



# VIRGINIA

## REGISTER OF REGULATIONS

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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. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

*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; **Gregory D. Habeeb**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Leslie L. Lilley**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Mark J. Vucci**.

Staff of the Virginia Register: **Karen Perrine**, Acting Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Alexandra Stewart**, 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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## March 2018 through April 2019

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
34:15	February 28, 2018	March 19, 2018
34:16	March 14, 2018	April 2, 2018
34:17	March 28, 2018	April 16, 2018
34:18	April 11, 2018	April 30, 2018
34:19	April 25, 2018	May 14, 2018
34:20	May 9, 2018	May 28, 2018
34:21	May 23, 2018	June 11, 2018
34:22	June 6, 2018	June 25, 2018
34:23	June 20, 2018	July 9, 2018
34:24	July 3, 2018 ( <b>Tuesday</b> )	July 23, 2018
34:25	July 18, 2018	August 6, 2018
34:26	August 1, 2018	August 20, 2018
35:1	August 15, 2018	September 3, 2018
35:2	August 29, 2018	September 17, 2018
35:3	September 12, 2018	October 1, 2018
35:4	September 26, 2018	October 15, 2018
35:5	October 10, 2018	October 29, 2018
35:6	October 24, 2018	November 12, 2018
35:7	November 7, 2018	November 26, 2018
35:8	November 19, 2018 ( <b>Monday</b> )	December 10, 2018
35:9	December 5, 2018	December 24, 2018
35:10	December 14, 2018 ( <b>Friday</b> )	January 7, 2019
35:11	January 2, 2019	January 21, 2019
35:12	January 16, 2019	February 4, 2019
35:13	January 30, 2019	February 18, 2019
35:14	February 13, 2019	March 4, 2019
35:15	February 27, 2019	March 18, 2019
35:16	March 13, 2019	April 1, 2019
35:17	March 27, 2019	April 15, 2019
35:18	April 10, 2019	April 29, 2019

\*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 AUTHORITY

#### Initial Agency Notice

Title of Regulation: **3VAC5-70. Other Provisions.**

Statutory Authority: § 4.1-103 of the Code of Virginia.

Name of Petitioner: Trevor Shand.

Nature of Petitioner's Request: I am a married 43-year-old father of two. I live in central Virginia, which has a great microbrew scene. A few months ago, I picked up an old fridge and converted it to a kegerator so I could enjoy local brews on tap. But, I quickly realized, because of the keg laws in Virginia, buying kegs is a pain. When I go into the grocery store, I have to go to customer service, wait in line, fill out a tag, pay a deposit, and have them bring up the keg and tag it. I live in Charlottesville, a college town, and while I am waiting in line, I routinely watch a couple of college students check out with double-digit numbers of 30-packs, with no more hassle than showing an ID. I guess I understand the original idea around the keg tagging laws, but it seems to be more bureaucracy and paperwork than actually accomplishing what it is supposed to. Can I simply purchase a keg as I do cases or six-packs? I may be a voice of one, but I for one would support repealing the keg laws, that is 3VAC5-70-180, Regulation of the sale of alcoholic beverages in kegs and other containers; permit and registration; other requirements. Here is a link to an article about Michigan repealing its similar law: [http://www.mlive.com/news/index.ssf/2017/11/michigan\\_keg\\_tag\\_law\\_repealed.html](http://www.mlive.com/news/index.ssf/2017/11/michigan_keg_tag_law_repealed.html).

Agency Plan for Disposition of Request: In accordance with § 2.2-4007 B of the Code of Virginia, the petition has been filed with the Registrar of Regulations. The petition will be published in Volume 34, Issue 15 of the Virginia Register of Regulations on March 19, 2018. Public comment is requested until April 9, 2018. Comment on the petition may be sent by email or regular mail or posted on the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov). Following receipt of all comments on the petition to amend the regulation, the Alcoholic Beverage Control Authority will decide whether to make any changes to the regulatory language. This matter will be considered by the authority when it next convenes following the end of the comment period, that is, April 27, 2018. The authority will issue a written decision on the petition within 90 days of the close of the comment period.

Public Comment Deadline: April 9, 2018.

Agency Contact: LaTonya D. Hucks, Regulatory Coordinator, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 213-4698, or email [latonya.hucks@abc.virginia.gov](mailto:latonya.hucks@abc.virginia.gov).

VA.R. Doc. No. R18-25; Filed February 15, 2018, 12:37 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 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

#### Final Regulation

<p><u>REGISTRAR'S NOTICE:</u> 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.</p>
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Title of Regulation: **4VAC20-910. Pertaining to Scup (Porgy) (amending 4VAC20-910-30, 4VAC20-910-45).**

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

Effective Date: March 1, 2018.

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 amendments establish the commercial scup landing period dates, the 2018 commercial summer period quota at 14,296 pounds, and the vessel trip limit of 5,000 pounds.*

#### **4VAC20-910-30. Minimum size limits.**

A. The minimum size of scup harvested by commercial fishing gear shall be nine inches in total length.

B. The minimum size of scup harvested by recreational fishing gear including, ~~but not limited to,~~ hook and line, rod and reel, spear, and gig shall be eight inches, in total length.

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person to catch and retain possession of any scup ~~smaller of a length less~~ than the ~~above~~ designated minimum sizes in subsections A and B of this section.

E. It shall be unlawful for any person to sell, trade, barter, or offer to sell, trade, or barter any scup less than nine inches, in total length.

#### **4VAC20-910-45. Possession limits and harvest quotas.**

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 50,000 pounds of scup.
2. Land in Virginia more than a total of 50,000 pounds of scup during each consecutive seven-day landing period, with the first seven-day period beginning on January 1.

B. When it is projected and announced that 80% of the coastwide quota for this period has been attained, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than a total of 1,000 pounds of scup.

C. During the period ~~November~~ October 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 18,000 pounds of scup.

D. During the period May 1 through ~~October 31~~ September 30 of each year, the commercial harvest and landing of scup in Virginia shall be limited to ~~41,812~~ 14,296 pounds, and it shall be unlawful for any person to possess aboard any vessel in Virginia more than 5,000 pounds of scup.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig, or other recreational gear to possess more than 30 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 30. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R18-5431; Filed March 1, 2018, 8:55 a.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:** 4VAC20-950. **Pertaining to Black Sea Bass (amending 4VAC20-950-30, 4VAC20-950-47, 4VAC20-950-48).**

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

**Effective Date:** March 1, 2018.

**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 amendments establish the commercial black sea bass directed fishery quota for 2018 at 664,000 pounds and set the bycatch fishery trip limit cap at 1,500 pounds.*

**4VAC20-950-30. Minimum size limit.**

A. The minimum size for black sea bass harvested by commercial fishing gear shall be 11 inches; in total length. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than 11 inches; in total length, except as described in 4VAC20-950-70.

B. The minimum size of black sea bass harvested by recreational gear, including ~~but not limited to~~ hook and line, rod and reel, spear and gig, shall be 12-1/2 inches; in total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section, except as described in 4VAC20-950-70.

D. Total length shall be measured along the lateral midline from tip of nose to tip of tail excluding the caudal fin filament.

**4VAC20-950-47. Commercial harvest quotas.**

A. The annual commercial black sea bass directed fishery quota is ~~784,080~~ 664,000 pounds. When it has been announced that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any directed commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The annual commercial black sea bass bycatch fishery quota is 40,000 pounds. When it has been announced that the bycatch fishery quota has been projected as reached and the

bycatch fishery has been closed, it shall be unlawful for any bycatch commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount of the quota overage shall be deducted from the following year's bycatch fishing quota.

**4VAC20-950-48. Individual fishery quotas; bycatch limit; at sea harvesters; exceptions.**

A. Each person possessing a directed fishery permit shall be assigned an individual fishery quota, in pounds, for each calendar year. A person's individual fishery quota shall be equal to that person's percentage of the total landings of black sea bass in Virginia from July 1, 1997, through December 31, 2001, multiplied by the directed commercial fishery black sea bass quota for the calendar year. Any directed fishery permittee shall be limited to landings in Virginia in the amount of his individual fishery quota, in pounds, in any calendar year and it shall be unlawful for any permittee to exceed his individual fishery quota. In addition to the penalties prescribed by law, any overages of an individual's fishery quota shall be deducted from that permittee's individual fishery quota for the following year.

B. In the determination of a person's percentage of total landings, the commission shall use the greater amount of landings from either the National Marine Fisheries Service Dealer Weigh-Out Reports or National Marine Fisheries Service Vessel Trip Reports that have been reported and filed as of November 26, 2002. If a person's percentage of the total landings of black sea bass is determined by using the Vessel Trip Reports as the greater amount, then the person shall provide documentation to the Marine Resources Commission to verify the Vessel Trip Reports as accurate. This documentation may include dealer receipts of sales or other pertinent documentation, and such documentation shall be submitted to the commission by December 1, 2004. In the event the commission is not able to verify the full amount of the person's Vessel Trip Reports for the qualifying period, the commission shall use the greater amount of landings, from either the Dealer Weigh-Out Reports or the verified portion of the Vessel Trip Reports to establish that person's share of the quota.

C. It shall be unlawful for any person harvesting black sea bass to possess aboard any vessel in Virginia waters any amount of black sea bass that exceeds the combined total of any portion of the Virginia permitted landing limit, as described in subsection A of this section, and the North Carolina legal landing limit.

D. It shall be unlawful for any person permitted for the bycatch fishery to do any of the following:

1. Possess aboard a vessel or land in Virginia more than 200 pounds of black sea bass in addition to the North

# Regulations

Carolina legal landing limit or trip limit, in any one day, except as provided in subdivision 2 of this subsection;

2. Possess aboard a vessel or land in Virginia more than ~~4,000~~ 1,500 pounds of black sea bass in addition to the North Carolina legal landing limit or trip limit, in any one day, provided that the total weight of black sea bass on board the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Longfin squid, and Atlantic mackerel on board the vessel; or

3. Possess aboard a vessel or land in Virginia more than 100 pounds of black sea bass in addition to the North Carolina legal landing limit or trip limit, when it is projected and announced that 75% of the bycatch fishery quota has been taken.

E. It shall be unlawful for any person to transfer black sea bass from one vessel to another while at sea.

F. An individual fishery quota, as described in subsection A of this section, shall be equal to an individual's current percentage share of the directed fishery quota, as described in 4VAC20-950-47 A.

VA.R. Doc. No. R18-5430; Filed March 1, 2018, 8:54 a.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:** 4VAC20-960. Pertaining to Tautog (amending 4VAC20-960-30, 4VAC20-960-45, 4VAC20-960-47).

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

**Effective Date:** March 1, 2018.

**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) change the second closure of the 2018 commercial season to May 16 through October 31, (ii) change the closure of the 2018 recreational fishing season to May 16 through June 30, and (iii) increase the recreational possession limit to four fish per person.*

### 4VAC20-960-30. Minimum size limits.

A. The minimum size limit of tautog harvested for commercial purposes shall be 15 inches in total length.

B. The minimum size of tautog harvested for recreational purposes shall be 16 inches in total length.

C. It shall be unlawful for any person to possess any tautog ~~smaller~~ of a length less than the designated minimum size limit.

D. Total length shall be measured in a straight line from tip of nose to tip of tail.

### 4VAC20-960-45. Recreational fishing season and possession limits.

A. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than ~~three~~ four tautog. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by ~~three~~ four. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any tautog taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of tautog ~~which that~~ exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

C. The recreational fishing season shall be closed from May ~~4~~ 16 through ~~September 19~~ June 30.

D. It shall be unlawful for any person fishing recreationally to take, catch, or possess any tautog during any closed recreational fishing season.

### 4VAC20-960-47. Commercial fishing season and possession limits.

The commercial fishing season shall be closed from January 22 through the last day of February and May ~~4~~ 16 through October 31, and it shall be unlawful for any person to possess tautog for commercial purposes during this period.

VA.R. Doc. No. R18-5429; Filed March 1, 2018, 8:54 a.m.



## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Extension of Emergency Regulation

**Titles of Regulations:** 12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (adding 12VAC30-50-455; repealing 12VAC30-50-440, 12VAC30-50-450, 12VAC30-50-490).

12VAC30-60. Standards Established and Methods Used to Assure High Quality Care (amending 12VAC30-60-360).

**12VAC30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12VAC30-80-110).**

**12VAC30-120. Waivered Services (amending 12VAC30-120-700, 12VAC30-120-710, 12VAC30-120-750, 12VAC30-120-751, 12VAC30-120-752, 12VAC30-120-754, 12VAC30-120-756, 12VAC30-120-758, 12VAC30-120-759, 12VAC30-120-760, 12VAC30-120-761, 12VAC30-120-762, 12VAC30-120-764, 12VAC30-120-766, 12VAC30-120-770, 12VAC30-120-773, 12VAC30-120-774, 12VAC30-120-775, 12VAC30-120-777, 12VAC30-120-779, 12VAC30-120-1000, 12VAC30-120-1005, 12VAC30-120-1020, 12VAC30-120-1030, 12VAC30-120-1070, 12VAC30-120-1090, 12VAC30-120-1500, 12VAC30-120-1510, 12VAC30-120-1520, 12VAC30-120-1540; adding 12VAC30-120-501, 12VAC30-120-505, 12VAC30-120-514, 12VAC30-120-515, 12VAC30-120-525, 12VAC30-120-535, 12VAC30-120-545, 12VAC30-120-570, 12VAC30-120-580, 12VAC30-120-735, 12VAC30-120-782, 12VAC30-120-1019, 12VAC30-120-1021, 12VAC30-120-1022, 12VAC30-120-1023, 12VAC30-120-1024, 12VAC30-120-1025, 12VAC30-120-1026, 12VAC30-120-1027, 12VAC30-120-1028, 12VAC30-120-1029, 12VAC30-120-1031, 12VAC30-120-1032, 12VAC30-120-1033, 12VAC30-120-1034, 12VAC30-120-1035, 12VAC30-120-1036, 12VAC30-120-1037, 12VAC30-120-1038, 12VAC30-120-1039, 12VAC30-120-1058, 12VAC30-120-1059, 12VAC30-120-1061, 12VAC30-120-1063, 12VAC30-120-1064, 12VAC30-120-1065, 12VAC30-120-1066, 12VAC30-120-1067, 12VAC30-120-1068, 12VAC30-120-1069, 12VAC30-120-1552, 12VAC30-120-1554, 12VAC30-120-1556, 12VAC30-120-1558, 12VAC30-120-1560, 12VAC30-120-1580; repealing 12VAC30-120-720, 12VAC30-120-730, 12VAC30-120-740, 12VAC30-120-753, 12VAC30-120-776, 12VAC30-120-1010, 12VAC30-120-1040, 12VAC30-120-1060, 12VAC30-120-1080, 12VAC30-120-1088, 12VAC30-120-1530, 12VAC30-120-1550).**

Statutory Authority: § 32.1-325 of the Code of Virginia; 42 USC § 1396.

Expiration Date Extended Through: August 30, 2018.

The Governor has approved the Department of Medical Assistance Services's request to extend the expiration date of the above-referenced emergency regulation for six months as provided for in § 2.2-4011 D of the Code of Virginia. Therefore, the emergency regulation will continue in effect through August 30, 2018. This extension is required in order for Department of Medical Assistance Services (DMAS) to continue enforcing the legislative mandate set out in the Item 306 CCCC of Chapter 780 of the 2016 Acts of the Assembly to amend the Individual and Family Developmental Disabilities Support (DD), Day Support (DS), and Intellectual Disability (ID) Waivers to initiate new waiver services. The new waiver services help DMAS meet the Commonwealth's commitments under the community integration mandate of

the Americans with Disabilities Act (42 USC § 12101 et seq.), the Supreme Court's Olmstead Decision, and the 2012 Department of Justice Settlement Agreement. The emergency regulation was published in [33:2 VA.R. 97-249 September 19, 2016](#).

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email [emily.mcclellan@dmas.virginia.gov](mailto:emily.mcclellan@dmas.virginia.gov).

VA.R. Doc. No. R17-4614; Filed February 23, 2018, 11:13 a.m.

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## TITLE 14. INSURANCE

### VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

#### Final Regulation

REGISTRAR'S NOTICE: The Virginia Birth-Related Neurological Injury Program is claiming an exemption from the Administrative Process Act in accordance with § 38.2-5002.1 of the Code of Virginia, which provides that the procedure for adoption of regulations by the board of directors of the program shall be consistent with the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

Title of Regulation: **14VAC10-10. Virginia Birth-Related Neurological Injury Compensation Program Regulations (amending 14VAC10-10-160).**

Statutory Authority: § 38.2-5002.1 of the Code of Virginia.

Effective Date: March 9, 2018.

Agency Contact: George Deebo, Executive Director, Virginia Birth-Related Neurological Injury Compensation Program, 7501 Boulders View Drive, Suite 201, Richmond, VA 23225, telephone (804) 330-2471, FAX (804) 330-3054, or email [gdeebo@vabirthinjury.com](mailto:gdeebo@vabirthinjury.com).

Summary:

*The amendments (i) require each admitted claimant's parent or legal guardian to purchase private health insurance coverage for the actual medically necessary and reasonable expenses incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit, (ii) permit an admitted claimant's parent or legal guardian to request the program facilitator to assist in obtaining a suitable health insurance policy for the admitted claimant if none exists when the admitted claimant is admitted into the program, and (iii) provide for reimbursement of the portion of the premiums attributable to the admitted claimant's post-admission*



# Regulations

coverage and paid for by the admitted claimant's parent or legal guardian.

## Part III Other Procedures

### 14VAC10-10-160. Insurance.

A. Because the Virginia Birth-Related Neurological Injury Compensation Program (Program) generally is a payer of last resort, ~~it~~ each admitted claimant's parent or legal guardian must purchase private health insurance to provide coverage for the actual medically necessary and reasonable expenses as described in § 38.2-5009 A 1 of the Code of Virginia that were, or are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. The admitted claimant's parent or legal guardian may request the [ Program facilitator's ] assistance [ of the Program facilitator ] in obtaining a suitable health insurance policy for the admitted claimant if he [ or she ] has no [ pre-existing preexisting ] coverage for the admitted claimant upon the admitted claimant's admission into the Program. The Program will reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant's post-admission coverage and paid for by the admitted claimant's parent or legal guardian. The Program must be provided with a copy of the applicable health insurance policy, if one exists, or a complete description of applicable coverage, before benefits are paid by the Program. It is the responsibility of the parents or guardians to seek benefits for which an admitted claimant is eligible by submitting requests to the [ Program's Third-Party Administrator Program third-party administrator ] or other appropriate staff person, as indicated on the Program's website. In addition, the parents or guardians of the admitted claimant must identify a primary care physician.

B. Claimants must utilize the primary insurer's in-network providers and facilities unless otherwise authorized by the Program. Utilizing non-network or nonparticipating providers or facilities may result in reduced payment, nonpayment, or nonreimbursement of incurred expenses.

VA.R. Doc. No. R18-5283; Filed March 6, 2018, 12:16 p.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### CEMETERY BOARD

#### Final Regulation

**REGISTRAR'S NOTICE:** The Cemetery Board 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 Cemetery Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation: 18VAC47-20. Cemetery Board Rules and Regulations (amending 18VAC47-20-140).**

**Statutory Authority:** §§ 54.1-201 and 54.1-2311 of the Code of Virginia.

**Effective Date:** May 1, 2018.

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

#### Summary:

*The amendments reduce renewal fees for cemetery company licenses and sales personnel registrations that expire on May 31, 2018, and before May 1, 2020, to comply with § 54.1-113 of the Code of Virginia.*

### 18VAC47-20-140. Renewal and reinstatement fees.

A. All fees required by the board are nonrefundable. The date on which the fee is received by the department or its agent shall determine whether the licensee or registrant is eligible for renewal or reinstatement or must reapply as a new applicant.

Renewal of cemetery company license	\$580 per cemetery
Renewal of sales personnel registration	\$60 per cemetery
Reinstatement of cemetery company license	\$580 per cemetery
Reinstatement of sales personnel registration	\$60 per cemetery

B. For licenses and registrations expiring on May 31, 2018, and before May 1, 2020, the renewal fees are as follows:

Renewal of cemetery company license	\$250 per cemetery
Renewal of sales personnel registration	\$40 per cemetery

VA.R. Doc. No. R18-5426; Filed February 27, 2018, 9:50 a.m.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER FOUR (2018)

### **Declaration of a State of Emergency for the Commonwealth of Virginia Due to Severe Weather**

#### Importance of the Issue

On this date, February 12, 2018, I verbally declared a state of emergency to exist due to severe weather that began affecting portions of the Commonwealth of Virginia and resulted in local emergency declarations in the Counties of Buchanan, Dickenson, Lee, and Wise, and the City of Norton on February 10, 2018, resulting in significant flooding, road closures, mudslides, and damage to property.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal order issued on this date, February 12, 2018, that a state of emergency exists and I direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of this severe weather event, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Code of Virginia, I hereby order the following measures:

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST), as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to local governments and emergency services assignments of other agencies as necessary and determined by the State Coordinator of Emergency Management and other agencies as appropriate.

C. I direct that appropriate assistance, including temporary assignments of non-essential state employees to the Adjunct Emergency Workforce, be rendered by agencies of state government to respond to this situation.

D. Evacuation of areas threatened or stricken by effects of the severe weather and flooding, as appropriate. Pursuant to § 44-146.17(1) of the Code of Virginia, I reserve the right to direct and compel the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State Coordinator of Emergency Management, shall determine. I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. Activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

G. I hereby authorize the heads of executive branch agencies, acting when appropriate on behalf of their regulatory boards, to waive any state requirements or regulation for which the federal government has issued a waiver of the corresponding federal or state regulation based on the impact of events related to this situation.

H. Activation of the statutory provisions in § 59.1-525 et seq. of the Code of Virginia related to price gouging.

I. Authorization of a maximum of \$900,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act or Code of Virginia. This

funding is also available for state response and recovery operations and incident documentation.

J. Implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the Code of Virginia. § 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. During this declared emergency, any person who holds a license, certificate, or other permit issued by any U.S. territory, state, or political subdivision thereof, evidencing the meeting of qualifications for professional, mechanical, or other skills, the person, without compensation other than reimbursement for actual and necessary expenses, may render aid involving that skill in the Commonwealth during a disaster, and such person shall not be liable for negligently causing the death of, or injury to, any person or for the loss of, or damage to, the property of any person resulting from such service as set forth in Code of Virginia § 44-146.23(C). Additionally, members and personnel of volunteer, professional, auxiliary, and reserve groups identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23(a) and (f) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. Designation of physicians, nurses, and other licensed and non-licensed health care providers and other individuals as well as hospitals, nursing facilities and other licensed and nonlicensed health care organizations, political subdivisions and other private entities by agencies of the Commonwealth, including but not limited to the Department of Health, Department of Behavioral Health and Developmental Services, Department of Social Services, Department of Emergency Management, Department of Transportation, Department of State Police, Department of Motor Vehicles, as representatives of the Commonwealth engaged in emergency services activities, at sites designated by the Commonwealth, within the meaning of the immunity provisions of § 44-146.23(a) of the Code of Virginia, in the performance of their disaster-related mission assignments.

M. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

## Effective Date of this Executive Order

This Executive Order shall be effective February 12, 2018, and shall remain in full force and effect until June 30, 2018, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 12th day of February 2018.

/s/ Ralph S. Northam  
Governor

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# GUIDANCE DOCUMENTS

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Section 2.2-4103.1 of the Code of Virginia requires annual publication in the *Virginia Register* of guidance document lists from state agencies. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

## DEPARTMENT OF EMERGENCY MANAGEMENT

Copies of the guidance document may be viewed at <http://www.vaemergency.gov/em-community/plans/2012COVEOP>. The document may be printed without restrictions.

Questions regarding interpretation or implementation of this document may be directed to Courtney Reigel, Policy Analyst, State Coordinator's Office, Virginia Department of Emergency Management, 10501 Trade Court, Richmond, VA 23236, telephone (804) 385-6101, or email [courtney.reigel@vdem.virginia.gov](mailto:courtney.reigel@vdem.virginia.gov).

### Guidance Document:

[COVEOP, Commonwealth of Virginia Emergency Operations Plan, 9/1/2011](#)

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the State Council of Higher Education for Virginia, 101 North 14th Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Beverly Covington, at the same address, telephone (804) 225-2600, FAX (804) 225-2604, or email [beverlycovington@schev.edu](mailto:beverlycovington@schev.edu). All documents are available on State Council of Higher Education for Virginia's website at <http://www.schev.edu> or on the Virginia Regulatory Town Hall at <http://townhall.virginia.gov>.

### Guidance Documents:

[2855, Policies and Procedures for Program Approval, 4/1/2016](#)

[2857, Program Productivity/Viability at Public Institutions, 10/1/2013](#)

[2858, Organizational Changes at Public Institutions: Policies and Procedures for Internal and Off-Campus Organizational Changes, 8/1/2013](#)

[2863, Chart of Accounts for Virginia State-Supported Colleges and Universities, 12/14/2015](#)

[2868, Higher Education Fixed Assets Guidelines for Educational and General Programs, 11/1/2010](#)

[2869, Equipment Trust Funds Policies and Procedures, 6/26/2013](#)

[5018, Academic Credentialing Evaluation Services, 8/23/2012](#)

[5272, Guidelines on Course Registration Policies for Military-Related Students at Virginia Public Higher Education Institutions, 3/19/2013](#)

[5798, Virginia Two-Year College Transfer Grant Program, 7/1/2015](#)

[5864, Public Institutions Conflict of Interest Guidelines for Contracts, 6/1/2015](#)

[5898, Financial Assistance for Industry-Based Certification and Related Programs, 7/18/2017](#)

[3122, Tuition Relief Guidelines, 9/21/2010](#)

[4044, Domicile Guidelines, 10/25/2016](#)

[5452, Domicile Guidelines - addendum A, 1/12/2010](#)

[5453, Domicile Guidelines - addendum B, 10/15/2009](#)

[6059, Policy on Out-of-State Postsecondary Institutions Providing Distance Education to Virginia Residents, 11/30/2016](#)

[6060, Guidance for Institutions Providing Instruction through Distance Education Modalities, 11/30/2016](#)

## UNIVERSITY OF MARY WASHINGTON

Copies of the following documents may be viewed at [www.umw.edu](http://www.umw.edu) at any time. The documents may also be obtained by contacting the Office of Administration and Finance, 1301 College Avenue, Fredericksburg, VA 22401, telephone (540) 654-1020, FAX (540) 654-1162, or email [lrchar2@umw.edu](mailto:lrchar2@umw.edu), Monday through Friday from 8 a.m. until 5 p.m.

Questions concerning the interpretation or implementation of these documents should be directed to the Office of the Vice President for Administration and Finance or to the corresponding offices listed below.

Faculty Handbook, Graduate Catalog and Undergraduate Catalog, - Office of the Provost, telephone (540) 654-1241

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## Guidance Documents

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Staff Handbook - Office of Human Resources, telephone  
(540) 654-1214

Student Handbook - Office of Student Affairs, telephone  
(540) 654-1062

### **Guidance Documents:**

Board of Visitors Bylaws,  
<http://www.boarddocs.com/va/umw/Board.nsf/goto?open&id=9DEKBR50C809>

University Policies, <http://www.boarddocs.com/va/umw/Board.nsf/goto?open&id=8U3MKS5BAA44>

Faculty Handbook, <http://publications.umw.edu/facultyhandbook>

Staff Handbook, <http://adminfinance.umw.edu/hr/handbooks-forms-policies/>

Student Handbook, <http://publications.umw.edu/student-handbook/>

Graduate Catalog, <http://publications.umw.edu/graduatecatalog/>

Undergraduate Catalog, <http://publications.umw.edu/undergraduatecatalog/>

# GENERAL NOTICES/ERRATA

## DEPARTMENT OF GENERAL SERVICES

### Request for Comments on Revision to Fees for Drinking Water Laboratory Certification

Public comment period: March 19, 2018, through April 18, 2018.

Request for comments on revision to fees for drinking water laboratory certification (1VAC30-41-270), effective May 1, 2018, through April 30, 2019.

Purpose of notice and background information: The Division of Consolidated Laboratory Services (DCLS) is seeking comment on the revision to fees charged for certifying drinking water laboratories under 1VAC30-41-270.

1VAC30-41-270 I 2 requires DCLS to increase or decrease annually the fees charged for certifying drinking water laboratories using the Consumer Price Index-Urban percentage change, average-average for the previous calendar year published by the U.S. Bureau of Labor Statistics in February. The percentage change, average-average for 2017 is an additional 2.1%. See Table 24, page 4 in <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-201801.pdf>.

The revised fees are exempt from the requirements of the Administrative Process Act. The Budget of the Commonwealth of Virginia (Item 77 C 3a of Chapter 780 of the 2017 Acts of Assembly) requires DCLS to provide notice and an opportunity to submit written comments on the revised fees.

The notice of fees for May 1, 2018, through April 30, 2019, will be published on the DCLS drinking water laboratory certification webpage at [www.dgs.virginia.gov/dcls](http://www.dgs.virginia.gov/dcls) after consideration of submitted comments.

How to comment: DCLS accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DCLS by the last day of the comment period. All materials received are part of the public record. Email comments should be sent to [rhonda.bishton@dgs.virginia.gov](mailto:rhonda.bishton@dgs.virginia.gov). The number for faxed comments is (804) 371-8305. Written comments should be sent to Rhonda Bishton, Regulatory Coordinator, Department of General Services, Attention: DCLS DW Fee Comments, 1100 Bank Street, Richmond, VA 23219.

Notice of fees for May 1, 2018–April 30, 2019

DCLS requests comments on the revised fees in the notice below.

Virginia Division of Consolidated Laboratory Services

Fees for drinking water laboratory certification (1VAC30-41-270)

TESTING CATEGORY	FEE (\$)
Microbiological testing	
1 - 2 methods	632
3 - 5 methods	736
6+ methods	842
Inorganic chemistry, nonmetals testing	
1 - 2 methods	684
3 - 5 methods	894
6 - 8 methods	1105
9+ methods	1315
Inorganic chemistry, metals testing	
1 - 2 methods	1052
3 - 5 methods	1262
6+ methods	1471
Organic chemistry	
1 - 2 methods	1105
3 - 5 methods	1315
6 - 8 methods	1524
9+ methods	1736
Radiochemistry	
1 - 2 methods	1158
3 - 5 methods	1367
6+ methods	1578

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## General Notices/Errata

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Asbestos		
1 - 2 methods		946
3 - 5 methods		1158
6+ methods		1367

How fees are calculated: DCLS calculates a laboratory's total fee by adding the fees for the number of test methods in each category in the fee table for which the laboratory is certified or applies to be certified. Contact [Lab\\_Cert@dgs.virginia.gov](mailto:Lab_Cert@dgs.virginia.gov) for more information about the fee category for a specific method.

Additional fees:

Additional fees apply when a laboratory:

- Applies for modification of certification under 1VAC30-41-110,
- Is moving its location when the move requires DCLS to perform an onsite assessment, or
- Requests reinstatement of certification when DCLS requires an onsite assessment.

Hourly review fee and calculation of total fee: The fee to be charged is the sum of the total hourly charges for all reviewers plus any onsite assessment costs incurred. The hourly charge per reviewer is \$64. The charge per reviewer is determined by multiplying the number of hours expended in the review by \$64.

Onsite review and travel expenses: If an onsite review is required, travel time and onsite review time will be charged at the same hourly rate of \$64 and any travel expenses will be added.

When to pay: Payment is due at the time the application is made or annually thereafter upon receipt of the invoice from DCLS. Annual billing precedes the expiration of the current certificate.

How to pay: Fees may be paid by check, draft, or postal money order payable to the Treasurer, Commonwealth of Virginia, or submitted electronically, if available. Payment must be in United States currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee. Laboratories may also pay fees using credit cards. All fees must be sent to the following address, or submitted electronically, if available: DCLS, Attention: Lab Certification, 600 North 5th Street, Richmond, VA 23219. A fee payment form is available on the drinking water page of the DCLS website at [www.dgs.virginia.gov/dcls](http://www.dgs.virginia.gov/dcls).

**Contact Information:** Rhonda Bishton, Director's Executive Administrative Assistant, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 786-3311, FAX (804) 371-8305, or email [rhonda.bishton@dgs.virginia.gov](mailto:rhonda.bishton@dgs.virginia.gov).

### VIRGINIA LOTTERY

#### Director's Orders

The following Director's Orders of the Virginia Lottery were filed with the Virginia Registrar of Regulations on February 28, 2018. The orders may be viewed at the Virginia Lottery, 600 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia.

#### Director's Order Number Twenty-Four (18)

Virginia Lottery's "Special Events Coupon Giveaway Promotion" Final Rules for Operation (This Director's Order becomes effective on February 21, 2018, and shall remain in full force and effect through the end Promotion date unless amended or rescinded by further Director's Order)

### STATE WATER CONTROL BOARD

#### Proposed Consent Special Order for Appalachian Power Company

An enforcement action has been proposed for Appalachian Power Company for violations at its Clinch River Plant in Russell County, Virginia. The State Water Control Board proposes to issue a special order by consent to Appalachian Power Company to address noncompliance with the State Water Control Law and regulations. A description of the proposed action is available at the Department of Environmental Quality office named below or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Ralph T. Hilt will accept comments by email at [ralph.hilt@deq.virginia.gov](mailto:ralph.hilt@deq.virginia.gov), FAX at (276) 676-4899, or postal mail at Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, from March 20, 2018, through April 18, 2018.

#### Proposed Enforcement Action for Eastern Transportation LLC

An enforcement action has been proposed for Eastern Transportation LLC for violations of the State Water Control Law in Hampton, Virginia. A description of the proposed action is available at the Department of Environmental Quality office named below or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Jennifer Coleman, Esq. will accept comments by email at [jennifer.coleman@deq.virginia.gov](mailto:jennifer.coleman@deq.virginia.gov), FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, from March 19, 2018, through April 18, 2018.



### **Proposed Consent Order for Love's Travel Stops & Country Stores Inc.**

An enforcement action has been proposed for Love's Travel Stops & Country Stores Inc. for violations in Shenandoah County, Virginia. The State Water Control Board proposes to issue a consent order to Love's Travel Stops & Country Stores Inc. to address noncompliance with State Water Control Law. A description of the proposed action is available at the Department of Environmental Quality office named below or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Tiffany Severs will accept comments by email at [tiffany.severs@deq.virginia.gov](mailto:tiffany.severs@deq.virginia.gov), FAX at (540) 574-7878, or postal mail at Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, from March 19, 2018, through April 18, 2018.

### **Proposed Consent Order for Riverside Transport Inc.**

An enforcement action has been proposed for Riverside Transport Inc. for violations of the State Water Control Law and regulations in Louisa County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with an unauthorized discharge of oil. A description of the proposed action is available at the Department of Environmental Quality office named below or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Stephanie Bellotti will accept comments by email at [stephanie.bellotti@deq.virginia.gov](mailto:stephanie.bellotti@deq.virginia.gov) or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from March 20, 2018, through April 19, 2018.

## **VIRGINIA CODE COMMISSION**

### **Notice to State Agencies**

**Contact Information:** *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *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 <https://commonwealthcalendar.virginia.gov>.

**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.



