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THE VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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: **Marcus B. Simon, Chair; Russet W. Perry, Vice Chair; Katrina E. Callsen; Nicole Cheuk; Travis Hill, Ryan T. McDougle; Matthew McGuire; Johnny Morrison; Michael Mullin; Christopher R. Nolen; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade.**

Staff of the Virginia Register: **Holly Trice**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Managing Editor; **Erin Comerford**, Regulations Analyst.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

August 2026 through September 2027

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
43:1	August 5, 2026	August 24, 2026
43:2	August 19, 2026	September 7, 2026
43:3	September 2, 2026	September 21, 2026
43:4	September 16, 2026	October 5, 2026
43:5	September 30, 2026	October 19, 2026
43:6	October 14, 2026	November 2, 2026
43:7	October 28, 2026	November 16, 2026
43:8	November 10, 2026 (Tuesday)	November 30, 2026
43:9	November 23, 2026 (Monday)	December 14, 2026
43:10	December 9, 2026	December 28, 2026
43:11	December 21, 2026 (Monday)	January 11, 2027
43:12	January 5, 2027 (Tuesday)	January 25, 2027
43:13	January 20, 2027	February 8, 2027
43:14	February 3, 2027	February 22, 2027
43:15	February 17, 2027	March 8, 2027
43:16	March 3, 2027	March 22, 2027
43:17	March 17, 2027	April 5, 2027
43:18	March 31, 2027	April 19, 2027
43:19	April 14, 2027	May 3, 2027
43:20	April 28, 2027	May 17, 2027
43:21	May 12, 2027	May 31, 2027
43:22	May 26, 2027	June 14, 2027
43:23	June 9, 2027	June 28, 2027
43:24	June 23, 2027	July 12, 2027
43:25	July 7, 2027	July 26, 2027
43:26	July 21, 2027	August 9, 2027
44:1	August 4, 2027	August 23, 2027
44:2	August 18, 2027	September 6, 2027

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Initial Agency Notice

Title of Regulation: 18VAC50-22. Board for Contractors Regulations.

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

Name of Petitioner: Peyton J. Starr.

Nature of Petitioner's Request: The petitioner requests that the Board for Contractors amend 18VAC50-22-40, 18VAC50-22-50, and 18VAC50-22-60. These sections of regulation provide for the entry requirements for Class C, Class B, and Class A contractor licenses, respectively. The entry requirements in these sections provide for the minimum experience qualifications for those who will be the qualified individual on the contractor license. For a Class C license, the minimum required experience is one year in the classification or specialty service for which the individual is the qualifier. For a Class B license, the minimum required experience is three years in the classification or specialty service for which the individual is the qualifier. For a Class A license, the minimum required experience is five years in the classification or specialty service for which the individual is the qualifier.

The petitioner requests that the board consider amending these sections to provide an alternative means for satisfying the qualified individual experience requirement. The petitioner proposes that the regulation be amended so that a qualified individual who passes the applicable board-approved examination or who holds a relevant postsecondary degree or credential may substitute that demonstrated competency for some or all of the required experience. The petitioner is not requesting the board reduce its competency standards; the petitioner asks that the board recognize examination and education as an additional, equivalent way to prove competence.

The petitioner states that under the board's current rules, the only license class large enough to serve as a general contractor on a typical new home or small multifamily building is the Class A license. 18VAC50-22-60 requires that the qualified individual have five years of prior experience. For anyone with the capital and the commitment to begin building in Virginia, this leaves two options: (i) spend several years working for an established firm before building independently or (ii) take the project, and the resulting housing, out of state. Maryland, West Virginia, Pennsylvania, and North Carolina each allow a qualified newcomer to reach an equivalent licensing tier without a multi-year experience prerequisite, generally by examination.

The petitioner contends that a blanket multi-year experience requirement is a significant barrier to entry that favors firms already established in Virginia and discourages new entrants at precisely the moment when the Commonwealth is working to expand housing supply and reduce housing costs. Section 54.1-201 A 1 of the Code of Virginia provides that all qualifications for licensure or certification established by a regulatory board must be necessary to ensure either competence or integrity to engage in the profession or occupation. The petitioner contends that competence can be demonstrated through board examinations, and a rule that does not recognize a substitute for years of experience may impose more restrictions than are necessary to protect the public. The petitioner states an exam-or-education alternative would preserve consumer protection while removing an unnecessary obstacle to new homebuilders.

A copy of the petition is available from the agency.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on August 10, 2026. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov. Public comment on the petition will be received from August 10, 2026, to August 31, 2026. Upon conclusion of the public comment period, the board will consider all public comments received on the petition and make a decision to either grant or deny the petitioner's request at the board's next available meeting. Currently that meeting is expected to be October 20, 2026. The petitioner will be notified in writing of the board's decision.

Public Comment Deadline: August 31, 2026.

Agency Contact: Joe Haughwout, Regulatory Affairs Manager, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8566, fax (804) 527-4403, or email joseph.haughwout@dpor.virginia.gov.

VA.R. Doc. No. PFR26-37; Filed July 13, 2026, 2:29 p.m.

BOARD OF COUNSELING

Agency Decision

Title of Regulation: 18VAC115-20. Regulations Governing the Practice of Professional Counseling.

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

Name of Petitioner: Arthur Branner.

Nature of Petitioner's Request: The petitioner requests that the Board of Counseling permit hours worked under supervision as a qualified mental health professional to be credited toward the residency requirements for licensed professional counselor licensure.

Agency Decision: Request denied.

Petitions for Rulemaking

Statement of Reason for Decision: At its July 17, 2026, meeting, the board voted to take no action on the petition as the board believes that the scopes of practice and experience between qualified mental health professionals and counseling residents are different and such a change would negatively impact public safety.

Agency Contact: Maria S. Stransky, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4610, or email maria.stransky@dhp.virginia.gov.

VA.R. Doc. No. PFR26-38; Filed March 16, 2026, 11:05 a.m.

Agency Decision

Title of Regulation: **18VAC115-30. Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants.**

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

Name of Petitioner: Lydia Thomas.

Nature of Petitioner's Request: The petitioner requests that the Board of Counseling permit experience obtained as a certified substance abuse counselor (CSAC) in another jurisdiction to meet requirements to be a CSAC supervisor in Virginia.

Agency Decision: Request denied.

Statement of Reason for Decision: At its July 17, 2026, meeting, the board voted to take no action on the petition as the board felt there is too much variation in certification state by state to reliably endorse experience for supervision.

Agency Contact: Maria S. Stransky, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4610, or email maria.stransky@dhp.virginia.gov.

VA.R. Doc. No. PFR26-39; Filed March 23, 2026, 2:10 p.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

FORENSIC SCIENCE BOARD

Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **6VAC40-20, Regulations for Breath Alcohol Testing; 6VAC40-30, Regulations for the Approval of Field Tests for Detection of Drugs; 6VAC40-40, Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries; 6VAC40-50, Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material; and 6VAC40-60, DNA Data Bank Regulations.** The reviews will be guided by the principles in Executive Order 17 (2026). The purpose of these reviews is to determine whether the regulations should be repealed, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to the regulations, including whether each regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins August 10, 2026, and ends August 31, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of the reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Amy Jenkins, Chief Deputy Director, Department of Forensic Science, 8850 Times Dispatch Boulevard, Suite 100, Mechanicsville, VA 23116, telephone (804) 786-6848, fax (804) 786-6857, or email amy.jenkins@dfs.virginia.gov.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **18VAC90-60, Regulations Governing the Registration of Medication Aides.** The review will be guided by the principles in Executive Order 17 (2026). The purpose of this review is to determine whether the regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to the regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins August 10, 2026, and ends August 31, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Claire Morris, RN, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4665, or email claire.morris@dhp.virginia.gov.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Agency Notice

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **24VAC30-91, Subdivision Street Requirements; 24VAC30-92, Secondary Street Acceptance Requirements; and 24VAC30-155, Traffic Impact Analysis Regulations.** The reviews will be guided by the principles in Executive Order 17 (2026). The purpose of these reviews is to determine whether the

Periodic Reviews and Small Business Impact Reviews

regulations should be repealed, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to the regulations, including whether each regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins August 10, 2026, and ends August 31, 2026.

Comments must include the commenter's name and address (physical or email) in order to receive a response to the comment from the agency.

Following the close of the public comment period, a report of the reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Steven Jack, Regulatory Manager, Department of Transportation, 1221 East Broad Street, Richmond, VA 23219, telephone (804) 786-3885, or email steven.jack@vdot.virginia.gov.

REGULATIONS

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

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

BOARD OF JUVENILE JUSTICE

Proposed Regulation

Title of Regulation: 6VAC35-101. Regulation Governing Juvenile Secure Detention Centers (amending 6VAC35-101-10; adding 6VAC35-101-1280 through 6VAC35-101-1360).

Statutory Authority: §§ 16.1-322.7 and 66-10 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: October 9, 2026.

Agency Contact: Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice, 600 East Main Street, Richmond, VA 23219, telephone (804) 807-0486, fax (804) 371-6497, or email kenneth.davis@djj.virginia.gov.

Basis: Section 66-10 of the Code of Virginia authorizes the Board of Juvenile Justice to promulgate regulations necessary to carry out the provisions of Title 66 of the Code of Virginia and other laws of the Commonwealth administered by the Director of Juvenile Justice or the department. Section 66-13 of the Code of Virginia authorizes the Department of Juvenile Justice to receive juveniles committed to the department by the courts of the Commonwealth and to establish, staff, and maintain facilities for the rehabilitation, training, and confinement of such juveniles. Section 16.1-309.9 of the Code of Virginia requires the department to approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles housed in these facilities and programs.

Purpose: Since their creation in 2014, community placement programs (CPPs) have been governed by written agreements between the department and various juvenile detention centers (JDCs) and have not been audited by the department's Certification Unit or certified by the department director as other residential programs are. CPPs involve committed youth who are housed in JDCs and are not, therefore, explicitly covered by either the juvenile correction center (JCC) or the JDC regulations. Instead, they have been evaluated by the department's Quality Assurance Unit. The purpose of this action is to eliminate this gray area and promote consistency

by establishing minimum regulatory requirements for these programs, which will ensure assessment by the same Certification Unit that audits other juvenile residential programs. The department's goal in making this change is to protect the health, safety, and welfare of CPP residents by ensuring that these programs receive the same type and level of scrutiny that all others do.

Substance: The proposed amendments (i) add a definition of community placement program; (ii) establish criteria for JDCs and alternate providers to accept placements in CPPs, including written agreements with the department and documentation on the JDC's department-issued certificate; (iii) establish basic eligibility criteria for youth to participate in CPPs; (iv) establish minimum requirements for the agreement between the department and the CPP provider; (v) require CPPs to have written program descriptions and set out the required elements of the descriptions; (vi) require each CPP to assign a case manager to provide services to CPP residents; (vii) require the CPP case manager to collaborate with the department to maintain each CPP resident's individual service plan; (viii) establish requirements for progress reporting from CPPs; and (ix) establish requirements for release from CPPs.

Issues: The purpose of these amendments is to eliminate the disparate oversight CPPs have received and bring CPPs under the same certification process currently in place for all other residential programs overseen by the department. The advantage to the Commonwealth and the regulated entities is that the action provides clarity and consistency across residential programs. For members of the public who have children in CPPs, these changes will help ensure that programs are subject to the same scrutiny as youth in other residential settings. Since the department's Certification Unit already audits all of the Commonwealth's 24 JDCs, this change will not create an undue burden for the department, nor will it excessively burden the JDCs that operate CPPs. There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order 19. The analysis presented represents DPB's best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation. The Board of Juvenile Justice (board) proposes to establish (i) regulations for community placement programs (CPPs) that currently operate under agreements between Juvenile Detention Centers (JDCs) and the Department of Juvenile Justice (DJJ) and (ii) regulatory authority for DJJ to audit and certify CPPs.

Regulations

Background. Starting in 2014, DJJ and JDCs have created six CPPs that are operated, on a local or regional basis, within a JDC. According to DJJ, CPPs are structured residential programs where youth originally committed to a Juvenile Correctional Center (JCC) are housed in units separate from the rest of the JDC population. CPPs are intended to place committed youth in smaller settings closer to their home communities to increase family engagement and facilitate a smoother transition back to the community after release. The programs focus on positive youth development, and increasing competency in the areas of education, vocational preparation, life and social skills, thinking skills, employability skills, and anger management.

Both JCCs and JDCs are subject to established regulations addressing personnel and staffing requirements, physical environment, facility safety and security, resident rights, program operations, health care, and behavior management. However, CPPs are not currently explicitly covered by either the JCC or the JDC regulations (6VAC35-71 and 6VAC35-101, respectively) and as a result they lack established regulations. Instead, they have been governed by agreements between DJJ and the various JDCs that house a CPP in order to ensure the health, safety, and welfare of their residents. According to DJJ, these agreements contain similar personnel, staffing requirements, physical environment, etc., standards compared to the regulatory standards for JCCs and JDCs. However, there is a notable difference with respect to oversight of CPPs in that JCCs and JDCs are subject to DJJ audit and certification requirements. In contrast, CPPs are not subject to these requirements and instead have been evaluated by DJJs quality assurance unit. In this action, the board proposes to establish regulatory standards for CPPs and the regulatory authority for DJJ to audit and certify them.

Estimated Benefits and Costs. The operation of a CPP program is optional. Therefore, we can expect a JDC to only operate a CPP program if it is expected to benefit the JDC more than it costs. Additionally, according to DJJ, the proposed regulatory standards addressing personnel, staffing requirements, physical environment, etc., for CPPs are not significantly different than the standards required under the agreements between DJJ and JDCs. Currently, the agreements accommodate unique needs of each JDC operating a CPP. Under the proposal, the minimum standards applicable to all CPPs would be part of the regulatory requirements but this would still allow each JDCs to maintain CPP unique features. Thus, the proposal to bring CPPs under such standards is not expected to create a significant economic impact other than making sure that CPPs are governed by regulatory standards, which is the same way that JCCs and JDCs are regulated. DJJ states this has the advantage for the Commonwealth and for the regulated entities of providing clarity and consistency across residential programs. It appears, however, that there would be a notable difference regarding the oversight of CPPs. DJJ states that CPPs have not been audited or certified by DJJ certification unit but have instead been evaluated by DJJ quality assurance unit. As a result, CPPs are subject to a different and perhaps less stringent accountability structure compared to JCCs and JDCs. For example, the quality assurance team evaluates the CPPs for the quality of their programs and the services provided and makes recommendations as to how services can be improved. The quality assurance team focuses on the strengths of what the CPP has in

place and how to enhance the work they are already doing. The quality assurance team also ensures that CPPs are meeting their contractual obligations. The certification unit, on the other hand, conducts formal audits designed to assess compliance with regulatory requirements. Those results are reported for certification action by the Director. In essence, certification is the formal finding that a program or facility is approved to operate for a specific time period, as provided for in 6VAC35-20-100. Once the DJJ director certifies the program or facility, the results are reported to the board, usually at their next meeting. In short, the certification unit focuses on compliance with the regulations, and the quality assurance team focuses on the quality of the programs. The proposal would eliminate the disparate oversight CPPs have received and bring them under the same certification process currently in place for all other residential programs overseen by DJJ. Under the proposal, DJJ expects that health, safety, and welfare of CPP residents would be better served by ensuring that these programs receive the same type and level of scrutiny that all others do. This added consistency may in turn help DJJ and JDCs operate more effectively, which may also reduce recidivism throughout the Commonwealth.

Businesses and Other Entities Affected. There are 24 JDCs across the Commonwealth. Any one of them may choose to operate a CPP program, but currently six do so: Blue Ridge (Charlottesville), Chesterfield, Newport News, Prince William, Shenandoah Valley (Staunton), and Virginia Beach. These six CPPs currently serve a total of 57 residents. No entity appears to be disproportionately affected. The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.² An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.³ The proposal does not introduce costs or reduce revenues for affected entities. Thus, an adverse impact is not indicated.

Small Businesses⁴ Affected.⁵ The proposed amendments do not adversely affect small businesses.

Localities⁶ Affected.⁷ CPPs are voluntarily operated by JDCs, which are run by local or regional commissions. Additionally, the proposed personnel, staffing requirements, physical environment etc. standards do not appear to be significantly different than those currently required. The proposed changes to audit and certification standards may be moderately burdensome for JDCs, but such standards may also provide benefits offsetting the potential burden. Thus, no adverse impact on localities is indicated. Also, although there are only six CPPs in operation in the Commonwealth any locality may choose to operate a JDC and a CPP. Thus, the proposal applies to all localities and no locality appears to be disproportionately affected.

Projected Impact on Employment. According to DJJ, any increase in staff time that may be needed would be absorbed by the existing resources. Thus, no significant impact on total employment is expected.

Effects on the Use and Value of Private Property. The proposed changes apply to locally operated JDCs and do not have any direct impact on the use and value of private property nor on real estate development costs. While the proposed text makes mention of the requirements private providers would have to follow, these

requirements are designed to safeguard CPP residents in the future should DJJ ever decide to engage private providers to operate any CPPs. DJJ has no current plans to do so.

¹ Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

³ Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

⁴ Pursuant to § 2.2-4007.04, 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."

⁵ If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

⁶ "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷ Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency Response to Economic Impact Analysis: The Board of Juvenile Justice has reviewed the economic impact analysis prepared by the Department of Planning and Budget and is in agreement with the analysis.

Summary:

The proposed amendments establish provisions for the oversight of community placement programs (CPPs), including criteria for placement and release and minimum requirements for department agreements, recordkeeping, program descriptions, case management services, individual service plans, and progress reports.

6VAC35-101-10. Definitions.

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

"Annual" means within 13 months of the previous event or occurrence.

"Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.

"Board" means the Board of Juvenile Justice.

"Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, ~~but is not limited to,~~ social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.

"Community placement program" or "CPP" means a direct care residential program for committed juveniles in a juvenile detention center or other department-approved setting, established by written agreement with the department.

"Contraband" means any item possessed by or accessible to a resident or found within a detention center or on its premises that (i) that is prohibited by statute, regulation, or the facility's procedure; (ii) ~~that~~ is not acquired through approved channels or in prescribed amounts; or (iii) that may jeopardize the safety and security of the detention center or individual residents.

"Department" means the Department of Juvenile Justice.

"Detention center" or "secure juvenile detention center" means a local, regional, or state; publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

"Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents; (ii) implementing the structured program of care and the behavior management program; and (iii) maintaining the security of the facility.

"Direct supervision" means the act of working with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.

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"Director" means the Director of the Department of Juvenile Justice.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action, such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

"Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.

"Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery, including, ~~but not limited to,~~ all findings, diagnoses, treatments, dispositions, and prescriptions and their administration.

"Health care services" means those actions, preventative and therapeutic, taken for the physical and mental well-being of a resident. Health care services include medical, dental, orthodontic, mental health, family planning, obstetrical, gynecological, health education, and other ancillary services.

"Health trained personnel" means an individual who is trained by a licensed health care provider to perform specific duties, such as administering health care screenings, reviewing screening forms for necessary follow-up care, preparing residents and records for sick call, and assisting in the implementation of certain medical orders.

"Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.

"Living unit" means the space in a detention center in which a particular group of residents resides that contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents. Depending upon its design, a building may contain one living unit or several separate living units.

"On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.

"Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a

biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

"Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to ~~subdivision A 16 of § §§ 16.1-278.8 A 16 and subsection B of § 16.1.284.1 B~~ of the Code of Virginia.

"Premises" means the tracts of land on which any part of a detention center is located and any buildings on such tracts of land.

"Regulatory authority" means the board or the department as designated by the board.

"Resident" means an individual who is confined in a detention center.

"Rules of conduct" means a listing of a detention center's rules or regulations that is maintained to inform residents and others of the behavioral expectations of the behavior management program, about behaviors that are not permitted, and about the sanctions that may be applied when impermissible behaviors occur.

"Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

Part X

Community Placement Programs

6VAC35-101-1280. Community placement programs at juvenile secure detention centers.

To accept placements in a community placement program, a juvenile detention center shall:

1. Be approved by the department to operate a community placement program. This approval shall be documented on the certificate issued to the juvenile detention center by the department. The capacity of the community placement program shall be included in the overall facility capacity.
2. Have a written agreement with the department in accordance with 6VAC35-101-1310.

6VAC35-101-1290. Community placement programs at department-approved alternate providers.

To accept placements in a community placement program, alternate providers shall:

1. Be approved by the department to operate a community placement program;
2. Have a written agreement with the department in accordance with 6VAC35-101-1310; and
3. Comply with the provisions of this chapter.

6VAC35-101-1300. Eligible juveniles.

Juveniles placed in a community placement program shall have a valid commitment to the department pursuant to § 16.1-278.8 or 16.1-285.1 of the Code of Virginia.

6VAC35-101-1310. Agreement with the department.

Juvenile secure detention centers or alternate providers operating community placement programs shall have a written agreement with the department. At a minimum, this agreement shall address:

1. The criteria that determine which juveniles the program will serve, including the age range of the juveniles;
2. Serious incident reporting;
3. The provision of health care services, including medical authority;
4. Residential programming, including staffing ratios and housing;
5. Mental health services transition planning;
6. The disposition of records pertaining to juveniles participating in the program;
7. Written department approval for any portion of work subcontracted by the program;
8. The process for removing a juvenile from the community placement program; and
9. The terms for terminating the agreement.

6VAC35-101-1320. Program description.

The community placement program shall have a written statement describing the program's:

1. Program philosophy;
2. Residential program;
3. Behavior management program;
4. Provision of services;
5. Educational and employment services;
6. Case management; and
7. Family engagement.

6VAC35-101-1330. Case management services in community placement programs.

The community placement program shall have a case manager assigned to provide services to CPP residents.

6VAC35-101-1340. Individual service plans in community placement programs.

The CPP case manager shall collaborate with the department to maintain the individual service plan developed for each CPP

resident in accordance with 6VAC35-71-790.

6VAC35-101-1350. Progress reports in community placement programs.

A. At least every 90 days, the community placement program shall prepare and distribute to the department written reports on each CPP resident's progress. The reports shall include:

1. Progress toward meeting the objectives of the individual service plan and applicable Length of Stay requirements;
2. Educational progress;
3. Behavioral infractions or incidents;
4. Family involvement; and
5. Continuing needs.

B. Each progress report shall include (i) the date it was developed and (ii) the name of the person who developed it.

6VAC35-101-1360. Release from community placement programs.

Residents shall be released from a community placement program only upon written approval by the department.

VA.R. Doc. No. R24-7827; Filed July 8, 2026, 2:51 p.m.



TITLE 9. ENVIRONMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

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 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **9VAC15-40. Small Renewable Energy Projects (Wind) Permit by Rule (amending 9VAC15-40-10).**

9VAC15-60. Small Renewable Energy Projects (Solar) Permit by Rule (amending 9VAC15-60-10).

9VAC15-70. Small Renewable Energy Projects (Combustion) Permit by Rule (amending 9VAC15-70-10).

9VAC15-100. Small Energy Storage Facilities Permit by Rule (amending 9VAC15-100-10).

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

Effective Date: September 9, 2026.

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Agency Contact: Bettina Rayfield, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 659-1915, or email bettina.rayfield@deq.virginia.gov.

Summary:

Pursuant to Chapter 710 of the 2025 Acts of Assembly, the amendments (i) add a definition of "interconnection facilities" and (ii) update definitions for small renewable energy projects for wind, solar, combustion, and energy storage to include reference to dedicated associated interconnection facilities.

9VAC15-40-10. Definitions.

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

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

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

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

"DCR" means the Department of Conservation and Recreation.

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

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

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

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

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

"Interconnection facilities" means generation tie lines, collector lines, substations, switching stations, and any other

component required to connect an electrical generation facility with the electrical grid.

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

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

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

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

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

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

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

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

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

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

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

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

deemed complete when 180 calendar days have elapsed since the last previous wind turbine has been placed in service.

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

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

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

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

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

"Small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 150 megawatts that generates electricity only from sunlight or wind and its dedicated associated interconnection facilities; (ii) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from falling water, wave motion, tides, or geothermal power and its dedicated associated interconnection facilities; ~~or~~ (iii) an electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated capacity not exceeding 150 megawatts and its dedicated associated interconnection facilities; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in clause (i), (ii), or (iii) of this definition and an energy storage facility that meets the parameters established in clause (iv) of this definition.

"Small wind energy project," "wind energy project," or "project" means a small renewable energy project that (i) generates electricity from wind, consisting of one or more wind turbines and other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site and its dedicated associated interconnection facilities; and (ii) is designed for, or capable of, operation at a rated capacity equal to or less than 150 megawatts. Two or more wind energy projects otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single wind energy project. Nothing in this

definition shall imply that a permit by rule is required for the construction of meteorological towers to determine the appropriateness of a site for the development of a wind energy project.

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

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

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

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

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

"VMRC" means the Virginia Marine Resources Commission.

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

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

9VAC15-60-10. Definitions.

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

"Active cropping including hayland" means annual management of disturbed areas for row crops or cut hay, including at least one row crop harvest or two hay cuttings per year for the lifetime of project. Row crops shall use approved conservation tillage practices.

"Administratively complete application" means an application the department has determined meets the requirements of this chapter.

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

"Archive search" means a search of DHR's cultural resource inventory for the presence of previously recorded

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archaeological sites and for architectural structures and districts.

"Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant as defined in § 10.1-1230 of the Code of Virginia.

"Coastal Avian Protection Zones" or "CAPZ" means the areas designated on the map of "Coastal Avian Protection Zones" generated on the department's Coastal GEMS geospatial data system.

"Commencement of commercial operation" means the date when the project has commenced to generate electricity for sale, excluding the sale of test generation.

"Concentrating photovoltaics" or "CPV" means PV systems with equipment to focus or direct sunlight on the PV cells. For purposes of this chapter, CPV is included in the definition of PV.

"Conservation easement" means a perpetual easement complying with the requirements of 9VAC15-60-60 F.

"Conserved land" means land subject to a conservation easement in accordance with 9VAC15-60-60 F.

"Contiguous forest land" means forest land that is adjoining, including areas separated by (i) any waterbody less than 200 feet in width; (ii) roads, driveways, or impervious surfaces, including compacted gravel, 40 feet or less in width; and (iii) clearings for utilities 200 feet or less in width.

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

"DCR" means the Department of Conservation and Recreation.

"DCR Virginia Solar Site Pollinator/Bird Habitat Scorecard" means the assessment tool used to establish target conditions for pollinator-friendly habitat.

"DHR" means the Department of Historic Resources.

"Disturb" means to act in such a way as to create land disturbance.

"Disturbance zone" means the area within the site directly impacted by land-disturbing activity, including construction and operation of the small solar energy project. For purposes of the DCR Virginia Solar Site Pollinator/Bird Habitat Scorecard, the disturbance zone shall include the panel zones, open areas, and screening zones of the project.

"Document certification" means the statement as prescribed in 9VAC15-60-30 B 2 a, signed by the responsible person and submitted with the application documents or any supplemental information submitted to the department for a PBR.

"DOF" means the Department of Forestry.

"DWR" means the Department of Wildlife Resources.

"Establishment and maintenance of pollinator smart habitat/vegetation" means establishment and maintenance of pollinator smart vegetation in accordance with the DCR/DEQ POLLINATOR–SMART Comprehensive Manual. This shall meet short-term and long-term erosion and sediment control (ESC) standards and may require change of cover type or species mix following initial ESC stabilization. Pollinator habitat shall cover at least 30% of the disturbed area claimed for this credit.

"Forest land" has the same meaning as provided in § 10.1-1178 of the Code of Virginia, except that any parcel shall be considered forest land if it was forested at least two years prior to the department's receipt of a permit application. For the purposes of defining forest land in this context, forest trees shall not be limited to commercial timber trees.

"Forest lands enrolled in a program for forestry preservation" means any forest land enrolled in a program for forestry preservation pursuant to subdivision 2 of § 58.1-3233 of the Code of Virginia, including forest land that has been withdrawn from a forestal district with approval of the local governing body pursuant to § 15.2-4314 of the Code of Virginia as part of the local governing body's approval of the solar project.

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

"Integrated PV" means photovoltaics incorporated into building materials, such as shingles.

"Interconnection facilities" means generation tie lines, collector lines, substations, switching stations, and any other component required to connect an electrical generation facility with the electrical grid.

"Interconnection point" means each point where the solar energy project connects to a project substation for transmission to the electrical grid.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

"Managed grazing" means active grazing by sheep or other livestock for the project lifetime, using appropriate management (e.g., rotational grazing), and maintaining greater than 75% living vegetative cover.

"Megawatt" or "MW" means a measurement of power; 1,000 kilowatts equals one MW.

"Mitigation district" means the following groups of planning districts as defined in § 15.2-4202 of the Code of Virginia: Chesapeake, including the George Washington, Middle Peninsula, and Northern Neck districts; Eastern Shore, including the Accomack-Northampton district; Northern Piedmont, including the Northern Virginia, Rappahannock-Rapidan, and Thomas Jefferson districts; Richmond-Hampton Roads, including the Commonwealth Regional, Hampton Roads, and Plan RVA districts; Shenandoah Valley, including Central Shenandoah and Northern Shenandoah Valley districts; Southside, including the Commonwealth, Central Virginia, Southside, and West Piedmont districts; and Southwest, including the Cumberland Plateau, LENOWISCO, Mount Rogers, New River Valley, and Roanoke Valley-Alleghany districts.

"Mitigation ratio" means the ratio of the area conserved to the area disturbed. For example, a ratio of one to two would require one-half acre conserved for each acre of disturbance.

"Natural heritage resource" means the habitat of rare, threatened, or endangered plant and animal species; rare or state-significant natural communities or geologic sites; and similar features of scientific interest benefiting the welfare of the citizens of the Commonwealth as defined in § 10.1-209 of the Code of Virginia.

"Notice of intent" or "NOI" means notification, in a manner acceptable to the department, by an applicant stating intent to submit documentation for a permit under this chapter.

"Open area" means, for purposes of the DCR Virginia Solar Site Pollinator/Bird Habitat Scorecard, any area beyond the panel zone within the site boundary of a project.

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

"Other solar technologies" means materials or devices or methodologies of producing electricity from sunlight other than PV or CPV.

"Owner" means the person that owns all or has all of a controlling interest in a solar energy project.

"Panel zone" means, for purposes of the DCR Virginia Solar Site Pollinator/Bird Habitat Scorecard, the area underneath the solar arrays, including inter-row spacing within a disturbance zone.

"Parking lot" means an improved area, usually divided into individual spaces and covered with pavement or gravel, intended for the parking of motor vehicles.

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

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility,

cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Phase I archaeological survey" means systematic identification-level archaeological investigations as described in DHR's Guidelines for Conducting Historic Resources Survey in Virginia (2017) within the project area and submission of necessary documentation to DHR with recommendations on eligibility of identified resources for listing in the Virginia Landmarks Register and National Register of Historic Places.

"Phase I architectural survey" means comprehensive, reconnaissance-level documentation as described in DHR's Guidelines for Conducting Historic Resources Survey in Virginia (2017) of all standing buildings or structures 50 years of age or older within the project area and surrounding areas with a view to the project and submission of necessary documentation to DHR with recommendations on eligibility of identified resources for listing in the Virginia Landmarks Register and National Register of Historic Places.

"Photovoltaic" or "PV" means materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.

"Photovoltaic cell" or "PV cell" means a solid state device that converts sunlight directly into electricity. PV cells may be connected together to form PV modules, which in turn may be combined and connected to form PV arrays (often called PV panels).

"Photovoltaic system" or "PV system" means PV cells, which may be connected into one or more PV modules or arrays, including any appurtenant wiring, electric connections, mounting hardware, power-conditioning equipment (inverter), and storage batteries.

"Preconstruction" means any time during related approval processes occurring prior to beginning land-disturbing activities necessary for the installation of energy-generating structures at the small solar energy project.

"Previously disturbed or repurposed areas" means the land area within the property boundary of industrial or commercial properties, including brownfields or previously mined areas. It does not include active or fallow agricultural land or silvicultural land use.

"Prime agricultural soils" means soils recognized as prime farmland by the U.S. Department of Agriculture. Prime agricultural soils are further defined in 7 CFR 657.5(a)(2) (January 1, 2024).

"Project" refers to all aspects of small solar energy facility development, including planning, permitting, construction, commissioning, and decommissioning.

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"Rated capacity" means the maximum capacity of a solar energy project based on Photovoltaic USA Test Conditions (PVUSA Test Conditions) rating, measured in MW.

"Responsible person" means (i) for a corporation or limited liability company, a president, secretary, treasurer, or vice-president in charge of a principal business function or any other person that performs similar policy or decision-making functions for the corporation or limited liability company; (ii) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and (iii) for a local government entity or state, federal, or other public agency, either a principal executive officer or ranking elected official.

"Screening zone" means, for purposes of the DCR Virginia Solar Site Pollinator/Bird Habitat Scorecard, a vegetated visual barrier.

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

"Small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 150 MW that generates electricity only from sunlight or wind and its dedicated associated interconnection facilities; (ii) an electrical generation facility with a rated capacity not exceeding 100 MW that generates electricity only from falling water, wave motion, tides, or geothermal power and its dedicated associated interconnection facilities; (iii) an electrical generation facility with a rated power capacity not exceeding 20 MW that generates electricity only from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated power capacity not exceeding 150 MW and its dedicated associated interconnection facilities; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in clause (i), (ii), or (iii) of this definition and an energy storage facility that meets the parameters established in clause (iv) of this definition.

"Small solar energy project" or "project" means a small renewable energy project that (i) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site and its dedicated associated interconnection facilities and (ii) is designed for, or capable of, operation at a rated capacity equal to or less than 150 MW. Two or more solar energy projects otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single solar energy project. Nothing in this definition shall imply that a permit by rule is required for the construction of test structures to determine the appropriateness of a site for the development of a solar energy project.

"Threatened and endangered," "T&E," "state threatened or endangered species," or "state-listed species" means (i) any wildlife species designated as a Virginia endangered or threatened species by DWR pursuant to §§ 29.1-563 through 29.1-570 of the Code of Virginia and 4VAC15-20-130 or (ii) any species designated as a Virginia endangered or threatened species by VDACS pursuant to Chapter 10 (§ 3.2-1000 et seq.) of Title 3.2 of the Code of Virginia and 2VAC5-320-10.

"VDACS" means the Virginia Department of Agriculture and Consumer Services.

"Virginia Natural Landscape Assessment Ecological Cores" means large patches of natural land with at least 100 contiguous acres of interior, which begins 100 meters inward from the nearest edge between natural and unnatural land covers identified by the Virginia Natural Landscape Assessment performed by the Virginia Natural Heritage Program within DCR.

"VLR" means the Virginia Landmarks Register.

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

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

"Wildlife" means wild animals; except, however, that T&E insect species shall be considered T&E wildlife.

9VAC15-70-10. Definitions.

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

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

"Archive search" means a search of DHR's cultural resource inventory for the presence of previously recorded archaeological sites and for architectural structures and districts.

"Coastal Avian Protection Zones" or "CAPZ" means the areas designated on the map of "Coastal Avian Protection Zones" generated on the department's Coastal GEMS geospatial data system (9VAC15-70-120 C 1).

"Combustion energy project," or "project" means a small renewable energy project that:

1. Is an electrical generation facility and its dedicated associated interconnection facilities with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste; and

2. Utilizes a fuel or feedstock that is addressed as a regulated solid waste by 9VAC20-60, 9VAC20-81, or 9VAC20-120; is defined as biomass pursuant to § 10.1-1308.1 of the Code of Virginia; or both.

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

"DCR" means the Department of Conservation and Recreation.

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

"DHR" means the Department of Historic Resources.

"Disturbance zone" means the area within the site directly impacted by construction and operation of the combustion energy project.

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

"Interconnection facilities" means generation tie lines, collector lines, substations, switching stations, and any other component required to connect an electrical generation facility with the electrical grid.

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

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

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

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

"Parasitic load" means the maximum amount of electricity (in megawatts or kilowatts) a combustion energy project uses to run its electricity-producing processes while operating at the rated capacity.

"Parking lot" means an improved area, usually divided into individual spaces and covered with pavement or gravel, intended for the parking of motor vehicles.

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

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility,

cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Preconstruction" means any time prior to commencing land-clearing operations necessary for the installation of energy-generating structures at the combustion energy project.

"Rated capacity" means the maximum designed electrical generation capacity (in megawatts or kilowatts) of a combustion energy project, minus the parasitic load; sometimes known as "net capacity."

"Site" means the area encompassed by the combustion energy project, plus appurtenant structures and facilities such as fuel processing, delivery, storage, and associated conveyance equipment areas if they (i) are contiguous and (ii) primarily exist to supply fuel for the generation of electricity at that project, to the extent that these areas are under common ownership or operating control by the owner or operator of the combustion energy project.

"Small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 150 megawatts that generates electricity only from sunlight or wind and its dedicated associated interconnection facilities; (ii) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from falling water, wave motion, tides, or geothermal power and its dedicated associated interconnection facilities; ~~or~~ (iii) an electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated capacity not exceeding 150 megawatts and its dedicated associated interconnection facilities; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in clause (i), (ii), or (iii) of this definition and an energy storage facility that meets the parameters established in clause (iv) of this definition.

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

"VLR" means the Virginia Landmarks Register (9VAC15-70-120 B 1).

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

"VLR-listed" means those historic resources that have been listed in the VLR in accordance with the criteria of 17VAC5-

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30-40 through 17VAC5-30-70.

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

9VAC15-100-10. Definitions.

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

"Administratively complete application" means an application the department has determined meets the requirements of this chapter.

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

"Archaeological field survey" means systematic identification-level archaeological investigations as described in DHR's guidelines for conducting historic resources surveys within the project area and submission of necessary documentation to DHR with recommendations on eligibility of identified resources for listing in the Virginia Landmarks Register and National Register of Historic Places.

"Architectural field survey" means comprehensive, reconnaissance-level documentation as described in DHR's guidelines for conducting historic resources surveys of all standing buildings or structures 50 years of age or older within the project area and surrounding areas with a view to the facility and submission of necessary documentation to DHR with recommendations on eligibility of identified resources for listing in the Virginia Landmarks Register and National Register of Historic Places.

"Begin commercial operation" means to have begun to store and discharge electricity for sale to the grid. This does not include testing to ensure the facility will not cause a reliability problem for the electrical grid system.

"Begin construction" means a continuous program of construction or land-disturbing activity necessary to construct a small energy storage project.

"DACS" means the Department of Agriculture and Consumer Services.

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

"DCR" means the Department of Conservation and Recreation.

"DHR" means the Department of Historic Resources.

"Disturbance zone" means the area within the site directly impacted by land-disturbing activity, including construction and operation of the small energy storage facility and 100 feet

from the boundary of the directly impacted area. A facility located within an urban area, as defined by the U.S. Census Bureau, provided it is not a hybrid facility, will be subject to local government zoning requirements. Hybrid facilities will be subject to the requirements of any other small renewable energy project permit by rule regulation that is applicable.

"Document certification" means the statement as prescribed in 9VAC15-100-30 B 2 a, signed by the responsible person and submitted with the application documents or any supplemental information submitted to the department for a PBR.

"DWR" means the Department of Wildlife Resources.

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

"Hybrid renewable energy and storage facility" or "hybrid facility" means a small energy storage facility and an electrical generation facility and its dedicated associated interconnection facilities that is one of the following: (i) an electrical generation facility and its dedicated associated interconnection facilities with a rated power capacity not exceeding 150 MW in alternating current (AC) that generates electricity only from sunlight or wind with an energy storage facility with a rated power capacity that does not exceed 150 MW in AC; (ii) an electrical generation facility and its dedicated associated interconnection facilities with a rated power capacity not exceeding 100 MW in AC that generates electricity only from falling water, wave motion, tides, or geothermal power with an energy storage facility with a rated power capacity that does not exceed 100 MW in AC; or (iii) an electrical generation facility and its dedicated associated interconnection facilities with a rated power capacity not exceeding 20 MW in AC that generates electricity only from biomass, energy from waste, or municipal solid waste with an energy storage facility with a rated power capacity that does not exceed 20 MW in AC.

"Interconnection facilities" means generation tie lines, collector lines, substations, switching stations, and any other component required to connect an electrical generation facility with the electrical grid.

"Interconnection point" means the point where the small renewable energy project connects to a project substation for transmission to the electrical grid.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes the land surface's runoff characteristics, including clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34 of the Code of Virginia.

"Megawatt" or "MW" means a measurement of power; 1,000 kilowatts equals one MW.

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

"Notice of Intent" or "NOI" means notification, in a manner acceptable to the department, by an applicant stating intent to submit documentation for a permit under this chapter.

"Operator" means the person responsible for the overall operation and management of a small energy storage facility.

"Owner" means the person that owns all, a portion of, or has all or a controlling interest in a small energy storage facility.

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

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

"Preconstruction" means any time prior to beginning land-disturbing activities necessary for the installation of energy generating or energy storage structures at the facility.

"Previously disturbed or repurposed area" means the land area within the property boundary of industrial or commercial properties, including brownfields, or previously mined areas. It does not include active or fallow agricultural land or silvicultural land use.

"Project" refers to all aspects of small energy storage facility development, including planning, permitting, construction, and commissioning.

"Rated power capacity" means the maximum amount of stored energy of the energy storage system in kilowatt-hours or megawatt-hours that can be delivered to the grid.

"Responsible person" means:

1. For a corporation or limited liability company, a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or limited liability company or is subject to Title 13.1 of the Code of Virginia;
2. For partnership or sole proprietorship, a general partner or the proprietor, respectively; and
3. For a local government entity subject to Title 15.2 of the Code of Virginia or state, federal, or other public agency,

either a principal executive officer or ranking elected official.

"Retrofit" means the addition of an energy storage facility to an existing, permitted small renewable energy project.

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

"Small energy storage facility" or "facility" means an energy storage facility that uses electrochemical cells to convert chemical energy with a rated power capacity not exceeding 150 MW in AC.

"Small renewable energy project" means (i) an electrical generation facility with a rated ~~power~~ capacity not exceeding 150 MW that generates electricity only from sunlight or wind and its dedicated associated interconnection facilities; (ii) an electrical generation facility with a rated capacity not exceeding 100 MW that generates electricity only from falling water, wave motion, tides, or geothermal power and its dedicated associated interconnection facilities; (iii) an electrical generation facility with a rated power capacity not exceeding 20 MW that generates electricity only from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated power capacity not exceeding 150 MW and its dedicated associated interconnection facilities; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in subdivision clause (i), (ii), or (iii) of this definition and an energy storage facility that meets the parameters established in subdivision clause (iv) of this definition.

"Threatened and endangered," "T&E," "state threatened or endangered species," or "state-listed species" means (i) any wildlife species designated as a Virginia endangered or threatened species by DWR pursuant to the §§ 29.1-563 through 29.1-570 of the Code of Virginia and 4VAC15-20-130 or (ii) any species designated as a Virginia endangered or threatened species by DACS pursuant to §§ 3.2-1000-through 3.2-1100 of the Code of Virginia and 2VAC5-320-10.

"Virginia Natural Landscape Assessment Ecological Cores" means large patches of natural land with at least 100 contiguous acres of interior, which begins 100 meters inward from the nearest edge between natural and unnatural land covers identified by DCR.

"VLR" means the Virginia Landmarks Register.

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

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

"Wildlife" means wild animals; except, however, that T&E insect species shall be considered T&E wildlife.

VA.R. Doc. No. R26-8561; Filed July 13, 2026, 11:00 a.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 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9VAC25-31. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (amending 9VAC25-31-200).

Statutory Authority: §§ 62.1-44.15 and 62.1-44.19:3.5 of the Code of Virginia; § 402 of the Clean Water Act; 40 CFR Parts 122, 123, 124, 403, and 503.

Effective Date: September 9, 2026.

Agency Contact: Joseph Bryan, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2659, or email joseph.bryan@deq.virginia.gov.

Summary:

Pursuant to Chapters 709 and 710 of the 2026 Acts of Assembly, the amendments (i) require each publicly owned treatment works (POTW) to mandate quarterly discharge monitoring for perfluoroalkyl and polyfluoroalkyl substances (PFAS) for certain categories of industrial users, (ii) establish a 30-day timeframe for reporting monitoring results, and (iii) specify allowable test methods.

9VAC25-31-200. Additional conditions applicable to specified categories of VPDES permits.

The following conditions, in addition to those set forth in 9VAC25-31-190, apply to all VPDES permits within the categories specified in this section:

A. Existing manufacturing, commercial, mining, and silvicultural dischargers. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the department as soon as they know or have reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that

discharge will exceed the highest of the following notification levels:

- a. One hundred micrograms per liter (100 µg/l);
- b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- c. Five times the maximum concentration value reported for that pollutant in the permit application; or
- d. The level established by the department in accordance with 9VAC25-31-220 F.

2. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- a. Five hundred micrograms per liter (500 µg/l);
- b. One milligram per liter (1 mg/l) for antimony;
- c. Ten times the maximum concentration value reported for that pollutant in the permit application; or
- d. The level established by the department in accordance with 9VAC25-31-220 F.

B. Publicly and privately owned treatment works. All POTWs and PVOTWs must provide adequate notice to the department of the following:

1. Any new introduction of pollutants into the POTW or PVOTW from an indirect discharger that would be subject to § 301 or 306 of the CWA and the law if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW or PVOTW by a source introducing pollutants into the POTW or PVOTW at the time of issuance of the permit.
3. For purposes of this subsection, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW or PVOTW and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW or PVOTW.
4. When the monthly average flow influent to a POTW or PVOTW reaches 95% of the design capacity authorized by the VPDES permit for each month of any three-month period, the owner shall within 30 days notify the department in writing and within 90 days submit a plan of action for ensuring continued compliance with the terms of the permit.
 - a. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current problem, or any problem that could be reasonably anticipated, resulting from high influent flows.

b. Upon receipt of the owner's plan of action, the department shall notify the owner whether the plan is approved or disapproved. If the plan is disapproved, such notification shall state the reasons and specify the actions necessary to obtain approval of the plan.

c. Failure to timely submit an adequate plan shall be deemed a violation of the permit.

d. Nothing herein shall in any way impair the authority of the department to take enforcement action under § 62.1-44.15, 62.1-44.23, or 62.1-44.32 of the Code of Virginia.

C. Wastewater works operator requirements.

1. The permittee shall employ or contract at least one wastewater works operator who holds a current wastewater license appropriate for the permitted facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and Waterworks and Wastewater Works Operators Licensing Regulations (18VAC160-30). Notwithstanding the foregoing requirement, unless the discharge is determined by the department on a case-by-case basis to be a potential contributor of pollution, no licensed operator is required for wastewater treatment works:

- a. That have a design hydraulic capacity equal to or less than 0.04 mgd;
- b. That discharge industrial waste or other waste from coal mining operations; or
- c. That do not utilize biological or physical or chemical treatment.

2. In making this case-by-case determination, the department shall consider the location of the discharge with respect to state waters, the size of the discharge, the quantity and nature of pollutants reaching state waters, and the treatment methods used at the wastewater works.

3. The permittee shall notify the department in writing whenever the permittee is not complying or has grounds for anticipating the permittee will not comply with the requirements of subdivision 1 of this subsection. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

4. Every sewage treatment works owner shall employ or contract an operator who holds a current wastewater operator license, issued in accordance with Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia, of the appropriate class for the type of facility, as determined by the department, or higher class at the owner's option. If the position of the licensed operator of the appropriate class is unexpectedly vacated due to death, extended illness, firing for cause, resignation, or similar cause, the treatment works owner shall notify the department promptly and in accordance with any specific timeframe directed by the department. The department shall temporarily waive the licensed operator requirement for the interim, provided the owner (i) informs the department in writing of the owner's

designation of another licensed operator or professional engineer responsible for interim operations within five days of the vacancy, (ii) informs the department in writing within 10 days of the vacancy arising of the owner's plan to hire a replacement licensed operator of the appropriate class as soon as practicable, (iii) implements the hiring plan diligently, and (iv) provides a monthly report to the department on the implementation and progress of such hiring plan. The department may revoke the temporary waiver if the department finds that continued operation pursuant to the waiver presents a public health or water quality threat due to statutory, regulatory, or permit violations.

5. Where the facility is equipped with adequate technological capability, the department shall credit remote monitoring of the facility by a licensed operator of the appropriate class as operator attendance toward recommended licensed operator attendance hours, provided that the owner submits and the department approves a remote monitoring plan demonstrating that the facility possesses sufficient technology for the remote operator to adequately monitor the facility and manage onsite operators with a lower license class, mechanics, or other staff to operate the facility under the remote operator's direct supervision. In determining whether to approve a remote monitoring plan for multiple facilities, the department may consider the number of facilities the remote operator is monitoring simultaneously, whether the multiple facilities being monitored remotely are under common ownership, whether the remote operator is employed by the owner of the multiple facilities, and whether occasional in-person attendance is provided, among other factors. The department may cease crediting remote monitoring if the department finds that continued operation pursuant to the remote monitoring plan presents a public health or water quality threat due to statutory, regulatory, or permit violations. The department shall not credit remote monitoring by an operator without the appropriate license class who is operating the waterworks or treatment facility pursuant to a temporary waiver issued under subdivision 4 of this subsection.

D. Lake level contingency plans. Any VPDES permit issued for a surface water impoundment whose primary purpose is to provide cooling water to power generators shall include a lake level contingency plan to allow specific reductions in the flow required to be released when the water level above the dam drops below designated levels due to drought conditions, and such plan shall take into account and minimize any adverse effects of any release reduction requirements on downstream users. This subsection shall not apply to any such facility that addresses releases and flow requirements during drought conditions in a Virginia Water Protection Permit.

E. Concentrated animal feeding operations (CAFOs). The activities of the CAFO shall not contravene the Water Quality Standards, as amended and adopted by the board, or any

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provision of the State Water Control Law. There shall be no point source discharge of manure, litter, or process wastewater to surface waters of the state except in the case of an overflow caused by a storm event greater than the 25-year, 24-hour storm. Agricultural stormwater discharges as defined in ~~subdivision C 3 of~~ 9VAC25-31-130 C 3 are permitted. Domestic sewage or industrial waste shall not be managed under the Virginia Pollutant Discharge Elimination System General Permit for CAFOs (9VAC25-191). Any permit issued to a CAFO shall include:

1. Requirements to develop, implement, and comply with a nutrient management plan. At a minimum, a nutrient management plan shall include best management practices and procedures necessary to implement applicable effluent limitations and standards. Permitted CAFOs must have nutrient management plans developed and implemented and be in compliance with the nutrient management plan as a requirement of the permit. The nutrient management plan must, to the extent applicable:

- a. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
- b. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, stormwater, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;
- c. Ensure that clean water is diverted, as appropriate, from the production area;
- d. Prevent direct contact of confined animals with surface waters of the state;
- e. Ensure that chemicals and other contaminants handled on site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
- f. Identify appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to surface waters of the state;
- g. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;
- h. Establish protocols to land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and
- i. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in this subdivision 1.

2. Recordkeeping requirements. The permittee must create, maintain for five years, and make available to the director upon request the following records:

- a. All applicable records identified pursuant to subdivision 1 i of this subsection; and
- b. In addition, all CAFOs subject to EPA Effluent Guidelines for Feedlots (40 CFR Part 412) must comply with recordkeeping requirements as specified in 40 CFR 412.37(b) and (c) and 40 CFR 412.47(b) and (c).

A copy of the CAFO's site-specific nutrient management plan must be maintained on site and made available to the director upon request.

3. Requirements relating to transfer of manure or process wastewater to other persons. Prior to transferring manure, litter, or process wastewater to other persons, large CAFOs must provide the recipient of the manure, litter, or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of EPA Effluent Guidelines for Feedlots (40 CFR Part 412). Large CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter, or process wastewater transferred to another person.

4. Annual reporting requirements for CAFOs. The permittee must submit an annual report to the director. As of the start date in Table 1 of 9VAC25-31-1020, all annual reports submitted in compliance with this subsection shall be submitted electronically by the permittee to the department in compliance with this subsection and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-31-110, and Part XI (9VAC25-31-950 et seq.) of this chapter. Part XI of this chapter is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of this chapter, the permittee may be required to report electronically if specified by a particular permit. The annual report must include:

- a. The number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);
- b. Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous 12 months in tons or gallons;
- c. Estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous 12 months in tons or gallons;
- d. Total number of acres for land application covered by the nutrient management plan developed in accordance with subdivision 1 of this subsection;

e. Total number of acres under control of the CAFO that were used for land application of manure, litter, and process wastewater in the previous 12 months;

f. Summary of all manure, litter, and process wastewater discharges from the production area that occurred in the previous 12 months, including for each discharge the date of discovery, duration of discharge, and approximate volume;

g. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner; and

h. The actual crops planted and actual yield for each field, the actual nitrogen and phosphorus content of the manure, litter, and process wastewater, the results of calculations conducted in accordance with subdivisions 5 a (2) and 5 b (4) of this subsection, and the amount of manure, litter, and process wastewater applied to each field during the previous 12 months; and, for any CAFO that implements a nutrient management plan that addresses rates of application in accordance with subdivision 5 b of this subsection, the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months, the data used in calculations conducted in accordance with subdivision 5 b (4) of this subsection, and the amount of any supplemental fertilizer applied during the previous 12 months.

5. Terms of the nutrient management plan. Any permit issued to a CAFO shall require compliance with the terms of the CAFO's site-specific nutrient management plan. The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the department to be necessary to meet the requirements of subdivision 1 of this subsection. The terms of the nutrient management plan, with respect to protocols for land application of manure, litter, or process wastewater required by subdivision 4 h of this subsection and, as applicable, 40 CFR 412.4(c), shall include the fields available for land application; field-specific rates of application properly developed, as specified in subdivisions 5 a and 5 b of this subsection, to ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application. The terms shall address rates of application using one of the following two approaches, unless the department specifies that only one of these approaches may be used:

a. Linear approach. An approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:

(1) The terms include maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the nutrient

management plan, in chemical forms determined to be acceptable to the department, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine such rates. At a minimum, the factors that are terms shall include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses of a field, such as pasture or fallow fields; the realistic yield goal for each crop or use identified for each field; the nitrogen and phosphorus recommendations from sources specified by the department for each crop or use identified for each field; credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; and accounting for all other additions of plant-available nitrogen and phosphorus to the field. In addition, the terms include the form and source of manure, litter, and process wastewater to be land applied; the timing and method of land application; and the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

(2) Large CAFOs that use this approach shall calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application; or

b. Narrative rate approach. An approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of manure, litter, and process wastewater to be land applied, according to the following specifications:

(1) The terms include maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the department, in pounds per acre, for each field, and certain factors necessary to determine such amounts. At a minimum, the factors that are terms shall include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses, such as pasture or fallow fields, including alternative crops identified in accordance with subdivision 5 b (2) of this subsection; the realistic yield goal for each crop or use identified for each field; and the nitrogen and phosphorus recommendations from sources specified by the department for each crop or use identified for each field. In addition, the terms include the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied: results of soil tests conducted in accordance with protocols identified in the nutrient management plan, as required by subdivision 1 g

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of this subsection; credits for all nitrogen in the field that will be plant available; the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; the form and source of manure, litter, and process wastewater; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen.

(2) The terms of the nutrient management plan include alternative crops identified in the CAFO's nutrient management plan that are not in the planned crop rotation. Where a CAFO includes alternative crops in its nutrient management plan, the crops shall be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the nutrient management plan shall include realistic crop yield goals and the nitrogen and phosphorus recommendations from sources specified by the department for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process wastewater to be applied shall be determined in accordance with the methodology described in subdivision 5 b (1) of this subsection.

(3) For CAFOs using this approach, the following projections shall be included in the nutrient management plan submitted to the department, but are not terms of the nutrient management plan: the CAFO's planned crop rotations for each field for the period of permit coverage; the projected amount of manure, litter, or process wastewater to be applied; projected credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the nutrient management plan.

(4) CAFOs that use this approach shall calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology required in subdivision 5 b (1) of this subsection before land applying manure, litter, and process wastewater and shall rely on the following data:

(a) A field-specific determination of soil levels of nitrogen and phosphorus, including, for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required by subdivision 5 b (1) of this subsection, and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the department; and

(b) The results of most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus

taken within 12 months of the date of land application, in order to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

F. Publicly owned treatment works.

1. As used in this subsection, "PFAS" means per- and polyfluoroalkyl substances, as that term is defined in § 62.1-44.34:29 of the Code of Virginia.

2. Every POTW shall require the following new or existing industrial users of the POTW to perform quarterly discharge monitoring for PFAS for an initial characterization period of one year and report the results to the POTW no later than 30 days after receipt from the laboratory, provided, however, that the POTW may discontinue remaining quarterly discharge monitoring by an industrial user with proper monitoring results that are below the method detection level for the first two quarters:

a. Any facility manufacturing PFAS; any electroplating or metal finishing facility using PFAS; any semiconductor or circuit board facility using PFAS; any paper or packaging manufacturing facility using PFAS; and any textile mill, tannery, or leather, fabric, or carpet treater using PFAS;

b. Any centralized waste treatment industrial facility;

c. Any industrial launderer defined by NAICS code 812332; and

d. Any airport, air base, air station, fire training facility, landfill, or other facility or site that the POTW has a reasonable basis to believe is a source of PFAS.

3. If an industrial user subject to the monitoring requirement in subdivision 2 of this subsection detects PFAS in any amount above the method detection limit in its initial year of quarterly monitoring, such industrial user shall continue to perform and report to the POTW no later than 30 days after receiving the discharge monitoring results from the laboratory. The POTW may reduce the frequency of required monitoring to annually for any industrial user with proper monitoring results that are below the method detection level for at least two consecutive quarters.

4. For any new industrial user subject to the monitoring requirement in subdivision 2 of this subsection, the POTW shall require discharge monitoring for PFAS and submission of the results of such monitoring within 90 days of the commencement of such discharges to the POTW. The new industrial user shall report to the POTW no later than 30 days after receiving the discharge monitoring results from the laboratory.

5. A POTW that receives PFAS monitoring results pursuant to subdivision 2, 3, or 4 of this subsection shall report such results to the department on a quarterly basis in a format specified by the department.

6. For purposes of discharge monitoring under this subsection, the applicable laboratory test method is Method

1633 or such other method approved by the EPA that may be allowed by the department. Monitoring reports shall include all PFAS analytes measured by the test method. For purposes of this section, the department shall not require, and the facility and its laboratory shall be exempt from, environmental laboratory certification or accreditation requirements specifically for use of Method 1633.

VA.R. Doc. No. R26-8649; Filed July 13, 2026, 11:13 a.m.

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 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors and pursuant to § 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 board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9VAC25-71. Regulations Governing the Discharge of Sewage and Other Wastes from Boats (amending 9VAC25-71-70).

Statutory Authority: § 62.1-44 of the Code of Virginia; 33 USC § 1322.

Effective Date: September 9, 2026.

Agency Contact: Justin Williams, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1125, or email justin.williams@deq.virginia.gov.

Background: A no discharge zone (NDZ) designation creates an area in a waterbody where discharge of both treated and untreated vessel sewage is prohibited; vessels instead use pump-out facilities, which are often located at marinas, or travel outside of the NDZ to discharge treated sewage. The NDZs were developed in accordance with § 312 of the federal Clean Water Act and § 62.1-44.33 of the Code of Virginia. The NDZ application was subject to public participation during its development. The Department of Environmental Quality convened public meetings and sought public comment during the application development. Additionally, the Environmental Protection Agency (EPA) requested public comment during its review for affirmative determination.

Summary:

The amendments (i) add no discharge zone (NDZ) designation to 30 estuarine waters in the Northern Neck region of Virginia and (ii) provide technical corrections to the wording of an existing NDZ.

9VAC25-71-70. Listing of designated no discharge zones in the Commonwealth of Virginia.

The following are designated no discharge zones:

1. Smith Mountain Lake in the counties of Bedford, Franklin and Pittsylvania, Virginia, from Smith Mountain Dam (Gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm, and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.

2. The Lynnhaven River Watershed in the City of Virginia Beach, Virginia, including all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (latitude 36°54'27.90" N and longitude 76°05'30.90" W) and north of the watershed break point at the intersection of West Neck Creek and Dam Neck Road (latitude 36°47'17.60" N and longitude 76°04'14.62" W).

3. Broad Creek, Jackson Creek, and Fishing Bay Watersheds in lower Middlesex County, Virginia: the Broad Creek Watershed ~~No Discharge Zone~~ is defined as all contiguous waters south of the line formed between the points formed by latitude 37°33'46.3" N and longitude ~~76°18'45.9"~~ 76°18'45.9" W and north to latitude 37°33'47.4" N and longitude ~~76°19'24.7"~~ 76°19'24.7" W. The Jackson Creek Watershed ~~No Discharge Zone~~ is defined as all contiguous waters west of the of the line formed between the points formed by latitude 37°32'40" N and longitude ~~76°19'40.6"~~ 76°19'40.6" W at Stove Point Neck and latitude 37°32'46.8" N and longitude ~~76°19'15.6"~~ 76°19'15.6" W at the western point of the entrance to the eastern prong of Jackson Creek. The Fishing Bay Watershed ~~No Discharge Zone~~ is defined as all contiguous waters north of the line formed between the points formed by latitude 37°32'01.9" N and longitude ~~76°21'43.5"~~ 76°21'43.5" W at the southernmost tip of Bland Point and latitude 37°31'29.4" N and longitude ~~76°19'53.6"~~ 76°19'53.6" W at the southernmost tip of Stove Point. This area includes all of Fishing Bay and encompasses Moore Creek and Porpoise Cove.

4. Sarah Creek in Gloucester County, Virginia, including all contiguous waters north of the line formed between the point formed by latitude 37°14'58.34" N and longitude 76°29'39.17" W and east to latitude 37°15'00.81" N and longitude 76°28'37.84" W.

5. Perrin River in Gloucester County, Virginia, including all contiguous waters north of the line formed between the point formed by latitude 37°15'43.52" N and longitude 76°25'25.71" W and east to latitude 37°15'50.63" N and longitude 76°25'11.84" W.

6. Rosier Creek in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°16'27.23" N, longitude 76°59'24.14" W and latitude 38°16'46.67" N, longitude 77°0'3.92" W.

7. Mattox Creek and Monroe Bay in Westmoreland County, Virginia is defined as all contiguous waters landward of the

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line connecting the points formed by latitude 38°12'33.30" N, longitude 76°57'5.65" W at Church Point and latitude 38°13'46.74" N, longitude 76°57'46.76" W at Gum Bar Point.

8. Nomini Creek and Currioman Bay in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°9'36.07" N, longitude 76°42'3.20" W at King Copsico Point and latitude 38°9'59.11" N, longitude 76°46'23.59" W.

9. Lower Machodoc Creek in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°9'5.44" N, longitude 76°38'18.06" W and latitude 38°9'33.16" N, longitude 76°41'16.55" W.

10. Ragged Point in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°7'45.59" N, longitude 76°36'14.58" W at Stinking Point and latitude 38°8'51.50" N, longitude 76°36'40.64" W at Ragged Point.

11. Gardner Creek in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°6'46.33" N, longitude 76°36'14.18" W and latitude 38°6'48.35" N, longitude 76°36'8.78" W.

12. Jackson Creek in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°6'23.98" N, longitude 76°35'48.55" W and latitude 38°6'25.24" N, longitude 76°35'49.38" W.

13. Bonum Creek in Westmoreland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°5'44.48" N, longitude 76°34'51.17" W and latitude 38°5'45.28" N, longitude 76°34'54.88" W.

14. Yeocomico River in Westmoreland and Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°1'35.29" N, longitude 76°30'57.85" W at Thicket Point and latitude 38°2'34.76" N, longitude 76°31'21.61" W at Lynch Point.

15. Judith Sound in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 38°0'18.04" N, longitude 76°27'47.95" W and latitude 38°0'47.92" N, longitude 76°28'15.42" W.

16. Coan River and The Glebe in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°59'9.53" N, longitude 76°26'43.69" W at Great Point and latitude 37°59'44.81" N, longitude 76°27'47.45" W at Travis Point.

17. Cod Creek in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°58'43.57" N, longitude 76°25'52.50" W at Great Point and latitude 37°59'1.21" N, longitude 76°26'26.30" W.

18. Little Wicomico River in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°53'22.85" N, longitude 76°14'8.95" W at Smith Point and latitude 37°53'24.77" N, longitude 76°14'10.38" W at Smith Point.

19. Great Wicomico River and Ingram Bay in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°47'13.74" N, longitude 76°18'25.09" W and latitude 37°48'48.13" N, longitude 76°16'56.46" W at Fleeton Point.

20. Cloverdale Creek in Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°46'22.87" N, longitude 76°18'34.49" W and latitude 37°46'32.09" N, longitude 76°18'21.10" W.

21. Dividing Creek in Lancaster and Northumberland County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°43'15.56" N, longitude 76°18'51.19" W and latitude 37°43'48.16" N, longitude 76°18'16.60" W at Hughlett Point.

22. Indian Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°40'23.92" N, longitude 76°19'29.17" W and latitude 37°41'21.84" N, longitude 76°18'23.72" W at Bluff Point.

23. Dymer Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°39'42.70" N, longitude 76°20'8.66" W and latitude 37°40'17.54" N, longitude 76°19'32.05" W.

24. Tabbs Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°39'13.25" N, longitude 76°20'22.09" W and latitude 37°39'21.78" N, longitude 76°20'23.89" W.

25. Antipoison Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°37'49.12" N, longitude 76°19'58.58" W and latitude 37°37'56.39" N, longitude 76°19'57.29" W at Clark Point.

26. Windmill Point Resort in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°36'52.63" N, longitude 76°17'26.16" W and latitude 37°36'51.80" N, longitude 76°17'24.65" W.

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27. Little Oyster and Windmill Point Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°37'27.23" N, longitude 76°18'39.78" W and latitude 37°37'13.30" N, longitude 76°18'25.42" W.

28. Mosquito Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°36'32.11" N, longitude 76°21'32.80" W at Mosquito Point and latitude 37°37'10.70" N, longitude 76°19'24.28" W at Deep Hole Point.

29. Carter Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°39'5.44" N, longitude 76°26'44.12" W and latitude 37°39'8.60" N, longitude 76°26'23.42" W at Crab Point.

30. Corrotoman River in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°38'55.32" N, longitude 76°27'4.68" W at Orchard Point and latitude 37°38'35.81" N, longitude 76°30'4.03" W.

31. Greenvale Creek in Lancaster County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°42'36.86" N, longitude 76°32'40.16" W and latitude 37°42'27.22" N, longitude 76°32'30.44" W.

32. Deep Creek in Richmond County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°46'18.77" N, longitude 76°35'10.00" W and latitude 37°46'13.84" N, longitude 76°35'2.90" W.

33. Mulberry Creek in Richmond County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°47'12.62" N, longitude 76°37'10.78" W and latitude 37°47'2.69" N, longitude 76°37'5.30" W.

34. Lancaster Creek, including Morattico, in Richmond County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°47'45.85" N, longitude 76°39'4.36" W at Tarpley Point and latitude 37°47'24.22" N, longitude 76°38'5.17" W at Curletts Point.

35. Farnham Creek in Richmond County, Virginia is defined as all contiguous waters landward of the line connecting the points formed by latitude 37°49'31.01" N, longitude 76°40'46.63" W at Wilna Point and latitude 37°49'32.34" N, longitude 76°40'49.44" W.

VA.R. Doc. No. R26-8663; Filed July 13, 2026, 11:16 a.m.

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 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9VAC25-200. **Water Withdrawal Reporting (amending 9VAC25-200-10, 9VAC25-200-40).**

Statutory Authority: §§ 62.1-44.15 and 62.1-44.38 of the Code of Virginia.

Effective Date: September 9, 2026.

Agency Contact: Weedon Cloe, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 754-5457, or email william.cloe@deq.virginia.gov.

Background: As it is currently effective, Water Withdrawal Reporting (9VAC25-200) requires the reporting of water withdrawal usage information from any user that withdraws surface water or groundwater in excess of 10,000 gallons per day for any use other than crop irrigation, or in excess of 1 million gallons in any single month for crop irrigation. The existing regulation does not require the water withdrawal report to include the volume of water provided to another person off site.

Summary:

Pursuant to Chapters 623 and 896 of the 2026 Acts of Assembly, the amendments require each water user subject to the existing water withdrawal reporting requirements that provides water to another person off site to report the total volume of potable water and reclaimed water provided each month, or each quarter if monthly data is not available, (i) to a data center that has an air permit issued by the Department of Environmental Quality and (ii) for domestic purposes, commercial and industrial purposes (separately or combined as available), and all other noncategorized purposes.

9VAC25-200-10. Definitions.

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

"Board" means the State Water Control Board.

"Crop" means a living or once-living plant or part of ~~it~~ which the plant that is or could be harvested for value. The term includes conventional farm crops, hay, pasture, nursery, and forest crops. Permanent turf and landscaping are not crops and are subject to the 10,000 gallons per day reporting threshold.

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"Daily average withdrawal" shall be calculated by dividing the total quantity of water withdrawn in each calendar month by the number of days in that month.

"Department" means the Department of Environmental Quality.

"Gage" means a device or methodology for measuring cumulative volume of water withdrawn. For users subject to the Virginia Department of Health Waterworks Regulations (12VAC5-590), the gage shall satisfy the provisions of those regulations and shall produce volume determinations within $\pm 10\%$ of truth. For all other users, the gage shall be consistent with sound ~~generally accepted~~, generally accepted engineering practice and shall produce volume determinations within $\pm 10\%$ of truth.

"Person" means the Commonwealth or any of its political subdivisions; ~~or~~ an individual, corporation, partnership, association, authority, interstate body, or a state; or an agency, municipality, commission, or political subdivision of a state.

"User" means any person making a withdrawal of surface water or groundwater from an original source (e.g., a river, stream, lake, aquifer, or reservoir fed by any such water body), regardless of whether the user himself uses the water thus withdrawn or transfers it to another for use. The purchase of water from a waterworks by a customer of it does not constitute a withdrawal.

"VPDES" means the Virginia Pollutant Discharge Elimination System, which is the Virginia system for the issuance of permits pursuant to the Permit Regulation (9VAC25-31-10), the State Water Control Law, and § 402 of the Clean Water Act (33 USC § 1342), authorizing the discharge of pollutants from a point source to surface waters.

9VAC25-200-40. Measuring and reporting requirements.

A. Measuring. Every nonexempt user other than crop irrigators shall have installed and shall operate a gaging device or methodology before commencing withdrawal and shall operate the device or methodology routinely thereafter. The gaging device or methodology shall measure the cumulative volume of water withdrawn at or near the source of the withdrawal, or at the water treatment plant. Nonexempt crop irrigators shall comply with these measuring provisions by January 31, 1991, or before commencing withdrawal, whichever is later.

B. Reporting.

1. Every nonexempt user shall file with the board by January 31 of each year a reporting form, as prescribed by the board, completed insofar as it pertains to ~~his~~ the user's withdrawal for the calendar year preceding. The information reported shall include the user's name, address, sources and locations of withdrawal, cumulative volume of water withdrawn each month of the calendar year, maximum day withdrawal and the month in which it occurred, and method of withdrawal measurement.

2. Nonexempt crop irrigators shall comply with these reporting provisions by January 31, 1992, or before commencing withdrawal, whichever is later.

3. Beginning January 1, 2027, any water user required to report water withdrawal and use data pursuant to this chapter that provides water to another person off site shall include in its report submitted on its regular reporting schedule, (i) the total volume of potable water and, (ii) reported separately, the total volume of reclaimed water provided during each month for each of the following categories:

a. A data center, as that term is defined in § 58.1-3506 A 43 of the Code of Virginia, with an air permit issued by the department; and

b. To the extent available without utility billing system modifications:

(1) Domestic purposes;

(2) Commercial and industrial purposes, separately or combined as available; and

(3) All other noncategorized purposes.

Where monthly data is not available, the data may be submitted based on the total volumes provided during each quarter. For purposes of this subdivision, "reclaimed water" means water that has been treated and repurposed from wastewater or nonpotable sources.

VA.R. Doc. No. R26-8648; Filed July 13, 2026, 11:15 a.m.

Final Regulation

REGISTRAR'S NOTICE: Pursuant to 1VAC7-10-60, the Registrar of Regulations is amending one regulation of the State Water Control Board to update an office mailing address in the Virginia Administrative Code.

Title of Regulation: 9VAC25-800. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (amending 9VAC25-800-60).

Effective Date: August 10, 2026.

Agency Contact: Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, or email melissa.porterfield@deq.virginia.gov.

Summary:

Pursuant to 1VAC7-10-60, an obsolete Post Office Box number in the mailing address for the Department of Environmental Quality Harrisonburg office is removed from 9VAC25-800-60.

VA.R. Doc. No. R26-8755; Filed July 15, 2026, 1:06 p.m.

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been 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, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

Title of Regulation: 9VAC25-800. **Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters.**

Agency Contact: Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, or email melissa.porterfield@deq.virginia.gov.

FORMS (9VAC25-800)

~~Pesticide Discharge Management Plan (PDMP) — VAG-87 (rev. 4/2023)~~

[Pesticide Discharge Management Plan \(PDMP\) - VAG-87 \(rev. 7/2026\)](#)

VA.R. Doc. No. R26-8758; Filed July 15, 2026, 1:52 p.m.

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TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Final Regulation

REGISTRAR'S NOTICE: The Commonwealth Transportation Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4002 B 11 of the Code of Virginia, which exempts regulations relating to traffic signs, markers, or control devices, and pursuant to § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 24VAC30-551. **Integrated Directional Signing Program (IDSP) Participation Criteria (amending 24VAC30-551-10 through 24VAC30-551-50, 24VAC30-551-70, 24VAC30-551-80, 24VAC30-551-100; adding 24VAC30-551-95; repealing 24VAC30-551-90).**

Statutory Authority: §§ 33.2-210 and 33.2-1220 of the Code of Virginia.

Effective Date: September 9, 2026.

Agency Contact: Steven Jack, Regulatory Manager, Department of Transportation, 1221 East Broad Street, Richmond, VA 23219, telephone (804) 786-3885, or email steven.jack@vdot.virginia.gov.

Background: Integrated Directional Signing Program (IDSP) Participation Criteria (24VAC30-551) provides the framework through which certain categories of businesses or attractions of particular relevance to the motoring public can participate in the signage program. The regulation addresses eligibility requirements, categories for specific signage programs, and fee structures.

Summary:

As a result of a periodic review, the amendments (i) clarify and streamline the regulation, (ii) add flexibility and expand the lists of entities eligible to participate in the specific signage programs, (iii) add electric vehicle charging and alternative fuel station signs, and (iv) add an application fee for the General Motorist Service Signs Program to defray the administrative costs associated with such signs.

Chapter 551

Integrated Directional Signing Program (IDSP) Participation Criteria

24VAC30-551-10. Definitions.

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

"Agribusiness" means an establishment that is open year-round or seasonally, is located on an individual farm dedicated to selling fresh locally-produced products, and for which at least 50% of sales are from Virginia-grown and produced products.

"Alternative fuel" means any fuel, other than conventional gasoline or diesel, that is used to power motor vehicles, including electricity, compressed natural gas (CNG), liquefied petroleum gas (LPG), propane autogas, ethanol blends of E85 or greater, biodiesel, hydrogen, and any other fuels that may be approved by the Virginia Department of Energy.

"Amusement or theme park" means a commercially operated enterprise offering rides, games, or other forms of entertainment. This includes sports parks offering multiple activities such as a golf driving range, go-carts, miniature golf, or batting cages.

"Antique business" means an establishment where a majority of the items for sale are considered being in the style or fashion of former times.

"Aquarium" means an establishment where collections of aquatic living organisms are kept and displayed.

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"Arboretum" means a facility used for the cultivation of a variety of woody plants for scientific, educational, or ornamental purposes.

"Art or craft center" means an exhibit, display, or retail facility for regional fine arts or handcrafted products that is open to the public.

"Auction house" means an establishment where items or property are offered for sale to the highest bidder.

"Auditorium" means a large building or room set aside to accommodate an audience for the presentation of meetings or performances.

"Bed and breakfast" means ~~any~~ an establishment that describes itself as a bed and breakfast in an on-premise sign and in all marketing materials that (i) having has no more than 15 bedrooms; (ii) offering offers to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering offers at least one cooked meal per day, ~~which may but need not be breakfast~~, to each person to whom overnight lodging is provided. ~~The facility shall have an on-premises sign describing it as a bed and breakfast and shall clearly describe itself as a bed and breakfast in all marketing materials.~~

"Botanical garden" means a facility used for the cultivation of trees and shrubs for exhibition.

"Brewery" means an establishment licensed by the Virginia Alcoholic Beverage Control Authority that produces brewed alcoholic beverages and offers tours of the production facility.

"Bumping" means the removal of a business from the Specific Travel Services (~~Logo~~) (LOGO) Signing Program or Tourist-Oriented Directional Signing (TODS) Program.

~~"Colleges and universities"~~ "Cemetery" means any national or state veterans cemetery operated by the U.S. Department of Veterans Affairs or the Virginia Department of Veterans Affairs and any associated columbaria.

"Cidery" means an establishment licensed by the Virginia Alcoholic Beverage Control Authority that produces fermented alcoholic beverages and offering tours of the production facility.

"Civic center" means a dedicated center used by members of the locality for social, cultural, or community activities.

"College or university - main campus" means the main campus of ~~an~~ a higher educational institution and ~~shall be interpreted as all that the~~ contiguous real estate and improvements owned and operated by the educational institution, housing the administrative, educational, and other programs of the institution, that gives visitors the clear impression the visitors have entered a campus setting. An educational institution may have more than one main campus located within the state provided each facility meets the ~~above~~ description in this definition and the facilities are not closer

than 50 miles to each other. The distance limitation ~~shall~~ does not apply to campuses of the Virginia Community College System. ~~Satellite facilities shall be all educational or other facilities associated with the institution located within 25 miles of the limits of the main campus.~~

~~In general application, a main campus should give visitors the clear impression that they have entered a campus setting.~~ "College or university - satellite campus" means facilities associated with an institution of higher education located within 25 miles of the limits of the main campus of that institution. Facilities sharing space in commercial centers, office parks, industrial centers and similar settings ~~shall not be considered main campuses; however, they may constitute satellite facilities if meeting the description in this definition.~~

"Emergency medical facility" means a licensed facility providing continuous emergency medical care to the general public. The facility shall have a licensed medical doctor on duty 24 hours per day, 365 days per year.

"Distillery" means an establishment licensed by the Virginia Alcoholic Beverage Control Authority that produces distilled alcoholic beverages and offers tours of the production facility.

"Drive-in theater" means a facility with a permanent outdoor screen, a minimum of 75 parking spaces available for guests to view the screen from their automobiles, public restrooms, and a concession stand open during the theater's normal hours of operation, that shows major motion pictures, as defined by the Motion Picture Association of America, at least two nights per week for a minimum of 12 weeks per year. Drive-in theaters are exempt from the minimum hours of operation typically required for program participation by the LOGO and TODS attractions criteria.

"Equestrian center" means a facility, marketing itself as an "equestrian center," dedicated to the public education and recreational enjoyment of horses through a variety of features such as riding lessons, training facilities and clinics.

~~"Farm market" means a year round or seasonal facility located on an individual farm dedicated to selling fresh, locally produced products. At least 50% of sales must be from Virginia grown and produced products.~~

"Farmer's market" means a year-round or seasonal open air or permanent facility, marketing itself as a "farmer's market," where multiple farmers come to sell their products to the consumer.

~~"Full service food" means a restaurant that meets all the requirements for participation in the Specific Travel Services (Logo) Signing Program as a Food Category I facility. The restaurant must also provide (i) indoor seating for at least 100 adults, (ii) sit down table service with wait staff, (iii) public restroom facilities, and (iv) a full breakfast menu, including coffee, juice, and items from at least two of the following groups: (a) eggs; (b) breakfast meat (e.g., bacon, sausage, ham,~~

steak); and (c) breakfast bread (e.g., toast, bagels, pastry) or cereal, or both. Eggs and breakfast meat shall be prepared on the premises (pre-packaged items will not meet this requirement).

"Historic building" means the same as "historic site."

"Historic cemetery" means the same as "historic site."

"Flea market" means an open-air market for second-hand articles and antiques.

"For-profit Virginia educational institution" means a for-profit educational institution with its main campus located in Virginia that (i) has for at least five consecutive years awarded academic degrees approved by the State Council for Higher Education in Virginia; (ii) offers programs in workforce training or job readiness that contribute to Virginia's economic growth and development; and (iii) has combined annual enrollment of at least 1,000 at its main campus and any branch location situated within a radius of 25 miles from the main campus.

"Gallery" means a facility that is used for the exhibition of artistic work that is open to the public.

"GMSS" means General Motorist Service Signs Program, the signage program that uses standard highway symbols to inform motorists of the availability of services that fulfill the needs of the road user, such as fuel, food, lodging, camping, or hospitals.

"Golf course" means an establishment offering rounds of golf on an area of land laid out exclusively for golfing, with a series of nine or 18 holes, each including a tee, fairway, and putting green.

"Government office" or "courthouse" means a permanent government facility, in continuous operation, that provides public services where it is necessary or convenient for the public to travel to the facility to obtain these services.

"High school," "junior high school," "middle school, or "elementary school" means a facility accredited by the State Board of Education, or that has an accreditation recognized by the State Board of Education, that provides significant public service through the use of its facilities for both scholastic and community activities, during the day and night, on a year-round basis. Signs for these facilities will not be placed on limited access highways.

"Historic district" means a district that is officially listed in the Virginia Landmarks Register, with at least one facility, establishment, or business located within the historic district that provides information about the historic district that is open to the public at least six hours per day, five days per week.

"Historic site" means a site, facility, building, cemetery, or structure that is officially listed in the Virginia Landmarks Register, where guided tours are (i) regularly scheduled or (ii) available upon request during the hours of operation and is

open to the public at least six hours per day, five days per week. Only the official name of the building or site listed in the Virginia Landmarks Register may be used, except where a historic district is designated.

"Hospital" means the same as "emergency medical facility." a licensed facility providing continuous emergency medical care to the general public that has a licensed medical doctor on duty 24 hours per day, 365 days per year.

"IDSP" means the Integrated Directional Signing Program, the general signage program administered by the Virginia Department of Transportation or its agents that is designed to provide information to the motoring public relating to locations that are open to the general public, including gas and motor vehicle services, food, lodging, attractions, or other categories.

"Interchange" means a grade separated intersection with one or more turning roadways for travel between intersection legs, or an intersection at grade where two or more highways join or cross.

"Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles travelling on different highways joining at any other angle may come into conflict.

"Legacy sign" means that an exemption was granted from the existing regulatory requirements based on the establishment continuing to meet previous criteria. Any sign that is participating under the Integrated Directional Signing Program as a legacy sign cannot be removed from the program as long as it continues to meet the previous criteria and continues to meet the financial obligations required to participate in the Integrated Directional Signing Program.

"LOGO" means the Specific Travel Service Signs Program, the signage program that uses illustrated logos to provide motorists with directional guidance to the providers of gas, food, lodging, camping, and attraction destinations at interchanges along the interstate system and other limited access roadways in Virginia.

"Military facility" means a continuous and permanent operation that has a minimum of 5,000 employees and permanently assigned military personnel. Only a base or main facility is eligible for signage. Individual facilities on a base are not eligible for signage.

"Museum" means a facility dedicated to the acquisition, conservation, study, exhibition, or educational interpretation of objects having scientific, historical, or artistic value.

"Natural attraction" means a naturally occurring anomaly, such as a cavern or rock structure, among others, that is maintained and marketed as a natural attraction.

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"Nursery or greenhouse" means an establishment that grows or offers for sale plants, trees, or associated items.

"Park - municipal" means a park that is open to the public and maintained by a local government.

"Park - national" means a park that is maintained by the National Park Service.

"Park - regional" means a park that is open to the public and maintained by a local or state government and which serves a general geographic region.

"Park - state" means a park that is open to the public and maintained primarily by a state government agency.

"Pavilion" means an ornamental roofed facility used for sporting events or other amusements.

"Power plant" means a facility producing electrical energy that has a staffed visitor center open to the public.

"Public boat landing" means a facility owned, operated, and maintained by a government entity, and constructed and maintained in accordance with the standards of the Virginia Department of Wildlife Resources. IDSP signs for public boat landings are designed and located in accordance with Virginia Department of Transportation standards and are not installed on limited access highways.

"Racetrack" means an indoor or outdoor arena with seating for spectators that is used primarily for the presentation of racing events.

"Recycling facility" means a public collection site that is operated, controlled, or officially sponsored by a government agency, specifically for newspaper, glass, aluminum cans, plastic, or other recyclable materials that is open to the public. IDSP signs for recycling facilities may be placed on non-limited access roads up to one mile from the facility and may not be placed on limited access highways.

"Regional retail facility" means a unified facility where more than 10 retail businesses are located. The facility must that (i) ~~print prints~~ and ~~distribute distributes~~ promotional brochures over 50 miles from its location or regularly ~~advertise advertises~~ in media over 50 miles from its location; (ii) ~~receive 1/3 receives one-third~~ or more of annual sales from visitors from over 50 miles from its location (as determined by customer survey or credit card tracking data), or both ~~;~~, provided by the regional retail facility ~~is responsible for providing supporting data~~; and (iii) ~~employ employs~~ a staff person for the promotion, advertising, marketing, or sales to persons over 50 miles from its location. Consideration will be given to recommendations of the Virginia Tourism Corporation relative to the determination of a regional retail facility.

"Virginia educational institution" means a for profit educational institution with its main campus located in Virginia that (i) has for at least five consecutive years awarded academic degrees approved by the State Council of Higher

Education; (ii) offers programs in workforce training or job readiness that contribute to Virginia's economic growth and development; and (iii) has combined annual enrollment of at least 1,000 at its main campus and any branch location situated within a radius of 25 miles from the main campus.

"Research facility" means a place that conducts scientific, technological, or academic experiments and has a staffed visitor center open to the public.

"Ski resort" means a facility open to the general public that provides winter-related outdoor activities during the normal operating season.

"Stadium" means an enclosed or open-air venue used for the presentation of sporting events, concerts, or other entertainment, and includes amphitheaters, arenas, coliseums, concert halls, and concert pavilions.

"Supplemental guide signs" or "SGS" means the signage program that guides motorists to specific cultural, recreational, historical, governmental, educational, military, and other sites of similar interest on limited access, primary, and secondary highways.

"Tourist information center" or "welcome center" means a facility that provides travelers and visitors with information about a specific area and is approved by the President of the Virginia Tourism Corporation, with written approval provided to VDOT from the Virginia Tourism Corporation prior to the installation of signs.

"TODS" means Tourist Oriented Directional Signs Program, the signage program that guides motorists to tourist-oriented businesses, services, and activity facilities along rural primary and secondary highways that do not have limited access.

"Water-oriented business" means a business that includes canoe liveries, raft liveries, marinas, water parks, wave pools, and other similar businesses providing access to or facilities for waterborne recreational activities.

"Winery" means a farm winery operation licensed by the Virginia Alcoholic Beverage Control Authority that produces fermented alcoholic beverages and is open to the public offering tours of the production facility.

"VDOT" means the Virginia Department of Transportation.

"Virginia Wine trail" or "wine trail" means a trail that consists of a group of three or more wineries that have declared their intention to be a wine trail and published joint marketing materials. ~~To participate in either the Tourist Oriented Directional Signing (TODS) Program or Logo Program, each winery on a wine trail must meet the hours of operation and licensing requirements for that program. The driving distance between one winery and the next wine trail facility shall not be greater than 15 miles. To be eligible for participation in the TODS Program, the first and last facilities on a wine trail must be located within 15 miles of the intersection of a~~

~~noncontrolled access state primary or secondary system highway where the initial TODS panel is to be located. To be eligible for participation in the Logo Program, the facility at one terminus of the wine trail must be located within 15 miles of the interchange. The facility at the other terminus must be eligible for either TODS or Logo signage.~~

"Zoo" means an establishment licensed by the U.S. Department of Agriculture that has non-portable, permanent structures for the display of animals and that keeps wild animals for exhibition to the public. Businesses taking part in the selling of animals to the general public, such as pet shops or animal breeders, do not qualify under this definition.

24VAC30-551-20. General criteria for Specific Travel Services ~~(Logo)~~ (LOGO) Signing Program.

A. Specific travel services ~~(Logo)~~ (LOGO) signing may be installed on any limited access ~~interstate, primary or secondary facility highway~~ under the authority of the ~~Virginia Department of Transportation (VDOT). LOGO trailblazer signs, which are installed along crossroads for facilities that require additional vehicle maneuvers or are a long distance from the ramp, can be placed on any route under the authority of VDOT or with approval from the authorizing entity that maintains the right of way.~~

B. To qualify for ~~specific travel services (Logo)~~ LOGO signing, a facility shall be open to the general public and shall:

1. Meet the appropriate ~~criteria/eligibility~~ criteria or eligibility requirements for the type of facility;
2. Comply with all applicable laws concerning the provision of public accommodations without regard to age, race, religion, color, sex, national origin, or accessibility by the physically handicapped;
3. Furnish the necessary panels displaying the name, symbol, or trademark of the facility fabricated ~~according to the specifications of VDOT, at no cost to VDOT. (The facility is free to may select any fabricator of its choosing for the panels.);~~ 4. Agree to abide by all rules, regulations, policies, procedures and criteria associated with the program, including the bumping policy in 24VAC30-551-60; and
5. Agree that in any cases of dispute or other disagreement ~~with the rules, regulations, policies, procedures and criteria or applications of the program, the decision of the State Traffic Engineer shall be final and binding~~ 4. Sign and comply with the terms of an IDSP participation agreement.

C. The following table below summarizes the criteria for this program:

SPECIFIC TRAVEL SERVICES (LOGO) SIGNING PROGRAM Criteria Summary		
Facility	Criteria	
	CATEGORY I	CATEGORY II
GAS ^{(1), (1a), (3)}	Three miles max Fuel, oil, tire repair (or info), <u>compressed air</u> ; free water Public restroom <u>with washroom and toilet of sanitary construction</u> Drinking water with cups 16 hours per day, seven days per week	All of Category I, except 12 hours per day, seven days per week
FOOD ⁽¹⁾	Three miles max State Board of Health permit Indoor seating for 20 adults 12 consecutive hours per day, six days per week (7 a.m.) Menu conspicuously displayed Hours displayed visible to customer prior to entering the business	All of Category I, except six hours per day, six days per week <u>and indoor seating for 20 adults or a combination of 20 indoor and outdoor seats plus 10 spaces for drive-in service</u>
LODGING	Three miles max State Board of Health permit 10 or more rooms for rent Off-street parking for each room 24 hours per day, seven days per week	All of Category I, except four or more rooms for rent

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CAMPING ⁽²⁾	15 miles max State Board of Health permit 10 or more camping units Off-street parking for each unit 24 hours per day, seven days per week	
ATTRACTIONS ⁽²⁾	All criteria referenced in subsection D of this section.	
FULL SERVICE FOOD (Experimental Program—If the experiment proves positive, it is the intent of VDOT to have the full service food program as permanent part of the IDSP on a statewide basis)	Interchanges:	
	I-64 Exit 124	I-64 Exit 94
	I-81 Exit 118	I-64 Exit 180
	I-81 Exit 150	I-81 Exit 247
	I-81 Exit 264	I-81 Exit 283
	I-95 Exit 92	I-81 Exit 313
	I-95 Exit 126	I-85 Exit 12
	I-95 Exit 143	I-95 Exit 130
	All FOOD CATEGORY I criteria and: Indoor seating for 100 adults Full sit down table service with wait staff Public restroom facilities Full breakfast menu—see full service food definition in 24VAC30-551-10.	

(1) Signage for establishments open 24 hours per day may include indication of continuous operation.

(1a) ~~Effective August 1, 2005, two~~ Two spaces are reserved for establishments with 24-hour-per-day, seven-days-per-week operations.

(2) At locations where four or more attractions facilities desire to participate in the ~~Logo~~ LOGO Program, camping will be limited to a maximum of two spaces. Camping logos existing on September 16, 2004, will be ~~grandfathered legacy signs~~, assuming they continue to meet all contractual commitments.

(3) A facility independently meeting all of the qualifications for a gas service that also offers alternative fuel stations as approved by the Virginia Department of Energy may display approved VDOT alternative fuel text as a supplemental message on the bottom of their logo plates on the gas services sign (see 24VAC30-551-95).

D. In addition to the general criteria for specific travel services (~~Logo~~) (LOGO) signing, to qualify for an attraction sign, a facility shall:

1. Not be currently using other supplemental guide signs at

the same location as the ~~Logo~~ LOGO mainline or trailblazer signing;

2. Have licensing or approval, where required;
3. Provide sanitary public restroom facilities;
4. Be in continuous operation at least eight hours per day, five days per week during the normal operating season for the type of business (except this requirement shall not apply to certain facilities such as ~~arenas~~, auditoriums, ~~art or craft centers~~, civic centers, stadiums, ~~drive-in theaters~~, and flea markets);
5. Be located within 15 miles of the interchange ~~and must provide written directions or have adequate signage to direct motorists back to their original route of travel;~~
6. Provide adequate parking to accommodate normal traffic volumes for the facility;
7. For a winery, brewery, distillery, or cidery, be in continuous operation at least six hours per day, five days per week and offer tours of the production process during the posted hours of operation; and
8. Be of regional interest to the traveling public and one or more of the following acceptable sites:

LOGO PROGRAM ACCEPTABLE SITES Attractions		
Cultural	Art/craft <u>Art or craft</u> center Gallery Museum	Historic building Historic site Historic district
Retail Tourism	Agribusiness Brewery <u>Cidery</u> Distillery Winery Farm market	Flea market Auction house Regional retail facility Bed and breakfast Farmer's market
Recreational	Amphitheater <u>Amusement or</u> <u>theme park</u> Aquarium Arboretum Arena Auditorium Boat landing Botanical garden Camp Civic center Coliseum Concert hall <u>Drive-in theater</u> Natural resource agency Equestrian center	Fairground <u>State</u> <u>fairgrounds</u> Golf course Natural attraction Pavilion Race track <u>Racetrack</u> Park - national Park - state Park - municipal Park - regional Park—theme Ski resort Stadium Water-oriented business Zoo

Schools	Colleges and universities (main campus or satellite campus facilities) <u>College or university - main campus</u> <u>College or university - satellite campus</u>
Trails	Virginia Department of Game & Inland Fisheries (DGIF) Birding & Wildlife <u>Civil War Trail</u> <u>Virginia Wine wine trail⁽¹⁾</u> Others as approved by VDOT
Other	Conference center Power plant Research facility <u>Tourist information center</u> <u>Welcome center</u>

(1) Each winery on a wine trail qualifying for the LOGO program must meet the hours of operation and licensing requirements of the LOGO program. The driving distance between one winery and the next wine trail facility shall not be greater than 15 miles. To be eligible for participation in the LOGO program, the facility at one terminus of the wine trail must be located within 15 miles of the interchange where the LOGO sign is placed. The facility at the other terminus must be eligible for either TODS or LOGO signage.

E. The following sites are excluded from participation as an attraction on a specific travel services ~~(Logo)~~ (LOGO) sign. The exclusion relates only to qualification under these categories. These facilities may participate if qualifying under another acceptable category. This list of excluded sites is not all-inclusive. Omission from this list does not imply qualification for signing under this category:

LOGO PROGRAM EXCLUDED SITES		
Attractions		
Business/Commercial <u>Business and Commercial</u>	Adult entertainment facility Camping business Funeral home Industrial park or plant Media facility Movie theater ⁽¹⁾	Office park Radio station Television station Tree nursery <u>Nursery or greenhouse</u> Truck terminal
Governmental	Local jail Local police/sheriff's <u>police or sheriff's</u> office Post office	

Medical	Drug rehabilitation facility Extended care facility Fraternal home Hospital Humane facility Infirmary	Mental facility Nursing home Retirement home Sanitarium Treatment center Veterans facility
Miscellaneous	Animal shelter Mobile home park Subdivision Veterinary facility Cemetery/columbarium <u>Cemetery</u>	
Religious	Cathedral Chapel Church Mosque	Shrine Synagogue Temple Other religious sites
Schools	High school Middle school Elementary school	

~~Winery Signage Program~~ See 24VAC30-551-80 (1) Indoor movie theaters with auditorium style seating, such as a multiplex, are considered to be local attractions and are not eligible for signing as a regional attraction. This exclusion does not apply to indoor movie theaters with food service that provide table seating.

~~F. Additional criteria and considerations apply to wineries participating in the Winery Signage Program (24VAC30-551-80).~~

24VAC30-551-30. General criteria for the Tourist-Oriented Directional Signs (TODS) Program.

A. TODS assemblies may only be installed within public right-of-way maintained by VDOT and will be excluded from any cities and towns of 5,000 or more population and Arlington County and Henrico County. VDOT will not acquire rights-of-way or easements, ~~or otherwise enter into agreements~~ for the purposes of installing TODS assemblies.

B. A facility will be eligible to participate as a TODS - Category I if it is open to the general public; a substantial portion of ~~its~~ the facility's products or services are of significant interest to tourists; ~~it~~ the facility derives its major portion of income or visitors during the normal business season from road users not residing in the area of the facility, defined as within 15 miles; the facility falls within one of the

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acceptable TODS sites; and ~~if~~ the facility meets the following criteria:

1. Is located within 15 miles of the intersection of a nonlimited access state primary system highway where the initial TODS panel is to be located at the nearest primary intersection along the selected route;
2. Has the name of the facility prominently displayed on the premises in such a manner that it is readily visible to motorists from the public highway on which the business is located;
3. Is open a minimum of six hours per day, five days per week during ~~at least a 12 consecutive week period each year the normal season of operation for this type of business (generally 12 weeks)~~, except this requirement shall not apply to certain facilities such as ~~arenas, auditoriums, civic centers, farmer's markets, farm markets, wineries and drive-in theaters, stadiums, or flea markets;~~
4. ~~Is in continuous operation at least six hours per day, five days per week during its normal season or the normal operating season for the type of business~~ For a winery, brewery, distillery, or cidery, offers tours of the production process during the posted hours of operation;
5. Is licensed and approved by the appropriate state or local agencies, or both, regulating the particular type of business or activity;
6. For ~~a camping businesses business~~, meets ~~Specific Travel Services (Logo) LOGO~~ Signing Program criteria to be eligible for participation;
7. Complies with all applicable laws concerning the provision of public accommodations without regard to age, race, religion, color, sex, national origin, or accessibility by the physically handicapped; ~~8. Agrees to abide by all rules, regulations, policies, procedures and criteria associated with the program; and 9. Agrees that in any cases of dispute or other disagreement with the rules, regulations, policies, procedures and criteria or applications of the program, the decision of the State Traffic Engineer shall be final and binding and~~
8. Signs and complies with the terms of an IDSP participation agreement.

C. In addition to the facilities listed as acceptable TODS sites, gas, food and lodging establishments may participate in the TODS Program as a TODS - Category II site provided they meet all of the TODS - Category I criteria with the exception that the following criteria apply:

1. Is located within three miles of the intersection of a nonlimited access state primary or secondary system highway where the initial TODS panel is to be located; and
2. Meets the ~~Specific Travel Services (Logo) LOGO~~ Signing Program - Category II criteria for its respective type of

facility and agrees to be bumped in accordance with the bumping policy for a Category II facility.

D. A facility independently meeting all of the qualifications for a gas service under the TODS category II criteria that also offers alternative fuel stations as approved by the Virginia Department of Energy may display the appropriate VDOT and Federal Highway Administration approved generic symbol for alternative fuel stations (see 24VAC30-551-95 for additional information).

E. The following table lists acceptable sites for TODS:

TODS PROGRAM ACCEPTABLE SITES Category I		
Cultural	Art/craft <u>Art or craft center</u> Gallery Museum Historic building	Historic cemetery Historic site Historic district
Recreational	Amphitheater Amusement or theme park Aquarium Arboretum Arena Auditorium Boat landing/marina <u>Boat landing or marina</u> Botanical garden Campground Camp Civic center Coliseum Concert hall <u>Drive-in theater</u> Equestrian center Fairground <u>State fairgrounds</u>	Golf course Natural attraction Natural resource agency ⁽¹⁾ Pavilion Race track <u>Racetrack</u> Park - national Park - municipal Park - privately owned Park - regional Park - theme <u>Park - state</u> Ski resort Stadium Water-oriented business Zoo
Retail Tourism	Agribusiness Antique business Auction house Bed and breakfast Brewery <u>Cidery</u> Distillery Farm market	Farmer's market Flea market Nursery/greenhouse <u>Nursery or greenhouse</u> Regional retail facility Restaurant ⁽²⁾ Winery
Schools	Colleges & universities (main campus or satellite campus facilities) <u>College or university - main campus</u> <u>College or university - satellite campus</u>	

Trails	<u>DCIF Birding & Wildlife</u> <u>Civil War trail</u> <u>Virginia Wine wine trail⁽³⁾</u> Others as approved by VDOT
Other	Conference center Power plant Research facility <u>Tourist information center</u> <u>Welcome center</u>
<u>TODS PROGRAM ACCEPTABLE SITES</u> <u>Category II</u>	
<u>All Types</u>	<u>Gas, food, lodging</u>
(1) VDOT shall waive <u>the minimum</u> requirements and conditions of participation in the TODS Program as may be necessary to provide adequate signage for facilities maintained by the agencies within Virginia's Natural Resources Secretariat. The requirements and conditions that may be waived include, but are not limited to, (i) the required proximity of a facility to an initial sign structure and (ii) the limitation that signage be provided only at the nearest primary highway. (2) Shall not be a franchise or part of a national chain. Food Category II can be a franchise or part of a national chain. <u>(3) Each winery on a wine trail qualifying for the TODS program must meet the hours of operation and licensing requirements for the TODS program. The driving distance between one winery and the next wine trail facility shall not be greater than 15 miles. To be eligible for participation in the TODS program, the first and last facilities on a wine trail must be located within 15 miles of the intersection of a non-controlled access state primary or secondary system highway where the initial TODS panel is to be located.</u>	

~~E. F.~~ The following sites are excluded from participation in the TODS Program. The exclusion relates only to qualification under these categories. These facilities may participate if qualifying under another acceptable category. This list of excluded sites is not all-inclusive. Omission from this list does not imply qualification for signing under this category.

TODS PROGRAM EXCLUDED SITES		
Business/commercial <u>Business and Commercial</u>	Adult entertainment facility Funeral home Industrial park or plant Media facility Movie theater ⁽¹⁾	Office park Radio station Television station Truck terminal

Governmental	Local jail Local police/sheriff's <u>police or sheriff's office</u> Post office	
Medical	Drug rehabilitation facility Extended care facility Fraternal home Hospital Humane facility Infirmiry	Mental facility Nursing home Retirement home Sanitarium Treatment center Veterans facility
Miscellaneous	Animal shelter Cemetery/columbarium <u>Cemetery</u> Mobile home park	Subdivision Veterinary facility
Religious	Cathedral Chapel Church Mosque	Shrine Synagogue Temple Other religious sites
<u>(1) Indoor movie theaters with auditorium style seating, such as a multiplex, are considered to be local attractions and are not eligible for signing as a regional attraction. This exclusion does not apply to indoor movie theaters with food service that provides table seating.</u>		

24VAC30-551-40. General criteria for the Supplemental Guide Signs Program.

A. The following requirements shall apply to signs in the Supplemental Guide Signs Program:

1. Supplemental guide signs shall be limited to two structures per interchange or intersection per direction with no more than two destinations per sign structure, except as noted in subdivision 2 of this subsection. When there is excessive demand over available space for new supplemental guide signing, VDOT, in consultation with the affected jurisdiction, shall determine which facilities will be listed on the signs.

2. All supplemental guide signs in place as of September 15, 2004, will be ~~"grandfathered"~~ into legacy signs in the program and may be repaired or replaced as necessary, except ~~that~~ if the facility closes, ~~relocates~~, or fails to comply with the criteria under which it originally qualified, the signs will be removed. A legacy sign in the supplemental guide sign program may only relocate to a limited access highway if the existing sign is located on a limited access highway.

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3. Additional structures over the two-structure limit may only be installed when the Commissioner of Highways or ~~his~~ the commissioner's designee determines that such installation is in the public interest.

B. To qualify for supplemental guide signing, a facility shall:

1. Be open to the general public on a continuous basis either year-round or during the normal operating season for the type of facility. Closings for the observance of official state holidays are allowed;

2. Comply with all applicable laws concerning the provision of public accommodations without regard to age, race, religion, color, sex, national origin, or accessibility by the physically handicapped; ~~3. Agree to abide by all rules, regulations, policies, procedures and criteria associated with the program; and 4. Agree that in any cases of dispute or other disagreement with the rules, regulations, policies, procedures and criteria or applications of the program, the decision of the State Traffic Engineer shall be final and binding and~~

3. Sign and comply with the terms of an IDSP participation agreement.

C. All facilities shall be located within 15 miles of the interchange or intersection where the initial supplemental guide sign is placed on the approach.

~~D. Additional criteria and considerations apply to wineries participating in the Winery Signage Program (24VAC30-551-80).~~

~~E. D.~~ The following table lists acceptable sites for supplemental guide signs:

SUPPLEMENTAL GUIDE SIGNS PROGRAM Acceptable Sites ^{(*) (4)}		
Cultural	Historic building ^{(4), (2)} Historic site ^{(1), (2) (3)} Historic district ^{(1), (2) (3)}	
Governmental	Correction facility Courthouse Department of Game and Inland Fisheries Wildlife Resources facility Department of Motor Vehicles facility ⁽⁵⁾ Landfill/transfer Landfill or transfer station ⁽⁶⁾ Government office	Regional jail Prison ⁽⁷⁾ Local police/sheriff's police or sheriff's office ⁽¹⁾ State Police facility ⁽¹⁾ Recycling facility
Military ⁽¹⁾	Military facility	

Recreational	Boat landing (public) Natural attraction Park - national ⁽¹⁾	Park - municipal ⁽¹⁾ Park - regional ⁽¹⁾ Park - state ⁽¹⁾
Schools	Colleges and universities ⁽⁴⁾ (main campus only) <u>College or university - main campus</u> ⁽²⁾ <u>College or university - satellite campus</u> ⁽²⁾ High school Junior high school	<u>For-profit</u> Virginia educational institution ^{(4) (2)} Middle school Elementary school
Miscellaneous ⁽¹⁾	Arlington National Cemetery Virginia Veterans Cemetery Special events	Tourist information center Welcome center

(1) Permitted on Interstate and limited access highways.

(2) Signs for college or university - main campuses or for-profit Virginia educational institutions are permitted on interstate and limited access highways. Signs for college or university - satellite campuses and individual campus facilities on main campuses are only permitted on nonlimited access highways.

(3) If supplemental guide signs are installed for a historic district, separate signs for individual historic sites within the historic district shall not be allowed.

~~(3) (4)~~ VDOT shall waive requirements and conditions of participation in the supplemental signage program as may be necessary to provide adequate signage for facilities maintained by the agencies within Virginia's Natural Resources Secretariat.

(5) Signs shall be allowed on non-limited access highways up to one mile from the facility. No signs shall be allowed on limited access highways.

(6) Signs for local landfills or transfer stations operated by a governmental body shall be allowed on nonlimited access highways up to three miles from the facility. Signs for regional landfills shall be allowed on non-limited access highways up to ten miles from the facility. No signs shall be allowed on limited access highways.

(7) Only state and federal correctional facilities, prisons, and regional jails shall qualify for signs on nonlimited access highways.

~~F. E.~~ The following sites are excluded from being displayed on official supplemental guide signs. The exclusion only relates to qualification under these categories. These facilities may participate if qualifying under another acceptable

category. This list of excluded sites is not all-inclusive. Omission from this list does not imply qualification for signing under this category.

SUPPLEMENTAL GUIDE SIGNS PROGRAM Excluded Sites		
Business/Commercial <u>Business and Commercial</u>	Adult entertainment facility Funeral home Industrial park or plant Landfill - private Media facility Movie theater Office park	Radio station Shopping center Television station Transfer station - private Tree nursery <u>Nursery or greenhouse</u> Truck terminal
Colleges and Universities	Satellite campus and individual on-campus facilities of main campuses on limited access highways	
Governmental	Fairgrounds <u>State fairgrounds</u> Local jail Post office	
Medical	Drug rehabilitation facility Extended care facility Fraternal home Hospital Humane facility Infirmary	Mental health care facility Nursing home Retirement home Sanitarium Treatment center Veterans facility
Recreational	Arcade Boat landing - private Camp - church, civic, 4-H, Scout, YMCA/YWCA, other	
Religious	Cathedral Chapel Church Mosque	Tourist information center Welcome center

Miscellaneous	Animal shelter Cemetery/columbarium in Cemetery (except those noted as acceptable) Mobile home park	Subdivision Veterinary facility Museum
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24VAC30-551-50. General criteria for the General Motorist Services Signs Program.

A. General motorist services signs (GMSS) may be installed along state maintained roadways for gas fuel, food, lodging, camping, and hospital locations that fulfill the needs of the road user and satisfy the following criteria:

1. Be open to the general public on a continuous basis either year-round or during the normal operating season for the type of facility. Closings for the observance of official state holidays are allowed;

2. Comply with all applicable laws concerning the provision of public accommodations without regard to age, race, religion, color, sex, national origin, or accessibility by the physically handicapped; and

3. Sign and comply with the terms of an IDSP participation agreement.

B. The table in this subsection summarizes the criteria for the GMSS program.

GENERAL MOTORIST SERVICES SIGNS PROGRAM Criteria Summary	
<u>GAS FUEL</u> ⁽¹⁾⁽²⁾	Three miles max Fuel, oil, tire repair (or info), <u>compressed air, free water</u> Public restroom <u>with washroom and toilet of sanitary construction</u> Drinking water and cups 16 hours per day, seven days per week
FOOD ⁽¹⁾	Three miles max State Board of Health permit Indoor seating for 20 adults 12 hours per day, six days per week (7 a.m.) Menu Hours displayed
LODGING ⁽¹⁾	Three miles max State Board of Health permit 10 or more rooms for rent Off-street parking for each room 24 hours per day, seven days per week

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CAMPING	15 miles max State Board of Health permit 10 or more camping units
HOSPITAL	<u>Within 15 miles of requested interchange or intersection</u> Continuous public emergency care Medical doctor on duty 24 hours per day, seven days per week
(1) General motorist services signs <u>GMSS</u> will not be installed and may be removed at an interchange or intersection if there is adequate space for the installation of either specific travel services (Logo) <u>LOGO</u> signs or tourist-oriented directional <u>TODS</u> signs, as appropriate. (2) <u>Facilities with alternative fuel stations approved by the Virginia Department of Energy may qualify for a VDOT and Federal Highway Administration approved symbol under the GMSS program if the facility satisfies the other criteria listed for the program except the selling of gasoline and oil. The participating facility is responsible for the application fees, initial fabrication, and installation. GMSS will not be erected at locations that LOGO signs or TODS signs currently indicate a specific type of alternative fuel that is already being displayed on a participating facility's sign as a supplemental message (see 24VAC30-551-95 for additional information).</u>	

24VAC30-551-70. Signs for Special Programs.

A. Specific special programs signing may be installed on any limited access, primary, or secondary facility under the authority of VDOT. ~~VDOT may issue a land use permit to others to have the signs installed after the approval of the State Traffic Engineer that the sign is included in the special sign program. Limited access facility permits will need the approval of the Chief Engineer.~~

B. Special programs are subject to the following criteria:

1. Civil War Trails program signs may be installed on ~~interstate~~ limited access, primary ~~and~~, or secondary facilities and may be installed as stand-alone structures or attached to existing sign structures. ~~This program is exempt from the IDSP. There are no criteria and or annual fee requirements. All costs associated with this program. All costs, including costs for the fabrication, installation, maintenance, and replacement of these signs, shall be the responsibility of the requesting entity.~~

~~2. The Birding and Wildlife Trail programs established by DGIF may be installed on interstate, primary and secondary facilities and may be installed as stand alone structures or attached to existing sign structures. This program is exempt from the Integrated Directional Signing Program (IDSP).~~

~~criteria and annual fee requirements. All costs associated with this program, including costs for the fabrication, installation, maintenance, and replacement of these signs, shall be the responsibility of the requesting entity. 3. The following sites are eligible for wayfinding signs: a. Historic Triangle Wayfinding Group, sponsored by the City of Williamsburg and the Counties of James City and York, may implement a wayfinding system within state maintained rights of ways as a pilot program. Continuation of the pilot program shall be subject to regular consultation with VDOT. b. Loudoun County may implement a wayfinding system within state maintained rights of ways as a pilot program. Continuation of the pilot program shall be subject to regular consultation with VDOT. c. Journey Through Hallowed Ground Wayfinding System.~~

~~4. 2. Community Wayfinding Signing Program. Development, design, installation, and maintenance of community wayfinding signs are the responsibility of the requesting entity (sponsor) as approved by and under a permit from VDOT. A facility may select to participate in either the IDSP or a wayfinding system at the same intersection, but not both. Sponsors shall coordinate with the VDOT IDSP manager and the IDSP contractor to identify any facility currently participating in the IDSP that should be removed due to participation in a wayfinding system.~~

~~3. Virginia Waterways Signage Program signs may be installed on interstate limited access, primary, and or secondary facilities. All costs associated with this program, including costs for the fabrication, maintenance, installation, and replacement of these signs, shall be the responsibility of the requesting entity.~~

~~5. 4. State scenic river signs, as approved by the Department of Conservation and Recreation, may be installed on interstate limited access, primary, and or secondary facilities. All costs associated with this program, including costs for the fabrication, maintenance, installation, and replacement of these signs, shall be the responsibility of the requesting entity.~~

~~5. Historical Marker Program markers may be installed on primary or secondary facilities. Any requests for historical markers shall be reviewed and approved through the Department of Historical Resources. All costs associated with fabrication and installation of these signs shall be the responsibility of the requesting entity. All costs associated with maintenance and replacement of these signs is the responsibility of VDOT through the IDSP.~~

~~6. Washington-Rochambeau Revolutionary Route National Historic Trail signs may be installed on primary or secondary facilities on VDOT right-of-way. All costs associated with the fabrication, maintenance, installation, and replacement of these signs shall be the responsibility of VDOT through the IDSP.~~

~~7. Virginia Rail Heritage Region signs may be installed on primary or secondary facilities on VDOT right-of-way. All~~

costs associated with fabrication and installation of these signs shall be the responsibility of the requesting entity. All costs associated with maintenance and replacement of these signs is the responsibility of VDOT through the IDSP.

8. Historic Route 1 signs may be installed on primary or secondary highways under the jurisdiction of VDOT. All costs associated with the fabrication, maintenance, installation, and replacement of these signs shall be the responsibility of VDOT through the IDSP.

24VAC30-551-80. General criteria for integration of the Winery Signage Program.

A. ~~The following criteria apply to all existing Winery Signage Program signs:~~ 1. All existing supplemental guide signage for wineries (in place as of prior to September 15, 2004), will remain in place. 2. To retain an existing a supplemental guide sign, a winery must continue to meet the existing winery program hours of operation requirements (of being open six hours per day, five days per week, at least nine 12 consecutive months weeks per year). 3. When an existing a supplemental guide sign for a winery is damaged, or for any other reason needs to be replaced, the replacement sign may be a supplemental guide sign for wineries or a TODS sign. The fee to install the supplemental guide sign will be the standard installation fee. The requesting entity will thereafter be required to pay the standard annual fee for supplemental guide signs or TODS signage, whichever is applicable. 4. In the event an existing supplemental guide sign for a winery needs to be replaced and there is insufficient space on the appropriate TODS structure for an additional TODS panel, or the sign is in an area where TODS signs are not permitted, a replacement supplemental guide sign may be installed. In this event, the requesting entity will be required to pay all costs related to the replacement sign and thereafter be required to pay the annual fee for supplemental guide signs. 5. Until September 15, 2007, there will be no annual fee for existing supplemental guide signage. Wineries with supplemental guide signage will be required to pay all maintenance costs due to damage during this period. 6. Effective September 16, 2007, an annual fee equal to approximately 1/3 of the standard TODS annual fee will be charged for existing winery supplemental guide signage. Wineries will not be charged any maintenance costs for existing supplemental guide signage after this date. 7. Effective September 16, 2010, supplemental guide signage for wineries will be charged an annual fee equal to the standard fee for TODS signage.

B. ~~The following criteria apply to all new For Winery Signage Program signs installed after September 15, 2004, the following criteria apply:~~

1. All new winery signs installed on nonlimited access highways after September 15, 2004, will be standard TODS signs. Entities requesting such signs will be required to pay the standard fees for participation in the TODS Program. 2. In order to be eligible for TODS signage, wineries will be

required to meet the standard all applicable TODS hours of operation criteria requirements (six hours per day, five days per week for at least 12 consecutive weeks each year) and pay the standard fee for participating in the TODS program.

3. 2. Wineries will be eligible for Logo LOGO signage (attractions category) on limited access highways. To be eligible for Logo LOGO signage, a winery wineries will be required to meet the standard hours of operation all applicable LOGO criteria requirements (open eight hours per day, five days per week) and to pay the standard annual fee for participating in the Logo Program LOGO program.

4. 3. Wineries will have the option to display the "grape cluster" logo (in color) on TODS or Logo LOGO signs, upon request.

4. Existing supplemental guide signs and new or existing TODS panels for wineries may serve as trailblazers for the LOGO program. A mixture of supplemental, TODS, and LOGO trailblazers may be allowed at a specific site. The fees for each sign shall be the fees listed in 24VAC30-551-100.

24VAC30-551-90. Sign participant selection process. (Repealed.)

A. ~~With the assistance of interested parties, VDOT shall develop selection processes and bumping procedures for supplemental guide signage and Logo attractions category signage that incorporate local governments and other entities, as appropriate.~~

B. ~~Prior to the development of the sign participant selection process, a first come first served, process will be utilized. These participants will be limited to a one year contract, which will provide that they may be bumped depending on the specific selection process and bumping procedures that are developed.~~

24VAC30-551-95. Alternative fuels station certification.

A facility wishing to display an alternative fuels message shall meet the following requirements to be certified by the Virginia Department of Energy:

1. For electric vehicle (EV) charging stations, have two or more DC fast charging stations with the appropriate universal plug.

2. Parking spaces available for each charger or alternative fuel pump or dispenser.

3. On-premises signs visible from the roadway indicating EV charging or the type of alternative fuel station that is available at that location.

4. Adequate lighting for each charging station or alternative fuel pump or dispenser to ensure a safe environment.

5. Information on area tire repair services clearly posted on the EV charger or alternative fuel pump or dispenser or on a

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kiosk located in the vicinity of the EV charger or alternative fuel pump or dispenser.

24VAC30-551-100. Integrated Directional Signing Program (IDSP) participation fees.

A. Annual participation fees for the ~~Logo~~ LOGO Program are as follows:

SPECIFIC TRAVEL SERVICES (LOGO) SIGNING PROGRAM Annual Participation Fees		
Signing	Average Daily Traffic	
	High Volume ^{(1),(2)}	Regular
Main line	\$1,000	\$800
Trailblazer ⁽³⁾	\$150	\$150
Switchout (per occurrence) ⁽⁴⁾	\$90	\$90
(1) High volume--40,000 average daily traffic (ADT) or more in both directions on any leg of the interchange. (2) A nonprofit entity may elect to pay the regular rates and be classified as a Category II. (3) A Logo trailblazer sign on a TODS panel will be charged the Logo trailblazer fee. (4) Defined as replacing a Logo LOGO panel due to a design change.		

B. Participation fees for the Tourist-Oriented Directional Signing (TODS) Program are as follows:

1. A one-time application fee of \$100.

2. Annual participation fees as shown in the following table:

TOURIST-ORIENTED DIRECTIONAL SIGNING (TODS) PROGRAM ⁽¹⁾ Annual Fees	
Signing	Annual Fee
Main panel	\$450
Trailblazer	\$100
Close ⁽²⁾	\$50
(1) Annual fees are not assessed for agencies in the Natural Resources Secretariat. (2) Defined as covering a panel due to seasonal closing or other temporary closure.	

C. Participation fees for the Supplemental Guide Signs Program are as follows:

1. Fees for participating commercial entities are as follows:

SUPPLEMENTAL GUIDE SIGNS PROGRAM ⁽¹⁾ Fees for Commercial Entities			
Signing	Annual Fee	Application/Site Application and Site Preparation Fees ⁽³⁾	
		New	Maintenance/Replacement Maintenance and Replacement
Major sign ⁽²⁾	\$700	\$250	\$100
Minor sign	\$250	\$250	\$100
(1) The following are exempt from annual fees; however, they will be charged for new construction, maintenance, and replacement: (a) Federal, state, and local governments; and (b) Nonprofit organizations. All entities are subject to application/site application and site preparation fees per installation for new signs, maintenance, or replacement of signs. (2) Defined as 12 square feet or larger. (3) Commercial entities participating in supplemental guide signing will be responsible for maintenance, replacement, or new construction.			

2. Fees for ~~participating wineries~~ winery signs installed before September 15, 2004, are as follows:

SUPPLEMENTAL GUIDE SIGNS PROGRAM Fees for Wineries winery signs installed before September 15, 2004 ⁽¹⁾		
Signing per set of five signs - Main and trailblazers	2007 ⁽²⁾	2010 ⁽²⁾
	\$175	\$450
(1) In 2004, participating wineries paid for maintenance and replacement. (2) (1) Participating wineries will pay no charge for maintenance.		

D. ~~There are no~~ Participation fees for ~~participation in the General Motorist Services Signs Service Sign~~ Program (GMSS). All GMSS participants are responsible for the costs associated with fabrication and installation of new construction. Maintenance is paid for by VDOT IDSP. Fees for participating entities are as follows:

GENERAL MOTORIST SERVICE SIGN Fees	
Annual Fee	Application Fee
\$0	\$250

VA.R. Doc. No. R26-8529; Filed July 13, 2026, 7:38 a.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, Fourth Floor, Richmond, Virginia 23219.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

BOARD OF COUNSELING

BOARD OF DENTISTRY

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

DEPARTMENT OF HEALTH PROFESSIONS

BOARD OF LONG-TERM CARE ADMINISTRATORS

BOARD OF MEDICINE

BOARD OF NURSING

BOARD OF OPTOMETRY

BOARD OF PHARMACY

BOARD OF PHYSICAL THERAPY

BOARD OF PSYCHOLOGY

BOARD OF SOCIAL WORK

BOARD OF VETERINARY MEDICINE

Title of Document: [Reporting by Hospitals and Other Health Care Institutions.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY

Title of Document: [On-Premises Food Availability Requirements for Distillery Store Agents.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 15, 2026.

Agency Contact: LaTonya D. Hucks-Watkins, Senior Legal Counsel, Virginia Alcoholic Beverage Control Authority, 7450 Freight Way, Mechanisville, VA 23116, telephone (804) 213-4698, or email latonya.hucks-watkins@virginiaabc.com.

Guidance Documents

BOARD OF COUNSELING

Title of Document: [Impact of Criminal Convictions, Impairment, and Past History on Licensure, Certification, or Registration.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

BOARD OF DENTISTRY

Title of Document: [Chart on Delegable Duties to Dental Assistants.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Document: [Guidance on the Calculation of the Declinable Preneed Funeral Guarantee Fee.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

DEPARTMENT OF GENERAL SERVICES

Title of Document: [Division of Fleet Management Services Fleet and State Driver Guidance Document.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Kimberly Freiburger, Policy Planning Specialist III, Department of General Services, 1100 Bank Street, Suite 420, Richmond, VA 23219, telephone (804) 205-3861, or email kimberly.freiberger@dgs.virginia.gov.

STATE BOARD OF HEALTH

Title of Document: [Nursing Home Administrative Sanctions Guidance Document.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Geoff Garner, Senior Policy Analyst, Virginia Department of Health, 9960 Mayland Drive, Suite 401, Henrico, VA 23233, telephone (804) 367-2157, or email geoff.garner@vdh.virginia.gov.

BOARD OF NURSING

Titles of Documents: [Interpretation of "Alternative Credentials" for Nursing Faculty.](#)

[Medication Administration Training Curriculum.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

BOARD OF PHARMACY

Titles of Documents: [Bylaws of the Board of Pharmacy.](#)

[Instructions for Applicants for Pharmacist Licensure.](#)

[Protocol for the Prescribing and Dispensing of Naloxone or Other Opioid.](#)

[Requirements for Prescriptions.](#)

[Use of Automated Dispensing Drug Systems and Remote Dispensing Systems in Certain Facilities.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

Titles of Documents: [Child and Family Services Manual Chapter D: Resource Families.](#)

[Child and Family Services Manual, Chapter E: Foster Care.](#)

[Child and Family Services Manual, Title IV-E Foster Care Guidance Eligibility Manual.](#)

[Child and Family Services Manual, Chapter I, Title IV-E Foster Care.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Karin Clark, Regulatory Coordinator, Department of Social Services, 5600 Cox Road, Glen Allen, VA 23060, telephone (804) 840-3679, or email karin.clark@dss.virginia.gov.

BOARD OF SOCIAL WORK

Title of Document: [Impact of Criminal Convictions, Impairment, and Past History on Social Work Licensure in Virginia.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

The following guidance documents have been submitted for deletion and the listed agency has opened up a 30-day public comment period. The listed agency had previously identified these documents as certified guidance documents, pursuant to [§ 2.2-4002.1](#) of the Code of Virginia. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to view the deleted document and comment. This information is also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact.

BOARD OF COUNSELING

Title of Document: [Direct Client Hours in an Internship.](#)

Public Comment Deadline: September 9, 2026.

Effective Date: September 10, 2026.

Agency Contact: Erin Barrett, Director of Legislative and Regulatory Affairs, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 750-3912, or email erin.barrett@dhp.virginia.gov.

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for 1650 Cumberland Solar 1 LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for 1650 Cumberland Solar 1 LLC for violations of State Water Control Law and regulations at the 1650 Cumberland Road solar site located in Farmville, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: Megan Wisdom, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email megan.wisdom@deq.virginia.gov.

Proposed Enforcement Action for 1671 Cumberland Solar 1 LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for 1671 Cumberland Solar 1 LLC for violations of State Water Control Law and regulations at the 1671 Cumberland Road solar site located in Farmville, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: Megan Wisdom, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email megan.wisdom@deq.virginia.gov.

Proposed Enforcement Action for Charles City County

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Charles City County for violations of State Water Control Law and regulations at Ruthville Community Center wastewater treatment plant at 8320 Ruthville Road in Charles City County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: DJ Haskin, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email dennis.e.haskin@deq.virginia.gov.

Proposed Enforcement Action for Charles City County

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Charles City County for violations of State Water Control Law and regulations at Charles City County Administration Building sewage treatment plant at 10910 Courthouse Road in Charles City County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: DJ Haskin, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email dennis.e.haskin@deq.virginia.gov.

Proposed Enforcement Action for Lineberrys Logistics LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Lineberrys Logistics LLC for violations of State Water Control Law, regulations, and applicable permit at the Lineberrys Logistics fill site located in Carroll County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 10, 2026.

Contact Information: Megan Wisdom, Enforcement Specialist, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Suite A, Glen Allen, VA 23060, or email megan.wisdom@deq.virginia.gov.

Proposed Enforcement Action for Mr. Angelo Logan

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Mr. Angelo Logan for violations of State Water Control Law, regulations, and applicable permit at the Logan Apartments facility located in Fredericksburg, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notice/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: Katherine Mann, Enforcement Specialist, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email katherine.mann@deq.virginia.gov.

Proposed Enforcement Action for Nelson County Service Authority

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Nelson County Service Authority for violations of State Water Control Law, regulations, and applicable permit at the Nelson County regional sewage treatment plant located in Nelson County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/permits/public-notices>. The DEQ contact will accept written comments from August 10, 2026 to September 9, 2026.

Contact Information: Francesca Wright, Enforcement Specialist, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, or email francesca.wright@deq.virginia.gov.

Proposed Enforcement Action for Residential Resources Limited Partnership

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Residential Resources Limited Partnership for violations of State Water Control Law and regulations at Sign Post Estates wastewater treatment plant at 6230 Sign Post Lane in Charles City County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: DJ Haskin, Enforcement Specialist, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email dennis.e.haskin@deq.virginia.gov.

Proposed Enforcement Action for Transcontinental Gas Pipe Line Company LLC

The Virginia Department of Environmental Quality (DEQ) is proposing an enforcement action for Transcontinental Gas Pipe Line Company LLC for violations of State Water Control Law and regulations at the Southeast Supply Enhancement Project located in Pittsylvania County, Virginia. The proposed order is available from the DEQ contact or at <https://www.deq.virginia.gov/news-info/shortcuts/public-notices/enforcement-actions>. The DEQ contact will accept written comments from August 10, 2026, to September 9, 2026.

Contact Information: Kristen Sadtler, Director, Division of Enforcement, Department of Environmental Quality, Central Office, P.O. Box 1105, Richmond, VA 23218, or email kristen.sadtler@deq.virginia.gov.

Public Meeting and Comment Opportunity on a Cleanup Plan for Lake Anna Watershed in Louisa, Spotsylvania, and Orange Counties

Purpose of Notice: The Virginia Department of Environmental Quality (DEQ) seeks public comment on the development of a watershed plan to address waters with elevated risks of harmful algal blooms (HABS) for the Lake Anna Watershed in Louisa, Spotsylvania, and Orange Counties. The watershed plan is prepared in lieu of initially developing a total maximum daily load (TMDL), allowing for earlier actions to address water quality. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop plans to address pollutants responsible for causing waters to be on Virginia's § 303(d) list of impaired waters.

DEQ is developing a watershed plan to identify the actions necessary to address the elevated risks of HABS. DEQ will introduce the community to the process used to develop the plan and invite the public to contribute by participating in community engagement meetings. Those interested in participating should notify the DEQ contact person and provide their name, address, telephone number, email address, and organization represented (if any).

Location: The watershed plan addresses the upper portion of Lake Anna, demarcated by the Route 208 Bridge. Sections within the Upper Portion of Lake Anna include Pamunkey Creek, Plentiful Creek, Terrys Run, the North Anna Branch, Gold Mine Creek, the confluence of the North Anna and Pamunkey branches, and the confluence with Pigeon Run.

Public meeting: Louisa County Middle School, 1009 Davis Highway, Mineral, VA 23117 on September 8, 2026, at 6:30 p.m. In the event of inclement weather, the meeting will be held on September 29, 2026, at the same time and location.

Public comment period: September 8, 2026, to October 8, 2026.

How to comment: DEQ accepts written comments by email or postal mail. All comments must be received by DEQ during the comment period. Submittals must include the name, organization represented (if any), mailing address, and telephone number of the commenter or requester.

Information about this plan will be available at <https://www.deq.virginia.gov/water/water-quality/implementation/implementation-plans-under-development>.

Contact Information: Amanda Thompson, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (571) 866-6048, or email amanda.r.thompson@deq.virginia.gov.

General Notices

BOARD OF PHARMACY

Notice of Scheduling Chemicals in Schedule I pursuant to § 54.1-3443 of the Code of Virginia

Pursuant to § 54.1-3443 D of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia). The public hearing will be conducted at 9:01 a.m. on September 15, 2026. Instructions for public comment will be included in the agenda for the board meeting on September 15, 2026. Public comment may also be submitted electronically or in writing prior to September 15, 2026, to the agency contact listed at the end of this notice.

Pursuant to § 54.1-3443 D of the Code of Virginia, the Virginia Department of Forensic Science (DFS) has identified seven compounds for recommended inclusion into the Code of Virginia.

The following compound is classified as a synthetic opioid. Compounds of this type have been placed in Schedule I (subdivision 1 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

5-nitro-2-[2-(4-propoxyphenyl)ethyl]-1-[2-(pyrrolidin-1-yl)ethyl]-1H-1,3-benzimidazole (other names: N-pyrrolidino ethylene protonitazene, ethylene protonitazepyne), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

Based on their chemical structure, the following compounds are expected to have hallucinogenic properties. Compounds of this type have been placed in Schedule I (subdivision 3 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

1-(1,3-benzodioxol-5-yl)-2-(sec-butylamino)butan-1-one (Other names: 3,4-Methylenedioxy-alpha-sec-butyl aminobutiophenone; N-sec butyl butylone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3-[2-(methyl(propyl)amino)ethyl]-1H-indol-4-yl] acetate (other names: 4-acetoxy-N-methyl-N-propyltryptamine, 4-acetoxy-MPT, 4-AcO-MPT), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3-[2-[methyl(propan-2-yl)amino]ethyl]-1H-indol-4-yl] acetate (other names: 4-acetoxy-N-methyl-N-isopropyltryptamine, 4-acetoxy-MiPT, 4-AcO-MiPT), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Based on their chemical structure, the following compounds are expected to have depressant properties. Compounds of this type

have been placed in Schedule I (subdivision 4 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

1-ethyl-7-nitro-5-phenyl-3H-1,4-benzodiazepin-2-one (other name: N-ethyl Nitrazepam), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Ethylflualprazolam (other name: 8-chloro-1-ethyl-6-(2-fluorophenyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The following compound is classified as a cannabimimetic agent. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

Methyl N-[[5-bromo-1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl]-3-methyl-valinate (other name: MDMB-5'Br-4en-PINACA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Contact Information: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4456, fax (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

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.

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.

ERRATA

STATE BOARD OF HEALTH

Title of Regulation: **12VAC5-371. Regulations for the Licensure of Nursing Facilities.**

Publication: 42:5 VA.R 620-626; October 20, 2025.

Correction to Final Regulation:

Page 623, 12VAC5-371-191, column 2, subsection F, line 3, after "F." strike "Nursing facility retained recordings shall be considered part of the resident's medical record and shall be retained for no less a time period than two years or as required by state and federal laws."

VA.R. Doc. No. R26-8299; Filed July 17, 2026, 3:31 p.m.

ERRATA
