as to when and how such notices should be provided. This letter also reflects the changes made to the statutes referenced below by Chapter 4 of 2016 Acts of the Assembly (House Bill 307), which is effective January 1, 2017. Consequently, the following administrative letter is hereby withdrawn: 2015-05.

The notices described in this letter are not subject to approval by the Bureau of Insurance (Bureau), and should not be filed with the Bureau. Unless otherwise specified in the statute, insurers have flexibility as to the manner in which the notice is provided. For example, a stuffer may be used at the time a policy is mailed to an insured, or the notice may be prominently displayed on the application. However, the notice must not be ambiguous or obscure and must be given no later than at the time the new or renewal policy is delivered.<sup>1</sup>

Except as noted below, the policies to which the notice requirements identified in this letter apply include all fire policies and fire policies in combination with other coverages, including but not limited to mobile home policies, dwelling fire policies, homeowners policies, renters policies, commercial fire policies, commercial package policies providing fire coverage, and master policies providing mortgage force-placed fire coverage that are issued in Virginia. The notice requirements addressed in this letter do not apply to surplus lines policies or mutual assessment fire policies, except that the notice required by [Section 38.2-305](#) of the Code of Virginia must be provided when issuing mutual assessment fire policies.

#### Important Information to Policyholders Notice

[Subsection B of § 38.2-305](#) of the Code of Virginia requires that a specific notice be provided with each new or renewal insurance policy, contract, certificate, or evidence of coverage issued to a policyholder, covered person, or enrollee. This notice must read substantially the same as the notice in the Code. Examiners frequently find that this

notice is not given when policies are renewed or when a renewal certificate is issued. The insurer should ensure that this notice is being given when required. This notice applies to all classes of insurance except those exempted in [§ 38.2-300](#) of the Code of Virginia, and except as specifically noted in [subsection E of § 38.2-305](#) of the Code of Virginia.

#### Replacement Cost Coverage

[Section 38.2-2118](#) of the Code of Virginia requires every insurer writing new or renewal insurance policies on owner-occupied dwellings and appurtenant structures that have replacement cost provisions to provide a notice with the policy (1) outlining the minimum coverage requirement necessary to make the replacement cost provision fully effective, and (2) the effect on a claim payment of not meeting the minimum coverage requirement.

#### Functional Replacement Cost Coverage

[Subsection C of § 38.2-2119](#) of the Code of Virginia requires all insurers offering coverage on a functional replacement cost basis to enclose with all new business policies a notice printed in boldface type containing the following statement,

#### Important Notice

The coverage under this policy applies on a function replacement cost basis which means that under certain conditions, claims may be settled for less than the actual cash value of the property insured.

#### Coverage for Water that Backs Up Through Sewers and Drains

[Section 38.2-2120](#) of the Code of Virginia provides that any insurer who issues or delivers a homeowners insurance policy (including a tenant's personal property policy) as defined in [§ 38.2-130](#) of the Code of Virginia in the Commonwealth shall offer, as an option, coverage insuring against loss caused or resulting from water which backs up through sewers or drains. This offer must accompany all new and renewal policies.

#### Building Ordinance or Law Coverage

[Section 38.2-2124](#) of the Code of Virginia requires any insurer that issues a policy of fire insurance, or fire insurance in combination with other coverage, to provide a written offer of coverage for the repair or replacement of property in accordance with applicable ordinances or laws that regulate construction, repair, or demolition. This offer must accompany all new and renewal policies.

#### Flood Notice

[Section 38.2-2125](#) of the Code of Virginia requires any insurer that issues a policy of fire insurance or fire insurance in combination with other coverage that excludes coverage for damage due to flood, surface water, waves,

tidal water, or any other overflow of a body of water to provide written notice that explicitly states (1) that flood damage is excluded; (2) that information about flood insurance is available from the insurer, the insurance agent, or the National Flood Insurance Program; and (3) that contents coverage is available on the flood policy for an additional premium. This notice must accompany all new and renewal policies.

### Insurance Credit Score Disclosure Notice

Any insurer issuing or delivering a homeowners or tenant policy that uses credit information contained in a consumer report for underwriting, tier placement, or rating an applicant or insured shall disclose, on the insurance application, at the time the application is taken, or at renewal if no previous notice has been given, the information required by [§ 38.2-2126 A 1](#) of the Code of Virginia.

### Insurance Credit Score Adverse Action Notice

[Subsection A 2 of § 38.2-2126](#) of the Code of Virginia requires insurers that take adverse actions, based in whole or in part, upon credit information to provide notice to applicants or insureds (on owner-occupied and tenant residential property policies) that the adverse action was based in whole or in part on credit. The notice must also provide a statement of the primary factors or characteristics that were used as the basis for the adverse action, or notify the applicant or insured that he may request such information. For the purposes of [§ 38.2-2126](#) of the Code of Virginia, an adverse action is defined as a denial, nonrenewal or cancellation of, an increase in any charge for or refusal to apply a discount, or placement in less favorable tier, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with underwriting, tier placement, or rating. Adverse action includes, but is not limited to, circumstances where the applicant or insured (i) did not receive the insurer's most favorable rate, (ii) was not placed in the insurer's best tier, and (iii) when there are multiple insurers available within a group of insurers, the applicant or insured did not receive coverage with the group's most favorably priced insurer. In the case of renewals, the circumstances listed in (i), (ii), and (iii) are not adverse actions if, due to the insured's credit information, the insured is not receiving a less favorable rate, or placed in a less favorable tier or company than during the policy period immediately preceding the renewal policy.

### Notice of Change in Deductible

[Section 38.2-2127](#) of the Code of Virginia requires an insurer to provide a written notice whenever it unilaterally changes the deductible on a policy written to insure an owner-occupied dwelling (homeowners and dwelling fire policies). The notice must (1) state that the deductible has changed and (2) explain

how the new deductible will be applied. The law prohibits the insurer from changing the deductible except at renewal. Insurers should be aware that the law is not limited to changes in the deductible because of the territory or location of the property. For example, if the insurer unilaterally changes the deductible because of the insured's loss history, the notice must be given.

NOTE: Deductibles may only be unilaterally changed at renewal. Therefore, insurers are prohibited from changing a deductible unilaterally during the policy term, including the 90-day underwriting period once coverage is bound. Where the need arises to make a change in a deductible during the underwriting period, insurers must cancel the policy and offer to write with a different deductible. However, insurers may make changes, such as increasing deductibles or increasing limits, during the underwriting period if the insured agrees to such changes, or if the application, signed by the insured, advises the insured that the deductible may be changed.

### Earthquake Notice

[Section 38.2-2129](#) of the Code of Virginia requires insurers issuing new or renewal policies of fire insurance, or fire insurance in combination with other insurance coverages, which exclude coverage for damage caused by earthquake, to provide a written notice that explicitly states, "earthquake coverage is excluded unless purchased by endorsement." This notice must state that information regarding such coverage is available from the insurer or the agent if earthquake coverage is otherwise available from the insurer. Insurers may use notices that unambiguously set forth the information required by the law even if the language of the notice is not in the precise language that is quoted in the law.

All insurers issuing policies covering fire and fire in combination with other coverages including policies providing homeowners coverage, coverage on owner-occupied dwellings, and coverage for tenants should review this letter and make the changes required by 2016 Acts of the Assembly c. 558 (House Bill 307) by the effective date of the legislation, January 1, 2017.

Questions about this administrative letter should be directed to Bureau of Insurance Manager, P&C Market Conduct Section, telephone (804) 371-9826, or email [bureauofinsurance@scc.virginia.gov](mailto:bureauofinsurance@scc.virginia.gov).

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<sup>1</sup>Additional information may be found in the *Common Problems Found During Examinations Identified by the Property and Casualty Market Conduct and Consumer Services Sections* that is located at <http://scc.virginia.gov/boi/laws.aspx>.

/s/ Jacqueline K. Cunningham  
Commissioner of Insurance

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# General Notices/Errata

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July 1, 2016

Administrative Letter 2016-06

TO: All Insurers Licensed to Write Motor Vehicle Policies and Interested Parties

RE: Mandatory Notices; Withdrawal of Administrative Letter 2015-06

This administrative letter compiles information provided in a previous administrative letter about notices required by a number of statutes when issuing motor vehicle insurance policies and provides guidance as to when and how such notices should be provided. This letter also reflects the changes made to the statutes referenced below by Chapter 558 of the 2016 Acts of the Assembly (House Bill 307), which is effective January 1, 2017. Consequently, the following administrative letter is hereby withdrawn: 2015-06.

The notices described in this letter are not subject to approval by the Bureau of Insurance, and should not be filed with the Bureau. Unless otherwise specified in the statute, insurers have flexibility as to the manner in which the notice is provided. For example, when the statute requires a notice to be given on a new policy, a stuffer may be used at the time a policy is mailed to an insured, or the notice may be prominently displayed on the application. However, the notice must not be ambiguous or obscure and must be given not later than when the new policy is delivered.<sup>1</sup>

## Important Information to Policyholders Notice

[Subsection B of § 38.2-305](#) of the Code of Virginia requires that a specific notice be provided with each new or renewal insurance policy, contract, certificate, or evidence of coverage issued to a policyholder, covered person, or enrollee. This notice must read substantially the same as the notice in the Code. Examiners frequently find that this notice is not given when policies are renewed or when a renewal certificate is issued. Insurers should ensure that this notice is given when required. This notice applies to all classes of insurance except those exempted in [§ 38.2-305](#) of the Code of Virginia, and except as specifically noted in [subsection E of § 38.2-305](#) of the Code of Virginia.

## Point Surcharge Notice

[Subsection A of § 38.2-1905 of the Code of Virginia](#) requires insurers to provide notice in writing to a named insured anytime the insurer increases the premium or charges points as a result of a motor vehicle accident. Furthermore, such notice shall inform the named insured that he may appeal the decision of the insurer to the Commissioner if he believes the action of the insurer is without just cause. In addition, the notice shall include the requirement that the appeal be in writing and made within 60 days of the receipt of the notice of any premium increase adjustment or any point charge resulting from a motor vehicle accident.

## Offer of Medical Expense and Income Loss Coverages

[Section 38.2-2202 A](#) of the Code of Virginia requires insurers issuing new policies in Virginia insuring the ownership, maintenance, or use of a motor vehicle offer at least \$2000 in coverage for medical expense benefits and at least \$100 per week in income loss benefits. This section requires that insurers include the IMPORTANT NOTICE provided in the statute with the policy. This notice is not required be provided on renewal policies. The notice must be in boldface type and read exactly as stated in the statute. However, insurers are not precluded from offering of both higher and lower limits.

## Notice that UM/UIM Limits May Be Reduced

[Subsection B of § 38.2-2202](#) of the Code of Virginia requires insurers issuing new policies covering the ownership, maintenance, or use of a motor vehicles to provide notice that the named insured may reduce his uninsured/underinsured motorist limits to limits less than the liability limits on the policy. The notice must be in boldface type and read exactly as stated in the statute. Once any named insured has reduced the limits on the uninsured/underinsured motorists coverage below those on the liability coverage, the election is binding on all insureds.

## Warning Concerning Cancellation of Motor Vehicle Liability Policy

[Section 38.2-2210](#) of the Code of Virginia requires that a specific notice be printed in boldface type on or attached to an application for motor vehicle insurance as defined in [§ 38.2-2212](#) of the Code of Virginia. The Bureau frequently finds that this notice is not provided on or with the application. Insurers should review their applications to ensure compliance with all of the requirements of this section of the Code. The notice required by this section shall be given to an applicant within 10 days of the date of the application in the event the applicant is not provided a written copy of the application and the coverage has been bound by the insurer.

## Insurance Credit Score Disclosure Notice

Any insurer issuing or delivering a policy of motor vehicle insurance, as defined in [§ 38.2-2212](#), that uses credit information contained in a consumer report for underwriting, tier placement, or rating an applicant or insured shall disclose, on the insurance application, at the time the application is taken, or at renewal if no previous notice has been given, the information required by [Subdivision A 1 of § 38.2-2234](#) of the Code of Virginia.

## Insurance Credit Score Adverse Action Notice

[Subdivision A 2 of § 38.2-2234](#) of the Code of Virginia requires insurers that take adverse actions, based in whole or in part, upon credit information to provide notice to applicants or insureds on policies of motor vehicle insurance, as defined in [§ 38.2-2212](#) of the Code of

Virginia that the adverse action was based in whole or in part on credit. The notice must either provide a statement of the primary factors or characteristics that were used as the basis for the adverse action, or notify the applicant or insured that he may request such information. For the purposes of § 38.2-2234 of the Code of Virginia, an adverse action is defined as a denial, nonrenewal or cancellation of, an increase in any charge for or refusal to apply a discount, or placement in a less favorable tier, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with underwriting, tier placement, or rating. Adverse action includes, but is not limited to, circumstances where the applicant or insured (i) did not receive the insurer's most favorable rate, (ii) was not placed in the insurer's best tier, and (iii) when there are multiple insurers available within a group of insurers, the applicant or insured did not receive coverage with the group's most favorably priced insurer. In the case of renewals, the circumstances listed in (i), (ii), and (iii) are not adverse actions if, due to the insured's credit information, the insured is not receiving a less favorable rate, or placed in a less favorable tier or company than during the policy period immediately preceding the renewal policy.

#### Offer of Rental Reimbursement Coverage

Section 38.2-2230 of the Code of Virginia requires that every insurer issuing a new or renewal policy of motor vehicle insurance, as defined in § 38.2-2212 of the Code of Virginia, which provides comprehensive or collision coverage, must offer, in writing, to the named insured the option of purchasing rental reimbursement coverage. This notice must be given by insurers writing motor vehicle policies insuring as the named insured one individual or a husband and wife who are residents of the same household where the vehicle is a private passenger type vehicle. Commercial policies endorsed to provide coverage for individuals must also provide this notice if the vehicle is a private passenger type vehicle.

All insurers issuing motor vehicle insurance policies should review this letter and make the changes required by 2016 Acts of the Assembly c. 558 (House Bill 307) by the effective date of the legislation, January 1, 2017.

Questions about this administrative letter should be directed to Bureau of Insurance Manager, P&C Market Conduct, telephone (804) 371-9826, or email [bureauofInsurance@scc.virginia.gov](mailto:bureauofInsurance@scc.virginia.gov).

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<sup>1</sup>Additional information may be found in the *Common Problems Found During Examinations Identified by the Property and Casualty Market Conduct and Consumer Services Sections* that is located at <http://scc.virginia.gov/boi/laws.aspx>.

/s/ Jacqueline K. Cunningham  
Commissioner of Insurance

July 1, 2016

Administrative Letter 2016-07

TO: All Companies Licensed, Approved, Registered or Accredited under Title 38.2 of the Code of Virginia

RE: Implementation of Principle-Based Reserving for Life, Annuity, and Accident and Health Contracts pursuant to Article 10 of Chapter 13 of the Code of Virginia

During the 2014 General Assembly Session, the Virginia General Assembly enacted House Bill 631, which added a new Article 10 to Chapter 13 of Title 38.2 (Standard Valuation Act) of the Code of Virginia. House Bill 631 required insurance companies to use a principle-based reserve basis for life, annuity, and accident and health contracts, and to use a Valuation Manual adopted by the National Association of Insurance Commissioners (NAIC). Pursuant to Virginia Code § 38.2-1379, use of the Valuation Manual will become effective on January 1 of the first calendar year following the first July 1 when certain conditions have been met, including that at least 42 states/U.S. jurisdictions have enacted the revised NAIC Standard Valuation Law model, or substantially similar terms and provisions, and that the NAIC has adopted the Valuation Manual. The Bureau of Insurance has determined that these conditions have been met.

In light of the above, the provisions in Virginia Code §§ 38.2-1379 and 38.2-1380 pertaining to principle-based reserving and use of the Valuation Manual shall become effective for life, annuity, and accident and health contracts issued on or after January 1, 2017.

Questions concerning this administrative letter may be addressed to Gregory D. Walker, Supervisor, Financial Analysis Section - Domestic Companies, Financial Regulation Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9604, or email [greg.walker@scc.virginia.gov](mailto:greg.walker@scc.virginia.gov).

/s/ Jacqueline K. Cunningham  
Commissioner of Insurance

#### **DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

#### **Public Comments on Addiction Treatment Services Benefit Delivery System Design**

The Department of Medical Assistance Services (DMAS) is seeking public comment in relation to future DMAS initiatives to improve Medicaid service benefits and delivery systems for individuals with substance use disorders (SUD), including ensuring that a sufficient continuum of care is available to effectively treat the physical, behavioral, and mental dimensions of SUD. DMAS welcomes public comment on the entire addiction treatment services benefit delivery system design.

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## General Notices/Errata

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For more information regarding the substance use disorder benefit, please visit [http://www.dmas.virginia.gov/Content\\_pgs/bh-sud.aspx](http://www.dmas.virginia.gov/Content_pgs/bh-sud.aspx).

Public comment submission by mail: Written comments shall be addressed to Ashley Harrell, Policy and Planning Specialist, Division of Integrated Care and Behavioral Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Public comment submission electronically: For ease in compilation of comments, all submissions must be in Microsoft Word and submitted as an email attachment to [sud@dmas.virginia.gov](mailto:sud@dmas.virginia.gov).

**Important Date:** To submit public comments, please send comments to [sud@dmas.virginia.gov](mailto:sud@dmas.virginia.gov) by 5 p.m. on August 1, 2016. There will be additional opportunities for public comment. The department will also continue its longstanding practice of meeting regularly with stakeholder groups, providing information, and gathering additional input on the important features of SUD programs.

**Contact Information:** Emily McClellan, Regulatory Manager, Division of Policy and Research, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, TDD (800) 343-0634, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

### STATE WATER CONTROL BOARD AND THE DEPARTMENT OF CONSERVATION AND RECREATION

#### Total Maximum Daily Load Implementation Plan for the Little Calpasture River

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 (IP) for the Little Calpasture River in Rockbridge County. The Little Calpasture River was listed on the 1996 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's general (benthic) standard for aquatic life. This impairment extends for 0.82 miles from the Lake Merriweather Dam to the confluence with the Maury River.

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. In addition, § 62.1-44.19:7 C of the Code of Virginia requires expeditious implementation of total maximum daily loads when appropriate. 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 completed a benthic TMDL for the Little

Calpasture River in January 2009. The TMDL was approved by the Environmental Protection Agency in April 2010. The TMDL report is available on the DEQ website at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx>.

The Virginia Department of Environmental Quality will host a public meeting to initiate the development of a TMDL implementation plan for the Little Calpasture River on Tuesday, August 2, 2016, at 7 p.m. at the Goshen Volunteer Fire Hall, 140 Main Street, Goshen VA.

A 30-day public comment period for the meeting begins August 3, 2016, and ends September 1, 2016. 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 Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7850, or email [nesha.mcrae@deq.virginia.gov](mailto:nesha.mcrae@deq.virginia.gov).

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

**Contact Information:** *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; *Email:* [varegs@dls.virginia.gov](mailto: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/connect/commonwealth-calendar>.

**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/documents/cumultab.pdf>.

**Filing Material for Publication in the Virginia Register of Regulations:** Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works 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.

**ERRATA**

**DEPARTMENT OF GENERAL SERVICES**

Title of Regulation: **1VAC30-45. Certification for Noncommercial Environmental Laboratories.**

Publication: 32:22 VA.R. 2754-2805 June 27, 2016

Correction to Final Regulation:

Page 2785, 1VAC30-45-760 A 1, line 6 after "1VAC30-45-775," delete "1VAC30-45-791 through 1VAC30-45-798, and 1VAC30-45-811" and insert "[ ~~1VAC30-45-791~~ 1VAC30-45-790 ] through 1VAC30-45-798, and [ ~~1VAC30-45-811~~ 1VAC30-45-810 through 1VAC30-45-818 ]"

Page 2785, 1VAC30-45-760 B 1 b, line 2, after "analyte" insert "or analytes"

Page 2793, 1VAC30-45-791 B 1, line 3, after "organism" insert "or organisms"

Page 2793, 1VAC30-45-791 B 1, line 4, after "organism" insert "or organisms"

VA.R. Doc. No. R12-3334; Filed July 4, 2016, 11:31 a.m.

