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The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2000 VAC Supplement includes final regulations published through *Virginia Register* Volume 16, Issue 11, dated February 14, 2000). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|---------|------------------|-----------------|
| Title 2. Agriculture | | | |
| 2 VAC 5-600-10 | Amended | 16:20 VA.R. 2458 | 5/31/00 |
| Title 4. Conservation and Natural Resources | | | |
| 4 VAC 20-252-120 | Amended | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-270-40 emer | Amended | 16:14 VA.R. 1885 | 3/1/00-3/30/00 |
| 4 VAC 20-270-40 | Amended | 16:16 VA.R. 2041 | 3/30/00 |
| 4 VAC 20-310-30 | Amended | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-35 | Added | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-40 | Amended | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-50 | Amended | 16:19 VA.R. 2379 | 5/15/00 |
| 4 VAC 20-430-55 | Added | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-430-70 | Amended | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-490-20 | Amended | 17:3 VA.R. 386 | 10/15/00 |
| 4 VAC 20-490-40 | Amended | 17:3 VA.R. 387 | 10/15/00 |
| 4 VAC 20-490-60 | Amended | 17:3 VA.R. 387 | 10/15/00 |
| 4 VAC 20-500-55 | Added | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-561-10 through 4 VAC 20-561-30 emer | Added | 16:12 VA.R. 1710 | 2/2/00-2/22/00 |
| 4 VAC 20-620-10 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-20 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-20 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-30 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-30 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-40 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-40 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-50 | Amended | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-620-50 | Amended | 16:20 VA.R. 2464 | 5/25/00 |
| 4 VAC 20-620-50 emer | Amended | 16:18 VA.R. 2293 | 4/26/00-5/25/00 |
| 4 VAC 20-620-70 | Amended | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-620-70 | Amended | 16:20 VA.R. 2465 | 5/25/00 |
| 4 VAC 20-620-70 emer | Amended | 16:18 VA.R. 2294 | 4/26/00-5/25/00 |
| 4 VAC 20-700-20 | Amended | 16:16 VA.R. 2041 | 4/1/00 |
| 4 VAC 20-700-20 | Amended | 16:23 VA.R. 2890 | 7/1/00 |
| 4 VAC 20-720-20 | Amended | 16:12 VA.R. 1671 | 2/4/00 |
| 4 VAC 20-720-20 | Amended | 17:3 VA.R. 387 | 10/1/00 |
| 4 VAC 20-720-40 | Amended | 16:12 VA.R. 1671 | 2/4/00 |
| 4 VAC 20-720-40 | Amended | 17:3 VA.R. 388 | 10/1/00 |
| 4 VAC 20-720-50 | Amended | 16:12 VA.R. 1672 | 2/4/00 |
| 4 VAC 20-720-50 | Amended | 17:3 VA.R. 388 | 10/1/00 |
| 4 VAC 20-720-60 | Amended | 16:12 VA.R. 1672 | 2/4/00 |
| 4 VAC 20-720-60 | Amended | 17:3 VA.R. 389 | 10/1/00 |
| 4 VAC 20-720-70 | Amended | 16:12 VA.R. 1673 | 2/4/00 |
| 4 VAC 20-720-70 | Amended | 17:3 VA.R. 389 | 10/1/00 |
| 4 VAC 20-720-80 | Amended | 16:12 VA.R. 1673 | 2/4/00 |
| 4 VAC 20-720-80 | Amended | 17:3 VA.R. 390 | 10/1/00 |
| 4 VAC 20-752-20 | Amended | 16:23 VA.R. 2890 | 7/1/00 |

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|--|----------|-----------------------|-----------------|
| 4 VAC 20-752-30 | Amended | 16:23 VA.R. 2891 | 7/1/00 |
| 4 VAC 20-754-30 | Amended | 17:3 VA.R. 393 | 10/1/00 |
| 4 VAC 20-890-20 | Amended | 16:25 VA.R. 3227 | 10/1/00 |
| 4 VAC 20-890-25 | Amended | 16:12 VA.R. 1674 | 2/2/00 |
| 4 VAC 20-890-25 | Amended | 17:1 VA.R. 62 | 9/21/00 |
| 4 VAC 20-890-30 | Amended | 17:1 VA.R. 62 | 9/21/00 |
| 4 VAC 20-890-40 | Amended | 16:25 VA.R. 3227 | 10/1/00 |
| 4 VAC 20-900-10 emer | Amended | 16:25 VA.R. 3330 | 7/28/00-8/24/00 |
| 4 VAC 20-900-25 | Amended | 17:1 VA.R. 63 | 9/1/00 |
| 4 VAC 20-900-25 emer | Amended | 16:25 VA.R. 3330 | 7/28/00-8/24/00 |
| 4 VAC 20-910-45 | Amended | 16:14 VA.R. 1862 | 3/1/00 |
| 4 VAC 20-910-45 | Amended | 16:23 VA.R. 2891 | 7/1/00 |
| 4 VAC 20-910-45 | Amended | 17:3 VA.R. 393 | 11/1/00 |
| 4 VAC 20-950-10 | Amended | 17:3 VA.R. 394 | 10/1/00 |
| 4 VAC 20-950-45 | Amended | 16:14 VA.R. 1862 | 3/1/00 |
| 4 VAC 20-950-45 | Amended | 17:3 VA.R. 394 | 10/1/00 |
| 4 VAC 20-1040-10 | Amended | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 20-1040-20 | Amended | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 20-1040-30 | Repealed | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 25-30 (Forms) | Amended | 16:23 VA.R. 2967 | -- |
| 4 VAC 25-130-700.5 | Amended | 16:15 VA.R. 1956 | 5/10/00 |
| 4 VAC 25-130-795.1 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.6 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.7 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.8 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.9 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.10 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.11 | Amended | 16:15 VA.R. 1970 | 5/10/00 |
| 4 VAC 25-130-795.12 | Amended | 16:15 VA.R. 1970 | 5/10/00 |
| Title 6. Criminal Justice and Corrections | | | |
| 6 VAC 15-31-10 | Amended | 16:24 VA.R. 3082 | 9/17/00 |
| 6 VAC 15-31-50 | Amended | 16:24 VA.R. 3083 | 9/17/00 |
| 6 VAC 15-31-80 | Amended | 16:24 VA.R. 3083 | 9/17/00 |
| 6 VAC 15-31-120 through 6 VAC 15-31-140 | Amended | 16:24 VA.R. 3083-3086 | 9/17/00 |
| 6 VAC 15-31-160 | Amended | 16:24 VA.R. 3086 | 9/17/00 |
| 6 VAC 15-31-180 through 6 VAC 15-31-210 | Amended | 16:24 VA.R. 3086-3087 | 9/17/00 |
| 6 VAC 15-31-230 through 6 VAC 15-31-280 | Amended | 16:24 VA.R. 3087-3089 | 9/17/00 |
| 6 VAC 15-31-300 through 6 VAC 15-31-320 | Amended | 16:24 VA.R. 3089-3090 | 9/17/00 |
| 6 VAC 15-31-370 | Amended | 16:24 VA.R. 3090 | 9/17/00 |
| 6 VAC 15-31-410 | Amended | 16:24 VA.R. 3090 | 9/17/00 |
| 6 VAC 15-61-10 | Amended | 16:24 VA.R. 3090 | 9/17/00 |
| 6 VAC 15-61-40 | Amended | 16:24 VA.R. 3092 | 9/17/00 |
| 6 VAC 15-61-100 | Amended | 16:24 VA.R. 3092 | 9/17/00 |
| 6 VAC 15-61-120 | Amended | 16:24 VA.R. 3092 | 9/17/00 |
| 6 VAC 15-61-130 | Amended | 16:24 VA.R. 3092 | 9/17/00 |
| 6 VAC 15-61-150 | Amended | 16:24 VA.R. 3093 | 9/17/00 |
| 6 VAC 15-61-200 through 6 VAC 15-61-220 | Amended | 16:24 VA.R. 3093-3095 | 9/17/00 |
| 6 VAC 15-70-10 | Amended | 16:24 VA.R. 3096 | 9/17/00 |
| 6 VAC 15-70-30 through 6 VAC 15-70-160 | Amended | 16:24 VA.R. 3096-3102 | 9/17/00 |
| 6 VAC 20-171-420 | Erratum | 16:14 VA.R. 1911 | -- |
| 6 VAC 20-190-10 through 6 VAC 20-190-200 | Amended | 17:3 VA.R. 395-398 | 11/23/00 |
| Title 8. Education | | | |
| 8 VAC 20-131-10 through 8 VAC 20-131-150 | Amended | 16:25 VA.R. 3228-3237 | 9/28/00 |
| 8 VAC 20-131-170 | Amended | 16:25 VA.R. 3237 | 9/28/00 |
| 8 VAC 20-131-180 | Amended | 16:25 VA.R. 3237 | 9/28/00 |
| 8 VAC 20-131-210 | Amended | 16:25 VA.R. 3238 | 9/28/00 |

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| 8 VAC 20-131-220 | Amended | 16:25 VA.R. 3239 | 9/28/00 |
| 8 VAC 20-131-240 | Amended | 16:25 VA.R. 3239 | 9/28/00 |
| 8 VAC 20-131-250 | Repealed | 16:25 VA.R. 3240 | 9/28/00 |
| 8 VAC 20-131-260 through 8 VAC 20-131-320 | Amended | 16:25 VA.R. 3240-3249 | 9/28/00 |
| 8 VAC 20-131-325 | Added | 16:25 VA.R. 3249 | 9/28/00 |
| 8 VAC 20-131-340 | Amended | 16:25 VA.R. 3250 | 9/28/00 |
| Title 9. Environment | | | |
| 9 VAC 5-10-20* | Amended | 16:17 VA.R. 2135 | * |
| 9 VAC 5-20-21 | Amended | 16:17 VA.R. 2161 | 7/1/00 |
| 9 VAC 5-20-180* | Amended | 16:17 VA.R. 2142 | * |
| 9 VAC 5-20-202 | Amended | 16:17 VA.R. 2163 | 7/1/00 |
| 9 VAC 5-40-10* | Amended | 16:17 VA.R. 2144 | * |
| 9 VAC 5-40-20* | Amended | 16:17 VA.R. 2145 | * |
| 9 VAC 5-40-30* | Amended | 16:17 VA.R. 2149 | * |
| 9 VAC 5-40-40* | Amended | 16:17 VA.R. 2150 | * |
| 9 VAC 5-40-50* | Amended | 16:17 VA.R. 2151 | * |
| 9 VAC 5-40-5200 | Amended | 16:24 VA.R. 3102 | 10/1/00 |
| 9 VAC 5-40-6000 through 9 VAC 5-40-6230 | Added | 16:17 VA.R. 2164-2178 | 7/1/00 |
| 9 VAC 5-40-6180 | Erratum | 16:19 VA.R. 2399 | -- |
| 9 VAC 5-50-10* | Amended | 16:17 VA.R. 2152 | * |
| 9 VAC 5-50-20* | Amended | 16:17 VA.R. 2152 | * |
| 9 VAC 5-50-30* | Amended | 16:17 VA.R. 2155 | * |
| 9 VAC 5-50-40* | Amended | 16:17 VA.R. 2156 | * |
| 9 VAC 5-50-50* | Amended | 16:17 VA.R. 2157 | * |
| 9 VAC 5-50-400 | Amended | 16:14 VA.R. 1863 | 5/1/00 |
| 9 VAC 5-60-10* | Amended | 16:17 VA.R. 2158 | * |
| 9 VAC 5-60-20* | Amended | 16:17 VA.R. 2158 | * |
| 9 VAC 5-60-30* | Amended | 16:17 VA.R. 2159 | * |
| 9 VAC 5-60-60 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 5-60-90 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 5-60-100 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 5-90-10 et seq. | Repealed | 17:1 VA.R. 63 | 10/25/00 |
| 9 VAC 5-100-10 et seq. | Repealed | 17:1 VA.R. 63 | 10/25/00 |
| 9 VAC 20-60-18 | Amended | 17:2 VA.R. 220 | 11/8/00 |
| 9 VAC 25-31-10 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-30 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-40 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-100 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-120 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-121 (renumbered from 9 VAC 25-31-125) | Added | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-170 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-190 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-200 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-230 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-280 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-340 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-390 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-500 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-570 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-580 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-590 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-620 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-660 | Amended | 16:25 VA.R. 3252 | 9/27/00 |

* Effective date suspended.

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|---|----------|-----------------------|----------------|
| 9 VAC 25-31-670 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-710 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-720 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-750 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-770 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-780 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-800 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-810 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-31-840 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-210-10 | Amended | 16:25 VA.R. 3252 | 9/27/00 |
| 9 VAC 25-210-50 | Amended | 16:25 VA.R. 3254 | 9/27/00 |
| 9 VAC 25-210-110 | Amended | 16:25 VA.R. 3254 | 9/27/00 |
| 9 VAC 25-210-110 Erratum | Amended | 17:3 VA.R. | -- |
| 9 VAC 25-210 (Forms) | Amended | 16:12 VA.R. 1711-1714 | -- |
| 9 VAC 25-220-60 | Amended | 16:15 VA.R. 1971 | 5/10/00 |
| 9 VAC 25-220-70 | Amended | 16:15 VA.R. 1971 | 5/10/00 |
| 9 VAC 25-260-350 | Amended | 16:17 VA.R. 2178 | 6/7/00 |
| 9 VAC 25-260-400 | Amended | 16:17 VA.R. 2179 | 6/7/00 |
| 9 VAC 25-400-10 | Amended | 16:25 VA.R. 3255 | 9/27/00 |
| 9 VAC 25-630-10 through 9 VAC 25-630-60 | Amended | 17:3 VA.R. 399-409 | 12/1/00 |
| Title 11. Gaming | | | |
| 11 VAC 10-60-10 | Amended | 16:21 VA.R. 2623 | 8/4/00 |
| 11 VAC 10-60-15 | Added | 16:21 VA.R. 2627 | 8/4/00 |
| 11 VAC 10-60-20 | Amended | 16:21 VA.R. 2628 | 8/4/00 |
| 11 VAC 10-60-30 | Repealed | 16:21 VA.R. 2628 | 8/4/00 |
| 11 VAC 10-60-40 | Amended | 16:21 VA.R. 2629 | 8/4/00 |
| 11 VAC 10-60-60 | Repealed | 16:21 VA.R. 2631 | 8/4/00 |
| 11 VAC 10-60-70 | Amended | 16:21 VA.R. 2631 | 8/4/00 |
| 11 VAC 10-60-120 | Amended | 16:21 VA.R. 2633 | 8/4/00 |
| 11 VAC 10-60-130 | Amended | 16:21 VA.R. 2636 | 8/4/00 |
| 11 VAC 10-60-140 | Amended | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-150 | Amended | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-290 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-300 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-310 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-320 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-100-30 | Amended | 16:25 VA.R. 3261 | 8/8/00 |
| 11 VAC 10-100-110 | Amended | 16:25 VA.R. 3261 | 8/8/00 |
| 11 VAC 10-100-170 | Amended | 16:25 VA.R. 3262 | 8/8/00 |
| 11 VAC 10-100-210 | Amended | 16:25 VA.R. 3262 | 8/8/00 |
| 11 VAC 10-110-30 | Amended | 16:25 VA.R. 3262 | 8/8/00 |
| 11 VAC 10-110-90 | Amended | 16:25 VA.R. 3262 | 8/8/00 |
| 11 VAC 10-110-230 | Added | 16:25 VA.R. 3263 | 8/8/00 |
| 11 VAC 10-120-50 | Amended | 16:26 VA.R. 3507 | 8/14/00 |
| 11 VAC 10-120-80 | Amended | 16:26 VA.R. 3508 | 8/14/00 |
| 11 VAC 10-120-90 | Amended | 16:26 VA.R. 3508 | 8/14/00 |
| 11 VAC 10-150-10 | Amended | 16:26 VA.R. 3510 | 8/14/00 |
| 11 VAC 10-150-20 | Amended | 16:26 VA.R. 3510 | 8/14/00 |
| 11 VAC 10-150-30 | Amended | 16:26 VA.R. 3510 | 8/14/00 |
| 11 VAC 10-150-40 | Amended | 16:26 VA.R. 3510 | 8/14/00 |
| 11 VAC 10-150-80 | Amended | 16:26 VA.R. 3510 | 8/14/00 |
| 11 VAC 10-150-90 | Amended | 16:26 VA.R. 3511 | 8/14/00 |
| 11 VAC 10-150-120 | Amended | 16:26 VA.R. 3511 | 8/14/00 |
| 11 VAC 10-150-130 | Amended | 16:26 VA.R. 3511 | 8/14/00 |
| 11 VAC 10-150-170 | Amended | 16:26 VA.R. 3511 | 8/14/00 |
| 11 VAC 10-180-10 through 11 VAC 10-180-80 | Amended | 16:23 VA.R. 2892-2898 | 7/10/00 |

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| Title 12. Health | | | |
| 12 VAC 5-80-10 | Amended | 16:16 VA.R. 2042 | 7/1/00 |
| 12 VAC 5-80-20 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-30 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-40 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-50 | Repealed | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-80 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-90 | Amended | 16:16 VA.R. 2045 | 7/1/00 |
| 12 VAC 5-80-95 | Added | 16:16 VA.R. 2045 | 7/1/00 |
| 12 VAC 5-80-100 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-80-110 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-80-120 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-165-10 through 12 VAC 5-165-310 | Added | 16:16 VA.R. 2048-2051 | 5/24/00 |
| 12 VAC 5-165-100 | Erratum | 16:19 VA.R. 2399 | -- |
| 12 VAC 5-371-150 | Amended | 17:1 VA.R. 64 | 10/27/00 |
| 12 VAC 5-371-260 | Amended | 17:1 VA.R. 64 | 10/27/00 |
| 12 VAC 5-410-220 | Amended | 17:1 VA.R. 65 | 10/27/00 |
| 12 VAC 5-590-370 | Amended | 16:21 VA.R. 2647 | 8/3/00 |
| 12 VAC 5-590-545 | Added | 16:21 VA.R. 2662 | 8/3/00 |
| 12 VAC 5-590 Appendix O | Added | 16:21 VA.R. 2667 | 8/3/00 |
| 12 VAC 5-610-10 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-20 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-30 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-40 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-50 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-70 | Amended | 16:16 VA.R. 2052 | 7/1/00 |
| 12 VAC 5-610-75 | Added | 16:16 VA.R. 2053 | 7/1/00 |
| 12 VAC 5-610-80 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-90 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-100 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-110 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-120 | Amended | 16:16 VA.R. 2053 | 7/1/00 |
| 12 VAC 5-610-130 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-140 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-150 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-170 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-180 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-190 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-200 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-230 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-250 | Amended | 16:16 VA.R. 2055 | 7/1/00 |
| 12 VAC 5-610-255 | Added | 16:16 VA.R. 2057 | 7/1/00 |
| 12 VAC 5-610-260 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-270 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-280 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-290 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-300 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-330 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-340 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-360 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-370 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-380 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-390 | Amended | 16:16 VA.R. 2058 | 7/1/00 |
| 12 VAC 5-610-420 | Amended | 16:16 VA.R. 2058 | 7/1/00 |
| 12 VAC 5-610-430 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-440 | Amended | 16:16 VA.R. 2058 | 7/1/00 |

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| 12 VAC 5-610-441 through 12 VAC 5-610-448 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-450 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-470 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-480 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-490 | Amended | 16:16 VA.R. 2061 | 7/1/00 |
| 12 VAC 5-610-500 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-510 through 12 VAC 5-610-550 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-560 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-570 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-580 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-591 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-592 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-593 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-594 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-596 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-597 | Added | 16:16 VA.R. 2064 | 7/1/00 |
| 12 VAC 5-610-598 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-599 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-599.1 through 12 VAC 5-610-599.3 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-620 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-650 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-670 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-690 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-700 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-740 | Amended | 16:16 VA.R. 2068 | 7/1/00 |
| 12 VAC 5-610-800 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-810 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-815 | Added | 16:16 VA.R. 2068 | 7/1/00 |
| 12 VAC 5-610-817 | Added | 16:16 VA.R. 2069 | 7/1/00 |
| 12 VAC 5-610-820 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-830 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-840 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-880 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-890 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-930 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-940 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-950 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-960 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-965 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-980 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1080 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1140 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1150 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 30-10-140 | Amended | 16:18 VA.R. 2239 | 7/1/00 |
| 12 VAC 30-10-1000 emer | Added | 16:23 VA.R. 2912 | 7/1/00-6/30/01 |
| 12 VAC 30-20-500 through 12 VAC 30-20-599 emer | Added | 16:23 VA.R. 2912-2914 | 7/1/00-6/30/01 |
| 12 VAC 30-40-345 | Added | 16:15 VA.R. 1973 | 5/10/00 |
| 12 VAC 30-40-345 | Amended | 17:3 VA.R. 410 | 11/22/00 |
| 12 VAC 30-50-10 | Amended | 16:18 VA.R. 2240 | 7/1/00 |
| 12 VAC 30-50-100 | Amended | 16:18 VA.R. 2244 | 7/1/00 |
| 12 VAC 30-50-105 | Amended | 16:18 VA.R. 2246 | 7/1/00 |
| 12 VAC 30-50-140 | Amended | 16:18 VA.R. 2247 | 7/1/00 |
| 12 VAC 30-50-180 | Amended | 16:19 VA.R. 2380 | 7/5/00 |
| 12 VAC 30-50-220 | Amended | 16:18 VA.R. 2248 | 7/1/00 |
| 12 VAC 30-50-320 | Added | 16:18 VA.R. 2240 | 7/1/00 |
| 12 VAC 30-50-490 emer | Added | 16:23 VA.R. 2920 | 7/1/00-6/30/01 |

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| 12 VAC 30-50-560 | Amended | 16:18 VA.R. 2249 | 7/1/00 |
| 12 VAC 30-50-570 | Amended | 16:18 VA.R. 2250 | 7/1/00 |
| 12 VAC 30-50-580 | Added | 16:18 VA.R. 2251 | 7/1/00 |
| 12 VAC 30-70-140 through 12 VAC 30-70-143 emer | Repealed | 16:23 VA.R. 2914-2916 | 7/1/00-6/30/01 |
| 12 VAC 30-70-200 | Repealed | 16:18 VA.R. 2253 | 7/1/00 |
| 12 VAC 30-70-201 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-210 | Repealed | 16:18 VA.R. 2253 | 7/1/00 |
| 12 VAC 30-70-211 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-220 | Repealed | 16:18 VA.R. 2256 | 7/1/00 |
| 12 VAC 30-70-221 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-230 | Repealed | 16:18 VA.R. 2256 | 7/1/00 |
| 12 VAC 30-70-231 | Added | 16:18 VA.R. 2263 | 7/1/00 |
| 12 VAC 30-70-240 | Repealed | 16:18 VA.R. 2257 | 7/1/00 |
| 12 VAC 30-70-241 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-250 | Repealed | 16:18 VA.R. 2257 | 7/1/00 |
| 12 VAC 30-70-251 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-260 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-261 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-270 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-271 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-280 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-281 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-290 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-291 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-300 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-301 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-310 | Repealed | 16:18 VA.R. 2259 | 7/1/00 |
| 12 VAC 30-70-311 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-320 | Repealed | 16:18 VA.R. 2259 | 7/1/00 |
| 12 VAC 30-70-321 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-330 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-331 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-340 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-341 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-350 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-351 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-360 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-361 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-370 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-371 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-380 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-381 | Added | 16:18 VA.R. 2268 | 7/1/00 |
| 12 VAC 30-70-390 | Repealed | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-391 | Added | 16:18 VA.R. 2268 | 7/1/00 |
| 12 VAC 30-70-400 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-410 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-420 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-435 | Added | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-450 | Amended | 16:18 VA.R. 2270 | 7/1/00 |
| 12 VAC 30-70-460 | Amended | 16:18 VA.R. 2270 | 7/1/00 |
| 12 VAC 30-80-160 | Repealed | 16:19 VA.R. 2380 | 7/5/00 |
| 12 VAC 30-90-20 emer | Amended | 16:23 VA.R. 2948 | 7/1/00-6/30/01 |
| 12 VAC 30-90-30 through 12 VAC 30-90-33 emer | Repealed | 16:23 VA.R. 2948-2951 | 7/1/00-6/30/01 |
| 12 VAC 30-90-34 emer | Amended | 16:23 VA.R. 2951 | 7/1/00-6/30/01 |
| 12 VAC 30-90-35 through 12 VAC 30-90-37 emer | Added | 16:23 VA.R. 2953-2956 | 7/1/00-6/30/01 |
| 12 VAC 30-90-40 emer | Amended | 16:23 VA.R. 2956 | 7/1/00-6/30/01 |

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| 12 VAC 30-90-41 emer | Amended | 16:23 VA.R. 2956 | 7/1/00-6/30/01 |
| 12 VAC 30-90-42 emer | Repealed | 16:23 VA.R. 2958 | 7/1/00-6/30/01 |
| 12 VAC 30-90-43 emer | Repealed | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-50 emer | Amended | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-51 emer | Amended | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-53 emer | Repealed | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-54 emer | Repealed | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-60 emer | Amended | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-65 emer | Amended | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-130 through 12 VAC 30-90-133 emer | Repealed | 16:23 VA.R. 2916-2917 | 7/1/00-6/30/01 |
| 12 VAC 30-90-136 emer | Added | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-160 emer | Amended | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-220 through 12 VAC 30-90-222 emer | Repealed | 16:23 VA.R. 2961-2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-260 emer | Repealed | 16:23 VA.R. 2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-264 emer | Amended | 16:23 VA.R. 2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-280 emer | Repealed | 16:23 VA.R. 2965 | 7/1/00-6/30/01 |
| 12 VAC 30-100-260 | Amended | 16:18 VA.R. 2252 | 7/1/00 |
| 12 VAC 30-120-61 through 12 VAC 30-120-68 | Added | 16:18 VA.R. 2240-2243 | 7/1/00 |
| 12 VAC 30-120-700 through 12 VAC 30-120-800 emer | Added | 16:23 VA.R. 2922-2946 | 7/1/00-6/30/01 |
| Title 13. Housing | | | |
| 13 VAC 5-21-10 | Amended | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-20 | Amended | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-30 | Repealed | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-31 | Added | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-40 | Repealed | 16:20 VA.R. 2469 | 9/15/00 |
| 13 VAC 5-21-41 | Added | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-50 | Repealed | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-51 | Added | 16:20 VA.R. 2471 | 9/15/00 |
| 13 VAC 5-21-60 | Repealed | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-61 | Added | 16:20 VA.R. 2471 | 9/15/00 |
| 13 VAC 5-21-71 | Added | 16:20 VA.R. 2472 | 9/15/00 |
| 13 VAC 5-51-10 through 13 VAC 5-51-120 | Repealed | 16:20 VA.R. 2473-2476 | 9/15/00 |
| 13 VAC 5-51-11 through 13 VAC 5-51-121 | Added | 16:20 VA.R. 2477-2484 | 9/15/00 |
| 13 VAC 5-51-130 | Amended | 16:23 VA.R. 2902 | 9/15/00 |
| 13 VAC 5-51-131 | Added | 16:20 VA.R. 2484 | 9/15/00 |
| 13 VAC 5-51-133 | Added | 16:20 VA.R. 2484 | 9/15/00 |
| 13 VAC 5-51-135 | Added | 16:23 VA.R. 2903 | 9/15/00 |
| 13 VAC 5-51-136 | Added | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-150 | Amended | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-170 | Amended | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-181 | Added | 16:20 VA.R. 2486 | 9/15/00 |
| 13 VAC 5-51-182 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-51-190 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-51-200 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-61-10 through 13 VAC 5-61-190 | Repealed | 16:20 VA.R. 2488-2495 | 9/15/00 |
| 13 VAC 5-61-11 | Added | 16:20 VA.R. 2495 | 9/15/00 |
| 13 VAC 5-61-15 | Added | 16:20 VA.R. 2496 | 9/15/00 |
| 13 VAC 5-61-21 | Added | 16:20 VA.R. 2496 | 9/15/00 |
| 13 VAC 5-61-25 | Added | 16:20 VA.R. 2497 | 9/15/00 |
| 13 VAC 5-61-31 | Added | 16:20 VA.R. 2497 | 9/15/00 |
| 13 VAC 5-61-35 | Added | 16:20 VA.R. 2498 | 9/15/00 |
| 13 VAC 5-61-41 | Added | 16:20 VA.R. 2498 | 9/15/00 |
| 13 VAC 5-61-45 | Added | 16:20 VA.R. 2499 | 9/15/00 |
| 13 VAC 5-61-51 | Added | 16:20 VA.R. 2499 | 9/15/00 |
| 13 VAC 5-61-55 | Added | 16:20 VA.R. 2501 | 9/15/00 |
| 13 VAC 5-61-61 | Added | 16:20 VA.R. 2502 | 9/15/00 |

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| 13 VAC 5-61-65 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-71 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-75 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-81 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-85 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-91 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-95 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-101 | Added | 16:20 VA.R. 2505 | 9/15/00 |
| 13 VAC 5-61-105 | Added | 16:20 VA.R. 2505 | 9/15/00 |
| 13 VAC 5-61-111 | Added | 16:20 VA.R. 2506 | 9/15/00 |
| 13 VAC 5-61-115 | Added | 16:20 VA.R. 2507 | 9/15/00 |
| 13 VAC 5-61-121 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-125 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-131 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-135 | Added | 16:20 VA.R. 2509 | 9/15/00 |
| 13 VAC 5-61-141 | Added | 16:20 VA.R. 2509 | 9/15/00 |
| 13 VAC 5-61-145 | Added | 16:20 VA.R. 2510 | 9/15/00 |
| 13 VAC 5-61-151 | Added | 16:20 VA.R. 2510 | 9/15/00 |
| 13 VAC 5-61-155 | Added | 16:20 VA.R. 2511 | 9/15/00 |
| 13 VAC 5-61-165 | Added | 16:20 VA.R. 2511 | 9/15/00 |
| 13 VAC 5-61-171 | Added | 16:20 VA.R. 2512 | 9/15/00 |
| 13 VAC 5-61-200 | Amended | 16:23 VA.R. 2903 | 9/15/00 |
| 13 VAC 5-61-220 | Amended | 16:23 VA.R. 2905 | 9/15/00 |
| 13 VAC 5-61-225 | Added | 16:20 VA.R. 2515 | 9/15/00 |
| 13 VAC 5-61-230 | Added | 16:23 VA.R. 2906 | 9/15/00 |
| 13 VAC 5-61-245 | Added | 16:20 VA.R. 2515 | 9/15/00 |
| 13 VAC 5-61-290 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-310 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-315 | Added | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-317 | Added | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-340 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-345 | Added | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-360 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-390 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-395 | Added | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-400 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-410 | Amended | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-415 | Added | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-430 | Amended | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-440 | Amended | 16:20 VA.R. 2520 | 9/15/00 |
| 13 VAC 5-61-447 | Added | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-61-450 | Amended | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-61-460 | Added | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-100-10 through 13 VAC 5-100-20 | Added | 16:20 VA.R. 2523 | 5/31/00 |
| 13 VAC 5-111-10 | Amended | 16:17 VA.R. 2189 | 6/8/00 |
| 13 VAC 5-111-100 | Amended | 16:17 VA.R. 2193 | 6/8/00 |
| 13 VAC 5-111-120 | Amended | 16:17 VA.R. 2193 | 6/8/00 |
| 13 VAC 5-111-130 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-160 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-165 | Added | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-170 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-180 | Amended | 16:17 VA.R. 2195 | 6/8/00 |
| 13 VAC 5-111-190 | Amended | 16:17 VA.R. 2195 | 6/8/00 |
| 13 VAC 5-111-240 | Amended | 16:17 VA.R. 2196 | 6/8/00 |
| 13 VAC 5-111-280 | Amended | 16:17 VA.R. 2196 | 6/8/00 |
| 13 VAC 5-111-300 | Amended | 16:17 VA.R. 2196 | 6/8/00 |

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| 13 VAC 5-111-300 | Amended | 16:24 VA.R. 3103 | 9/14/00 |
| 13 VAC 5-111-310 | Amended | 16:17 VA.R. 2197 | 6/8/00 |
| 13 VAC 5-111-310 | Amended | 16:24 VA.R. 3104 | 9/14/00 |
| 13 VAC 5-111-390 | Amended | 16:17 VA.R. 2197 | 6/8/00 |
| 13 VAC 10-40-20 | Amended | 16:19 VA.R. 2384 | 5/17/00 |
| 13 VAC 10-40-120 | Amended | 16:19 VA.R. 2386 | 5/17/00 |
| 13 VAC 10-40-160 | Amended | 16:19 VA.R. 2386 | 5/17/00 |
| 13 VAC 10-40-170 | Amended | 16:19 VA.R. 2387 | 5/17/00 |
| 13 VAC 10-40-230 | Amended | 16:19 VA.R. 2387 | 5/17/00 |
| 13 VAC 10-160-10 | Amended | 16:26 VA.R. 3512 | 9/1/00 |
| 13 VAC 10-160-30 | Amended | 16:26 VA.R. 3513 | 9/1/00 |
| 13 VAC 10-160-41 | Repealed | 16:26 VA.R. 3514 | 9/1/00 |
| 13 VAC 10-160-51 | Repealed | 16:26 VA.R. 3514 | 9/1/00 |
| 13 VAC 10-160-55 through 13 VAC 10-160-90 | Amended | 16:26 VA.R. 3515-3518 | 9/1/00 |
| Title 14. Insurance | | | |
| 14 VAC 5-215-20 | Erratum | 16:14 VA.R. 1912 | -- |
| 14 VAC 5-215-30 | Erratum | 16:14 VA.R. 1912 | -- |
| 14 VAC 5-215-30 through 14 VAC 5-215-70 | Amended | 16:21 VA.R. 2675-2677 | 7/1/00 |
| 14 VAC 5-215-110 | Amended | 16:21 VA.R. 2678 | 7/1/00 |
| 14 VAC 5-370-20 | Amended | 16:25 VA.R. 3264 | 9/30/00 |
| 14 VAC 5-370-100 | Amended | 16:25 VA.R. 3264 | 9/30/00 |
| Title 15. Judicial | | | |
| 15 VAC 5-80-10 through 15 VAC 5-80-50 | Added | 16:20 VA.R. 2524-2526 | 5/24/00 |
| 15 VAC 10-10-10 | Amended | 16:16 VA.R. 2069 | 3/24/00 |
| Title 16. Labor and Employment | | | |
| 16 VAC 15-30-20 | Amended | 17:1 VA.R. 66 | 10/25/00 |
| 16 VAC 15-30-200 | Amended | 17:1 VA.R. 66 | 10/25/00 |
| 16 VAC 15-30-210 | Added | 17:1 VA.R. 68 | 10/25/00 |
| 16 VAC 15-30-220 | Added | 17:1 VA.R. 68 | 10/25/00 |
| 16 VAC 15-30-230 | Added | 17:1 VA.R. 69 | 10/25/00 |
| 16 VAC 15-40-10 | Amended | 16:18 VA.R. 2272 | 6/22/00 |
| 16 VAC 15-40-50 | Amended | 16:18 VA.R. 2272 | 6/22/00 |
| 16 VAC 25-120-1917.1 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.2 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.3 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.23 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.25 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.26 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.27 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.30 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.50 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.71 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.73 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.92 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.95 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.112 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.124 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.151 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.152 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.153 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120-1917.156 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-120 Appendix I | Amended | 16:25 VA.R. 3265 | 10/1/00 |

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| 16 VAC 25-130-1918.1 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.2 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.24 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.25 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.37 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.41 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.42 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.43 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.51 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.52 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.54 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.61 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.62 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.65 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.66 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.69 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.85 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.86 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.94 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.97 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.98 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.100 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.102 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130-1918.105 | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130 Appendix II | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| 16 VAC 25-130 Appendix IV | Amended | 16:25 VA.R. 3265 | 10/1/00 |
| Title 18. Professional and Occupational Licensing | | | |
| 18 VAC 30-20-10 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-80 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-170 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-180 | Amended | 16:18 VA.R. 2274 | 6/21/00 |
| 18 VAC 30-20-230 | Amended | 16:18 VA.R. 2274 | 6/21/00 |
| 18 VAC 47-10-10 through 18 VAC 47-10-90 | Added | 16:12 VA.R. 1675-1676 | 3/29/00 |
| 18 VAC 47-20-10 through 18 VAC 47-20-240 | Added | 16:13 VA.R. 1776-1782 | 4/12/00 |
| 18 VAC 60-20-30 | Amended | 16:18 VA.R. 2278 | 6/21/00 |
| 18 VAC 60-20-110 | Amended | 16:18 VA.R. 2281 | 6/21/00 |
| 18 VAC 60-20-120 | Amended | 16:18 VA.R. 2281 | 6/21/00 |
| 18 VAC 76-10-65 | Added | 16:17 VA.R. 2198 | 4/19/00 |
| 18 VAC 85-20-22 | Amended | 16:13 VA.R. 1766 | 4/12/00 |
| 18 VAC 85-20-22 | Amended | 16:21 VA.R. 2679 | 8/2/00 |
| 18 VAC 85-20-131 | Amended | 16:21 VA.R. 2680 | 8/2/00 |
| 18 VAC 85-20-240 | Amended | 16:13 VA.R. 1767 | 4/12/00 |
| 18 VAC 85-20-280 | Amended | 16:21 VA.R. 2680 | 8/2/00 |
| 18 VAC 85-31-10 | Amended | 16:13 VA.R. 1772 | 4/13/00 |
| 18 VAC 85-31-10 through 18 VAC 85-31-160 | Repealed | 16:25 VA.R. 3266-3270 | 9/27/00 |
| 18 VAC 85-31-25 | Added | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-40 | Amended | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-50 | Amended | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-60 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-65 | Added | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-80 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-90 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-100 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-120 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-130 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-135 | Added | 16:13 VA.R. 1775 | 4/13/00 |

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| 18 VAC 85-31-140 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-160 | Amended | 16:13 VA.R. 1768 | 4/12/00 |
| 18 VAC 85-40-80 | Amended | 16:13 VA.R. 1769 | 4/12/00 |
| 18 VAC 85-50-115 | Amended | 16:21 VA.R. 2682 | 8/2/00 |
| 18 VAC 85-50-170 | Amended | 16:13 VA.R. 1770 | 4/12/00 |
| 18 VAC 85-80-120 | Amended | 16:13 VA.R. 1770 | 4/12/00 |
| 18 VAC 85-101-160 | Amended | 16:13 VA.R. 1771 | 4/12/00 |
| 18 VAC 85-110-10 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 85-110-30 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 85-110-35 | Amended | 16:13 VA.R. 1771 | 4/12/00 |
| 18 VAC 85-110-90 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 85-110-100 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 90-20-30 | Amended | 16:13 VA.R. 1782 | 4/12/00 |
| 18 VAC 90-20-36 emer | Added | 17:2 VA.R. 221 | 9/19/00-9/18/01 |
| 18 VAC 90-20-190 | Amended | 16:13 VA.R. 1782 | 4/12/00 |
| 18 VAC 90-20-230 | Amended | 16:13 VA.R. 1783 | 4/12/00 |
| 18 VAC 90-20-350 | Amended | 16:13 VA.R. 1783 | 4/12/00 |
| 18 VAC 90-40-10 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 90-40-80 | Repealed | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 90-40-90 | Amended | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 90-40-120 | Amended | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 105-30-70 | Amended | 16:20 VA.R. 2534 | 7/19/00 |
| 18 VAC 110-20-10 | Amended | 16:21 VA.R. 2685 | 8/2/00 |
| 18 VAC 110-20-220 | Amended | 16:21 VA.R. 2687 | 8/2/00 |
| 18 VAC 112-20-10 through 18 VAC 112-20-150 | Added | 16:25 VA.R. 3266-3270 | 9/27/00 |
| 18 VAC 115-20-10 | Amended | 16:13 VA.R. 1786 | 4/12/00 |
| 18 VAC 115-20-20 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-30 | Repealed | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-35 | Added | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-40 | Amended | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-40 | Erratum | 16:16 VA.R. 2081 | -- |
| 18 VAC 115-20-45 | Added | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-49 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-49 | Erratum | 16:16 VA.R. 2081 | -- |
| 18 VAC 115-20-50 | Amended | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-51 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-52 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-60 | Repealed | 16:13 VA.R. 1790 | 4/12/00 |
| 18 VAC 115-20-70 | Amended | 16:13 VA.R. 1790 | 4/12/00 |
| 18 VAC 115-20-80 | Repealed | 16:13 VA.R. 1791 | 4/12/00 |
| 18 VAC 115-20-100 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-110 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-130 | Amended | 16:13 VA.R. 1791 | 4/12/00 |
| 18 VAC 115-20-140 | Amended | 16:13 VA.R. 1792 | 4/12/00 |
| 18 VAC 115-20-150 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-30-30 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-40 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-110 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-120 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-160 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-20 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-35 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-61 | Added | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-50-20 | Amended | 16:13 VA.R. 1795 | 4/12/00 |
| 18 VAC 115-50-30 | Amended | 16:13 VA.R. 1795 | 4/12/00 |
| 18 VAC 115-50-40 | Amended | 16:13 VA.R. 1796 | 4/12/00 |

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| 18 VAC 115-50-90 | Amended | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 115-50-100 | Amended | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 115-50-130 | Added | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 120-10-10 through 18 VAC 120-10-90 | Repealed | 16:14 VA.R. 1867-1868 | 5/1/00 |
| 18 VAC 120-10-170 | Amended | 16:14 VA.R. 1868 | 5/1/00 |
| 18 VAC 125-20-30 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 125-20-130 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 125-20-170 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 155-20-10 through 18 VAC 155-20-50 | Amended | 16:14 VA.R. 1869-1871 | 5/1/00 |
| 18 VAC 155-20-60 through 18 VAC 155-20-90 | Repealed | 16:14 VA.R. 1871-1872 | 5/1/00 |
| 18 VAC 155-20-100 through 18 VAC 155-20-160 | Amended | 16:14 VA.R. 1872-1874 | 5/1/00 |
| 18 VAC 155-20-170 | Repealed | 16:14 VA.R. 1874 | 5/1/00 |
| 18 VAC 155-20-175 | Added | 16:14 VA.R. 1874 | 5/1/00 |
| 18 VAC 155-20-180 through 18 VAC 155-20-230 | Amended | 16:14 VA.R. 1875-1877 | 5/1/00 |
| 18 VAC 155-20-240 through 18 VAC 155-20-270 | Repealed | 16:14 VA.R. 1879-1880 | 5/1/00 |
| 18 VAC 155-20-280 | Amended | 16:14 VA.R. 1880 | 5/1/00 |
| 18 VAC 155-20-290 | Repealed | 16:14 VA.R. 1880 | 5/1/00 |
| Title 20. Public Utilities and Telecommunications | | | |
| 20 VAC 5-200-21 | Amended | 16:25 VA.R. 3274 | 7/28/00 |
| 20 VAC 5-200-30 | Amended | 16:25 VA.R. 3296 | 7/28/00 |
| 20 VAC 5-200 Appendix | Amended | 16:25 VA.R. 3298 | 7/28/00 |
| 20 VAC 5-203-10 through 20 VAC 5-203-50 | Added | 16:23 VA.R. 2908-2910 | 7/1/00 |
| 20 VAC 5-311-10 through 20 VAC 5-311-60 | Added | 16:20 VA.R. 2541-2553 | 5/26/00 |
| 20 VAC 5-315-10 through 20 VAC 5-315-90 | Added | 16:20 VA.R. 2555-2558 | 5/25/00 |
| 20 VAC 5-320-10 through 20 VAC 5-320-130 | Added | 16:24 VA.R. 3108-3113 | 7/19/00 |
| Title 22. Social Services | | | |
| 22 VAC 15-30-10 | Amended | 16:18 VA.R. 2282 | 6/21/00 |
| 22 VAC 40-30-10 et seq. | Repealed | 16:18 VA.R. 2284 | 6/21/00 |
| 22 VAC 40-60 (Forms) | Amended | 17:1 VA.R. 72 | -- |
| 22 VAC 40-60-10 through 22 VAC 40-60-60 | Amended | 16:12 VA.R. 1676-1679 | 7/1/00 |
| 22 VAC 40-60-70 | Repealed | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-80 | Amended | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-90 | Amended | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-100 | Repealed | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-110 through 22 VAC 40-60-150 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-180 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-190 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-200 | Amended | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-210 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-220 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-230 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-235 | Added | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-240 | Repealed | 16:12 VA.R. 1682 | 7/1/00 |
| 22 VAC 40-60-250 | Repealed | 16:12 VA.R. 1682 | 7/1/00 |
| 22 VAC 40-60-260 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-270 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-280 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-290 | Repealed | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-300 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-310 | Repealed | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-320 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-330 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-340 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-350 | Repealed | 16:12 VA.R. 1685 | 7/1/00 |
| 22 VAC 40-60-360 | Repealed | 16:12 VA.R. 1685 | 7/1/00 |
| 22 VAC 40-60-370 through 22 VAC 40-60-420 | Amended | 16:12 VA.R. 1685 | 7/1/00 |

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 22 VAC 40-60-425 | Added | 16:12 VA.R. 1686 | 7/1/00 |
| 22 VAC 40-60-430 through 22 VAC 40-60-470 | Amended | 16:12 VA.R. 1686-1687 | 7/1/00 |
| 22 VAC 40-60-480 | Repealed | 16:12 VA.R. 1687 | 7/1/00 |
| 22 VAC 40-60-490 | Amended | 16:12 VA.R. 1687 | 7/1/00 |
| 22 VAC 40-60-510 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-520 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-530 | Repealed | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-540 | Repealed | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-550 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-554 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-556 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-560 | Amended | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-564 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-570 through 22 VAC 40-60-610 | Amended | 16:12 VA.R. 1689-1691 | 7/1/00 |
| 22 VAC 40-60-620 through 22 VAC 40-60-650 | Repealed | 16:12 VA.R. 1691-1692 | 7/1/00 |
| 22 VAC 40-60-670 | Repealed | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-680 | Amended | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-690 | Amended | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-691 | Added | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-692 | Added | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-694 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-695 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-697 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-698 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-699 | Added | 16:12 VA.R. 1695 | 7/1/00 |
| 22 VAC 40-60-700 | Amended | 16:12 VA.R. 1696 | 7/1/00 |
| 22 VAC 40-60-705 | Added | 16:12 VA.R. 1696 | 7/1/00 |
| 22 VAC 40-60-710 through 22 VAC 40-60-760 | Repealed | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-770 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-780 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-790 | Repealed | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-800 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-810 through 22 VAC 40-60-840 | Repealed | 16:12 VA.R. 1697-1698 | 7/1/00 |
| 22 VAC 40-60-850 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-860 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-870 | Repealed | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-880 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-885 | Added | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-890 through 22 VAC 40-60-950 | Repealed | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-960 | Amended | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-970 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-980 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-990 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1000 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1010 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1020 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1030 through 22 VAC 40-60-1060 | Repealed | 16:12 VA.R. 1701-1702 | 7/1/00 |
| 22 VAC 40-130-10** | Amended | 16:22 VA.R. 2745 | 11/1/00 |
| 22 VAC 40-130-25** | Added | 16:22 VA.R. 2748 | 11/1/00 |
| 22 VAC 40-130-30 through 22 VAC 40-130-140** | Amended | 16:22 VA.R. 2749-2751 | 11/1/00 |
| 22 VAC 40-130-155** | Added | 16:22 VA.R. 2751 | 11/1/00 |
| 22 VAC 40-130-160** | Repealed | 16:22 VA.R. 2751 | 11/1/00 |
| 22 VAC 40-130-170 through 22 VAC 40-130-190** | Amended | 16:22 VA.R. 2751-2752 | 11/1/00 |

** Effective date published in 17:2 VA.R. 220.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 22 VAC 40-130-195** | Added | 16:22 VA.R. 2753 | 11/1/00 |
| 22 VAC 40-130-198** | Added | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-200** | Amended | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-202** | Added | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-210** | Amended | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-211** | Added | 16:22 VA.R. 2756 | 11/1/00 |
| 22 VAC 40-130-212** | Added | 16:22 VA.R. 2757 | 11/1/00 |
| 22 VAC 40-130-213** | Added | 16:22 VA.R. 2758 | 11/1/00 |
| 22 VAC 40-130-220** | Amended | 16:22 VA.R. 2758 | 11/1/00 |
| 22 VAC 40-130-221** | Added | 16:22 VA.R. 2759 | 11/1/00 |
| 22 VAC 40-130-223** | Added | 16:22 VA.R. 2759 | 11/1/00 |
| 22 VAC 40-130-230 through 22 VAC 40-130-250** | Amended | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-251** | Added | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-260** | Amended | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-261** | Added | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-270** | Amended | 16:22 VA.R. 2761 | 11/1/00 |
| 22 VAC 40-130-271** | Added | 16:22 VA.R. 2765 | 11/1/00 |
| 22 VAC 40-130-272** | Added | 16:22 VA.R. 2765 | 11/1/00 |
| 22 VAC 40-130-280** | Amended | 16:22 VA.R. 2766 | 11/1/00 |
| 22 VAC 40-130-289** | Added | 16:22 VA.R. 2767 | 11/1/00 |
| 22 VAC 40-130-290** | Amended | 16:22 VA.R. 2767 | 11/1/00 |
| 22 VAC 40-130-300** | Amended | 16:22 VA.R. 2768 | 11/1/00 |
| 22 VAC 40-130-301** | Added | 16:22 VA.R. 2768 | 11/1/00 |
| 22 VAC 40-130-310** | Amended | 16:22 VA.R. 2769 | 11/1/00 |
| 22 VAC 40-130-312** | Added | 16:22 VA.R. 2770 | 11/1/00 |
| 22 VAC 40-130-314** | Added | 16:22 VA.R. 2771 | 11/1/00 |
| 22 VAC 40-130-320 through 22 VAC 40-130-360** | Amended | 16:22 VA.R. 2771-2772 | 11/1/00 |
| 22 VAC 40-130-365** | Added | 16:22 VA.R. 2773 | 11/1/00 |
| 22 VAC 40-130-370 through 22 VAC 40-130-400** | Amended | 16:22 VA.R. 2773-2776 | 11/1/00 |
| 22 VAC 40-130-401** | Added | 16:22 VA.R. 2776 | 11/1/00 |
| 22 VAC 40-130-402** | Added | 16:22 VA.R. 2777 | 11/1/00 |
| 22 VAC 40-130-403** | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-404** | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-406** | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-410** | Amended | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-420** | Amended | 16:22 VA.R. 2779 | 11/1/00 |
| 22 VAC 40-130-424** | Added | 16:22 VA.R. 2779 | 11/1/00 |
| 22 VAC 40-130-430 through 22 VAC 40-130-450** | Amended | 16:22 VA.R. 2779-2780 | 11/1/00 |
| 22 VAC 40-130-452 through 22 VAC 40-130-459** | Added | 16:22 VA.R. 2780-2784 | 11/1/00 |
| 22 VAC 40-130-470 through 22 VAC 40-130-550** | Amended | 16:22 VA.R. 2784-2785 | 11/1/00 |
| 22 VAC 40-130-600 through 22 VAC 40-130-820** | Added | 16:22 VA.R. 2785-2796 | 11/1/00 |
| 22 VAC 40-180 (Forms) | Amended | 16:25 VA.R. 3331-3332 | -- |
| 22 VAC 40-325-10 | Added | 16:22 VA.R. 2797 | 8/16/00 |
| 22 VAC 40-325-20 | Added | 16:22 VA.R. 2797 | 8/16/00 |
| 22 VAC 40-600-10 | Amended | 17:1 VA.R. 70 | 10/25/00 |
| 22 VAC 40-600-50 | Amended | 17:1 VA.R. 70 | 10/25/00 |
| 22 VAC 40-600-70 | Amended | 17:1 VA.R. 70 | 10/25/00 |
| 22 VAC 40-600-90 | Repealed | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-600-130 | Amended | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-600-140 | Amended | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-600-170 | Amended | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-600-200 | Amended | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-600-210 | Amended | 17:1 VA.R. 71 | 10/25/00 |
| 22 VAC 40-705-10 | Amended | 16:12 VA.R. 1705 | 3/29/00 |
| 22 VAC 40-705-40 | Amended | 16:12 VA.R. 1707 | 3/29/00 |

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|---------|-----------------------|----------------|
| Title 24. Transportation and Motor Vehicles | | | |
| 24 VAC 30-40-30 | Amended | 16:18 VA.R. 2285 | 7/1/00 |
| 24 VAC 30-40-580 | Amended | 16:18 VA.R. 2287 | 7/1/00 |
| 24 VAC 30-40-600 through 24 VAC 30-40-640 | Amended | 16:18 VA.R. 2288-2290 | 7/1/00 |
| 24 VAC 30-380-10 | Amended | 16:26 VA.R. 3518 | 8/23/00 |

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-60-10 et seq. Rules and Regulations Governing the Operation of Livestock Markets.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, amend the regulation to terminate the active testing of cattle in the markets, and implement a program to monitor the operation of livestock markets to assure that adequate disease surveillance measures are accomplished. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-272; Filed August 14, 2000, 12:31 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-140-10 et seq. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to reflect (i) newer animal testing technology and procedures; (ii) fewer testing requirements as justified by the advances made in certain national eradication programs, including brucellosis; (iii) the application of knowledge gained from epidemiological investigations of disease spread; and (iv) the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-274; Filed August 14, 2000, 12:31 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-320-10. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to (i) remove the currently named plants that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered rare both globally and in Virginia. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: Chapter 39 (§ 3.1-1020 et seq.) of Title 3.1 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Frank Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515 or FAX (804) 371-7793.

VA.R. Doc. No. R00-271; Filed August 14, 2000, 12:32 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-400-10 et seq. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation relating to (i) definitions, (ii) plant nutrients, (iii) labels, (iv) investigational allowances and penalties, (v) minimum plant food allowed, (vi) sampling and analysis procedures needed to clarify language, and (vii) changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until November 13, 2000.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476 or FAX (804) 786-1571.

VA.R. Doc. No. R00-275; Filed August 14, 2000, 12:31 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-610-10 et seq. Rules Governing the Solicitation of Contributions.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 57-66 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Andres "Andy" Alvarez, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1101, Richmond, VA 23219, telephone (804) 786-1381 or FAX (804) 786-5112.

VA.R. Doc. No. R00-273; Filed August 14, 2000, 12:32 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** The purpose of the proposed action is to increase opportunities for school divisions to employ career switchers with rich experiences. An alternative route for career switchers is proposed. This route to licensure will allow career switchers with experience to apply directly to the Department of Education for a license. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public comments may be submitted until December 7, 2000.

Contact: Dr. Thomas Elliott, Assistant Superintendent for Teacher Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23219, telephone (804) 371-2522 or FAX (804) 225-2524.

VA.R. Doc. No. R01-36; Filed October 17, 2000, 11:53 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources and 9 VAC 5-50-10 et seq. New and Modified Stationary Sources (Rev. G00).** The purpose of the proposed action is to render the state toxic pollutant program consistent with the federal Clean Air Act, according to a determination made pursuant to the review of existing regulations mandated by Executive Order 15 (94).

Need: Analysis reveals that the regulations are consistent with applicable state, statutory provisions, and judicial decisions. However, factors and circumstances (federal statutes, original intent, state air quality program and air pollution control methodology and technology), which justified the initial issuance of the regulations have changed to a degree that justify a change to the basic requirements of the regulations.

Rules 4-3 and 5-3 were promulgated in 1985 to protect public health by setting significant ambient air concentration guidelines for all existing facilities emitting air toxic substances. At the time, the Clean Air Act authorized EPA to promulgate health-based emission standards for hazardous air pollutants (HAPs). However, due to the long-term nature of the decision-making process for this federal program, only a limited number of National Emissions Standards for Hazardous Air Pollutants (NESHAPs) were promulgated. The process to establish a NESHAP was lengthy, involving a determination of a critical level that triggered significant health effects, followed by a determination of those industry categories that contributed the highest emission level of the HAP under review. Concurrent with the slow progression of federal assessment of HAPs, a series of significant chemical accidents occurred worldwide, including one in Virginia (the kepone incident in Hopewell). These circumstances led the State Air Pollution Control Board and policy-making groups in many other states to develop state-specific answers to the public health problems of HAPs. The states learned from federal experience that they needed a more expeditious process to assess and regulate HAPs than that used at the federal level. Many states, including Virginia, used occupational standards and extrapolated them for use in the ambient air.

By the late 1980s, the federal government realized that its approach to the evaluation and regulation of HAPs was not

Notices of Intended Regulatory Action

addressing the problem quickly enough. Instead of taking the same health effects-based approach, the 1990 Clean Air Act (the Act) attempted to address the problem more quickly. First, it established a list of 188 critical HAPs. Then, emission standards establishing maximum acceptable control technology (MACT) were developed for source categories that emit these HAPs. After the development of each MACT standard, the federal government will assess what risk to human health remains from sources subject to the MACT standards and will establish further standards for those source categories causing significant public health concerns.

During the development and evaluation of the MACT standards, the state program will remain essential to protect the health of the citizens of the Commonwealth. Depending on the pollutant, health risks even from a small exposure to a HAP can be high. In addition, public concern about HAPs has remained high since multiple accidental releases occurred in the U.S. and abroad in the 1970s and early 1980s. Data reported for certain industries under the requirements established by the Emergency Planning and Community Right to Know Act, or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) has heightened public awareness and concern about public health and exposure to HAPs emissions in Virginia by alerting its citizens to the quantity of these emissions released in the state. The data reported under this program indicates that Virginia has significant air emissions of SARA Title III chemicals. In 1992, Virginia was ranked 16th in the nation for total releases of these chemicals; 94% of those releases were into the air. Despite improvements since then, public concern about the release of toxic air pollutants remains high.

This regulatory action replaces a previous regulatory action (Rev. G97), serving essentially the same purpose, which was withdrawn by the board on July 11, 2000.

Potential Issues: There are two main issues that must be addressed during the regulation development: (i) exempting from applicability those sources subject to a federal hazardous air pollutant standard and (ii) limiting the state program's applicability to the pollutants regulated under § 112 of the federal Clean Air Act as amended in 1990. These actions will be consistent with Recommendation 22 of the Governor's Commission on Government Reform to limit the applicability of the state program as the federal program reaches maturity. These actions will assure the regulated community that the federal and state programs will not overlap while assuring the environmental community that the state program will continue to provide adequate protection for public health while the federal program is being developed. Cost should not be an issue: there should be no increase in costs for either affected entities or the agency because the board's policy has been to focus on the federal hazardous air pollutant list in its implementation of the regulations. In fact, as more federal MACT standards are developed and fewer sources are subject to the state regulations, the overall cost of this program to the regulated community will decrease.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least

intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to render the state toxic pollutant program consistent with the federal Clean Air Act. This option is being selected because it reduces the regulatory burden on sources while protecting public health and welfare.
2. Repeal the regulations. This option is not being selected because the regulations are necessary to protect public health while the federal standards are being developed and evaluated.
3. Take no action to amend the regulations. This option is not being selected because the current regulations are unnecessarily burdensome to the regulated community and to department staff without any commensurate advantage to the public.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives. All comments must be received by the department by 4:30 p.m. within 30 days of the appearance of this notice in the Virginia Register in order to be considered. It is preferred that all comments be provided in writing to the department, along with any supporting documents or exhibits. Comments may be submitted by mail, facsimile transmission, or e-mail, but must be submitted to Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia, 23240 (e-mail krsands@deq.state.va.us; FAX 804-698-4510). Comments by facsimile transmission will be accepted only if followed by receipt of the signed original within one week. Comments by e-mail will be accepted only if the name, address, and phone number of the commenter are included. All testimony, exhibits, and documents received are a matter of public record. Only comments (i) related to the potential issues, alternatives, and costs and benefits (see supporting information above) as specified in this notice and (ii) provided in accordance with the procedures specified in this notice will be given consideration in the development of the proposed regulation amendments.

A public meeting will not be held by the department because the board has authorized the department to proceed without holding a meeting.

After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Ad Hoc Advisory Group: The department will not form an ad hoc advisory group to assist in the development of the regulation because the board has authorized the department to proceed without the use of the participatory approach.

The agency intends to hold a public hearing on the proposed regulation after publication.

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Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., December 11, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R01-37; Filed October 18, 2000, 11:30 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D00)**. The purpose of the proposed action is to bring the regulation into compliance with federal regulations and policies, to include addressing offset ratios for emission reductions and increases in nonattainment areas based on the 1997 eight-hour ozone air quality standard.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The Act gives the U.S. Environmental Protection Agency (EPA) the authority to establish the NAAQS, which are designed to protect the health of the general public with an adequate margin of safety. The NAAQS establish the maximum limits of pollutants that are permitted in the ambient air. The Act requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e., attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at reduced levels (i.e., maintenance).

In 1979, EPA established a NAAQS for ozone of 0.12 parts per million (ppm). This standard was based on a one-hour averaging period and is commonly called the one-hour standard. When concentrations of ozone in the ambient air exceed the federal standard the area is considered to be out of compliance and is designated as "nonattainment." Numerous counties and cities within the Commonwealth have at one time been identified as ozone nonattainment areas according to the Act. Currently, all but the Northern Virginia area have reached attainment of the one-hour standard.

The Act has a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. There are five nonattainment area classifications called marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each

subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class. If a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent air pollution control requirements. The Northern Virginia Ozone Nonattainment Area is classified as serious and, therefore, has to meet the requirements for the marginal, moderate, and serious classes.

The Act contains comprehensive air quality planning requirements for areas that do not attain the federal air quality standard for ozone (that is, nonattainment areas). Once the nonattainment areas were defined, each state was then obligated to submit a SIP revision or plan demonstrating how it would attain the air quality standard in each nonattainment area. Failure to develop adequate plans to meet the ozone air quality standard: (i) will result in continued violations of the standard, (ii) may result in assumption of air quality programs by EPA, at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction.

The heart of the SIP is the control strategy. The control strategy describes the measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures, mobile source control measures, and transportation source control measures. Stationary source control measures are directed at emissions primarily from commercial/industrial facilities and operations. Mobile source control measures are directed at tailpipe and other emissions from motor vehicles, and transportation source control measures affect motor vehicle location and use. The Act mandates that all such plans require the implementation of all reasonably available control measures (RACM). One of the RACMs is to require preconstruction approval of new major facilities or modifications to existing ones.

In 1997, EPA established a more stringent NAAQS for ozone of 0.08 parts per million (ppm). This standard is based on an eight-hour averaging period and is commonly called the eight-hour standard. The establishment of this new standard triggered the need for EPA to designate new nonattainment areas. Northern Virginia is the only area that has not attained the one-hour standard. If the standard is changed to a stricter eight-hour ozone standard, then more areas of the Commonwealth will be designated for ozone. EPA has indicated that, for the new eight-hour standard, the five-class system created under the Clean Air Act will not apply to these new areas.

A key control measure for managing the growth of new emissions is the permit program for new and modified stationary sources. The program requires that owners obtain a permit from DEQ prior to the construction of a new industrial or commercial facility or the expansion of an existing one. Program requirements differ according to the facility's

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potential to emit a certain amount of a specific pollutant and the air quality status of area where the facility is or will be located. Requirements for facilities considered major due to their potential to emit a specified pollutant are more stringent than for less polluting facilities. Requirements for major facilities in nonattainment areas are considerably more stringent than for those in areas that meet the standard.

Permits issued in nonattainment areas require the facility owner to apply control technology that meets the lowest achievable emission rate and to obtain emission reductions from existing sources. The emission reductions must offset the increases from the proposed facility by the ratio specified in the Act for that particular nonattainment classification. The offset ratio for areas classified as marginal is 1.1 to 1, for moderate areas 1.15 to 1, for serious areas 1.2 to 1, and for severe areas 1.3 to 1. For the new eight-hour standard, since no classification system exists, the offset ratio is 1 to 1. The current regulations do not address this 1 to 1 offset ratio and, therefore, must be changed to do so by:

1. Amending Article 9 of 9 VAC 5 Chapter 80 to reflect the permit requirements regarding emission offsets associated with the designation of nonattainment areas by EPA.
2. Amending Article 9 of 9 VAC 5 Chapter 80 to implement the requirements of any other pertinent federal regulations that may be promulgated during the regulation development process.
3. Amending other provisions of the new source review program as may be necessary to maintain consistency with the changes to Article 9 of 9 VAC 5 Chapter 80.
4. Updating other regulations to be consistent with any other changes to federal or state mandates that may become known during the regulation revision process.

The discussion under the "Need" section above focuses on the first potential issue in this list. The main changes to the regulation needed to address this first potential issue involve adding provisions to allow for a 1 to 1 emissions offset ratio in nonattainment areas with no classification. Upon further review, other changes may be needed to address this first issue.

As for the other potential issues, whether they will need to be addressed will depend on whether EPA promulgates any other federal regulations affecting nonattainment new source review. Such regulations may be promulgated by the end of this year.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are as follows:

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of

the regulatory action: to bring the regulation into compliance with federal regulation and policy pursuant to the federal Clean Air Act.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it will not ensure consistency with federal requirements.

3. Take no action to amend the regulations. This option is not being selected because it will result in the imposition of a federal program and possible sanctions.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives.

A public meeting will be held by the department to receive comments on and to discuss the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the Virginia Register. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue must be submitted to the agency contact in writing by 4:30 p.m. the last day of the comment period.

Federal Requirements:

Federal Clean Air Act (CAA):
<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):
<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):
http://www.gpo.gov/su_docs/aces/aces140.html

Sections 109 (a) and (b) of the Clean Air Act require EPA to prescribe primary and secondary air quality standards to protect public health and welfare, respectively, for each air pollutant for which air quality criteria were issued before the enactment of the 1970 Clean Air Act. These standards are known as the National Ambient Air Quality Standards (NAAQS). Section 109 (c) requires EPA to prescribe such standards simultaneously with the issuance of new air quality criteria for any additional air pollutant. The primary and secondary air quality criteria are authorized for promulgation under Section 108.

Section 110(a) of the Clean Air Act mandates that each state adopt and submit to EPA a plan that provides for the state's implementation, maintenance, and enforcement of the NAAQS. Among the primary elements of the state

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implementation plan (SIP) are (i) enforceable emission limitations and other control measures; (ii) a program for enforcement of the emission limitations and schedules for compliance; and (iii) programs for the regulation and permitting of the modification and construction of stationary sources, including a permit program as required by Part D of the Clean Air Act.

Part D describes how nonattainment areas are established, classified, and required to meet attainment. Subpart 1 provides the overall framework of what nonattainment plans are to contain, while Subpart 2 provides more detail on what is required of areas designated nonattainment for ozone, including requirements for new source review programs. It mandates a new and modified major stationary source permit program that meets the requirements of §§ 172 and 173.

Section 173(a) requires that permits meet the following criteria:

- (1) Offsets must be obtained by new or expanding sources from existing sources so that total allowable emissions (i) from existing sources in the region, (ii) from new or modified sources that are not major emitting facilities, and (iii) from the proposed new source will be less than total emissions from existing sources prior to the application for the permit.
- (2) The proposed source must comply with the lowest achievable emission rate.
- (3) The owner of the proposed source must demonstrate that all of their affected major stationary sources in the state either comply or are on a schedule for compliance with the emission limitations.
- (4) The SIP must be adequate for the area in which the source is to be located.
- (5) An analysis of alternative sites, sizes, processes, and environmental controls for the proposed source must demonstrate that its benefits significantly outweigh environmental and social costs.

Section 173(c) provides that the owner of the proposed new or modified source may obtain offsets only from the nonattainment area in which the proposed source is to be located. Offsets may be obtained from other nonattainment areas whose emissions affect the area where the proposed source is to be located, provided the other nonattainment area has an equal or higher classification and the offsets are based on actual emissions.

Section 182(a) sets out the offset ratio requirements for nonattainment areas, providing for a minimum ratio of total emissions reduction of VOCs to total increased emissions of VOCs. Currently, these offsets are 1.1 to 1 for marginal areas, 1.15:1 for moderate areas, and 1.2 to 1 for serious areas.

40 CFR Part 50 specifies the NAAQS: sulfur dioxide, particulate matter, carbon monoxide, ozone (and its precursors, volatile organic compounds) nitrogen dioxide, and lead.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of SIPs. Section 51.160 of Subpart I specifies that the SIP must stipulate legally enforceable procedures that enable the permitting agency to determine whether the construction or modification of a facility will result in a violation of a control strategy or interfere with attainment or maintenance of a NAAQS. Owners must submit information on the nature and amounts of emissions and on the location, construction and operation of the facility, and must comply with control strategies after permit approval. Section 51.163 requires that the SIP include administrative procedures to be followed in determining whether the construction or modification of a facility will violate control strategies or interfere with the attainment or maintenance of NAAQS.

Section 51.165 of Subpart I describes what permitting requirements are to be contained in the SIP and provides specific definitions of key terms such as "potential to emit," "major stationary source," "major modification," "allowable emissions," and "lowest achievable emission rate." This section requires that the SIP include a preconstruction review program to satisfy the requirements of §§ 172(b)(6) and 173 of the Act, and must apply to any new source or modification locating in a nonattainment area.

It is not anticipated that these regulation amendments will have a direct impact on families. However, the Commonwealth hopes there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health problems and property damage.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until November 15, 2000.

Contact: Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R01-14; Filed September 19, 2000, 9:04 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-91-10 et seq. Regulations for the Control of Motor Vehicle Emissions in Northern Virginia.** The purpose of the proposed action is to develop regulation amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Need: One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). These standards, designed to protect public health and welfare, apply to six pollutants, of which ozone is the primary focus of this

proposed action. Ozone is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) in the air react together in the presence of sunlight. VOCs are chemicals contained in gasoline, polishes, paints, varnishes, cleaning fluids, inks, and other household and industrial products. NO_x emissions are a by-product from the combustion of fuels and industrial processes.

The National Ambient Air Quality Standard for ozone is currently 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. When concentrations of ozone in the ambient air exceed the federal standard, the area is considered to be out of compliance and is classified as "nonattainment." Several counties and cities within the Northern Virginia area have been identified as ozone nonattainment areas according to provisions of the Act.

States are required to develop plans to ensure that areas will come into compliance with the federal health standard. Failure to develop adequate programs to meet the ozone air quality standard: (i) may result in the continued violations of the standard and subsequent negative affects on human health, (ii) may result in assumption of the program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as more restrictive requirements on new major industrial facilities and loss of federal funds for highway construction. Furthermore, if a particular area fails to attain the federal standard by the legislatively mandated attainment date, EPA is required to reassign it to the next higher classification level (denoting a worse air quality problem), thus subjecting the area to more stringent control requirements.

Motor vehicle emissions inspection programs, known as inspection and maintenance (I/M) programs, are an integral part of the effort to reduce mobile source air pollution. Cars and trucks create about half of the ozone air pollution. Of all highway vehicles, passenger cars and light trucks emit most of the vehicle-related carbon monoxide and ozone-forming hydrocarbons. Tremendous progress has been made in reducing these pollutants; however, total vehicle emissions remain high. This is because the number of vehicle miles traveled on our highways has doubled in the last 20 years, offsetting much of the technological progress in vehicle emission control over the same two decades. Ongoing efforts to reduce emissions from individual vehicles will be necessary to achieve our air quality goals.

I/M programs achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions and requiring them to be repaired. Minor malfunctions in the emissions control system can increase emissions significantly. The average car on the road can emit three to four times the carbon monoxide and hydrocarbons allowed by new car standards if emission control systems are malfunctioning. Unfortunately, rarely is it obvious which cars have malfunctions as the emissions themselves may not be noticeable and emission control malfunctions do not necessarily affect vehicle driveability.

I/M programs provide a way to check whether the emission control systems on a vehicle are working correctly. All new passenger cars and trucks sold in the United States today must meet stringent air pollution standards and those standards became more stringent in model year 1994 and again in 1998, but they can only retain this low-polluting profile if the emission controls and engine are functioning properly. An I/M program is designed to ensure that vehicles stay clean in actual use. This, in turn, can substantially reduce the amount of volatile organic compounds, carbon monoxide, and nitrogen oxides emitted to the ambient air, thereby reducing the formation of ozone, lowering ozone concentrations, and contributing toward attainment of the NAAQS.

Potential Issues:

1. Changes in the wording of some definitions. This is being done as a result of technical changes in program operation.
2. Changes in the order and some elements of the testing procedure. This is being done as a result of technical changes in program operation.
3. Changes in the timing and flexibility of some test standards. This is being done as a result of technical changes in program operation and changes to the state implementation schedule.
4. Changes in some permitting and licensing procedures. This is being done as a result of technical changes in program operation.
5. Deletion of special treatment of federally owned or controlled vehicles. This is being done to conform to federal requirements.
6. Changes in some enforcement procedures. This is being done to reduce redundancy and overlap, as a result of technical changes in program operation and to conform to federal requirements.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action, develop a regulation revision that conforms to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it does not provide for implementation of a motor vehicle

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emissions testing program that meets the provisions, or meets alternative provisions, of the state code, federal Clean Air Act and associated EPA regulations and policies. No regulatory alternatives to an enhanced I/M program have been promulgated by EPA as meeting the requirements of the Act. Adopting an unapprovable program will result in sanctions being imposed by EPA.

3. Take no action to amend the regulations and continue to operate under the existing regulation. This option is not being selected because it risks sanctions by the EPA.

As provided in the public participation procedures of the State Air Pollution Control Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments (see section below on public participation) on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives.

A public meeting will be held by the department to receive comments on and to discuss the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the Virginia Register. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue must be submitted to the agency contact in writing by 4:30 p.m. the last day of the comment period.

Legal Requirements:

Federal Requirements

Federal Clean Air Act (CAA):
<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):
<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):
http://www.gpo.gov/su_docs/aces/aces140.html

The 1990 Amendments to the Clean Air Act established a process for evaluating the air quality in each region and identifying and classifying each nonattainment area according to the severity of its air pollution problem. Nonattainment areas are classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification (or class) is subject to successively more stringent control measures. Areas in a higher classification of nonattainment must meet the mandates of the lower classifications plus the more stringent requirements of its own class.

The Northern Virginia area has an ozone air pollution problem classified by the EPA as "serious." The problem is a result of emissions from both industrial sources and motor vehicles. The Act requires that all areas classified as serious must implement an enhanced vehicle emissions inspection and maintenance program, commonly referred to as I/M.

Section 182(c)(3) of the Clean Air Act requires that the state submit revisions to the state implementation plan to "provide for an enhanced program to reduce hydrocarbon emissions and NO_x emissions from in-use motor vehicles...." The program "shall comply in all respects with guidance...by the Administrator..." The Act requires that enhanced I/M Programs be implemented within two years of enactment (11/16/90) of the Clean Air Act Amendments of 1990. The program implemented by the state must achieve a performance standard equal to:

- (i) "...a program combining emission testing, including on-road emission testing, with inspection to detect tampering with emission control devices and misfueling for all light-duty vehicles and all light-duty trucks subject to standards under § 202; and
- (ii) program administration features necessary to reasonably assure that adequate management resources, tools, and practices are in place to attain and maintain the performance standard."

The compliance method is to be established, per the Act, by EPA. The state program, per the Act, must include, at a minimum:

1. Computerized emission analyzers, including on-road testing devices.
2. No waivers for vehicles and parts covered by an emission control performance warranty.
3. For nonwarranty situations, waivers only after \$450 (in 1990 dollars) has been spent for emissions-related repairs.
4. Enforcement through registration denial.
5. Annual testing unless biennial testing, in combination with other features, will equal or exceed emissions reductions obtainable through annual inspections.
6. Operation on a centralized basis unless the state demonstrates to the satisfaction of the Administrator that a decentralized program will be equally effective.

This law is implemented by EPA through 40 CFR Part 51, subpart S. The performance standard for the program is

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contained in § 51.351, "Enhanced I/M Performance Standard." It includes:

Centralized testing.

Annual testing.

Testing of 1968 and later model year vehicles.

Transient, mass emissions testing on 1986 and later model year vehicles, two-speed idle testing of 1981-1985 vehicles, and single-speed idle testing of pre-1981 vehicles.

Testing of light duty vehicles and trucks.

Emissions standards according to model year and weight class as enumerated in § 51.351(a)(7).

Visual inspection of the catalyst and fuel inlet restrictor on all 1984 and later model year vehicles.

Evaporative system integrity (pressure) test on 1983 and later vehicles and an evaporative system transient purge test on 1986 and later vehicles.

Twenty percent emission test failure rate among pre-1981 model year vehicles.

Three percent (3.0%) waiver rate.

Ninety-six percent (96%) compliance rate.

On-road testing of at least 0.5% of the subject vehicle population.

Under the current rule, the state has considerable flexibility to design its own program and demonstrate that it is as effective as the EPA model program in reducing emissions.

State Requirements

Code of Virginia:

<http://leg1.state.va.us/000/cod/codec.htm>

Virginia Administrative Code (VAC):

<http://leg1.state.va.us/000/reg/toc.htm>

Section 46.2-1176 through Section 46.2-1187.3 of the Virginia Motor Vehicle Emissions Control Law (Title 46.2, Chapter 10, Article 22 of the Code of Virginia) requires a "test and repair enhanced emissions inspection program" for vehicles that have actual gross weights of 10,000 pounds or less and are registered in the Counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Key provisions of the legislation include:

A biennial inspection;

An inspection fee cap of \$20;

A minimum repair cost of \$450 (in 1990 dollars) in order to qualify for a waiver, and requirement that repairs to qualify for a waiver be done by a certified repair technician;

Motor vehicles being titled for the first time may be registered for up to two years without being subject to an emissions inspection;

An exemption for any of the following vehicles: (i) vehicles powered by a clean special fuel as defined in § 58.1-2101, (ii) motorcycles, (iii) vehicles which, at the time of manufacture were not designed to meet emission standards set or approved by the federal government, (iv) any antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730, or (v) vehicles for which no testing standards have been adopted by the board;

The requirement for the inspection to apply to all vehicles registered and/or operated in the affected area including (i) vehicles owned by government entities, (ii) vehicles owned by military personnel residing in the affected areas, and (iii) vehicles owned by leasing or rental companies;

The certification of motor vehicle emissions repair technicians and emissions repair facilities, including the suspension or revocation of such certification;

In addition to biennial testing of all subject vehicles, the requirement for on-road testing of motor vehicles in use and for follow-up testing of those vehicles that exceed emissions standards; and

The requirement for the State Air Pollution Control Board to adopt regulations to implement the program.

Family Impact Statement: It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in fertility disorders, fetal mutation and deformity, chronic and acute illness, premature death, and property damage.

Statutory Authority: §§ 46.2-1176 through 46.2-1187.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on November 30, 2000.

Contact: Beth Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R01-20; Filed September 29, 2000, 1:56 p.m.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-160-10 et seq. Voluntary Remediation Regulations**. The purpose of the proposed action is to amend regulations based on a periodic review that has determined that the regulations need, among other things, updating to include current sampling and analysis methods and deletion of obsolete language.

Notices of Intended Regulatory Action

Alternatives: There are no known alternatives that would achieve the stated purpose of the program in a less burdensome and intrusive manner. The Voluntary Remediation Program is for *voluntary* cleanup of contaminated sites where remediation is not clearly mandated by CERCLA, RCRA, Virginia Waste Management Act, State Water Control Law or other authority. It provides a streamlined approach for remediation projects by establishing minimum standards and procedures pertaining to eligibility, enrollment, reporting, remediation and termination criteria. The legislation mandates the promulgation of the regulations for the program, so there is no alternative to their promulgation.

Substance: The amendment of the regulations may include but will not be limited to the following:

1. Update the regulations to incorporate current sampling and analysis methodology and to consider alternative technologies.
2. Review the definitions section of the regulation.
3. Review the requirements for terminating participation in the program.
4. Delete obsolete language from the regulation.
5. Review documents incorporated by reference into the regulations.

In addition, the board may consider comments received in response to the NOIRA which will assist the department with the development of the proposed regulations.

Purpose: This program is designed to allow participants to remediate properties voluntarily to remediation levels that are protective of human health and the environment, while minimizing the expense and delay of the remediation process. The purpose of the program is to enhance the public health, safety and welfare of citizens residing in the vicinity of a contaminated property.

Need: The department has determined that the proposed regulatory action will encourage remediation of contaminated sites where remediation is not clearly mandated by CERCLA, RCRA, the Virginia Waste Management Act, or other applicable authority. By encouraging the remediation of the sites, the department is protecting the public health, safety and welfare of citizens in the vicinity of a contaminated property. Remediation of these sites should prevent the migration of contaminants to adjacent properties.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal, and the costs and benefits of the alternatives stated in this notice or other alternatives. Anyone wishing to submit written comments for the public comment file may do so at the public meeting or by mail. In order to be considered, written comments must include the name, address and phone number of the commenter and must be received by the close of the comment period.

The board is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until November 13, 2000.

Contact: Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238.

VA.R. Doc. No. R01-9; Filed September 6, 2000, 11:23 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards**. The purpose of the rulemaking will be to amend the Water Quality Standards regulation to update certain criteria and use designations. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to review the existing shellfish classification in tidal waters to determine whether separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas versus open shellfishing areas.

The intent of this rulemaking is to protect designated and beneficial uses of state waters by adopting regulations that are technically correct, necessary and reasonable. These standards will be used in setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for inclusion in the Clean Water Act § 305(b) report and on the § 303(d) list. Waters not meeting standards will require development of a Total Maximum Daily Load under the Clean Water Act at § 303(d).

The scope of the federal regulations at 40 CFR 131 is to describe the requirements and procedures for developing, reviewing, revising and approving water quality standards by the states as authorized by § 303(c) of the Clean Water Act. 40 CFR 131 specifically requires the states to adopt criteria to protect designated uses.

The scope and objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The Clean Water Act at § 303(c)(1) requires that the states hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards.

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law at § 62.1-44.15(3a) of the Code of Virginia

Notices of Intended Regulatory Action

requires the board to establish standards of quality and to modify, amend or cancel any such standards or policies. It also requires the board to hold public hearings from time to time for the purpose of reviewing the water quality standards, and, as appropriate, adopting, modifying or canceling such standards.

The authority to adopt standards as provided by the provisions in the previously referenced citations is mandated, although the specific standards to be adopted or modified are discretionary to the EPA and the state.

Federal Regulation web site:
<http://www.epa.gov/epahome/cfr40.htm>

Clean Water Act web site:
<http://www4.law.cornell.edu/uscode/33/1313.html>

State Water Control Law (Code of Virginia) web site:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+62.1-44.2>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+62.1-44.15>

Need: This rulemaking is needed because new scientific information is available to update the water quality standards. Changes to the regulation are also needed to improve permitting, monitoring and assessment programs. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to consider revising the existing DEQ shellfish classification in tidal waters to determine whether separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas.

The rulemaking is essential to the protection of health, safety or welfare of the citizens of the Commonwealth. Proper water quality standards protect water quality and living resources of Virginia's waters for consumption of fish and shellfish, recreational uses and conservation in general.

Potential issues that may need to be addressed are listed in the alternatives section. Another issue that may need to be addressed is how these water quality standards changes will effect the § 303(d) listing of state waters and subsequent TMDL development.

Substance: The amendments would change the existing numerical criteria for ammonia and bacteria in certain waters of the state. The existing regulation may also be changed to reflect more accurate designated or beneficial uses of state waters to ensure the correct application of the new criteria. The regulation may also be changed to recognize that intermittent, ephemeral and/or effluent dependent waters do not support all designated uses, particularly aquatic life uses. Also, the regulation may be changed to recognize restricted or prohibited shellfishing areas and define alternate criteria for these waters.

Alternatives: Many alternatives in the subject areas listed will become available as DEQ staff and the public begin to review scientific data, permitting and monitoring needs. DEQ will work in conjunction with other state and federal agencies to

consider various alternatives. Alternatives provided by the public will also be considered.

The department has neither accepted nor rejected any alternatives at this point. Some alternatives being considered by the agency now include, but are not limited to, the following:

1. Whether to use enterococci, E. coli, and/or fecal coliforms as a bacterial indicator of pollution, what these numerical values should be, and how and where we should apply these criteria;
2. Whether we should recognize primary and secondary contact and/or seasonal recreational uses, how these uses should be defined and what criteria would apply;
3. Whether we should recognize the limited aquatic life and recreational uses of intermittent streams, ephemeral streams and dry ditches, how these types of streams would be defined, what criteria should apply here, and/or whether any temporary variances that have been approved by DEQ in intermittent streams should be adopted as permanent use changes;
4. Whether effluent dependent streams should be protected as fully supporting aquatic life uses or be protected as intermittent streams, ephemeral streams or dry ditches (see above);
5. Whether information contained in EPA's 1998 Update of Ambient Water Quality Criteria for Ammonia (EPA 822-R-98-008) should be used to recalculate the freshwater ammonia criteria; and
6. Whether we should divide shellfish waters into two classifications (open shellfishing areas versus prohibited areas) and whether alternate criteria should apply here.

The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

The board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal.

The direct impact resulting from the development of water quality standards is for the protection of public health and safety and has an indirect impact on families.

Statutory Authority: §§ 62.1-44.15(3a) and 62.1-44.15(10) of the Code of Virginia.

Public comments may be submitted until January 8, 2001.

Contact: Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

VA.R. Doc. No. R01-13; Filed September 14, 2000, 8:25 a.m.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-720-10 et seq. Virginia Total Maximum Daily Load Regulation for Water Quality Management Planning.** The proposed primary action is to adopt a Virginia TMDL regulation for Water Quality Management Planning. A TMDL is the total amount of pollutant load that can be discharged into a stream segment without violating state water quality standards. TMDL is the sum of waste load allocation (WLA) from point sources, pollutant load allocation (LA) from nonpoint sources, and a margin of safety (MOS), or the amount of pollutant that is not allocated to account for estimation errors during derivation of WLA and LA. TMDLs are used to direct efforts at restoring and protecting water quality.

It is envisioned that the proposed TMDL planning regulation will include, among other possible planning items, the public participation process for TMDL development, procedures for submittal of proposed TMDLs to the Environmental Protection Agency (EPA) for approval, subsequent adoption of the TMDL by the State Water Control Board (board), and inclusion of TMDLs and TMDL implementation plans into the WQMPs.

The secondary proposed action is the repeal of the existing WQMPs. These plans are basin-wide or area-wide waste treatment or pollution control management plans developed in accordance with §§ 208 and 303(e) of the Clean Water Act (CWA), as implemented by 40 CFR 130. These plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards. The control measures are implemented through the issuance of Virginia Pollutant Discharge Elimination System (VPDES) permits for point source discharges and through regulatory or voluntary measures for nonpoint source pollution control. The majority of the existing regulatory plans are obsolete because plan recommendations have been implemented. They continue to be carried on the books of the Virginia Registrar of Regulations. The repeal of these plans will clear the Registrar's books of unnecessary and outdated regulations and will eliminate the potential for inconsistencies with TMDLs as they are developed from more current information and collaborative input from stakeholders.

Need: Planning for the management of the quality of the waters of the Commonwealth is essential to protect the health, safety, and welfare of the citizens of Virginia. Water quality management plans identify water quality problems and propose alternative solutions and recommendations for pollution control measures needed to attain or maintain water quality standards.

Federal and state regulations require that VPDES permits be consistent with the applicable WQMPs. The plans, however, also allow for revisions in permit requirements as a result of availability of more data and more sophisticated methods of analyses. Application of newer methods, coupled with more data, usually result in permit limitations that are different from those listed in the plans. Consequently, any changes in a VPDES permit that will cause it to be inconsistent with the plan will require amendment of the plan. Separating the

regulatory TMDL from the WQMP will allow processing of plan amendments in the same time frame as permit amendment or issuance, resulting in administrative and cost efficiencies.

Substance: There are currently 18 WQMPs that have been adopted as regulations by the board during the 1970's through the early 1990's. The plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards.

Most of these existing WQMPs no longer reflect current conditions and need to be updated. The office of the Attorney General has ruled that because the plans contain TMDLs and their associated waste load allocations were incorporated into the VPDES permits, the plans were regulations.

Federal and state laws and regulations require the development of WQMPs; however, there is no requirement that they be regulatory. The proposal to adopt a TMDL regulation and repeal the regulatory WQMPs will provide efficiencies in the management of water quality programs in Virginia.

The existing WQMPs that will be repealed as regulations will continue to guide the board's water quality management planning activities until updated plans are completed and approved by the board. The board staff will solicit public input as the replacement plans are developed.

Alternatives: The total maximum daily load is considered to be the regulatory component of the existing WQMPs. The preferred alternative to meet the need of bringing impaired waters up to water quality standards is to (i) adopt a TMDL regulation for Water Quality Management Planning and (ii) repeal and update the existing WQMPs. The waste load allocation component of the TMDL, which controls the discharge of pollutants from point sources, will continue to be implemented through the VPDES permit program. Where applicable, regulatory load allocations will be implemented through existing state regulations (e.g., erosion control regulations). Nonregulatory load allocation will continue to be implemented through best management practices and other management strategies for controlling nonpoint sources of pollution.

One alternative that had been considered was the development of a Water Quality Management Plan Framework Regulation that will govern the development and update of WQMPs. This alternative was rejected because federal regulation already exists on specific requirements on how to develop and update WQMPs. It is thought that this is duplicative and could complicate the process of water quality management in Virginia.

Another alternative to repealing the water quality management plans is to do nothing and amend the plans as needed (through the APA process) to accommodate changes in the VPDES permits. Still another alternative is to update each individual plan and maintain them as regulations.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas on how to

Notices of Intended Regulatory Action

effectively simplify the process of water quality management planning that meet both federal and state requirements, and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

A public meeting will be held on December 6, 2000, at 2 p.m. in Glen Allen, Virginia and on December 21, 2000, at 2 p.m. on Roanoke, Virginia. Notice of the meetings can be found in the Calendar of Events section of the Virginia Register of Regulations.

Participatory Approach: The board is using the participatory approach to develop the TMDL proposal. The board has formed an ad hoc advisory group to provide input regarding the proposed TMDL regulation and the proposal to repeal the existing WQMPs. The ad hoc advisory group is composed of representatives from state, federal and local agencies, environmental groups, manufacturing and industrial facilities and the academic community. Anyone interested in joining the existing advisory group should submit a request for the board's consideration during the Notice of Intended Regulatory Action comment period.

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

Public comments may be submitted until January 1, 2001.

Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462 or FAX (804) 698-4136.

VA.R. Doc. No. R01-27; Filed October 11, 2000, 1:29 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic.** The purpose of the proposed action is to replace emergency regulations establishing the qualifications of 200 hours of acupuncture training including 50 hours of clinical practice for doctors of medicine, osteopathy, podiatry and chiropractic to practice acupuncture. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and Chapter 29 (54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until December 6, 2000, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R01-28; Filed October 13, 2000, 11:21 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The purpose of the proposed action is to amend the regulation, as mandated by § 54.1-3012.1 of the Code of Virginia (Chapters 587 and 701 of the 2000 Acts of the Assembly), by adding a section to the regulation for data collection on the nursing workforce. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-3005 and 54.1-3028.1 of the Code of Virginia.

Public comments may be submitted until November 8, 2000.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-9512.

VA.R. Doc. No. R01-17; Filed September 19, 2000, 12:02 p.m.

BOARD OF PHYSICAL THERAPY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Physical Therapy intends to consider promulgating regulations entitled: **18 VAC 112-10-10 et seq. Regulations for Public Participation Guidelines.** The purpose of the proposed action is to replace emergency regulations establishing the guidelines for public participation in the promulgation of regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1. and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until December 6, 2000, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924 or FAX (804) 662-9943.

VA.R. Doc. No. R01-35; Filed October 17, 2000, 11:11 a.m.

Notices of Intended Regulatory Action

BOARD OF COUNSELING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled: **18 VAC 115-60-10 et seq. Regulations Governing the Licensure of Substance Abuse Treatment Professionals.** The purpose of the proposed action is to comply with a legislative mandate to develop a provision for licensure of individuals who meet requirements which are "substantially equivalent" to those in regulation. The board is considering three time-limited options for individuals with various combinations of substance abuse education and experience. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until December 6, 2000, to Janet Delorme, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912 or FAX (804) 662-9943.

VA.R. Doc. No. R01-34; Filed October 17, 2000, 11:09 a.m.

BOARD OF SOCIAL WORK

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board of Social Work has **WITHDRAWN** the Notice of Intended Regulatory Action for **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work**, which was published in 16:1 VA.R. 14 September 27, 1999.

Contact: Evelyn Brown, Executive Director, Board of Social Work, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9900, FAX (804) 662-7250, (804) 662-7197/TTY

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of State Police has **WITHDRAWN** the Notice of Intended Regulatory Action for **19 VAC 30-65-10 et seq., Regulations Relating to Safety Inspector Certification** and **19 VAC 30-66-10 et**

seq., Regulations Relating to Official inspection Station Appointment, which were published in 16:2 VA.R. 128 October 11, 1999. The Department of State Police has been given approval by Governor Gilmore to administer these regulations through directives.

Contact: Major Jerry S. Conner, Department of State Police, 7700 Midlothian Turnpike, Richmond VA 23235, telephone (804) 674-2060, FAX (804) 674-2234.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

December 6, 2000 - 10:30 a.m. -- Public Hearing
James City County Government Center, 101-C Mounts Bay Road, Building C, 1st Floor, Board of Supervisors Room, Williamsburg, Virginia.

December 12, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

December 14, 2000 - 11 a.m. -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-130-10 et seq. Regulations for the Development of Solid Waste Management Plans.** The purpose of the proposed amendments is to require counties, cities and towns to develop complete, revised solid waste management plans.

Statutory Authority: § 10.1-1411 of the Code of Virginia.

Contact: Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218 or FAX (804) 698-4327.

STATE WATER CONTROL BOARD

December 12, 2000 - 10 a.m. -- Public Hearing
Bank of Lancaster, 432 North Main Street, Conference Room, Kilmarnock, Virginia.

January 8, 2001 - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-115-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities.** The purpose of the

proposed amendment is to reissue general permit VAG52, which will expire on July 24, 2001. This general permit regulation sets forth guidelines for the permitting of wastewater discharges from seafood processing facilities.

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

Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF MEDICINE

December 1, 2000 - 8 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed amendments is to establish an inactive license for respiratory care practitioners.

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

Public comments may be submitted until January 5, 2001, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

Public Comment Periods - Proposed Regulations

December 1, 2000 - 8 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Medicine intends to
amend regulations entitled: **18 VAC 85-50-10 et seq.**
Regulations Governing the Practice of Physician
Assistants. The purpose of the proposed amendments
is to establish an inactive license for practitioners who do
not intend to actively practice in Virginia.

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

Public comments may be submitted until January 5, 2001, to
Elaine J. Yeatts, Department of Health Professions, 6606
West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: William L. Harp, M.D., Executive Director, Board of
Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9908 or FAX (804) 662-
9943.

BOARD OF NURSING

November 15, 2000 - 3 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Nursing intends to
amend regulations entitled: **18 VAC 90-50-10 et seq.**
Regulations Governing the Certification of Massage
Therapists. The purpose of the proposed amendments
is to increase application, renewal and other fees
charged to applicants and regulated entities in order to
cover the expenditures for the regulatory and disciplinary
functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code
of Virginia.

Public comments may be submitted until January 5, 2001.

Contact: Nancy K. Durrett, Executive Director, Board of
Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-
1717, telephone (804) 662-9909 or FAX (804) 662-9943.

BOARD OF SOCIAL WORK

December 15, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Social Work
intends to amend regulations entitled: **18 VAC 140-20-**
10 et seq. Regulations Governing the Practice of
Social Work. The purpose of the proposed action is to
comply with a statutory mandate to develop regulations
to implement continuing education requirements for
licensure renewal.

Statutory Authority: §§ 54.1-2400 and 54.1-3705 of the Code
of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Board
of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA
23230, telephone (804) 662-9575, FAX (804) 662-9943 or
(804) 662-7197/TTY ☎

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Department of State Police
intends to amend regulations entitled: **19 VAC 30-40-10**
et seq. Standards and Specifications for the Stickers
or Decals Used by Cities, Counties, and Towns in
Lieu of License Plates. The proposed amendment
relates to the placement of stickers used by counties,
cities, and towns in lieu of license plates.

Statutory Authority: § 46.2-1052 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to
Major Jerry S. Conner, P.O. Box 27472, Richmond, VA
23261-7472.

Contact: Dennis W. Robertson, Captain, Department of
State Police, P.O. Box 27472, Richmond, VA 23472-7472,
telephone (804) 378-3472 or FAX (804) 378-3487.

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Department of State Police
intends to amend regulations entitled: **19 VAC 30-150-**
10 et seq. Regulations Relating to Standards and
Specifications for Overdimensional Warning Lights.
The proposed amendments make the regulation
consistent with the Society of Automotive Engineers
(SAE) Standards J575, J578, J579, and J845, upon
which the standards and specifications are based.

Statutory Authority: §§ 46.2-1005 and 46.2-1026 of the Code
of Virginia.

Public Comment Periods - Proposed Regulations

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

* * * * *

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-160-5 et seq. Regulations Relating to Standards and Specifications for the Safety Lights for Farm Tractors in Excess of 108 Inches in Width.** The proposed amendments make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575 and J974, upon which the standards and specifications are based.

Statutory Authority: §§ 46.2-1005 and 46.2-1102 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

* * * * *

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **19 VAC 30-165-10 et seq. Regulations Relating to Standards and Specifications for Purple Warning Lights Used by Vehicles Leading or Escorting Funeral Processions.** The proposed regulation was promulgated in response to an amendment during the 1999 Session of the General Assembly to § 46.2-1025 of the Code of Virginia, which authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions.

Statutory Authority: §§ 46.2-1005 and 46.2-1025 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 8. EDUCATION

GEORGE MASON UNIVERSITY

REGISTRAR'S NOTICE: George Mason University is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: 8 VAC 35-10-10 et seq. **Parking Citation Appeals (amending 8 VAC 35-10-20, 8 VAC 35-10-30, 8 VAC 35-10-50, 8 VAC 35-10-60, 8 VAC 35-10-80, and 8 VAC 35-10-90).**

Statutory Authority: § 23-91.29 (a) of the Code of Virginia.

Summary:

This regulation outlines the university's appeals procedures utilized for parking citations applicable to university faculty, staff, students, university contractors and visitors who use university owned or leased parking facilities.

Contact: Jeffrey A. Brandwine, George Mason University, 4400 University Drive, MSN 2A3, Fairfax, VA 22030-4444, telephone (703) 993-2619.

8 VAC 35-10-20. General provisions.

This procedure is designed to assist the university administration in evaluating the parking program, to highlight problem areas, to provide a learning experience to those who receive citations while using George Mason University parking facilities, and to provide an avenue to correct enforcement errors.

Requests for an appeal must be submitted in writing within 10 calendar days of the citation date, and must be submitted on the Parking Citation Appeal form. Any appeal not filed within this time is automatically denied. While the citation is under review, fines are held in abeyance. Each request for appeal will be carefully reviewed by the ~~hearing~~ Appeals Review Officer. The ~~hearing~~ Review Officer will base his decision on the George Mason University Motor Vehicle Regulations (~~8 VAC 35-20-10~~ 8 VAC 35-21-10 et seq.) and on the information presented in the written request. The ~~hearing~~ Review Officer may uphold the appeal, deny the appeal, or reduce the violation to an appropriate lesser violation. The decision of ~~the hearing officer~~ together with comments are reported to the appellant by mail.

The appellant can appeal the decision of the ~~hearing~~ Review Officer as set forth in ~~8 VAC 35-10-60~~ 8 VAC 35-10- of this chapter *with the exception of an expedited hearing in which all decisions are final.* Fines due after the appeal is decided must be paid within 10 calendar days of the decision date. Failure to pay citations or appealed citations by a faculty

or staff member will result in the individual's outstanding account being turned over to a collection agency. Students will be placed on financial suspension.

Information submitted in support of appeals *and/or* re-appeals ~~or both~~ is received at face value and is subject to validation by the university.

8 VAC 35-10-30. Responsibilities.

The Associate Vice President for ~~Operational~~ University Services has the responsibilities for monitoring the Parking Citation Appeals policy and recommending new *and/or* revised policies and procedures.

8 VAC 35-10-50. General appeals procedures.

A. All faculty, staff, student, and visitor appeals will be considered by an Appeals ~~hearing~~ Review Officer, who may uphold the appeal, deny the appeal, or reduce the regulation violated to a lesser offense. The results of the appeal will be reported to the appellant by United States mail *or at the conclusion of an expedited hearing.* Payment of fines on appealed citations are due within 10 calendar days after the decision date. ~~The appeals hearing officer serves the Judicial and Advisory Board and the Student Parking Appeals Review Board for the Associate Vice President for Operational Services and is not affiliated with the Parking Services Office. Student appeals are considered by the Student Parking Appeals Review Board.~~ *All student appeals are considered by the student appeals board unless the expedited hearing process is selected. An expedited hearing process is available for the convenience of the individual who receives a ticket and wishes to have an immediate review and decision of the matter. All decisions are final.*

Neither the members of the Faculty/Staff Appeals Board or the Student Parking Appeals Review Board are affiliated with the Parking Services Office or are compensated for their services. The appeals review/expedited hearing officer is a paid member of the University Services staff and hears appeals upon request three days each week from 9 a.m. to 2 p.m. All decisions are final.

B. Appeals guidelines are described in this subsection.

1. The citation is presumed valid. It is the obligation of the appellant to present information that would invalidate the ticket.
2. Reasons that might warrant invalidation of the ticket are: evidence of illness that necessitated the violation, mechanical breakdowns that were handled in a reasonable expeditious manner, documented erroneous information given by a parking services employee, or other circumstances that are unusual enough to warrant special consideration.
3. Reasons to warrant a downgrade of the ticket are: when further information that was not readily available to

the marshal is provided to the reviewer as a justification for the downgrade (e.g., a ticket for "no decal" given to a car that has been issued a valid decal, but not displaying the decal), valid misunderstandings regarding ambiguous parking areas, judgment of the reviewer, etc.

4. A specific reason for denial need not be given. A general statement can be made that a sufficient reason for reversal was not contained in the written appeal. The appeals process sheet states that decisions are made based on the George Mason University Motor Vehicle Regulations (~~8 VAC 35-20-10~~ 8 VAC 35-21-10 et seq.), on information presented in the written request and on any further comments made by the appellant in case of a re-appeal.

8 VAC 35-10-60. Reconsideration.

Requests for reconsideration of denied appeals may be made to the Parking Services Office. The request for reconsideration must be made within 10 calendar days from the date stamped on the Appeal Board decision sent to the appellant. One or more of the following criteria must be met for the appeal to be reconsidered.

1. No university parking regulation appears to have been violated.
2. Citation, as written, contains a material error.
3. Additional information of a material nature and not included on the original appeal form, warrants reconsideration.
4. Unusual circumstances in mitigation or extenuation appear to exist.
5. Parking regulations appear sufficiently vague or misleading to warrant reconsideration.

For an appeal to be reconsidered by the ~~Judicial and Advisory Faculty/Staff Hearing Board~~ or the Student Parking Appeals Review Board, the appellant must be present at the scheduled hearing. The appellant will be accorded an opportunity to present succinct comments bearing directly on the case being considered. All balloting will be conducted in closed session; the university's decision is final.

8 VAC 35-10-80. Appeal Board membership and term of membership; ~~Judicial and Advisory Faculty/Staff Hearing Board~~; Student Parking Appeals Review Board.

A. The ~~Judicial and Advisory Faculty/Staff Hearing Board~~ has been appointed to hear parking citation appeals and advise the Associate Vice President for ~~Operational University Services~~ on parking related matters. The board consists of three faculty members and three staff members appointed by the Associate Vice President for ~~Operational University Services~~.

Appointments to the board are for two-year renewable terms and run from September 1 through August 31. The chairman is selected for a three-year renewable term by board members and must have served at least one year on the board.

When a member's two-year term ends, the Director of Parking Services will submit additional names to the Associate Vice President for ~~Operational University Services~~ for consideration. The Associate Vice President will either renew the member's term or appoint a new member to the board for those nominated.

The chairman will contact the new nominee to further explain the workings of the group and to discuss their specific responsibilities.

The ~~Judicial and Advisory Faculty/Staff Hearing Board~~ shall meet each month to hear appeals from faculty, staff and visitors to the George Mason University campus. The hearings are scheduled by the Parking Services Office from September through May. At least one hearing should be scheduled during the summer months.

The board shall ~~inform and~~ advise the Parking Services Office of parking regulations ~~which that~~ appear vague or misleading and advise about areas on campus not having appropriate signage and ambiguous parking areas.

When a new chairman is elected by the board, the Associate Vice President for ~~Operational University Services~~ and the Director of Parking Services will meet with the new appointee and previous chairman to go over the appeals process, rules, and regulations.

B. The Student Parking Appeals Review Board is constituted under the regulations of the University Judicial Board as set forth in the George Mason University Judicial System for Student Conduct. The membership of the board is to be comprised of current members of the Court of General Sessions of the University Judicial Board. The terms of each member is established in accordance with the regulations set forth in Section X, Article X-B of the Judicial System for Student Conduct.

8 VAC 35-10-90. Amendments, additions, and review.

A. All amendments and additions to the Parking Citation Appeals policy are to be reviewed and approved by the Office of the ~~Executive Vice President for Administration Operations~~ and the Office of the ~~Executive Senior Vice President for Finance and Planning~~.

B. This policy shall be reviewed and revised, if necessary, annually.

VA.R. Doc. No. R01-30; Filed October 13, 2000, 10:07 a.m.

Withdrawal of Regulations

Title of Regulation: 8 VAC 35-20-10 et seq. Motor Vehicle Regulations.

George Mason University has withdrawn the repeal of 8 VAC 35-20-10 et seq., Motor Vehicle Regulations, that was published in 12:26 VA.R. 3539 September 16, 1996. The University has proposed a new repeal of this regulation that is published in this issue of the Virginia Register.

VA.R. Doc. No. R96-551; Filed October 23, 2000, 3:11 p.m.

Proposed Regulations

* * *

Title of Regulation: 8 VAC 35-21-10 et seq. Motor Vehicle Parking Policies and Regulations.

George Mason University has withdrawn proposed regulation 8 VAC 35-20-10 et seq., Motor Vehicle Parking Policies and Regulations, that was published in 12:26 VA.R. 3540-3552 September 16, 1996. The University has proposed a new regulation that is published in this issue of the Virginia Register.

VA.R. Doc. Nos. R96-541; Filed October 23, 2000, 3:11 p.m.

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Title of Regulation: 8 VAC 35-20-10 et seq. Motor Vehicle Regulations (REPEALING).

Title of Regulation: 8 VAC 35-21-10 et seq. Motor Vehicle Parking Policies and Regulations.

Statutory Authority: § 23-91.29 (a) of the Code of Virginia.

Summary:

The proposed regulation outlines the proper parking policies and procedures for faculty, staff, students, and visitors.

Contact: Jeffrey A. Brandwine, George Mason University, 4400 University Drive, MSN 2A3, Fairfax, VA 22030-4444, telephone (703) 993-2619.

CHAPTER 21.
MOTOR VEHICLE PARKING POLICIES AND REGULATIONS.

PART I.
GENERAL.

8 VAC 35-21-10. Purpose and applicability; parking lot locations and designations.

A. *The purpose of this chapter is to set forth the proper parking policies and procedures for faculty, staff, students, and visitors at all George Mason University locations, both owned and leased.*

B. *This chapter applies to all motor vehicles and vehicle operators, including motorcycles, operated on University-owned or leased property, regardless of whether the vehicle is operated by the registered owner.*

C. *A map illustrating parking lot locations and designations is available from Parking Services.*

8 VAC 35-21-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context requires a different meaning:

"Administrative faculty" means individuals under contract with the University as administrative faculty whose positions are primarily administrative in nature. Said individuals receive benefits and may also teach part time.

"Affiliate faculty" means individuals who teach a course or courses or who do research without salary or benefits.

"Emeritus faculty" means retired faculty named to emeritus status by deans and the provost and approved by the Board of Visitors.

"Full-time classified staff" means individuals hired to work 40 hours per week with benefits under the state classification system. These individuals may take an unlimited class load and still maintain full-time staff status.

"Full-time faculty" means instructional faculty members who teach four courses or who teach and do research to full-time equivalency and receive benefits.

"Long-term parking for persons with disabilities" means individuals with disabilities requiring disability parking for more than six weeks.

"NOVA" means Northern Virginia Community College.

"Online information" means parking information is available online at <http://www.gmu.edu/univserv/parking/index.html>.

"Parking Services" means the George Mason University Office of Parking Services.

"Parking space" means designated areas for parking motor vehicles where each space is designated by painted control lines.

"Part-time classified staff" means individuals hired under the state classification system with limited benefits to work 20-39 hours per week. These individuals may take an unlimited class load and still qualify for a faculty/staff parking decal or permit.

"Part-time or adjunct faculty" means instructional faculty members who teach up to three courses without benefits.

"Persons with disabilities" means anyone with short-term or long-term disabilities who is a George Mason University student, faculty or staff member.

"Student" means an individual enrolled in a class offered by George Mason University. This includes graduate teaching assistants, graduate research assistants, and graduate staff assistants. Full-time faculty and staff members attending classes are not considered students.

"Temporary or short term parking for persons with disabilities" means individuals requiring disability parking from one day to six weeks.

"Vendor" means those individuals using vehicles to deliver supplies in support of University departments and contractors.

"Visitor" means any person who is not a faculty or staff member or a student at George Mason University and includes individuals invited to campus by faculty, staff, or students.

"Wage employees" means individuals employed on an hourly basis without benefits and limited to working a maximum of 1,500 hours per year. These employees may be eligible for faculty/staff parking provided they carry less than one hour per term and are not classified as full-time students.

PART II.

PARKING REGULATIONS; PARKING FACILITIES.

8 VAC 35-21-30. Faculty and staff parking.

A. The following faculty and staff members, as defined in 8 VAC 35-21-20, are eligible to purchase faculty/staff parking decals and permits and park in spaces restricted for faculty/staff use:

1. Full-time faculty.
2. Part-time or adjunct faculty.
3. Administrative faculty.
4. Affiliate faculty.
5. Emeritus faculty.
6. Full-time classified staff.
7. Part-time classified staff.
8. Wage employees.

B. The following employees are not eligible for faculty/staff parking privileges:

1. Graduate research assistants and graduate teaching assistants who maintain student status and are eligible to purchase student decals only.
2. Full-time undergraduate students taking three credit hours or are working as waged employees.
3. Temporary employees hired directly as contract employees of the University or through a temporary agency to work on temporary assignments. Parking permits may be issued to temporary employees at prevailing rates on a daily, weekly, monthly, semester or annual basis upon written request from the Human Resources Department.

C. Faculty and staff parking is restricted to employees displaying a valid George Mason University or NOVA faculty/staff parking decal. The following rules apply to faculty/staff parking:

1. Parking deck reserved permits are validated for faculty/staff use and will be honored in all faculty/staff designated spaces.
2. Decals and permits must be displayed as directed in 8 VAC 35-21-200 and be in clear view. Failure to do so may result in a citation for "no permit," "restricted area," or "improper display."
3. Faculty/staff members displaying a valid George Mason University or NOVA faculty/staff decal or permit may park in the following locations:
 - a. Faculty/staff parking is permitted in any designated spaces within surface lots restricted to faculty/staff use.
 - b. Faculty/staff parking is permitted in designated spaces within surface lots restricted to faculty/staff use.
 - c. Faculty/staff parking is permitted in surface lots not restricted to student decal parking, or other restricted use posted by signage.

d. Faculty/staff parking is permitted in meter and deck parking at prevailing rates.

4. Parking Services will monitor the faculty/staff decal requirements in restricted areas during normal hours of surface lot enforcement operations. Nondecal and student parking is permitted at all other times. Refer to 8 VAC 35-21-230 D for enforcement hours.

5. A reciprocal agreement between George Mason University and Northern Virginia Community College allows vehicles displaying NOVA faculty/staff decals to have the same parking privileges and responsibilities afforded to vehicles displaying valid George Mason University faculty/staff permits.

6. Reserved surface lot parking spaces are approved by the Vice President for Operational Services and are allocated by Parking Services. Reserved surface lot parking spaces are approved for full-time faculty and staff whose position responsibilities require the use of personal vehicles for frequent travel off campus for University business. Such spaces are reserved Monday through Friday from 7 a.m. to 6 p.m.

7. A limited number of spaces are allocated for reserved subscription parking in the parking deck. Deck reserved space is available on a first-come, first-served basis to faculty, staff and students at prevailing published rates. Annual rates begin on September 1 of each academic year and are prorated and charged in accordance with the schedule cited in 8 VAC 35-21-190.

8. Administrative parking is approved by the Associate Vice President of University Services and is allocated by the Office of Parking Services. Administrative parking permits are approved for full-time faculty and staff whose positions require them to travel between campuses. Such individuals may park in the designated administrative parking spaces. Such spaces are reserved for administrative permit holders Monday through Friday from 7 a.m. to 6 p.m.

9. Faculty members duly appointed to emeritus status by the George Mason University Board of Visitors are eligible to receive one free parking decal upon proof of status.

8 VAC 35-21-40. Student parking.

A. Students carrying one or more credits and presenting valid George Mason University identifications are eligible to purchase annual, semester, and summer decals and weekly and monthly permits at prevailing rates. An official class schedule and driver's license proving identity may also be used as valid identification. Students on financial suspension may be denied decal purchase. Decals are not transferable to other persons.

B. Students displaying a valid George Mason University parking decal may park between painted control lines in surface lots restricted for student-only use and in nonrestricted areas of surface lots. Students may also use the parking deck at prevailing rates.

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8 VAC 35-21-50. Vendor parking.

A. Vendors are divided into the following categories:

1. Daily vendors are individuals who deliver supplies in support of permanent University contractors and shall not be required to purchase permits. These deliveries constitute a portion of their contractual agreement and directly support University revenue-generating entities.
2. Regular and occasional vendors are delivery vehicles, media vehicles, or regular vendors who do not directly support permanent contractors.
3. Short-term delivery vehicles are delivery vehicles that provide services to departments or faculty/staff on a short-term basis, generally less than 15 minutes.

B. The following rules apply to vendors, delivery vehicles, and media parking:

1. Daily vendors are not required to purchase permits.
2. Regular and occasional vendors are required to purchase annual, monthly, or daily service and repair permits from Parking Services at the prevailing rates. See 8 VAC 35-21-90.
3. Short-term delivery vehicles are not required to have permits provided their vehicles display identifying signs and provided they are not required to park for more than 15 minutes to deliver.

8 VAC 35-21-60. Visitor parking.

A. The following rules apply to visitor parking:

1. Family of faculty, staff, or students must prominently display a valid decal on their vehicle when parked in nonmetered areas of surface lots. Family members of faculty, staff, or students are subject to citation if parked illegally on campus. The George Mason University faculty, staff, or student purchaser of the decal may be held responsible for any citations issued and payment for them.
2. Visitor parking is restricted to the parking deck and metered surface parking spaces during hours of surface lot enforcement unless otherwise directed by Parking Services or in printed literature provided by sponsoring departments/activities with the approval of Parking Services.
 - a. Deck parking is available to visitors on a first-come, first-served basis. Rates and hours are as provided in 8 VAC 35-21-330 and are posted at deck entrances.
 - b. Metered parking is available to visitors at several locations on campus. Hours of enforcement are posted on meters, near metered areas, and are transmitted on the 1610 AM radio information channel.
3. Visitors may not park in restricted areas or spaces reserved for special permit holders.
4. Visitors may be assigned parking for special events. In such instances, Parking Services may designate specific parking areas or issue special permits to visitors

or to a sponsoring University program/activity for distribution.

8 VAC 35-21-70. Parking for persons with disabilities.

The following rules apply to parking for persons with disabilities:

1. Valid George Mason University permits for campus parking for persons with disabilities are issued only by Parking Services and only to students, faculty and staff. (Visitors with disabilities should refer to 8 VAC 35-21-60 and subdivision 6 of this section.)
2. The George Mason University-issued permit must be prominently displayed at all times on the rearview mirror or front dash. DMV-issued parking permits for persons with disabilities are not in themselves valid for parking in designated parking spaces for the disabled at George Mason University-owned or -operated facilities. Permit rates for parking for persons with disabilities are the same as all other George Mason University parking permits issued for comparable periods of time. Decals are not transferable to other persons.
3. Long-term parking for persons with disabilities. Faculty, staff and students requiring permits for long-term parking for persons with disabilities must provide a copy of a valid DMV-issued parking permit for person with disabilities or vehicle registration to Parking Services and also purchase and prominently display a George Mason University parking permit for persons with disabilities when using facilities on campus.
4. Temporary or short-term parking for persons with disabilities. Faculty, staff and students requiring permits for short-term parking for persons with disabilities on the George Mason University campus must provide a copy of a valid DMV-issued parking permit for persons with disabilities to Parking Services in order to be issued a temporary GMU parking permit for persons with disabilities. The DMV and GMU parking permits for persons with disabilities must then be displayed in full view with a valid George Mason University permit. Refer to subdivision 5 of this section for proof of disability information.
5. Proof of disability. Persons with disabilities requiring a parking permit must provide Parking Services proof of long-term disability, which may consist of a copy of both sides of a valid DMV hang tag or a copy of the vehicle registration showing DMV disability license tags. Such proof will be photocopied and kept on file in the Office of Parking Services.
6. Visitor parking for persons with disabilities. A DMV-issued license plate, hang tag or other permit is not a valid permit for persons with disabilities when parked at any disabled-designated space on property owned or operated by George Mason University. Visitors with disabilities may use designated parking for persons with disabilities as follows:
 - a. Deck parking. Visitors may pay for deck parking at prevailing rates and use designated spaces in the parking deck. The elevator enables easy access to

campus and to the Center for the Arts. These individuals may also opt to park near the lower-level deck entrance.

b. *Meter parking.* Visitors displaying a valid parking permit for persons with disabilities issued by a state or the District of Columbia Department of Motor Vehicles and a valid GMU permit may park at the meters for up to twice the maximum allowable time shown on the meter, but not to exceed a maximum of four hours, providing no other parking is available for persons with disabilities.

c. *Lift-equipped vehicle parking.* Van lift designated parking for persons with disabilities is available to persons with lift-equipped vehicles only.

7. *Parking applications for persons with disabilities.* All permit applications for persons with disabilities are subject to approval by Parking Services. The Disability Support Services Office may be consulted and submit recommendations, if necessary.

8. *Disabled parking designation.* All parking spaces reserved for the use of persons with disabilities are identified by above-grade signs. Parking for persons with disabilities is available to students, faculty and staff whose vehicles display a valid George Mason University parking permit for persons with disabilities as follows:

a. *Surface lots.* Parking for persons with disabilities is available in surface lot spaces marked with above-grade signs. Only those with lift-equipped vans may park in van lift designated spaces.

b. *Parking deck.* Parking for persons with disabilities is available in the parking deck with a valid George Mason University decal at no additional charge. Those without a decal may use disabled-designated spaces but must pay prevailing rates.

9. *Van lift designated parking.* Several campus locations have accommodations for lift-equipped vans or wheelchair users. Individuals requiring such facilities should contact Parking Services or the Disability Support Services Office for specific locations. Depending on need and the recommendations of the Disability Support Services Office, additional space may be created, as circumstances require.

10. *Use restrictions for permits for persons with disabilities.* Permits for persons with disabilities may only be used for or by the persons to whom they were issued. When individuals no longer require the permit, they must return the permit to Parking Services immediately.

11. *Parking for persons with disabilities is not permitted where stopping, standing, or parking is prohibited to all vehicles, or which is reserved for special types of vehicles; Neither does it apply where parking would clearly present a traffic or safety hazard. Parking for persons with disabilities is used only in Disabled Parking designated spaces, meters or the deck.*

12. *Photocopied parking permits for persons with disabilities are not valid.*

13. *Individuals are limited to one permit for persons with disabilities. The permit may be displayed in any vehicle they use provided the parking permit holder is a passenger.*

14. *Decals for persons with disabilities will be replaced at the same rate as regular decals.*

8 VAC 35-21-80. Metered spaces.

A. *Metered parking is intended for short-term, quick turnover use of parking spaces.*

B. *The following rules apply to metered parking:*

1. *Meters are enforced 7 a.m. to 11 p.m., seven days a week.*

2. *Meter rates vary depending on location. See 8 VAC 35-21-360 for rate schedule. The rate schedule is available from Parking Services. A George Mason University parking decal is not valid as payment at a meter except for situations involving persons with disabilities.*

3. *Only United States currency may be used in parking meters. Federal law prohibits the use of other currency, altered U.S. currency, or other objects.*

4. *Meters are deemed inoperable when coins cannot be inserted or the violation sign remains visible, or both. The space will remain closed until the meter is repaired or replaced. Missing and inoperable meters should be reported to Parking Services immediately for replacement or repair.*

5. *Vehicles remaining parked in expired metered spaces are subject to multiple citations. Multiple citations may be issued one hour after the previous citation was written. Additional meter citations carry a lesser fine than the initial citation. Refer to 8 VAC 35-21-340 for parking fine rate schedule.*

6. *Cases of meter vandalism may be tried in a Virginia court of law as destruction of property and/or larceny.*

8 VAC 35-21-90. Service and repair spaces.

A. *Service and repair parking is designed to accommodate vehicles providing a variety of services in support of University buildings, equipment and activities. Service and repair vehicles may be owned and operated by University or non-University personnel. Valid George Mason University service and repair permits are required.*

B. *Service and repair parking is governed as follows:*

1. *Service and repair vehicles may not park in prohibited zones, restricted areas, spaces designated for persons with disabilities, fire lanes, on grassy landscapes or sidewalk area. These areas are strictly enforced and vehicles are subject to citation.*

2. *Permit requirements. Non-University vehicles parked in a service and repair space must purchase and prominently display a valid George Mason University permit at all times. Valid service and repair permits are*

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issued only by Parking Services. Vehicles without permits are subject to citation and towing.

3. Permit costs. Service and repair costs are based on the prevailing rate charged for annual, semester, monthly, weekly or daily permits.

4. Special circumstances. Vehicle operators requiring service and repair access to campus locations where no space has been allocated should contact the Operations Manager at Parking Services for direction.

5. University/state service vehicles. Service vehicles with state tags registered to the Commonwealth of Virginia do not need to pay for or display a service and repair permit.

PART III.

DECALS AND PERMITS; PURCHASES; REPLACEMENTS; REFUNDS.

8 VAC 35-21-100. Decals and permits.

A. All vehicles parked on property owned or operated by the University are required to display a valid George Mason University decal or permit. Visitors are required to park in designated areas with the appropriate permit or pass.

B. The registered owner of a motor vehicle is responsible for all violations issued to the vehicle regardless of who is operating the vehicle. If the vehicle is displaying a valid decal and incurs a citation for violation of this chapter, the registered owner of the decal will be held responsible for all citations issued to vehicles displaying that decal.

8 VAC 35-21-110. Decal sales; decal payment.

A. All faculty, staff, and student decals are sold by Parking Services located in Student Union Building II, Room 1014 or other designated locations.

B. Decal purchase applications are mailed to all registered students and faculty and staff members of record at the end of each academic year.

C. Decals may be purchased by telephone. Decals may be purchased 24 hours a day by calling (703) 993-4GMU.

D. Individuals may purchase decals in person from the Parking Services sales office or designated sales office. The sales office is located in Student Union Building II, Room 1014.

E. Acceptable payment for decals is as follows:

1. Applicants applying by mail may pay by check, money order, MasterCard or Visa. Faculty/staff members may select the payroll deduction method, which begins in September and consists of eight deductions for the annual decal. Sending cash by mail is discouraged.

2. Applicants applying by telephone may pay by Mason Money, MasterCard, or Visa. Full-time faculty and classified staff may select the payroll deduction method.

3. Applicants applying in person may pay by cash, check, money order, MasterCard or Visa. Faculty/staff may select the payroll deduction method.

4. Payment by coin, whether rolled or unrolled, is not an acceptable form of payment.

5. Lost or stolen decals will be replaced for a fee. Refer to 8 VAC 35-21-330 for fee schedule and 8 VAC 35-21-140 for stolen decal replacement.

6. Full-time faculty and classified staff may choose payroll deduction to purchase an annual, semester or summer decal. Equal amounts will be deducted from each pay period until the total amount due is satisfied. The last payment may be adjusted slightly depending on the balance remaining. Any balance due will be deducted from leave pay upon termination of employment. The employee is responsible for requesting a refund from Parking Services based on the refund policy outlined in 8 VAC 35-21-150.

7. Current faculty or staff identification or proof of employment is needed to purchase a faculty/staff decal. Faculty and staff members may purchase decals only for their vehicle or use. Decals are not transferable to other persons. Faculty/staff status is defined in 8 VAC 35-21-20.

8. To purchase a decal, individuals must comply with George Mason University and associated state regulations and not have any outstanding citations. Individuals must provide the following:

a. A valid George Mason University identification, a class schedule with printed name and accompanying driver's license, or a letter from Human Resources confirming employment.

b. A valid state motor vehicle registration or other proof of permanent address.

8 VAC 35-21-120. Decal and parking rates; free student decals; volunteers, temporary employees, contractors and vendors.

A. Decal and other parking rates are subject to change. Refer to 8 VAC 35-21-330 for current fee schedule.

B. Qualifications for free student decals are governed as follows:

1. Senior citizen students who qualify for free tuition or course audits, or both, as outlined in the George Mason University catalog and presented in University administrative policy number 21, Senior Citizens Higher Education Act of 1974, shall be entitled to a free parking decal for the duration of their enrollment under said status. Only one free permit will be issued per waiver period. Valid proof of age and tuition waiver from the Registrar's Office is required to qualify.

2. The terms applicable to campus parking situations as defined in the Senior Citizen Higher Education Act of 1974 are as follows:

a. Under the terms of the Senior Citizens Higher Education Act of 1974, "eligible Virginia residents over 60 years of age with a taxable income of less than \$10,000 are entitled to enroll in courses offered for academic credit on a space-available basis without

payment of tuition fees.” (See George Mason University Catalog.)

b. The act also covers auditing and noncredit courses on a space-available basis regardless of income.

c. “Tuition, however, may be charged for courses designed exclusively for senior citizen groups.”

d. “No senior citizen may change registration status in any given semester once he has initially registered for classes.”

C. University volunteers and temporary employees must observe all decal requirements and parking regulations when using University-operated facilities. Decals and special permits will be sold and issued only upon written request to Parking Services by a sponsoring department. Departments may underwrite the cost of parking for volunteers and temporary employees. Valid proof of age such as a driver's license is required to qualify for senior citizen rates. Refer to 8 VAC 35-21-330 for rate structure.

D. Employees and volunteers of contractors and vendors must observe all decal requirements and parking regulations when using University-operated facilities. Contractors and vendors must submit written verification of an individual's employment or volunteer status to Parking Services. Said contractors and vendors may underwrite parking costs for their employees or volunteers. Valid proof of age such as a driver's license is required to qualify for senior citizen rates.

8 VAC 35-21-130. Replacement of lost decals.

A. Any replacement decals will be issued at the discretion of the Director of Parking Services.

B. Before a replacement decal is issued, the purchaser must acknowledge in writing that the decal is lost and that he understands that the registered owners of any vehicle displaying or using a decal verified as lost by the purchaser will be cited for fraudulent display and subject to any and all fines and legal ramifications imposed by the University or the Commonwealth of Virginia, or both.

C. Replacements for lost decals shall be issued only to the original purchaser.

D. All outstanding citations and accrued late fees must be paid or the purchaser must enter into a contractual agreement to pay said fines before a replacement decal is issued.

E. Only one reduced-rate replacement decal shall be issued per academic year. All other replacements will be at the prevailing sales rate.

8 VAC 35-21-140. Replacement of stolen decals.

Regulations applicable to nonforcible and forcible entry stolen decals are as follows:

1. All stolen decals must be reported to a law-enforcement agency/official on the date of the theft and in the jurisdiction in which the theft occurred.

2. A copy of the police report or number, or both, must be submitted with the request for a replacement of a stolen decal by nonforcible or forcible entry.

3. Parking Services shall base any determination of nonforcible or forcible entry upon an official police report.

4. The purchaser may obtain his lost decal numbers from Parking Services by presenting valid George Mason University identification.

5. Nonforcible or forcible entry stolen decal replacement costs will be based on a written fee schedule posted in the Parking Services office. The fee schedule and dates will be based on the prevailing rates for annual, semester and summer decals as well as the add/drop dates for tuition liability.

6. The purchaser must sign an acknowledgment indicating that the decal was stolen and that the purchaser understands that the registered owner of any vehicle displaying or using a decal verified as lost by the purchaser will be cited for fraudulent display and subject to any and all fines and legal ramifications imposed by the University or the Commonwealth of Virginia.

7. Replacements for stolen decals shall be issued only to the original purchaser upon presentation of George Mason University identification. In addition, all outstanding citations and accrued late fees must be paid or the purchaser must enter into a contractual agreement to pay said fines before a replacement decal is issued.

8 VAC 35-21-150. Parking fee refunds.

A. Only the original purchaser of a decal may receive a refund of the purchase price of a decal in accordance with the refund schedule and conditions.

B. The decal purchaser must present a valid George Mason University identification and surrender the decal before a refund can be processed. Refunds are issued from the Commonwealth of Virginia and take approximately six weeks to process, with the exception of credit card refunds, which are refunded in accordance with the specific credit card company policy.

C. All outstanding citations and accrued fees will be deducted from the decal refund due.

D. Students must provide official proof of class withdrawal before a refund is issued.

E. Faculty/staff must provide official proof of employment termination obtained from Human Resources before a refund is processed.

F. Student decal refunds will be handled as follows:

1. A full refund will be given up to and including the last published drop date where no tuition liability is incurred for the semester in which the decal was purchased.

2. Partial refunds are prorated according to 8 VAC 35-21-350.

3. Students who purchased an annual decal and who do not plan to attend spring semester are eligible to receive a 40% refund provided they apply on or before the last add/drop date of the spring semester.

Proposed Regulations

4. Summer students will receive a full refund up to and including the last add/drop day of the session in which they registered upon proof of withdrawal. No other prorated refund will be given.

5. No refund will be given for what might be considered the "unused" summer portion of an annual decal.

G. Faculty/staff refunds are processed following the same schedule as student refunds.

H. All outstanding parking fees will be deducted from any refund due.

8 VAC 35-21-160. Decal sales restrictions.

Decal sales restrictions are as follows:

1. Decals may not be resold or transferred from one individual to another. Decals are the property of the original purchaser.

2. Individuals displaying a resold or transferred decal may be cited for fraudulent display.

3. Only George Mason University Parking Services or its authorized agent may sell parking decals or permits.

8 VAC 35-21-170. Multiple decal purchases.

All decals, except those issued to senior citizens, carry an equal monetary value. No discount rate is given for multiple decal purchases.

8 VAC 35-21-180. Motorcycle decals.

Motorcycles must display a valid George Mason University motorcycle decal. Parking of motorcycles is restricted to areas designated for motorcycle use. Citations will be issued to motorcycles parking in spaces intended for four-wheel vehicles.

8 VAC 35-21-190. Decal sales schedule.

The following parking decals are sold and prorated according to the following schedule:

1. Full-price annual decals are valid from the date of issue to August 31 of the following year.

2. Semester decals, valid from December 1 through August 31 of the following year, are sold from December 1 to April 30.

3. Summer decals, valid from May 1 through August 31 of the same calendar year, are sold from May 1 to August 31.

4. Faculty members duly appointed to emeritus status by George Mason University Board of Visitors are eligible to receive one free parking decal upon proof of status.

5. Annual decals may be sold or distributed earlier in the summer depending upon a vendor's delivery schedule. Early decal purchasers should verify the date the permit becomes valid for use to avoid citation.

8 VAC 35-21-200. Decal placement.

A. All transferable decals must be displayed in clear view on the inside, lower left corner of the rear window of the vehicle.

B. Bumper decals must be displayed on the left side of the rear bumper.

C. Motorcycle adhesive decals must be displayed in clear view on the motorcycle.

D. Failure to display a decal properly may result in a citation.

8 VAC 35-21-210. Citation responsibility.

The registered owner of a vehicle is ultimately responsible for any citations issued to said vehicle. The decal owner is also responsible for all citations issued to his decal.

8 VAC 35-21-220. Special parking permits.

A. University faculty, staff, and students with special parking needs must make prior arrangements to obtain the necessary permit through Parking Services during normal hours of operation.

B. Applications for parking permits for persons with disabilities are available at the Parking Services office. See 8 VAC 35-21-70 for specific parking information and regulations.

C. Service and repair permits may be purchased from the Parking Services Administrative Office during normal hours of operation. See 8 VAC 35-21-90 for specific service and repair parking information and regulations.

D. Contractor, subcontractor, and contractor employee permits are available through Parking Services. Permit parking for contractors, subcontractors, and contractor employees is governed as follows:

1. All contractors, subcontractors, and contractor employees must purchase and prominently display valid permits issued by Parking Services.

2. Arrangements for contractor-related permits are available through Parking Services in conjunction with the respective University department and the appropriate representative of the contractor.

3. Contractors, subcontractors, and contractor employees are responsible for adhering to and advising all of their employees concerning George Mason University parking regulations as outlined in their contractual agreement with the University.

4. Contractors, subcontractors, and contractor employees are responsible for any citations issued to their vehicles.

5. Permits issued to contractors or commercial firms may be restricted as to date, time, duration, and parking area. Contractor permits are not to be used for any other parking purposes.

E. Members of the George Mason University Board of Visitors are issued parking permits. The permits are valid at all times in both the surface lots and the parking deck.

Students' representative privileges are limited to scheduled Board of Visitors meetings and official functions. Board of Visitor parking permits are issued by the President's office and charged at the prevailing University rate for each permit. A list of the permit holders is to be submitted to Parking Services.

F. Members of the George Mason University Foundation Board of Trustees are issued parking permits. The permits are valid for use in nonrestricted areas of surface lots only. The permits are issued by the foundation and charged at the University prevailing rate for each permit. A list of the permit holders is to be submitted to Parking Services.

G. Members of the George Mason University Alumni Board of Directors are issued parking permits for use in nonrestricted areas of surface lots. The permits are issued by the Alumni Office and charged at the University prevailing rates for each permit. A list of the permit holders is to be submitted to Parking Services.

H. Members of the Krasnow Institute Board of Directors are issued parking permits valid for use at the Krasnow Institute parking lot and GMU nonrestricted areas of surface lots for board meetings or official institute functions. The permits are issued by the institute director and charged at the University prevailing rate for each permit. A list of the permit holders is to be submitted to Parking Services.

I. The Patriot Club is provided parking permits for distribution to Patriot Club members and guests. The Patriot Club executive director distributes the permits. The permits are charged at the University prevailing rate and are valid only at the field hours in Lots O, M, and P and in the designated parking area for the Aquatic Center.

J. Health Education Program (HEP) participants shall purchase and prominently display parking permits. The permits are valid in nonrestricted areas of surface lots. HEP participants must observe all parking rules and regulations when using University-operated facilities. Participants are subject to citation for parking without a permit or other regulation infractions. See 8 VAC 35-21-330 for permit rate schedule.

PART IV. ENFORCEMENT.

8 VAC 35-21-230. Enforcement; hours of enforcement; parking space designation; restricted areas.

A. All regulations enacted by the Commonwealth of Virginia and George Mason University are duly enforced. Vehicles in violation of this chapter may be subject to citation, immobilization, impoundment or towing at the owner's expense.

B. No motor vehicle operator, including University personnel, shall park a motor vehicle in such a manner that it violates any of these rules and regulations.

C. All vehicles parked in surface lots owned and operated by the University must prominently display a valid decal or parking permit and observe all parking space restrictive signage during hours of enforcement at the risk of citation. Exceptions to the permit display requirement are as follows:

1. Parking fees are included in the cost of Patriot Center tickets. Parking permit display is not required for scheduled Patriot Center events. Event parking is limited to Lots A, C, K, and L or as otherwise approved by Parking Services.

2. Parking for Center for the Arts events is limited to Lot K and the parking deck unless otherwise approved by Parking Services. Parking permit display is not required for scheduled events. Refer to 8 VAC 35-21-330 for parking deck rates.

3. Parking for intercollegiate and club sports events is limited to Lot K or the Field House lots (M, O, and P) unless otherwise approved by Parking Services. Parking permit display is not required for scheduled events.

D. Hours of enforcement are as follows when the University is in session:

1. Decal parking is enforced in surface lots Monday through Friday from 7 a.m. to 11 p.m. and on Saturday and Sunday from 8 a.m. to 2 p.m.

2. Metered parking is monitored seven days a week from 7 a.m. to 11 p.m.

3. Parking for persons with disabilities is enforced 24 hours a day, seven days a week. Parking in, or blocking access to, parking spaces designated for persons with disabilities is prohibited and subject to citation. Refer to 8 VAC 35-21-70 for details on parking for persons with disabilities.

4. Load/unload parking is subject to time limitations and is enforced from Monday through Friday from 7 a.m. to 11 p.m. and Saturday from 7 a.m. to 2 p.m. See 8 VAC 35-21-90.

5. Service and repair parking is enforced Monday through Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 2 p.m.

6. Reserved surface parking spaces are enforced Monday through Friday from 7 a.m. to 6 p.m.

7. Reserved spaces in the parking deck are enforced Monday through Friday from 7 a.m. until the time posted on such spaces.

8. Parking is prohibited in the following locations:

a. Areas posted as "no parking."

b. At painted yellow curbs; on crosswalks, sidewalks, and landscaped areas; and at access areas leading to dumpsters or barricaded areas. Parking in these areas constitutes parking in a prohibited zone.

c. Within 15 feet of fire hydrants, where curbs are painted yellow, or in areas posted as fire lanes. Parking in these areas constitutes parking in a fire lane. Vehicles parked in these areas will be subject to citation or towing, or both, at the owner's expense.

d. Restricted or reserved spaces without a proper permit.

Proposed Regulations

9. Parking is permitted only between painted control lines in surface lots and the parking deck.

10. As indicated in Part II (8 VAC 35-21-30 et seq.) of this chapter, certain University lots and areas are restricted as to the type of permit required. In addition, vehicles without proper permits as follows are subject to a restricted areas citation.

a. Reserved spaces are enforced Monday through Friday from 7 a.m. to 6 p.m. Violators may be ticketed and towed.

b. Parking in spaces reserved for persons with disabilities without an appropriate pass is subject to enforcement 24 hours a day. This includes persons with disabilities passes who do not park in the appropriate spaces.

c. Load/unload zones are subject to time limitations. Vehicles exceeding the posted or 30-minute time limit are subject to citation.

d. Displaying a previously issued citation as a decoy is subject to citation. The fine and rationale for the citation depend upon the violation at the time the ticket was issued. Any alteration of a parking permit or decal subjects the vehicle owner to citation for fraudulent display or no permit.

e. Parking in a metered space after a citation has been issued may result in multiple citations.

PART V. FINES.

8 VAC 35-21-240. Parking fines.

A. Current parking fines and corresponding fees charged for such fines are listed in 8 VAC 35-21-340.

B. Parking fines must be paid or appealed within 10 calendar days of issue. See Part VI (8 VAC 35-21-270 et seq.) of this chapter for appeal information.

C. Payment must be made by mail, in person, or by facsimile (FAX) as follows:

1. Fine payment by mail may be made by check, money order, MasterCard or Visa. Checks and money orders should be made out to George Mason University Parking Services. The ticket or ticket number and the individual's identification number should be included with payment for proper credit. Credit card payment must include amount to be charged and must include a signed authorization. Cash by mail is discouraged. The Parking Services mailing address is: George Mason University Parking Services, George Mason University, MSN 1G4, 4400 University Drive, Fairfax, Virginia 22030-4444.

2. Fine payment in person may be by check, money order, MasterCard or Visa. Checks and money orders should be made out to George Mason University Parking Services. The ticket or ticket number and the individual's identification number should be presented with payment for proper credit to the outstanding account.

3. Fine payment by FAX may be made by MasterCard or Visa by faxing the appropriate information to Parking Services. The FAX number is (703) 993-2719. A signed credit card authorization statement is required that includes the amount to be charged. A copy of the ticket or the ticket number and the individual's identification number is required for proper credit to the outstanding account.

8 VAC 35-21-250. Decal and fine payment information.

A. The telephone number for phone-in decal purchase and fine payment is (703) 993-4GMU. The general parking information number is (703) 993-2710. For special events, call (703) 993-2716.

B. The Parking Services FAX number is (703) 993-2719.

C. The Parking Services sales office is open from 8:30 a.m. to 7 p.m. Monday through Thursday and 8:30 a.m. to 5 p.m. on Friday. The sales office is located in Student Union II, Room 1014.

D. Fine Payment by coin, whether rolled or unrolled, is not an acceptable form of payment.

E. The citation or the citation number must be included with all methods of payment for proper credit.

8 VAC 35-21-260. Fine payment requirements and penalties.

A. Fines are to be paid within 10 calendar days of receipt of citation. All fines not paid or appealed by the tenth calendar day will be assessed a \$10 late fee. Fines not paid within 30 calendar days of issuance will be assessed an additional \$10 late fee. Refer to 8 VAC 35-10-10 et seq. for appeal information and procedures.

B. Parking Services mails three late-reminder letters to individuals who have outstanding parking fines. The first letter is mailed to the address of record 10 days after a citation was issued. The second letter is sent 20 days after a citation was issued. The third and final letter is sent 30 days after a citation was issued.

C. Students who fail to pay or appeal citations will be placed on financial suspension. As stated in the George Mason University catalog, financial suspension "means that no transcripts or records are issued, no diplomas are released, and no registrations are permitted until outstanding obligations, including the reinstatement fee, have been paid in full." Said delinquencies are also referred to a collection agency, the Virginia Department of Taxation Division of Set-Off Debt Collection, and credit bureaus. If the account remains unpaid, the individual becomes responsible for the payment of all additional agency costs. Collection costs may be as much as one-third of the balance due referred by the University.

D. Faculty, staff and visitor accounts are considered delinquent 30 days after the fine was levied. Delinquencies are referred to a collection agency, the Virginia Department of Taxation Division of Set-Off Debt Collection, and credit bureaus. If the account remains unpaid, the individual becomes responsible for the payment of all additional agency

costs. Collection costs may be as much as one-third of the balance due referred by the University.

E. Parking fines outstanding for 45 days or longer and chargeable to a resident of the Commonwealth of Virginia will be reported to the Virginia Department of Taxation. The balance of the unpaid account will be deducted from the individual's Virginia state income tax refund. The amount deducted will be forwarded to George Mason University, an agency of the Commonwealth of Virginia. Delinquent accounts will also be forwarded to the University collection agency.

F. Vehicles with outstanding fines more than 10 days late in excess of \$300 are subject to towing, immobilization and impoundment on the University campus. All outstanding fines must be paid in full or the ticket holder/vehicle owner must enter into a contractual payment agreement with the University before the vehicle will be released.

G. Immobilized or impounded vehicles will be released only to the registered owner. The registered owner must prove ownership by producing the original vehicle title or registration together with a photo identification proving the claimant's identity. If the claimant is not the registered owner of the vehicle, he must produce a written and notarized letter with embossed seal from the owner permitting the University to release the vehicle to the claimant. The original title and registration or copies thereof must accompany the letter of release.

H. Faculty, staff and students who have incurred parking fines more than \$300 and who are unable to pay such fines in full may opt to enter into a contractual payment plan agreement with the University to satisfy their indebtedness. A one-third initial payment is required before the payer can be released from financial suspension or have the boot removed from an immobilized vehicle. These individuals are responsible for making a maximum of three additional timely payments without benefit of a reminder. Any default by the payer as outlined in the contract will negate the agreement.

I. As an agency of the Commonwealth of Virginia, the University has access to certain DMV computer files. Such access enables the University to determine the name and address of a vehicle owner by license tag or vehicle identification number.

J. Ultimately, the registered owner of a vehicle is responsible for all citations issued to said vehicle. In addition to the registered owner of the vehicle, the holder of a University parking sticker may also be held financially responsible for citations issued to the vehicle for which the University parking sticker is registered or assigned. Vehicle owners who believe they were not the registered owner of a vehicle at the time a parking fine was levied may contact the Customer Service Department, Department of Motor Vehicles, at (703) 761-4655 or (804) 367-0538 and ask that DMV send verification to Parking Services that the license number belonged to another party on the date the citation was issued.

PART VI. APPEALS.

8 VAC 35-21-270. Deadline for appealing parking tickets.

Parking tickets must be appealed within 10 calendar days of the date of issue.

8 VAC 35-21-280. Appeal forms.

Appeal forms are available from the Parking Services administrative offices. Appeal forms will also be mailed or faxed to individuals upon request. Both sides of the appeal form must be completed and the agreement section signed before the form will be processed. A self-addressed postcard and the citation should be attached to the appeal form and returned in person or by mail to the Parking Services administrative office located in Student Union II, Room 1014. Appeals will be handled in accordance with 8 VAC 35-10-10 et seq.

PART VII. ARLINGTON CAMPUS PARKING DECAL REGULATIONS.

8 VAC 35-21-290. Arlington Campus decals.

A. Arlington Campus decals may be purchased at either the Arlington or Fairfax Campus sales locations or by mail-in or phone-in application. See 8 VAC 35-21-30 and 8 VAC 35-21-40.

B. Arlington Campus decals will be sold only to those students, faculty or staff members who show valid proof of course registration or employment at Arlington Campus.

C. Arlington Campus decals are valid at all parking locations owned and operated by George Mason University. Fairfax and Prince William decals are not valid at Arlington Campus.

D. Arlington Campus decals shall be sold at the same rates as all other George Mason University decals unless otherwise stated in 8 VAC 35-21-330.

E. Arlington Campus decals, presented with valid George Mason University identification, will be honored without additional charge in allocated space at designated off-campus locations during hours scheduled and posted by the University.

8 VAC 35-21-300. Visitors to Arlington Campus.

Visitors to the Arlington Campus may not park at Arlington Campus parking locations without prior approval of the department sponsoring the visit. Parking Services must be contacted to make arrangements in these cases.

8 VAC 35-21-310. Faculty/staff visitors to Arlington Campus.

GMU faculty/staff attending to official business at Arlington Campus should contact the sponsoring department to inquire about or make parking arrangements.

Proposed Regulations

PART VIII.

PRINCE WILLIAM CAMPUS PARKING REGULATIONS.

8 VAC 35-21-320. Prince William Campus parking regulations.

All provisions of this chapter are applicable to Prince William Campus except the following:

1. Prince William Campus decals may be purchased at either the Prince William, Arlington or Fairfax Campus sales locations or by mail-in or phone-in application. See Part III (8 VAC 35-21-110 et seq.) of this chapter for decal purchase information.
2. Prince William Campus decals can be sold only to those students, staff, faculty and affiliated faculty who show valid proof of course registration or employment at Prince William Campus.
3. Prince William decals are valid for George Mason University at the Fairfax and Prince William Campuses. They are not valid at the Arlington Campus.
4. Prince William Campus decals are sold at the rate indicated in 8 VAC 35-21-330.
5. Visitors to Prince William Campus may inquire at the campus information desk for directions about parking. Signage will direct visitors to take note of the parking space number and follow the instructions to pay at the electronic parking meter located in the lobby of each building.

PART IX.

PARKING FEES, REFUNDS AND FINES.

8 VAC 35-21-330. Decal and parking rates.

Decal and parking rates are as follows:

| TYPE OF DECAL | AMOUNT |
|---|--------|
| Full-Year Decal | \$140 |
| Semester Decal | \$75 |
| Summer Decal | \$40 |
| Senior Citizen Annual | \$60 |
| Senior Citizen Semester | \$35 |
| Senior Citizen Summer | \$20 |
| Motorcycle | \$25 |
| Administrative – Annual | \$140 |
| Administrative – Semester | \$75 |
| Service and Repair | \$140 |
| Weekly Rate ¹ | \$10 |
| Monthly Rate ¹ | \$25 |
| Reserved Space - Surface | \$350 |
| Reserved Parking Deck - Annual | \$425 |
| Reserved Parking Deck - Semester | \$225 |
| Meter Rate (Hourly) | \$1.50 |
| Reserved Parking Deck - Summer | \$115 |
| Deck Rate (Hourly) | \$1.25 |
| Maximum Daily Rate (Per Entry) | \$6 |
| Special Event Deck Rate (Per Entry) ² | \$4 |
| Lost or Stolen Decals (See 8 VAC 35-21-370 for schedule.) | |

| | |
|--|-----|
| Proof of Theft by Forcible Entry Replacement | N/C |
| Board of Visitors Permit | \$5 |
| GMU Foundation Board Of Trustees | \$5 |
| Alumni Board Of Trustees | \$5 |
| Patriot Club | \$5 |
| Krasnow Institute Board Of Directors | \$5 |
| Health Education Program Permit | \$5 |

¹Sales limited to special classes and programs and to temporary faculty/staff.

²Pricing is subject to adjustments as defined by the University.

8 VAC 35-21-340. Schedule of fine rates.

Parking fines and corresponding fees are as follows:

| TYPE OF FINE OR FEE | AMOUNT |
|---|--------|
| Improper Display | \$15 |
| Parking Over the Designated Lines | \$15 |
| Overtime Meter Parking (One Citation Per Day) | \$25 |
| Restricted Parking | \$30 |
| Parking In Prohibited Zone | \$30 |
| Parking In Loading Zone | \$30 |
| Fraudulent Registration | \$75 |
| No Decal | \$65 |
| Double Parking | \$15 |
| Parking Left/Wrong Side of Curb | \$15 |
| Unauthorized Parking in Area Designated for Persons with Disabilities | \$125 |
| Blocking Access to Parking Area Designated for Persons with Disabilities | \$125 |
| Impound | \$50 |
| Towing | \$35 |
| Parking in a Fire Lane | \$75 |
| Parking in a Reserved Space | \$75 |
| Not Transferring Decal (Associated with the Appeals Process When an Individual Does Not Transfer Decal to Second Car) | \$10 |

8 VAC 35-21-350. Faculty/staff and student decal refund and replacement fee schedule.

The following are the parking decal refund and replacement fee schedules for FY00 and FY01. Students must provide proof of class withdrawal and faculty/staff must provide proof of employment termination from the Human Resources Department before a refund is issued. All fees are subject to administrative approval.

Annual decal refund fee schedule:

| TRANSACTION | DATE SPAN | DOLLAR AMOUNT |
|-------------|----------------------------|---------------|
| Refund | July 3 - September 8 | \$140 |
| Refund | September 9 - September 15 | \$108.25 |
| Refund | September 16 -October 2 | \$83.75 |
| Refund | October 3 - February 1 | \$50 |
| No Refund | February 2 - June 30 | \$0 |

*Refunds on annual decals are intended for students who purchased said decal with the intent of attending fall, spring and/or summer sessions.

Fall semester decal refund fee schedule:

| TRANSACTION | DATE SPAN | DOLLAR AMOUNT |
|--------------------------|----------------------------|---------------|
| Refund | July 3 - September 8 | \$75 |
| Refund | September 9 - September 15 | \$50.25 |
| Refund | September 16 - October 2 | \$24.75 |
| No Semester Decal Refund | October 3 - December 31 | \$0 |
| Replacement Fee | October 3 - December 31 | \$20 |

Spring semester decal refund fee schedule:

| TRANSACTION | DATE SPAN | DOLLAR AMOUNT |
|-------------|--------------------------|---------------|
| Refund | December 1 - January 29 | \$75 |
| Refund | January 30 - February 5 | \$50.25 |
| Refund | February 6 - February 12 | \$24.75 |
| No Refund | February 13 - June 30 | \$0 |

Motorcycle decal refund schedule:

| TRANSACTION | DATE SPAN | DOLLAR AMOUNT |
|-------------|----------------------------|---------------|
| Refund | July 1 - September 8 | \$25 |
| Refund | September 9 - September 15 | \$21.65 |
| Refund | September 16 - October 2 | \$16.75 |
| No Refund | October 3 - June 30 | \$0 |

Decal rate sales calendar:

| TRANSACTION | DATE SPAN | DOLLAR AMOUNT |
|-------------------------------|-----------------------|---------------|
| Annual & Fall Semester Decals | July 1 - November 30 | \$140 |
| Spring Semester Decals | December 1 - April 30 | \$75 |
| Summer Decals | May 1 - June 30 | \$40 |

8 VAC 35-21-360. Summer decal refund and replacement policy.

A. A summer decal is specifically purchased for summer use. No refunds will be issued on what may be considered the summer portion of an annual decal.

B. A full refund or replacement of a summer decal is available up to and including the last drop date with no tuition liability of the session in which enrolled.

C. A 50% charge or refund will be issued up to and including the last drop date without dean's approval.

D. No refund will be given from the day after the published last drop date without dean's approval. The last drop date refers to the session in which the student was enrolled.

E. A \$10 replacement fee will be charged the date after the last drop date without the dean's approval of the session in which the student is enrolled. Proof of session enrollment and withdrawal is required.

VA.R. Doc. Nos. R01-39 and R01-31; Filed October 13, 2000, 10:07 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-130-10 et seq. Regulations for the Development of Solid Waste Management Plans (amending 9 VAC 20-130-10 through 9 VAC 20-130-70, 9 VAC 20-130-90, 9 VAC 20-130-110 through 9 VAC 20-130-150, 9 VAC 20-130-190, 9 VAC 20-130-220, and 9 VAC 20-130-230; adding 9 VAC 20-130-165 and 9 VAC 20-130-175; repealing 9 VAC 20-130-80, 9 VAC 20-130-160, 9 VAC 20-130-170, and 9 VAC 20-130-240).

Statutory Authority: § 10.1-1411 of the Code of Virginia.

Public Hearing Date:

- December 6, 2000 - 10:30 a.m. (Williamsburg).
- December 12, 2000 - 1 p.m. (Roanoke).
- December 14, 2000 - 11 a.m. (Woodbridge).

Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 10.1-1411 of the Virginia Waste Management Act requires that cities, counties and towns of the Commonwealth develop solid waste management plans for their jurisdiction and include provisions to achieve the statutory recycling goal. The board is authorized to promulgate regulations specifying requirements for these plans and to review and approve the plans. The local governments may unite with other jurisdictions in a regional plan if the Governor approves the region. Other parts of the Act require that no permit for a solid waste management facility shall be issued until the local or regional applicant has a solid waste management plan approved by the board in accordance with the regulations.

Section 10.1-1413.1 A of the Virginia Waste Management Act requires that the Department of Environmental Quality report by June 30 of each year the amount of solid waste disposed of in the Commonwealth. Section 10.1-1413.1 B requires that all permitted facilities that treat, store or dispose of solid waste shall provide the department, on an annual basis, the information necessary to complete the report from § 10.1-1413.1 A.

All states are required under the Resource Conservation and Recovery Act (RCRA) to have a solid waste management planning process. Federal Authority: 42 USC § 6946(b) of the Resource Conservation and Recovery Act of 1976. Also 40 CFR Parts 255, 256, 257 and 258.

Purpose: The Department of Environmental Quality has undertaken to amend the Regulations for the Development of

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Solid Waste Management Plans (9 VAC 20-130-10 et seq.) because more than nine years have passed since the adoption of the regulations, there have been three statutory changes since then, and it is necessary to consider what changes are appropriate. It is essential to the public safety that solid waste be managed properly throughout the Commonwealth. Improper solid waste management could cause immediate public health problems due to disease or vector increase plus there could also be long-term problems such as surface water, groundwater, and soil contamination.

Substance: The new substantive provisions of this amendment to the regulations include:

1. Completely revised solid waste management plans are to be submitted to the department starting on July 1, 2003.
 2. The recycling rate calculations are newly defined and a standard form for calculating the recycling rate is proposed. Each locality or region must report on their recycling rate by April 30 of each year.
 3. Permitted facilities must submit a report on solid waste managed in the Commonwealth by March 31 of each year.
 4. Under § 10.1-1411 of the Code of Virginia, the Virginia Waste Management Act, a provision is made for withholding issuance of permits for solid waste management facilities after July 1, 2000, unless the locality or region has an approved solid waste management plan.
4. Replacing the current requirement for a periodic update of solid waste management plans with a system of amendments. These amendments must be approved by the department prior to implementation.

Issues: Primary advantages to the public and the Commonwealth are:

1. Better planning for the handling and disposal of solid waste;
2. Requirement for recycling and the reporting of results;
3. Improved tracking of the solid waste handled in the Commonwealth;
4. Solid waste management plans that are updated as required rather than on a fixed time schedule.

There are no known disadvantages to the public or the Commonwealth.

Primary advantages to the agency:

1. Improved tracking of the solid waste handled in the Commonwealth;
2. Improved reporting on the recycling effort;
3. Solid waste management plans that are constantly up to date.

The disadvantage to the agency will be the increased resources necessary to administer the plans.

Matters of particular interest to the regulated community are:

1. Efforts needed to prepare the complete, revised plans required by this amendment;
2. Increased reporting requirements for solid waste tracking and recycling;
3. The requirement to have plan amendments approved before they are implemented.

Locality Particularly Affected: These regulations apply equally to each city, county, and town in the Commonwealth.

Public Participation: In particular, the Virginia Waste Management Board and the Department of Environmental Quality are seeking comments on three items:

1. Consideration for adopting the nonmandatory method developed by the EPA, or some other method, to calculate the recycling rate as opposed to the method agreed to in the Technical Advisory Committee meetings and proposed in these amendments.
2. 9 VAC 20-130-110 A calls for the Solid Waste Management Planning units to be "divided into four groups per Schedule 1." Comments are being sought on how best to divide the planning units into four equitable groups.
3. Consideration of whether the last sentence in 9 VAC 20-130-120 C 6 should be removed. This sentence concerns credits to the recycling rate, to be granted by the director, for the source reduction of any municipal solid waste or reuse of a principal recyclable material. The last sentence is: "The director shall not grant the credit if the minimum recycling rate of 25% is being achieved." The question is, if a locality has achieved the 25% recycling rate, should they be prevented from increasing that rate by the methods above?

In addition to these comments, or any others, the Virginia Waste Management Board and the Department of Environmental Quality are seeking comments on the costs and benefits of the proposal.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments must include the name, address and phone number of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with

the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation requires that all cities, counties, and towns in the Commonwealth develop complete, revised solid waste management plans on an individual or regional basis. The deadlines for the submission of these plans vary between July 1, 2003 and April 1, 2004. Additionally, annual reports by all permitted solid waste facilities and by every city, county, town or solid waste management planning region will be required. Finally, if local governments wish to make major changes in their procedures after their solid waste management plan is approved, the plans must be amended and approved by the Department of Environmental Quality (DEQ).

Estimated economic impact. All cities, counties, and towns in the Commonwealth were required to submit solid waste management plans in 1991. With the proposed changes, a new completely revised solid waste management plan must be developed for each individual or regional area in the Commonwealth. DEQ expects to receive about 80 solid waste management plans because of the proposed changes. Some of these 80 plans will be regional plans that include more than one city, county, or town. Local governments must incur certain costs to develop complete, revised plans.

Local governments can prepare the waste management plans or an outside consultant can be hired. The costs of developing the plan may vary depending on who prepares the plan and the size of the planning unit. The cost is expected to be between \$10,000 and \$20,000 per plan. Since DEQ expects about 80 plans will be prepared, the cumulative cost to all localities is expected to be between \$800,000 and \$1,600,000 in current dollars.¹

The developed plans must be submitted to DEQ for approval and possible revision. The approval and revision of the solid waste management plans will require a small amount of additional DEQ staff time. The staff time devoted to the plans will be a one-time cost.

In addition, whenever a locality wishes to make major changes in their procedure, the plan must be amended and approved by DEQ to reflect the changes. Based on their experience, DEQ expects to receive about 20 major revisions per five-year period. Thus, on average, four localities will propose amendments to the original plans every year.

The local governments will incur costs associated with the amendments to incorporate major changes. These costs may include additional staff time required and other resources devoted to update the plans. The costs associated with amendments are ongoing costs at the aggregate level but not all the plans are required to be amended unless there is a major change. DEQ anticipates that the ongoing costs will be only a small fraction of the development costs and only about four amendments are expected in a year. Thus, the total ongoing costs should be a small fraction of \$80,000 in a year.

The revision and approval of the amendments to the solid waste management plans will require a small amount of additional DEQ staff time as well. The staff time devoted to the amendments will be an ongoing cost at the aggregate level.

Finally, local governments must prepare and submit annual reports to DEQ every year. DEQ will analyze the reports to determine whether they comply with the submitted waste management plans. Preparation and the analysis of the annual reports will require additional staff time from localities and DEQ. All permitted solid waste facilities and every city, county, town, or solid waste management planning region will incur additional costs because of staff time devoted on the preparation of the annual reports. Likewise, DEQ will devote additional staff time to analyze the submitted reports.

The proposed changes will potentially produce: better planning for the handling and disposal of solid waste, improved tracking of the recycling activity and the solid waste handled in the Commonwealth, and up-to-date waste management plans. These potential improvements may help reduce the contamination of surface water, groundwater, and soil. This may in turn reduce the incidence of public health problems due to such contamination.

The net economic impact of the proposed regulations in the long run will depend not only on the size of the current costs and benefits but also on their duration. It should be noted that a large fraction of the total cost is a one-time cost and expected to be less than \$1,600,000. The ongoing costs of the proposed changes are expected to be less than \$80,000 per year. On the other hand, all of the benefits are ongoing but difficult to quantify.

To infer the net economic impact, certain assumptions must be made. For a 10-year period, the estimated total costs will be less than or equal to \$2 million in current dollars if the ongoing costs per year are less than or equal to 50% of \$80,000.² For a 20-year period, the estimated total cost will be less than or equal to \$2.4 million under the same assumptions.³ Thus, if the total economic benefits (all of which are ongoing benefits) are greater than or equal to \$200,000 per year for a 10-year period or \$120,000 per year for a 20-year period in current dollars, then the proposed changes will provide net economic benefits. In short, if the economic value of avoiding potential health problems or contaminated waters is greater than or equal to \$200,000 (\$120,000) a year in current dollars when a 10 (20)-year scenario is considered, then the proposed changes will most likely produce net economic benefits.

With the limited information available, it is not clear how much of the potential public health problems, and surface water, groundwater, and soil contamination problems will be prevented. Also, how much the public is willing to pay to avoid these problems is not known with certainty.

¹ Source: Department of Environmental Quality.

² The sum of one-time costs (\$1,600,000) and ten-year ongoing costs (10x\$40,000=\$400,000) is \$2 million.

³ The sum of one-time costs (\$1,600,000) and twenty-year ongoing costs (20x\$40,000=\$800,000) is \$2.4 million

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In summary, the proposed changes introduce a number of different costs that can be reasonably estimated. These costs are plan development costs, amendment costs, and labor costs. The benefits of the proposal, on the other hand, are expected to be positive but their size cannot be reliably estimated. Thus, it is not possible to state a definite conclusion on whether the proposed changes will result in a net gain to Virginia.

Businesses and entities affected. The proposed changes will affect about 80 individual or regional solid waste management planning areas.

Localities particularly affected. The proposed changes to the regulation affect localities throughout the Commonwealth.

Projected impact on employment. No significant net effect on employment is expected.

Effects on the use and value of private property. The value of consulting firms that aid in waste management planning may experience a small increase as localities may choose to employ their services. A very small positive impact on the value of private property near solid waste facilities may be expected due to the better management of solid waste.

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

Summary:

The proposed amendments require that all cities, counties, and towns in the Commonwealth develop complete, revised solid waste management plans. These plans can be developed individually or as part of a region if the Governor has approved the region. Substantive changes proposed include:

- 1. Submission of completely revised solid waste management plans starting on July 1, 2003.*
- 2. A revised definition of the recycling rate calculations and inclusion of a minimum 25% recycling rate.*
- 3. A required annual report by all permitted solid waste facilities and an annual report on the recycling rate by every city, county, and town, or solid waste management planning region.*
- 4. A system requiring the solid waste management plans to be amended if changes occur and requiring amendments be approved prior to implementation. The amendments are classified as either major or minor depending on their impact. Major amendments require public participation prior to submission to the Department of Environmental Quality for approval, while minor amendments can be submitted directly to the department for processing.*

9 VAC 20-130-10. Definitions.

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

"*Abandoned material*" means any material that is: 4- disposed of; 2- burned or incinerated; or 3- accumulated, stored or treated (but not recycled) before or instead of being abandoned by being disposed of, burned or incinerated.

"*Agricultural waste*" means all solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

"*Board*" means the Virginia Waste Management Board.

"*Commercial waste*" means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

~~"*Construction/demolition/debris landfill*" means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, inert waste, or combinations of the above solid wastes.~~

"*Composting*" means the manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition.

"*Construction waste*" means solid waste which that is produced or generated during construction of, remodeling, or repair of pavements, houses, commercial buildings, and other structures. ~~Construction waste consists of wastes include, but are not limited to,~~ lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if they are part of the construction material or are empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, liquids or semi-liquids and garbage are not construction wastes.

"*Contamination*" means the degradation in quality of naturally occurring water, air, or soil resulting either directly or indirectly from human activity.

"*Debris waste*" means ~~stumps, wood, brush, and leaves~~ waste resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

"*Demolition waste*" means solid waste produced by destruction of structures and their foundations and includes the same materials as construction wastes.

"*Department*" means the Department of Environmental Quality.

"*Director*" means the Director of the Department of Environmental Quality.

"*Discarded material*" means a material which that is: (i) abandoned material as defined in this part; (ii) recycled material as defined in this part; or (iii) considered inherently waste-like.

"*Disposal*" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any

constituent of it may enter the environment or be emitted into the air or discharged into any waters.

"*Facility*" means solid waste management facility unless the context clearly indicates otherwise.

~~"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the Paint Filter Liquids Test, Method 9095, U.S. Environmental Protection Agency, Publication SW-846.~~

"*Friable asbestos*" means any material containing more than 1.0% asbestos by weight that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure and regulated as a special waste.

"*Garbage*" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

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

"*Hazardous waste*" means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation.

"*Household waste*" means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. *Household wastes do not include sanitary waste in septic tanks (septage), which is regulated by other state agencies.*

~~"Illegal disposal" means disposal which is contrary to applicable law or regulations.~~

"*Incineration*" means the controlled combustion of solid waste for disposal.

"*Incinerator*" means a facility or device designed for the treatment for volume reduction of solid waste by combustion.

"*Industrial waste*" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"*Industrial waste landfill*" means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste which that is a byproduct of a production process.

~~"Inert waste" means solid waste which is physically, chemically and biologically stable from further degradation and considered to be nonreactive. Inert wastes include rubble, concrete, broken bricks, bricks, and blocks.~~

"*Institutional waste*" means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include ~~infectious~~ *regulated medical* waste from health care facilities and research facilities that must be managed as an infectious waste.

"*Integrated waste management plan*" means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, and disposal, and *litter control* and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An "integrated waste management plan" must provide for source reduction, reuse and recycling within the jurisdiction and the proper funding and management of waste management programs.

"*Jurisdiction*" means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

"*Landfill*" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill.

~~"Large diameter tree stumps" means tree stumps too large to be chipped or processed using available technology larger than six inches in diameter.~~

"*Litter*" means all waste material disposable packages or containers, but not including the wastes of the primary processes of mining, logging, farming, or manufacturing.

~~"Nonhousehold waste" or "nonhousehold solid waste" means any solid waste that is not defined as "household waste."~~

"*Mulch*" means woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses.

"*Municipal solid waste*" means waste that is normally composed of residential, commercial, and institutional solid waste.

"*Open dump*" means a site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or ~~so as to pose within the determination of the director a substantial present or potential hazard to human health or the environment, including the pollution of air, land, surface water or groundwater.~~ For further detail see the Virginia Solid Waste Management Regulations present a threat of a release of harmful substances into the environment or present a hazard to human health.

"*Permit*" means the written permission of the director to own, operate or construct a solid waste management facility.

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"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

~~"Principal recyclable materials" means newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, high grade office paper, tin cans, cloth, automobile bodies, plastic and clean wood, brush, leaves, grass and other arboreal materials paper, metal (except automobile bodies), plastic, glass, yard waste, wood, and textiles.~~
"Principal recyclable materials" ~~de~~ does not include large diameter tree stumps.

"Recycled material" means a material that is derived from recycling.

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. *For the purpose of this chapter, recycling shall not include processes that only involve size reduction.*

"Refuse" means all solid waste products having the character of solids rather than liquids and ~~which that~~ are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

"Regional boundary" means the boundary defining an area of land that will be a unit for the purpose of developing a waste management plan, and is established in accordance with Part V (9 VAC 20-130-180 *et seq.*) of this chapter.

"Regulated medical waste" means solid wastes so defined by the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 *et seq.*) as promulgated by the Virginia Waste Management Board.

"Residential waste" means household waste.

"Resource recovery system" means a solid waste management system ~~which that~~ provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of nonrecoverable waste residues.

~~"Reused" means having once been a waste and being:~~

- ~~1. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or~~
- ~~2. Employed in a particular function or application as an effective substitute for a commercial product or natural resources.~~

"Reuse" means the process of separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use.

"Rubbish" means combustible or slowly putrescible discarded materials ~~which that~~ include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other

combustible or slowly putrescible materials not included under the term "garbage."

"Sanitary landfill" means an engineered land burial facility for the disposal of solid waste ~~which that~~ is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

"Scrap metal" means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering ~~which that~~ are discarded material and can be recycled. *For the purposes of this chapter, this definition includes the reclaimable metal parts of white goods.*

"Site" means all land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. (Note: This term includes all sites whether they are planned and managed facilities or open dumps.)

"Sludge" means any solid, semisolid or liquid ~~waste wastes~~ with similar characteristics and effects generated from a public, municipal, commercial or industrial waste water treatment plant, water supply treatment plant, ~~or~~ air pollution control facility, or any other waste producing facility.

"Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include: ~~4.~~ (i) solid or dissolved material in domestic sewage, ~~2.~~ (ii) solid or dissolved material in irrigation return flows or in industrial discharges ~~which that~~ are sources subject to a permit from the State Water Control Board, or ~~3.~~ (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended. ~~As used in this chapter, solid waste does not include hazardous wastes as defined in the Virginia Hazardous Waste Management Regulations.~~

~~"Solid waste disposal facility" means a solid waste management facility at which solid waste will remain after closure.~~

"Solid waste management facility ("SWMF)" means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

"Source reduction" means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

"Source separation" means separation of ~~recyclable~~ materials from the waste stream by the waste generator of materials that are collected for use, reuse, or recycling.

"Special wastes" ~~mean~~ means solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

"State solid waste management plan ('State Plan' or 'Plan')" means the ~~document prepared in accordance with § 4008(a)(1) of the Federal Resource Conservation and Recovery Act of 1976 and plan of the Virginia Waste Management Board,~~ which sets forth solid waste management goals and objectives, and describes planning and regulatory concepts to be employed by the Commonwealth.

"Supplemental recyclable material" means ~~construction rubble, tires, concrete, and similar inert materials waste tires, used oil, automobile bodies, construction waste, demolition waste, debris waste,~~ batteries, ash, sludge or large diameter tree stumps, or material as may be authorized by the director.

~~"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.~~

"Transfer station" means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

~~"Used or reused material" means a material which is either:~~

- ~~1. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or~~
- ~~2. Employed in a particular function or application as an effective substitute for a commercial product or natural resources.~~

~~"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.~~

~~"Used or reused material" means a given solid waste material that is separated from the waste stream and used, without processing or changing its form, for the same or another end use.~~

"Vegetative waste" means decomposable materials generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps.

"Waste exchange" means any system to identify sources of wastes with potential for reuse, recycling or reclamation and to facilitate its acquisition by persons who reuse, recycle or reclaim it, with a provision for maintaining confidentiality of trade secrets.

~~"Waste to energy facility" means a facility that uses waste to generate usable energy, or treats the waste in order to facilitate its use in the production of usable energy.~~

"White goods" means any stoves, washers, hot water heaters or other large appliances. For the purposes of this chapter, this definition also includes, but is not limited to, such

Freon-containing appliances as refrigerators, freezers, air conditioners, and dehumidifiers.

"Yard waste" means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

9 VAC 20-130-20. Authority for regulations.

These regulations are promulgated pursuant to Chapter 14 (§ 10.1-1400 et seq. and specifically §§ 10.1-1411 and 10.1-1413.1) of Title 10.1 of the Code of Virginia, which authorizes the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and powers and the intent of the Virginia Waste Management Act (hereinafter Act) and the federal acts.

9 VAC 20-130-30. Policy.

It is the policy of the Virginia Waste Management Board to require each region designated pursuant to Part V of this chapter, as well as each city, county and town not part of such a region, to develop comprehensive and integrated solid waste management plans that, at a minimum, consider and address all components of the following hierarchy:

1. Source reduction;
2. Reuse;
3. Recycling;
4. Resource recovery (waste-to-energy);
5. Incineration; and
6. Landfilling; and
7. Plan implementation.

9 VAC 20-130-40. Purpose of regulations.

The purpose of these regulations is to:

1. Establish minimum solid waste management standards and planning requirements for protection of the public health, public safety, the environment, and natural resources throughout the Commonwealth; promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;
2. Establish procedures and rules for designation of regional boundaries for solid waste management plans;
3. Establish state, local government and, regional or area served by the plan responsibility for meeting and maintaining the minimum recycling rates of 40% by 1994, 45% by 1993 and 25% by 1995;
4. Establish procedure for withholding issue issuance of permits to local governments for solid waste management facilities after July 1, 1992, pending approval of a solid waste management plan in accordance with §§ 10.1-1411 and 10.1-1408.1 D (vi) of the Virginia Waste Management Act; and
5. Provide for reasonable variance and exemptions; and

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6. Provide for reporting and assessment of solid waste management in the Commonwealth.

9 VAC 20-130-50. Administration of regulations.

The director of the Department of Environmental Quality is authorized and directed to administer and enforce these regulations in accordance with the Virginia Waste Management Act, §§ 10.1-1400 through 10.1-1457 of the Code of Virginia.

9 VAC 20-130-60. Applicability of regulations.

A. This chapter applies to all cities, counties, towns, or designated regions, regional planning districts or public service authorities (under 9 VAC 20-130-180) and permitted solid waste facilities. Any county and town within that county may mutually agree to unite for the purpose of solid waste management planning, and upon joint written notification to the director, shall be deemed to be a single unit for development of a local solid waste management plan.

B. Any cities, counties, and towns may be represented by a planning district, public service authority, or designated region that has been adopted under 9 VAC 20-130-90 B.

~~B.~~ C. The plan may (subject to statutory authority) specify that all solid waste must be recycled at the rate established by the plan regardless of the point of origin of the solid waste. Solid wastes from both public and private sources shall be subject to such requirement.

9 VAC 20-130-70. Enforcement and appeal.

A. All administrative enforcement and appeals taken from actions of the director relative to the provisions of this chapter shall be governed by the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

~~B. Orders.~~

~~1. The board is authorized to issue orders to require any person to comply with the provisions of this chapter. Any such order shall be issued only after a hearing with at least 30 days notice to the affected person of the time, place, and purpose of it. Such an order shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of such person.~~

~~2. The provisions of 9 VAC 20-130-70 B 1 shall not affect the authority of the board to issue separate orders and regulations to meet any emergency to protect public health, natural resources, and the environment from the release or imminent threat of release of waste.~~

~~C.~~ B. After July 1, 1992 2000, no permit for a solid waste management facility shall be issued until unless the local or regional applicant has a plan approved in accordance with this chapter.

~~D.~~ C. Enforcement of this chapter will be in accord with §§ 10.1-1186, 10.1-1411 and 10.1-1455 of the Code of Virginia.

9 VAC 20-130-80. Severability. (Repealed.)

~~A. If any provision or part of these regulations is held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of these regulations and their application.~~

~~B. This chapter supersedes and replaces all previous regulations of the Department of Waste Management to the extent that those prior regulations conflict with the regulations presented in this chapter. Prior regulations remain in effect where no conflict exists.~~

~~C. This chapter shall remain in effect until the Virginia Waste Management Board, in subsequent formal action, shall amend, rescind or otherwise alter them. Such an action will be specific in its detail and cite this chapter by its title. Where there appears to be a conflict with this chapter and regulations adopted at a future date, and such future regulations do not specifically clarify this chapter, this chapter shall be superior.~~

~~D. This chapter is completely separate from all federal regulations.~~

9 VAC 20-130-90. Relationship to other bodies of regulation.

A. This chapter is a general solid waste management regulation that specifies minimum standards and planning requirements for solid waste management in the Commonwealth, including solid waste management planning by regional or local governmental entities of the Commonwealth and assessment of solid waste management in the Commonwealth. If there is a mutually exclusive conflict between this chapter and other adopted nonhazardous solid waste management regulations of this agency, the provisions of this chapter are superior. In any detail where there exists no mutually exclusive conflict between this chapter and other regulations of the board, compliance with all regulations is required.

B. Multi-jurisdictional plans developed in fulfillment of the requirements of this chapter must be adopted under authority of the Virginia Area Development Regional Cooperation Act (Chapter 34 42 (§ 15.1-1400 15.2-4200 et seq.) of Title 15.1 15.2 of the Code of Virginia), the Virginia Water and Sewer Waste Authorities Act (Chapter 28 51 (§ 15.1-1230 15.2-5100 et seq.) of Title 15.1 15.2 of The Code of Virginia), the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions (§ 15.1-24 15.2-1300), or other authority as applicable.

C. If there is a mutually exclusive conflict between this chapter and the Virginia Hazardous Waste Management Regulations, the provisions of the hazardous waste regulations are superior. In any detail where no such mutually exclusive conflict exists, compliance with all regulations is required.

9 VAC 20-130-110. Schedule for plan development.

A. Every city, county and town in the Commonwealth shall develop a solid waste management plan or amend an existing solid waste management plan and submit them for approval

in accordance with this chapter. Existing plans may be amended by addendum of items such as consideration of the waste management hierarchy, the recycling program implementation activities and other requirements of this chapter that are not a part of the existing plan. A local jurisdiction participating in an authorized regional solid waste management plan is not required to develop a separate plan.

~~A. B. The solid waste management planning units shall be divided into four groups per Schedule 1. The first group shall provide a complete, revised solid waste management plan in compliance with this chapter shall be provided to the department of Environmental Quality no later than July 1, 1994 2003. The second group shall submit its complete, revised plans by October 1, 2003, the third group by January 1, 2004, and the fourth group by April 1, 2004.~~

~~B. C. The department of Environmental Quality shall review and approve or disapprove return comments on the deficiencies in each plan submitted in accordance with 9 VAC 20-130-110 A no later than July 1, 1992. If the Department of Environmental Quality disapproves the plan, it shall cite the reasons for the disapproval and state what is required for approval 90 days from the date the plans are received.~~

~~C. D. Each submitter whose who receives comments on its solid waste management plan is disapproved under 9 VAC 20-130-110 B subsection C of this section shall submit a corrected solid waste management plan to the department of Environmental Quality no later than 90 days following notification of disapproval deficiencies.~~

~~D. E. Plans approved without alteration shall become effective upon notification. If after review of the corrected plan submitted pursuant to subsection D of this section, the department of Environmental Quality cannot approve the corrected solid waste management plan because it finds the plans not to be in accordance with this chapter, it will issue a notice of disapproval intent to disapprove to the submitter and shall cite the reason for the disapproval and state what is required for approval. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, and (iii) the right of the submitter to an informational proceeding under Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). The department will give priority consideration for review of corrected plans where the local or regional body has a pending permit application for a solid waste management facility.~~

~~E. On July 1, 1997, and each succeeding five year period after that, each city, county, town or region shall submit a report to the director updating the plan.~~

~~F. The director may revoke the approval of any plan or require its revision and resubmittal if there is evidence that there has been significant deviation from the plan. The department will issue a notice of intent to revoke or require revision and resubmittal of a plan. The notice of intent shall set forth (i) whether the department intends to revoke or require revision and resubmittal of the plan, (ii) the reason the department intends to take the action, and (iii) the right of the submitter of the plan to an informational proceeding under~~

Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

9 VAC 20-130-120. Mandatory plan objectives contents.

A. The solid waste management plan shall include:

1. An integrated waste management strategy;
2. A discussion as to how the plan will be implemented;
- ~~2.~~ 3. Objectives for solid waste management within the jurisdiction;
- ~~3.~~ 4. Definition of incremental stages of progress toward the objectives and schedule for their accomplishment implementation;
4. 5. Descriptions of the funding and resources necessary, including consideration of fees dedicated to future facility development;
- ~~5.~~ 6. Strategy for the provision of necessary funds and resources;
- ~~6.~~ 7. Strategy for public education and information on source reduction, reuse, and recycling; and
7. 8. Consideration of public and private sector partnerships and private sector participation in execution of the plan. Existing private sector recycling operations should be incorporated in the plan and the expansion of such operations should be encouraged.

~~B. The plan shall describe how each of the following minimum goals were or shall be achieved:~~

- ~~1. By December 31, 1991, a recycling rate of 10% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town or region.~~
- ~~2. By December 31, 1993, a recycling rate of 15% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town, or region.~~
- ~~3. By December 31, 1995, a recycling rate of 25% of the total of household wastes and principal recyclable materials that are wastes from nonhousehold sources generated annually in each city, county, town, or region.~~

~~B. A minimum recycling rate of 25% of the total municipal solid waste generated annually in each city, county, town or region shall be maintained. The plan shall describe how this rate shall be met or exceeded.~~

C. Calculation methodology shall be included in the plan.

~~1. The plan shall describe method of calculating the rate of recycling. Three alternative methods of calculation are permitted. These are:~~

~~a. Where accurate documentation of the total weight of solid waste received for landfilling, incineration and recycling within the jurisdiction of the plan exists, the percentage recycled can be calculated directly as:~~

$$\text{Rate} = (\text{Recycled/Total}) \times 100\%$$

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~~Where, "Total" is the weight of the total of household wastes and principal recyclable material as wastes from nonhousehold sources received from within the jurisdiction or exported during the previous 12 months for landfilling, incineration and recycling, and "Recycled" equals weight of principal recyclable material received during the previous 12 months for recycling.~~

~~b. Where accurate documentation of the total volume of solid waste received for landfilling, incineration and recycling within the jurisdiction of the plan exists, the percentage recycled can be calculated directly as:~~

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

~~Where, "Total" is the volume of the total of household wastes and principal recyclable materials as wastes from nonhousehold sources received from within the jurisdiction or exported during the previous 12 months for landfilling, incineration and recycling, and "Recycled" equals volume of principal recyclable material received during the previous 12 months for recycling.~~

~~e. Where accurate documentation of the total waste received for landfilling, incineration and recycling is not available, the most accurate survey or estimate of the per capita weight of the total of household wastes and principal recyclable material as wastes from nonhousehold sources generated within the jurisdiction during the previous 12 months shall be used to calculate the "Total" and the measured weight of principal recyclable material recycled shall be use as "Recycled" in the formula:~~

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%.$$

1. *The plan shall describe the method of calculating the rate of recycling. The following formula shall be used:*

$$\text{Rate} = (\text{Recycled}/\text{Total}) \times 100\%$$

Where, "Recycled" equals the amount of principal recyclable material received during the previous 12 months for recycling and "Total" is the amount of municipal solid waste generated within the jurisdiction during the previous 12 months.

The amounts may be expressed in the following units:

- a. The actual weight of each component.*
 - b. The volume of each component.*
 - c. The estimated weight of each component based on the most accurate survey or estimated per capita weight.*
2. The amount of supplemental recyclable material that is ~~productively used or sold as product substitute or other beneficial products reused or recycled~~ may be added into both the "Recycled" and "Total" amounts in each calculation method.
3. Any local government or regional solid waste management body that is participating in the used tire management program sponsored by the department of

~~Environmental Quality may add the weight amount of those tires to both the "Recycling" and "Total" amounts in the recycling rate calculation.~~

~~4. Any local government or regional solid waste management body may include mulched yard waste in the "Recycled" and "Total" amounts simultaneously for the required recycling rate calculations if it can be demonstrated that the finished mulch will be marketed or otherwise used productively. In addition, any local government or regional solid waste management body may include composted yard waste in the "Recycled" and "Total" amounts simultaneously for the required recycling rate calculations if it can be demonstrated that the finished compost will be marketed or otherwise used productively.~~

~~5. Any local government or regional solid waste management body may include used oil in the "Recycled" and "Total" amounts if it can be demonstrated that the oil will be marketed or used productively.~~

~~4. 6. Where a source reduction of any municipal solid waste material or reuse of waste a principal recyclable material is documented to have occurred after the effective date of this chapter, is accurately quantified and is requested as a petition for a variance in accordance with Part VI 9 VAC 20-130-230, the director may issue a credit for the amount to be added into the "Recycled" and "Total" amounts in each calculation method. The credit may be for a part of the source reduction or reuse amount if the director finds that to be more appropriate. The director shall not grant such a credit only where an effective recycling program is not being implemented. The director shall not grant the credit if the minimum recycling rate of 25% is being achieved.~~

~~(Note: "Principal Recyclable Materials" means newspaper, ferrous scrap metal, nonferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, high grade office paper, tin cans, cloth, automobile bodies, plastic and clean wood, brush, leaves, grass and other arboreal materials. "Principal Recyclable Materials" do not include large diameter tree stumps. "Supplemental recyclable material" means construction rubble, tires, concrete, and similar inert materials, batteries, ash, sludge or large diameter tree stumps, or as may be authorized by the director.)~~

~~D. A report on progress in attaining the recycling goals established in 9 VAC 20-130-120 B shall be submitted to the Department of Environmental Quality within 120 days of the date prescribed in that section. The department will prepare a statewide summary progress report based on the data submitted.~~

~~E. By July 1, 1993, D. All known solid waste disposal sites, closed and active, within the area of the solid waste management plan shall be documented and recorded at a centralized archive authorized to receive and record information and a copy shall be sent to the director. Thereafter, All new sites shall be recorded at the same central data source.~~

~~F. By July 1, 1993, E. A method methodology shall be developed utilized to monitor the amount of solid waste of each type produced within the area of the solid waste management plan and to record the annual production by solid waste types at a centralized archive and a copy shall be sent to the director. Waste types include but are not limited to broad classes such as residential, commercial and municipal solid waste, construction/demolition/debris, industrial, regulated medical waste, white goods, friable asbestos, petroleum contaminated soil and the major categories of principle and supplemental recyclable materials.~~

9 VAC 20-130-130. Public participation.

A. Prior to submission of a solid waste management plan or a major amendment to the plan to the department of ~~Environmental Quality~~, the submitter shall publish a notice and hold a public hearing on the plan in accordance with the procedures of the local government or regional planning agency. A record of the public hearing and, a copy of all written comments and the submitter's response to all comments received shall be submitted with the plan.

B. Plan developers ~~should~~ shall, in accordance with their own rules and procedures, provide for extensive participation by the public through the use of citizen advisory committees and public meetings during the development of the plan.

9 VAC 20-130-140. General Plan objectives.

Every solid waste management plan shall be a fully integrated waste management plan that considers all elements of waste management.

1. Include consideration of the hierarchy defined in 9 VAC 20-130-30 giving preference to alternatives in the following order of priority: source reduction, reuse, recycling, resource recovery, incineration, landfilling;
2. Clearly and explicitly demonstrate the manner in which the goals of the mandatory objectives defined in 9 VAC 20-130-120 shall be accomplished;
3. Include, when developed locally, a copy of the local governing body's resolution adopting the plan; and
4. Include, when developed regionally, a copy of the resolution approving the plan adopted in accordance with the Virginia Area Development Act, the Virginia Water and Sewer Authorities Act, the provisions of the Code of Virginia governing joint exercise of powers by political subdivisions § ~~45.4-24~~ 15.2-1300 of the Code of Virginia, or other authority as applicable.

9 VAC 20-130-150. Incorporated data.

The local government or regional solid waste management plan shall include data and analyses of the following type for each jurisdiction. Each item below shall be in a separate section and labeled as to content.

1. ~~Demographic~~ Population information and projections ~~over 20~~ for 10 years of population growth and development patterns;
2. Urban concentrations, geographic conditions, economic growth and development, markets for the

reuse and recycling of materials, transportation conditions, and related factors;

3. Estimates of solid waste generation from households, commercial institutions, industries and other types of sources, including the amounts reused, recycled, recovered as a resource, incinerated and landfilled. Estimates should identify special waste to include, at least, the following: stumps, land-clearing debris and construction wastes, motor vehicle tires, waste oil, batteries, sludges, mining wastes, septage, agricultural wastes and spill residues;

4. A listing of existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use;

5. All milestones in the implementation of the solid waste management plan over the 20-year projection and the parties responsible for each milestone;

6. A description of programs for solid waste reduction, reuse, recycling, ~~reuse resource recovery, incineration,~~ storage, treatment, disposal and litter control;

7. A description of outreach programs for waste exchange, public education and public participation; and

8. The procedures for and results of evaluating solid waste collection, including transfer stations; and

9. The assessment of all current and predictable needs for solid waste management for a period of 20 years and a description of the action to be taken to meet those needs.

9 VAC 20-130-160. Assessment of solid waste management needs. (Repealed.)

~~The solid waste management plan shall assess all current and predictable needs for solid waste management for a period of twenty years and describe the action to be taken to meet those needs.~~

9 VAC 20-130-165. Waste Information and Assessment Program.

A. The owners or operators of all permitted facilities that treat, store, or dispose of solid waste shall report by March 31 of each year the amount of solid waste, by weight or volume, received and managed in the Commonwealth during the preceding calendar year. The report shall identify solid waste by the following categories: (i) municipal solid waste; (ii) construction and demolition debris; (iii) industrial waste; (iv) regulated medical waste; (v) vegetative and yard waste; (vi) incinerator ash; (vii) sludge other than sludge that is land applied in accordance with § 32.1-164.5 of the Code of Virginia; (viii) tires; (ix) white goods; (x) friable asbestos; (xi) petroleum contaminated soil; and (xii) other special waste. For each such category the report shall include an estimate of the amount that was generated outside of the Commonwealth and the jurisdictions where such waste originated. The report shall also estimate the amount of solid waste managed or disposed of by each of the following methods: (i) recycling; (ii) composting; (iii) landfilling; (iv) incineration (v) sending off site

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for further management; and (vi) stored on site on December 31 of the reporting year. This section shall not apply to captive waste management facilities.

Information on the available capacity and expected life of the facilities at the disposal rates submitted in this subsection shall be included in the annual report required by this section.

B. At the option of the facility owner, the data collected may include an accounting of the facility's economic benefits to the locality where the facility is located including the value of disposal and recycling facilities provided to the locality at no cost or reduced cost, direct employment associated with the facility, and other economic benefits resulting from the facility during the preceding calendar year.

C. No facility shall be required pursuant to this section to provide information that is a trade secret as defined in § 59.1-336 of the Code of Virginia.

D. Every city, county and town in the Commonwealth, or solid waste management planning region approved pursuant to 9 VAC 20-130-180, shall submit to the department by April 30 of each year, the data and calculations required in 9 VAC 20-130-120 B and C.

9 VAC 20-130-170. ~~Assessment of alternatives.~~ (Repealed.)

~~The solid waste management plan shall consider at least, the following factors:~~

- ~~1. Fulfillment of the mandatory objectives of 9 VAC 20-130-120;~~
- ~~2. Consideration of the hierarchy of 9 VAC 20-130-30;~~
- ~~3. Environmental compatibility;~~
- ~~4. Economic growth and development; and~~
- ~~5. Solid waste collection.~~

9 VAC 20-130-175. Amendments to plans.

A. Amendments to the plans shall be classified as major or minor. These classifications are described in this section.

B. Any amendments to the plans shall be approved by the department prior to implementation.

1. Major amendments shall include any addition, deletions, or cessation of operation of any solid waste facility; any increase in landfill capacity; any change that moves toward implementation of a waste management strategy that is lower in the waste management hierarchy; and any change to membership in the approved area.

2. Minor amendments shall include any change that moves toward implementation of a waste management strategy that is higher in the waste management hierarchy and any nonsubstantive administrative change such as a change in name.

C. Major amendments shall require the same public participation as detailed in 9 VAC 20-130-130 before being submitted to the department for approval.

D. Minor amendments shall be submitted directly to the department for approval.

E. The department shall review, and approve or return comments on the deficiencies in each amendment submitted in accordance with this section no later than 90 days from the date the plans are received.

F. Each submitter who receives comments on his solid waste management plan under subsection E of this section shall submit a corrected amendment to the department no later than 90 days following notification of deficiencies.

G. Amendments approved without alteration shall become effective upon notification. If after review of the corrected amendment submitted pursuant to subsection F of this section, the department cannot approve the corrected amendment because it finds the amendment not to be in accordance with this chapter, it will issue a notice of intent to disapprove to the submitter. The notice of intent to disapprove shall set forth (i) the reason for the disapproval, (ii) what is required for approval, and (iii) the right of the submitter to an informational proceeding under Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). The department will give priority consideration for review of corrected amendments when the local or regional body has a pending permit application for a solid waste management facility.

9 VAC 20-130-190. Development of designated regions.

A. At least 14 days prior to designating a regional boundary for solid waste management planning, the director shall place a notice of the proposed regional boundary and an opportunity to comment in the Virginia Register of Regulations and in a newspaper of general circulation within the proposed region.

B. If, as a result of the notices required by ~~9 VAC 20-130-190~~ subsection A of this section, the director feels a significant need exists to hold a public hearing on the issues, a public hearing shall be held in the proposed region prior to the designation. At least 14 days prior to the public hearing, a notice of the proposed public hearing shall appear in the same publications as the notice under ~~9 VAC 20-130-190~~ subsection A of this section.

9 VAC 20-130-220. Amendment of regional boundary.

The director may amend a regional boundary based on an application from the governing body or bodies of the region. Along with the application, each locality (within the original region and any locality being added) must submit a letter acknowledging the change in the boundary.

9 VAC 20-130-230. General Petitioning for variance or exemption.

A. Any person ~~affected~~ regulated by this chapter may petition the director to grant a variance or an exemption from any requirement of this chapter subject to the provisions of this part. Any petition submitted to the director is also subject to ~~the provisions~~ Article 3 of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

9 VAC 20-130-240. Administrative procedures.

A. General petitioning requirements. B. The petition shall be submitted to the director by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of petitioner's interest in the proposed action;
3. A description of desired action and a citation of the regulation from which a variance is requested;
4. A description of need and justification for the proposed action, including impacts from existing operations and market conditions (if, based on the evidence submitted in a petition, the director determines that market conditions within a county, city, town or region make unreasonable the mandatory recycling rates specified in this chapter and that the market conditions are beyond the control of the county, city, town or region, a variance from those rates may be issued.);
5. The duration of the variance, if applicable;
6. The potential impact of the variance on public health or the environment;
7. Other information believed by the applicant to be pertinent; and
8. The following statement signed by the petitioner or authorized representative:

"I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

B. Petition processing.

1. After receiving a petition that includes the information required in 9 VAC 20-130-240 A, the director will determine whether the information received is sufficient to render the decision. If the information is deemed insufficient, the director will specify additional information needed and request that it be furnished.

2. The petitioner may submit the additional information requested, or may attempt to show that no reasonable basis exists for additional information. If the director agrees that no reasonable basis exists for the request for additional information, he will act in accordance with 9 VAC 20-130-240 B 3. If the director continues to believe that a reasonable basis exists to require the submission of such information, he will proceed with the denial action in accordance with the Virginia Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

3. After the petition is deemed complete:

a. The director will make a tentative decision to grant or deny the petition;

b. Where the petition is tentatively denied, the director will offer the petitioner the opportunity to withdraw the petition, submit additional information, or request the director to proceed with the evaluation;

c. Unless the petition is withdrawn, the director will issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the applicant is located. The director will accept comment on the tentative decision for 30 days after publication of public notice;

d. Upon a written request of any interested person, the director may, at his discretion, hold an informal fact finding meeting described in Article 3 (§ 9-6.14:11 et seq.) of the Virginia Administrative Process Act. A person requesting a hearing shall state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold such a meeting;

e. After evaluating all public comments the director will:

(1) Within 15 days after the expiration of the comment period, notify the applicant of the final decision; and

(2) Publish it in a newspaper having circulation in the locality.

C. Petition resolution.

1. In the case of a denial, the petitioner has a right to request of the director a formal hearing to challenge the rejection.

2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any variance requirements.

DOCUMENTS INCORPORATED BY REFERENCE

Paint Filter Liquids Test, Method 9095, USEPA Publication SW-846.

NOTICE: The forms used in administering 9 VAC 20-130-10 et seq., Regulations for the Development of Solid Waste Management Plans, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Form DEQ 50-25, Solid Waste Information and Assessment Program – Reporting Table, rev. 6/6/00.

Form DEQ 50-30, Locality Recycling Rate Report, eff. 6/15/00.

I. Form DEQ 50-25 Solid Waste Information and Assessment Program- Reporting Table

Facility Name _____ Permit No. _____
 Date Submitted to DEQ _____ Annual Reporting Period: _____
 Available Permitted Capacity _____ Total Annual Disposal Rate _____ Expected Remaining Permitted Life _____

II. Originating Jurisdiction (ie. State): _____ Is Jurisdiction Outside Virginia? YES _____ NO _____

| Waste Type | Units (check one) | | Waste Management- Report Amount by Weight or Volume (REPORTING UNITS MUST BE CONSISTENT FOR ALL FIELDS OF A PARTICULAR WASTE TYPE, USE TONS OR CUBIC YARDS, NOT BOTH) | | | | | | | |
|---------------------------------|----------------------|--------|--|----------|-----------|------------|-------------|---------------|----------------|--------|
| | Tons | cu.yds | Received | Recycled | Composted | Landfilled | Incinerated | Sent off site | Stored on site | Other: |
| | | | | | | | | | | |
| Municipal Solid Waste | | | | | | | | | | |
| Construction/ Demolition/Debris | | | | | | | | | | |
| Industrial Waste | | | | | | | | | | |
| Regulated Medical Waste | | | | | | | | | | |
| Vegetative/Yard Waste | | | | | | | | | | |
| Incineration Ash | | | | | | | | | | |
| Sludge* | | | | | | | | | | |
| Tires | | | | | | | | | | |
| White Goods | | | | | | | | | | |
| Friable Asbestos | | | | | | | | | | |
| Petroleum Contaminated Soil | | | | | | | | | | |
| Other Waste(specify): | | | | | | | | | | |

NOTE: Report each different jurisdiction on a separate page *Sludge other than that applied to the land in accordance with § 32.1-164. Revised 6/6/00

LOCALITY RECYCLING RATE REPORT

DEQ Form 50-30 6/15/2000

Reporting Entity: _____
 Person Completing This form: _____
 Title: _____
 Address: _____ Street / P.O. Box _____ City _____ State _____ Zip _____
 Phone Number: (____) _____
 Fax Number: (____) _____
 Email Address: (____) _____
 Member Governments: the local governments identified in your regional solid waste management plan _____

WASTE TYPE

| WASTE TYPE | Management Action | |
|-----------------------------------|------------------------------|-----------------------------|
| | Recycled (Amount in tons) | Reused* (Amount in tons) |
| Paper | _____ | _____ |
| Metal | _____ | _____ |
| Plastic | _____ | _____ |
| Glass | _____ | _____ |
| Yard waste (composted or mulched) | _____ | _____ |
| Wood | _____ | _____ |
| Textiles | _____ | _____ |
| Subtotals | _____ | _____ |
| Total PRM | ++ _____ | + _____ (A) |

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*material must be reused in its present form or be size - reduced

| II. Supplemental Recyclable Material (SRM) | Management Action | |
|--|------------------------------|-----------------------------|
| | Recycled (Amount in tons) | Reused* (Amount in tons) |
| Tires | _____ | _____ |
| Used Oil | _____ | _____ |
| Auto Bodies | _____ | _____ |
| Construction Waste | _____ | _____ |
| Demolition Waste | _____ | _____ |
| Debris Waste | _____ | _____ |
| Batteries | _____ | _____ |
| Ash | _____ | _____ |
| Sludge | _____ | _____ |
| Subtotals | _____ | _____ |
| Grand Total SRM | ++ _____ | + _____ (B) |

III. Total MSW Generated

| | |
|---------------|-------------|
| Household | _____ |
| Commercial | _____ |
| Institutional | _____ |
| Other** | _____ |
| Total | + _____ (C) |

IV. Recycling Rate = $\frac{A+B}{A+B+C} \times 100 =$ _____ %

**May add total amounts of SRM generated, if known.

I certify that I have personally examined and am familiar with the information submitted in this form and any attached documents, and that, based on my inquiry of these individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. These records will be made available for auditing purposes, if requested.

Authorized Signature _____ Title _____ Date _____

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STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following regulatory action. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 9-6.14:7.1 B; (ii) forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 25-115-10 et seq. **General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities (amending 9 VAC 25-115-10 through 9 VAC 25-115-50).**

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

Public Hearing Date: December 12, 2000 - 10 a.m. (Kilmarnock).

Public comments may be submitted until January 8, 2001.

(See Calendar of Events section for additional information)

Summary:

The State Water Control Board proposes to amend the VPDES General Permit Regulation for Seafood Processing Facilities in order to reissue the general permit for another five-year term. The reissued general permit will replace current General Permit VAG52, which will expire on July 24, 2001.

The existing regulation sets forth guidelines for the permitting of wastewater discharges from seafood processing facilities, and establishes limitations and monitoring requirements for flow, pH, biochemical oxygen demand, total suspended solids, and oil and grease based on the species processed and the applicable effluent guidelines established by the Environmental Protection Agency in 40 CFR Part 408. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit.

No significant changes to the existing regulation are proposed in this amendment.

9 VAC 25-115-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and 9

~~VAC 25-30-10 et seq. (Permit Regulation) the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) unless the context clearly indicates otherwise, except that. Additionally, for the purposes of this chapter:~~

~~"Board" means the State Water Control Board.~~

~~"Department" means the Virginia Department of Environmental Quality.~~

~~"Director" means the Director of the Virginia Department of Environmental Quality, or an authorized representative.~~

~~"Seafood processing facility" means any facility classified under Standard Industrial Classification (SIC) 2091, 2092, 5142 or 5146 (Office of Management and Budget (OMB) SIC Manual, 1987), except mechanized clam facilities which processes or handles seafood intended for human consumption or as bait. Seafood includes but is not limited to crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs and crayfish.~~

~~"Industrial activity" means the facilities classified under SIC Code 2091 or 2092.~~

~~"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.~~

~~"Seafood processing facility" means any facility classified under SIC Code 2091, 2092, 5142 or 5146, except a mechanized clam facility, which processes or handles seafood intended for human consumption or as bait. Seafood includes but is not limited to crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs and crayfish.~~

~~"SIC" means the Standard Industrial Classification Code or Industrial Grouping from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 edition.~~

~~"Significant materials" includes, but is not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production (except oyster, clam or scallop shells); hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 USC § 9601); any chemical the facility is required to report pursuant to EPCRA § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC § 11023); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.~~

~~"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.~~

~~"Storm water discharge associated with industrial activity" means the discharge from any conveyance which that is used for collecting and conveying storm water and which that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122 (1992) VPDES program under 9 VAC 25-31-10 et seq. For the categories of~~

industries identified in the "industrial activity" definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts (except for oyster, clam or scallop shells) used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401 (1992)); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage area (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product (except for oyster, clam or scallop shells). The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

9 VAC 25-115-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the discharge of wastewater and storm water associated with industrial activity from seafood processing facilities. It does not cover wastewater discharges from mechanized clam processing facilities.

B. The director, or his designee an authorized representative, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on July 24, 1996. This general permit 2001, and will expire five years after the effective date. For any covered owner, this general permit is effective as to any covered owner upon compliance with all the provisions of 9 VAC 25-115-30 and the receipt of this general permit.

9 VAC 25-115-30. Authorization to discharge.

Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the director of the registration statement of 9 VAC 25-115-40, files the required permit fee, complies with the effluent limitations and other requirements of 9 VAC 25-115-50, and provided that:

- 1. Individual permit. The owner shall not have been required to obtain an individual permit as may be required in the VPDES Permit Regulation (9 VAC 25-30-10 9 VAC 25-31-10 et seq.).
- 2. Prohibited discharge locations. The owner shall not be authorized by this general permit to discharge to state

waters specifically named in other board regulations or policies which that prohibit such discharges.

Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

9 VAC 25-115-40. Registration statement.

The owner shall file a complete general VPDES permit registration statement, which will serve as a notice of intent for coverage under the general permit for seafood processors. Any owner of an existing seafood processing facility which is covered by this general permit, who wishes to add a process to the existing permit, shall file an amended registration statement at least 30 days prior to commencing operation of the new process facility covered by the general VPDES permit for seafood processing facilities that became effective on July 24, 1996, who wishes to remain covered by this general permit shall file a new registration statement by June 1, 2001, in order to avoid a lapse in coverage. Any owner proposing a new discharge shall file the registration statement at least 30 days prior to the date planned for commencing construction or operation of the new discharge. Any owner of an existing seafood processing facility covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 120 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing seafood processing facility not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement. After coverage under the general permit is obtained, an amended registration statement must be submitted at least 30 days prior to commencing operation of any new process not included on the original registration statement. The required registration statement shall be in the following form contain the following information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT REGISTRATION STATEMENT FOR SEAFOOD PROCESSING FACILITIES

1. APPLICANT INFORMATION

A. Name of Facility: _____

B. Facility Owner: _____

C. Owner's Mailing Address

a. Street or P.O. Box _____

b. City or Town _____

c. State _____ d. Zip Code _____

e. Phone Number _____

D. Facility Location: _____

Street No., Route No., or Other Identifier

E. Is the operator of the facility also the owner?

_____ Yes _____ No

If No, complete F & G.

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F. Name of Operator: _____

G. Operator's Mailing Address _____

a. Street or P.O. Box _____

b. City or Town _____

c. State _____ d. Zip Code _____

e. Phone Number _____

2. FACILITY INFORMATION

Will this facility discharge to surface waters?

_____ Yes _____ No

If yes, name of receiving stream _____

Does this facility currently have an existing VPDES Permit?

_____ Yes _____ No

If yes, what is the permit No. _____

Provide the original date of construction of the seafood processing facility building and dates and description of all subsequent facility construction.

3. MAP

Attach a USGS topographic map extending to at least one mile beyond property boundary, indicate location of facility and name of topographical quadrangle.

4. SIC CODES (check all applicable categories)

_____ 2091 Canning and Curing Fish and Seafood

_____ 2092 Preparing Fresh or Frozen Fish and Seafood

_____ 5142 Wholesale Distribution of Packaged Frozen Fish and Other Seafood

_____ 5146 Wholesale Distribution of Fish and Seafood, Including Product Cured, Fresh or Frozen But Not Packaged or Canned

5. NATURE OF BUSINESS:(provide a brief description)

6. OUTFALL INFORMATION

List all wastewater discharge outfalls by a number that is the same as on the drawings required in Question 8. Identify the processes which discharge through each outfall. Give the name of the waterbody receiving the discharge.

Outfall No. _____ Operation (Process) _____ Receiving Stream _____

7. MAXIMUM DAILY PRODUCTION (the highest production value on any one day during a calendar year); (use weight of raw product except for oyster or scallop processing for which final product weight should be reported)

| Operation (Process) | Quantity Per Day | Unit of Measurement |
|---------------------|------------------|---------------------|
|---------------------|------------------|---------------------|

8. FACILITY DRAWING

A. Attach a line drawing for each process showing the source of the water and its flow through the facility. Show each step of the process, (i.e., what happens to the water from the time it arrives at the facility until the time it leaves showing all individual floor drains, where pipes run through the building and where they discharge in relation to the receiving waters.)

B. Will any of the above processes operate simultaneously and discharge to the same outfall(s)?

Yes _____ No _____

If so, please provide specific information regarding simultaneous discharges.

9. TREATMENT INFORMATION

A. If settling basins or screens are used in wastewater treatment, provide the dimensions and capacity of the settling basin(s) and/or screen mesh size and location.

B. Describe the method and frequency of solid wastes disposal.

10. CHEMICALS

Are any chemicals other than cleaners and sanitizers approved by the U.S. Department of Agriculture for food plant applications used in such a way that they might be in the discharge?

Yes _____ No _____

If yes, provide the name of the chemical(s) here and describe how it is used.

11. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature(s): _____ Date: _____

_____ Date: _____

Name of person(s) signing above: _____
(printed or typed)

_____ (printed or typed)

Title(s): _____

REQUIRED ATTACHMENTS

- Facility Drawing
USGS Topographic Map
Local Government Ordinance Form (If needed, see No. 12)

For Department use only:

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____

Special Standards _____

A. Facility name, owner, mailing address and telephone number;

B. Facility location;

C. Facility operator name, address and telephone number if different than owner;

D. Does the facility discharge to surface waters? Name of receiving stream if yes;

E. Does the facility have a current VPDES Permit? Permit Number if yes;

F. The original date of construction of the seafood processing facility building and dates and description of all subsequent facility construction.

G. A USGS topographic map showing the facility location;

H. Facility SIC Code(s);

I. Nature of business at facility;

J. Discharge outfall information;

K. Facility maximum production information;

L. Facility line drawing;

M. Multi-process simultaneous discharge information;

N. Treatment and solid waste disposal information;

O. Information on use of chemicals at the facility;

P. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with 9 VAC 25-31-110.

9 VAC 25-115-50. General permit.

Any owner whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the VPDES Permit Regulation.

General Permit No.: VAG52*****

Effective Date: *****, 199* July 24, 2001

Expiration Date: *****, 199* July 24, 2006

GENERAL PERMIT FOR SEAFOOD PROCESSING FACILITY

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto to it, owners of seafood processing facilities, other than mechanized clam processing facilities, are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except

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those specifically named in board regulations or policies ~~which~~ that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Storm Water Pollution Prevention Plans, ~~and Part III - Monitoring and Reporting, and Part IV - Management Requirements~~ *Conditions Applicable to All VPDES Permits*, as set forth herein.

REGISTRAR'S NOTICE: Subdivisions 1 through 27 of Part I A of 9 VAC 25-115-50 are intentionally omitted from this proposed regulatory action since no amendments are being proposed to these subdivisions. The full text can be found in the printed volume of the Virginia Administrative Code (Volume 7, pages 1087 through 1101) or on the Internet at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9VAC25-115-50>. Copies may also be obtained from the Department of Environmental Quality by calling Michael B. Gregory at (804) 698-4065.

B. Special Conditions

1. No sewage shall be discharged from a point source to surface waters at this facility except under the provisions of another VPDES permit specifically issued for that purpose.

2. There shall be no chemicals added to the water or waste ~~which~~ that may be discharged, including sodium tripolyphosphate, other than those listed on the owner's accepted registration statement, unless prior approval of the chemical(s) is granted by the Regional Office Director.

~~3. Byproducts used in a value added process, such as seasonings or breeding, may be included in the discharge in incidental quantities.~~

4. Wastewater should be reused or recycled whenever feasible.

5. The permittee shall comply with the following solids management plan:

a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. All floors, machinery, conveyor belts, dock areas, etc. shall be dry swept or dry brushed prior to washdown.

c. All settling basins shall be cleaned frequently in order to achieve effective settling.

d. All solids resulting from the seafood processes covered under this general permit, other than oyster, clam or scallop shells, shall be handled, stored and disposed of so as to prevent a discharge to state waters of such solids or industrial wastes or other wastes from those solids.

e. The permittee shall install and properly maintain whatever wastewater treatment process is necessary in order to remove organic solids present in the wastewater that may settle and accumulate on the substrate of the receiving waters in other than trace

amounts. *By-products used in a value-added process, such as seasonings or breeding, may be included in the discharge in incidental quantities.*

f. All employees shall receive training relative to preventive measures taken to control the release of solids from the facility into surface waters.

~~6.~~ 5. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard, limitation or prohibition for a pollutant which is promulgated or approved under § 307(a)(2) of the Clean Water Act (33 USC § 1317(a)(2)), if the effluent standard, limitation or prohibition so promulgated or approved:

a. Is more stringent than any effluent limitation on the pollutant already in the permit; or

b. Controls any pollutant not limited in the permit.

~~7.~~ 6. Production to be reported and used in calculating effluent discharge levels in terms of kg/kkg shall be the weight in kilograms of raw material processed, in the form in which it is received at the processing plant, on the day of effluent sampling, except for the hand-shucked oyster, steamed and canned oyster, and scallop processing subcategories, for which production shall mean the weight of oyster or scallop meat after processing. The effluent levels in terms of kg/kkg shall be calculated by dividing the measured pollutant load in kg/day by the production level in kkg (thousands of kilograms).

7. The permittee shall notify the department as soon as they know or have reason to believe:

a. 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:

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. 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:

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) *The level established by the board.*

PART II.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for each facility covered by this permit, which ~~falls~~ *has storm water discharges and is classified* under SIC Code 2091 or 2092. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution ~~which that~~ *which that* may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices ~~which that~~ *which that* are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for plan preparation and compliance.

~~1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan:~~

~~a. Shall be prepared within 180 days after the dated coverage under this permit; and~~

~~b. Shall provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.~~

~~2. The plan for any facility where industrial activity commences on or after the effective date of this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a registration statement to be covered under this permit.~~

1. Existing facilities and new facilities that begin operation on or before July 24, 2001, shall prepare and implement a plan incorporating the storm water pollution prevention plan requirements of this permit, if not included in an existing plan, as expeditiously as practicable, but not later than six months following notification of coverage under the general permit. Existing storm water pollution prevention plans being implemented as of July 24, 2001, shall continue to be implemented until a new plan, if required, is developed and implemented.

2. Facilities that begin operation after July 24, 2001, shall prepare and implement a plan incorporating the requirements of this permit prior to submitting the registration statement.

3. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a registration statement in accordance with the registration requirements.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part III ~~G~~ *K* (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III ~~G~~ *B* (~~retention of records~~) of this permit.

2. The permittee shall make plans available to the department upon request.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit ~~which that~~ *which that* are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II D 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

D. Contents of plan. The plan shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential pollutant sources. Each plan shall provide a description of potential sources ~~which that~~ *which that* may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations

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where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II D 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities *where such activities are exposed to precipitation*: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. *The map must indicate all outfall locations and discharge types in the drainage area of the storm water outfall.*

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants ~~which~~ that are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage

activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. In addition to or as part of the comprehensive site compliance evaluation required under Part II D 4 of this permit, ~~qualified~~ facility personnel *who are familiar with the plant operations, best management practices and the storm water pollution prevention plan* shall be identified to inspect designated equipment and areas of the facility *where potential for exposure to storm water exists including loading and unloading areas, storage areas and waste management units*, at appropriate intervals specified in the plan. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. Employee training. Employee training programs shall inform personnel responsible for implementing

activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

h. Management of runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II D 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales ~~and practices~~, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive site compliance evaluation. ~~Qualified Facility~~ personnel *who are familiar with the plant operations, best management practices and the storm water pollution prevention plan* shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management

measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part II D 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II D 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date or dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II D 4 b of this permit shall be made and retained as part of the storm water pollution prevention plan as required in Part III ~~C~~ B. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III ~~C~~ K (signatory requirements) of this permit and retained as required in Part III ~~C~~ B.

d. Where compliance evaluation schedules overlap with inspections required under Part II D 3 d (inspections), the compliance evaluation may be conducted in place of one such inspection.

5. Consistency with other plans. Storm water pollution prevention plans may ~~reflect~~ *reference the* requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under § 311 of the Clean Water Act (33 USC § 1321) or Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

6. *Additional requirements for storm water discharges associated with industrial activity that discharge into or through municipal separate storm sewer systems serving a population of 100,000 or more.*

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

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b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the board, shall make plans available to the municipal operator of the system upon request.

PART III. MONITORING AND REPORTING.

A. Sampling and analysis methods.

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants promulgated at 40 CFR Part 136.
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person or persons who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person or persons who performed each analysis;
5. The analytical techniques or methods used;
6. The results of such analyses and measurements;

C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three years from the date of the sample, measurement or report or until at least one year after coverage under this general permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

D. Additional monitoring by permittee. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of

the values required in the monitoring report. Such increased frequency shall also be reported.

E. Water quality monitoring. The director may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant or pollutants on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia Clean Water Act (33 USC § 1251 et seq.) or the board's regulations.

The permittee shall obtain and report such information if requested by the board. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by board.

F. Reporting requirements.

1. The discharge monitoring reports (DMR) shall be submitted to the appropriate DEQ regional office by January 10, April 10, July 10 and October 10 of each year. Those facilities which require once per year monitoring shall submit the DMR for each monitoring year by the 10th of January of the following year. All laboratory results and calculations shall be submitted with the DMR.
2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department's regional office with the monitoring report at least the following information:
 - a. A description and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
 - c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The department's regional office director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part III F 2 a through c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the

permittee becomes aware of the circumstances covered by this paragraph.

Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities, or (vi) flooding or other acts of nature.

The report shall be made to the regional office. For reports outside normal working hours, leaving a message shall fulfill the reporting requirements. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

G. Signatory requirements. Any registration statement, report, or certification required by this permit shall be signed as follows:

1. Registration statement.

a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)

c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

2. Reports. All reports required by permits and other information requested by the director shall be signed by:

a. One of the persons described in subdivision G 1 a, b, or c of this part; or

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision G 1 a, b, or c of this part; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent

responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, or registration statement to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision G 1 or 2 of this part shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge of pollutants.

1. Any permittee proposing a new discharge shall submit a registration statement at least 30 days prior to commencing erection, construction or expansion, or employment of new processes at any facility. There shall be no construction or operation of said facilities prior to the issuance of a permit.

2. The permittee shall submit a registration statement at least 30 days prior to any planned changes, including proposed facility alterations or additions, production increases, adding new processes or process modifications when:

a. The planned change to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or

b. The planned change could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to the notification level requirements in subdivision A 3 of Part IV; or

c. The planned change may result in noncompliance with permit requirements.

3. The permittee shall promptly provide written notice of the following:

a. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4 dinitrophenol and for 2-methyl 4, 6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) The level established in accordance with regulation under § 307(a) of the Act and accepted by the board.

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

- (1) Five hundred micrograms per liter (500 ug/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) The level established by the board.

Such notice shall include information on: (i) the characteristics and quantity of pollutants to be introduced into or from such treatment works; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works; and (iii) any additional information that may be required by the board.

B. Treatment works operation and quality control.

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data accepted by the board. The acceptance of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- c. Maintenance of treatment facilities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.

d. Collected solids shall be stored and disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.

G. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation or limitations or conditions.

D. Duty to halt, reduce activity or to mitigate.

- 1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability. The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing. Any bypass ("bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited unless:

- 1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the board may approve an anticipated bypass if:
 - a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and
 - b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall

take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision IV F 1 of this part and in light of the information reasonably available to the permittee at the time of the bypass.

G. ~~Conditions necessary to demonstrate an upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:~~

- ~~1. That an upset occurred and that the cause can be identified;~~
- ~~2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;~~
- ~~3. The permittee submitted a notification of noncompliance as required by subsection F of Part III; and~~
- ~~4. The permittee took all reasonable steps to minimize or correct any adverse impact to state waters resulting from noncompliance with the permit.~~

H. ~~Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under § 307(a) of the Clean Water Act (33 USC § 1317(a)).~~

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act (33 USC § 1370).

I. ~~Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.~~

J. ~~Severability. The provisions of this permit are severable.~~

K. ~~Duty to reregister. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 120 days prior to the expiration date of this permit.~~

L. ~~Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state and federal representatives, upon the presentation of credentials:~~

- ~~1. To enter upon the permittee's premises on which the establishment, treatment works, or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;~~

~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~

~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~

~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or byproduct; and~~

~~5. To inspect at reasonable times any collection, treatment or discharge facilities required under this permit.~~

~~For purposes of this part, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.~~

M. ~~Transferability of permits. This permit may be transferred to another person by a permittee if:~~

~~1. The current owner notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~

~~2. The notice to the department includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~

~~3. The department does not within the 30-day time period notify the existing owner and the proposed owner of the board's intent to modify or revoke and reissue the permit.~~

~~Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

N. ~~Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.~~

~~Claims of confidentiality for the following information will be denied:~~

~~1. The name and address of any permit applicant or permittee;~~

~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted~~

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on the forms themselves and any attachments used to supply information required by the forms.

~~O. Permit modification. The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act (33 USC § 1317 (a)); or~~
- ~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable water quality standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit termination. After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~Q. When an individual permit may be required. The board may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

- ~~1. The discharger(s) is a significant contributor of pollution.~~
- ~~2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit.~~
- ~~3. The discharge violates the terms or conditions of this permit.~~
- ~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.~~
- ~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.~~
- ~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

~~R. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to an permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~S. Civil and criminal liability. Except as provided in permit conditions on "bypassing" (Part IV F), and "upset" (Part IV G) nothing in this permit shall be construed to relieve the~~

~~permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act (33 USC § 1321) or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

PART III.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

- 1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.*
- 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.*
- 3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.*

B. Records.

- 1. Records of monitoring information shall include:*
 - a. The date, exact place, and time of sampling or measurements;*
 - b. The individual(s) who performed the sampling or measurements;*
 - c. The date(s) and time(s) analyses were performed;*
 - d. The individual(s) who performed the analyses;*
 - e. The analytical techniques or methods used; and*
 - f. The results of such analyses.*
- 2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip*

chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

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I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and*
- b. Any upset that causes a discharge to surface waters.*

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;*
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and*
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.*

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (1) After promulgation of standards of performance under § 306 of the federal Clean Water Act that are applicable to such source; or*
- (2) After proposal of standards of performance in accordance with § 306 of the federal Clean Water Act that are applicable to such source, but only if the*

standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the federal Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for

registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights or any infringement of federal, state or local laws or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

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2. Notice.

a. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be submitted if possible at least 10 days before the date of the bypass.

b. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part III I (reports of noncompliance).

3. Prohibition of bypass.

a. *Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:*

(1) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*

(2) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*

(3) *The permittee submitted notices as required under Part III U 2.*

b. *The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.*

V. Upset.

1. *An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.*

2. *A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:*

a. *An upset occurred and that the permittee can identify the cause(s) of the upset;*

b. *The permitted facility was at the time being properly operated;*

c. *The permittee submitted notice of the upset as required in Part III I; and*

d. *The permittee complied with any remedial measures required under Part III S.*

3. *In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.*

W. Inspection and entry. The permittee shall allow the director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. *Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;*

2. *Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;*

3. *Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and*

4. *Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.*

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. *Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the federal Clean Water Act.*

2. *As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:*

a. *The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;*

b. *The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and*

c. *The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not*

received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

VA.R. Doc. No. R00-100; Filed October 16, 2000, 8:34 a.m.



TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-60, 13 VAC 10-180-70, 13 VAC 10-180-90, and 13 VAC 10-180-100).

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Summary:

The proposed amendments (i) limit nonprofit fees paid to a consultant to the lesser of 10% of the developer fee or \$75,000 for developments competing in the nonprofit pool; (ii) provide that rehabilitation developments not submitting an early VHDA notification form letter will receive the 10 points for the form letter if submitted with the application and if the locality supports the development and will not be penalized the negative 50 points if the locality does not support the development; (iii) remove points for locating a development in a qualified census tract; (iv) provide points for developments subject to Section 8 and 236 loans and Federal Home Loan Bank AHP loans and/or grants; (v) increase points for amenities from 45 to 50 points; (vi) add "Hard to Develop" points (a) 10 points if the size of the development is 50 units or less, (b) up to 20 points for restricting up to 20% of units with incomes and rents only to 40% of the area median income or below, or up to 10 points for restricting up to 20% of units with rents only to 40% of the area median income or below, and (c) 10 points if 75% or more of developer fee is used for development costs; (vii) add a 10-point category for developments in which a nonprofit acts as the management agent for a development eligible to compete in the nonprofit pool; (viii) reduce points for credits per unit from 240 to 180 points and reduce points for cost per unit from 110 to 75 points; (ix) move bonus point categories to regular scoring categories; (x) developments located in localities with area median

incomes at or below the state area median income will qualify for up to the maximum 70 points when restricting rents only to the 50% and 40% levels; (xi) localities may encourage mixed income developments by requesting VHDA to use only tax credit units in the calculation for points in the Hard to Develop and bonus point categories; (xii) increase the threshold score from 475 to 550; (xiii) conform compliance monitoring regulations to changes in the Internal Revenue Service regulations; and (xiv) other miscellaneous administrative clarification changes.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540 or FAX (804) 783-6701.

13 VAC 10-180-10. Definitions.

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

"Applicant" means an applicant for credits under this chapter and also means the owner of the development to whom the credits are allocated.

"Credits" means the low-income housing tax credits as described in § 42 of the IRC.

"IRC" means the Internal Revenue Code of 1986, as amended, and the rules, regulations, notices and other official pronouncements promulgated thereunder.

"IRS" means the Internal Revenue Service.

"Low-income housing units" means those units which are defined as "low income units" under § 42 of the IRC.

"Low-income jurisdiction" means any city or county in the Commonwealth with an area median income at or below the state-wide area median income established by the U. S. Department of Housing and Urban Development.

"Qualified application" means a written request for tax credits which is submitted on a form or forms prescribed or approved by the executive director together with all documents required by the authority for submission and meets all minimum scoring requirements.

"Qualified low-income buildings" or "qualified low-income development" means the buildings or development which meets the applicable requirements in § 42 of the IRC to qualify for an allocation of credits thereunder.

13 VAC 10-180-60. Review and selection of applications; reservation of credits.

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and

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allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); ~~and.~~

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

3. *The "qualified nonprofit organization" must receive all developer's fees and any fees paid to third party development consultants may not exceed the lesser of 10% of the developer's fee or \$75,000.*

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of this section, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by

shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements

of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development (HUD) in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

- a. Written evidence satisfactory to the authority of (i) ~~preliminary conditional~~ approval by local authorities of the plan of development or *site plan* for the proposed development (30 points) or (ii) approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points)
- b. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (40 points)
- c. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (20 points)
- d. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

- a. Submission of the letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points for any proposed development other than a rehabilitation of existing apartments)
- b. (1) A letter dated within three months prior to the application deadline addressed to the authority and

signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points; or 60 points if the proposed development is a rehabilitation of existing apartments that did not receive points in subdivision 2(a) above)

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision b (1) above) nor opposition (as described in subdivision b (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

c. Documentation from the local authorities that the proposed development is located in a ~~Qualified Census Tract (QCT) or such other~~ locally identified revitalization area, or determination by the authority that the proposed development is located in a Difficult Development Area as defined by HUD or in an Enterprise Zone designated by the state. (20 points)

d. Commitment by the applicant to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant, or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points)

e. Any of the following: (i) firm financing commitment(s) from the local government, housing authority, *Federal Home Loan Bank affordable housing funds*, or the Rural Development of the U.S. Department of Agriculture or (ii) a resolution passed by the locality in which the proposed development is to be located committing a grant or below-market rate loan

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or a waiver of taxes and fees, donation of land or other similar support to the development or (iii) evidence from *either* (x) Rural Development that the development will remain subject to existing financing from Rural Development or (y) HUD that the development will remain subject to existing financing under its Section 8 or Section 236 programs. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development unless permitted by the executive director for good cause. (The amount of such financing or value of local support will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest gross square footage per unit for a given unit type established by the executive director. *If the average actual gross square footage per unit for a given unit type is less than the lowest gross square footage per unit for a given unit type established by the executive director or greater than the highest gross square footage per unit for a given unit type established by the executive director, the lowest or highest, as the case may be, gross square footage per unit for a given unit type established by the executive director shall be used in the above calculation rather than the actual gross square footage per unit for a given unit type.*)

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. Proposed new construction developments to be located in the jurisdictions included in the rural pool established by the executive director will receive an additional 20

points; however, no applicant will receive more than 80 points under this subdivision. Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting the authority to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.)

d. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points, *no points if points awarded in subdivision 1 (b) above*)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point, *no points if points awarded in subdivision 1 (b) above*)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for *metal or vinyl* windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

(n) Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)

(o) If the development has a minimum STC (sound transmission class) rating of 52 for the floor construction between units. (3 points)

(p) All kitchen cabinets comply with authority minimum guidelines. (1 point)

(q) All closet doors are side hinged (no bi-fold or sliding doors). (1 point)

(r) All exterior wood, including trim, fascia and rake boards are clad in aluminum. (1 point)

(2) The following points are available to applications electing to serve elderly and/or ~~handicapped~~ physically disabled tenants as elected in subdivision 4 a of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

(g) If all entrance doors to each unit have two eye viewers, one at 48" and the other at standard height. (1 point)

(3) The following points are available to ~~projects~~ proposed developments which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (2 3 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation

will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (2 3 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

(h) If all water closets are replaced with water saver closets. (1 point)

(i) If replacing the roof, removing the old roof and felt. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 d of this section is ~~45~~ 50 points.

e. Proposed developments not exceeding 50 units. (10 points)

4. Tenant population characteristics.

a. Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: (i) persons 55 years or older, (ii) homeless persons or families, or (iii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the federal Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

b. Commitment by the applicant to creating a development in which 20% or more of the low-income units have three or more bedrooms. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (30 points)

c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points)

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. (10 points)

b. Participation by a qualified nonprofit organization (or by a wholly-owned subsidiary of such organization) authorized to do business in Virginia and substantially based or active in the community of the development that (i) acts as a managing general partner under the partnership agreement. (20 points) or (ii) acts as management agent for a development that qualifies for the credit pool established by the executive director for qualified nonprofit corporations (10 points) or (iii) acts as both managing general partner and management agent (30 points). No staff member, officer or member of the board of directors of such qualified nonprofit

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organization may materially participate, directly or indirectly, in the proposed development through a for-profit entity.

c. Participation by a qualified nonprofit organization (or by a wholly-owned subsidiary of such organization) substantially based or active in the community of the proposed development that acts as managing agent for a development that qualifies for the pool established by the executive director for qualified nonprofit corporations. (10 points).

d. Commitment by the owner of the proposed development to use at least 75% of the developer's fee to pay development costs. (10 points)

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (If the per unit credit amount of the proposed development equals or exceeds the applicable standard per unit credit amount established by the executive director, the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, the difference is calculated as a percentage of such standard per unit credit amount established by the executive director, and then multiplied by ~~240~~ 180 points.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (If the per unit cost of the proposed development equals or exceeds the applicable standard per unit cost amount established by the executive director, the proposed development is assigned no points; if the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director, the difference is calculated as a percentage of such standard per unit cost amount established by the executive director, and then multiplied by ~~140~~ 75 points.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such

tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

~~After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of 475 points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.~~

7. Bonus points. For each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points, bonus points shall be assigned as follows:

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of ~~low-income~~ housing units in the proposed development restricted for occupancy to households at or below 50% of the area median gross income; plus 1 point for each percentage of housing units further restricted for occupancy to households at or below 40% of the area median gross income up to an additional 20 points.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points (50 points for proposed developments in low-income jurisdictions) multiplied by (ii) the percentage of ~~low-income~~ housing units in the proposed development restricted to the rents required for occupancy to households at or below 50% of the area median gross income; plus 1/2 point (1 point for proposed developments in low-income jurisdictions) for each percentage of housing units in the proposed development further restricted to the rents required for occupancy to households at or below 40% of the area median gross income up to an additional 10 points (20 points for proposed developments in low-income jurisdictions).)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the

30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision c may not receive bonus points under subdivision d below. (40 points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a qualified nonprofit organization or local housing authority substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points or, if the applicant receives 20 points under subdivision 5 (b) of this section, 50 points)

In calculating the points for subdivisions 7(a) and (b) above, (i) any unit with rental assistance that exceeds the rent limit for 50% or 40% of the area median gross income, whichever is applicable, will not be counted as a low-income unit with incomes below those required by the IRC in order for the development to be a qualified low-income development for bonus point purposes when calculating the percentage of such low-income units in the proposed development, and (ii) any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that, the locality submits evidence satisfactory to the authority of such requirement.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application that is assigned a total number of points less than a threshold amount of 550 points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and shall be ranked within such pool. Those applications

assigned more points shall be ranked higher than those applications assigned fewer points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the most bonus points as described above, and each application so selected shall receive (in order based upon the number of such bonus points, beginning with the application with the most bonus points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of bonus points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications

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without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, provided that the applicant's modified development produces at least 75% of the units and bedrooms described in the application for the proposed development, or (ii) move the proposed development and the credits available to another pool. Any modifications shall be subject to the approval of the executive director; however, in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to this section. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount

necessary for the financial feasibility of the proposed development. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the executive director shall not reserve more than \$1.2 million of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director. The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director may, as a condition to the binding commitment, require each applicant to obtain a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding

commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

13 VAC 10-180-70. Allocation of credits.

At such time as one or more of an applicant's buildings or an applicant's development which has received a reservation of credits is (i) placed in service or satisfies the requirements of § 42(h)(1)(E) of the IRC and (ii) meets all of the preallocation requirements of this chapter, the binding commitment and any other applicable contractual agreements between the applicant and the authority, the applicant shall so advise the authority, shall request the allocation of all of the credits so reserved or such portion thereof to which the applicant's buildings or development is then entitled under the IRC, this chapter, the binding commitment and the aforementioned contractual agreements, if any, and shall submit such application, certifications, legal and accounting opinions, evidence as to costs, a breakdown of sources and uses of funds, pro forma financial statements setting forth anticipated cash flows, and other documentation as the executive director shall require in order to determine that the applicant's buildings or development is entitled to such credits as described above. The applicant shall certify to the authority the full extent of all federal, state and local subsidies

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which apply (or which the applicant expects to apply) with respect to the buildings or the development.

As of the date of allocation of credits to any building or development and as of the date such building or such development is placed in service, the executive director shall determine the amount of credits to be necessary for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC. In making such determinations, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall then deem reasonable (or he may apply the criteria and assumptions he established pursuant to 13 VAC 10-180-60) for the purpose of making such determinations, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined in 13 VAC 10-180-60) at fixed interest rates, debt service on the proposed mortgage loan. The amount of credits allocated to the applicant shall in no event exceed such amount as so determined by the executive director by more than a de minimis amount of not more than \$100.

Prior to allocating credits to an applicant, the executive director shall require the applicant to execute and deliver to the authority a valid IRS Form 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information. The Forms 8821 of all applicants will be forwarded to the IRS, which will authorize the IRS to furnish the authority with all IRS information pertaining to the applicants' developments, including audit findings and assessments.

Prior to allocating the credits to an applicant, the executive director shall require the applicant to execute, deliver and record among the land records of the appropriate jurisdiction or jurisdictions an extended low-income housing commitment in accordance with the requirements of the IRC. Such commitment shall require that the applicable fraction (as defined in the IRC) for the buildings for each taxable year in the extended use period (as defined in the IRC) will not be

less than the applicable fraction specified in such commitment and which prohibits both (i) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of a low-income unit and (ii) any increase in the gross rent with respect to such unit not otherwise permitted under the IRC. The amount of credits allocated to any building shall not exceed the amount necessary to support such applicable fraction, including any increase thereto pursuant to § 42(f)(3) of the IRC reflected in an amendment to such commitment. The commitment shall provide that the extended use period will end on the day 15 years after the close of the compliance period (as defined in the IRC) or on the last day of any longer period of time specified in the application during which low-income housing units in the development will be occupied by tenants with incomes not in excess of the applicable income limitations; provided, however, that the extended use period for any building shall be subject to termination, in accordance with the IRC, (i) on the date the building is acquired by foreclosure or instrument in lieu thereof unless a determination is made pursuant to the IRC that such acquisition is part of an agreement with the current owner thereof, a purpose of which is to terminate such period or (ii) on the last day of the one-year period following the written request by the applicant as specified in the IRC (such period in no event beginning earlier than the end of the fourteenth year of the compliance period) if the authority is unable to present during such one-year period a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building. In addition, such termination shall not be construed to permit, prior to close of the three-year period following such termination, the eviction or termination of tenancy of any existing tenant of any low-income housing unit other than for good cause or any increase in the gross rents over the maximum rent levels then permitted by the IRC with respect to such low-income housing units. Such commitment shall also contain such other terms and conditions as the executive director may deem necessary or appropriate to assure that the applicant and the development conform to the representations, commitments and information in the application and comply with the requirements of the IRC and this chapter. Such commitment shall be a restrictive covenant on the buildings binding on all successors to the applicant and shall be enforceable in any state court of competent jurisdiction by individuals (whether prospective, present or former occupants) who meet the applicable income limitations under the IRC.

In accordance with the IRC, the executive director may, for any calendar year during the project period (as defined in the IRC), allocate credits to a development, as a whole, which contains more than one building. Such an allocation shall apply only to buildings placed in service during or prior to the end of the second calendar year after the calendar year in which such allocation is made, and the portion of such allocation allocated to any building shall be specified not later than the close of the calendar year in which such building is placed in service. Any such allocation shall be subject to satisfaction of all requirements under the IRC.

If the executive director determines that the buildings or development is so entitled to the credits, he shall allocate the credits (or such portion thereof to which he deems the

buildings or the development to be entitled) to the applicant's qualified low-income buildings or to the applicant's development in accordance with the requirements of the IRC. If the executive director shall determine that the applicant's buildings or development is not so entitled to the credits, he shall not allocate the credits and shall so notify the applicant within a reasonable time after such determination is made. In the event that any such applicant shall not request an allocation of all of its reserved credits or whose buildings or development shall be deemed by the executive director not to be entitled to any or all of its reserved credits, the executive director may reserve or allocate, as applicable, such unallocated credits to the buildings or developments of other qualified applicants at such time or times and in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

The executive director may prescribe (i) such deadlines for submissions of requests for allocations of credits for any calendar year as he deems necessary or desirable to allow sufficient processing time for the authority to make such allocations within such calendar year and (ii) such deadlines for satisfaction of all preallocation requirements of the IRC the binding commitment, any contractual agreements between the authority and the applicant and this chapter as he deems necessary or desirable to allow the authority sufficient time to allocate to other eligible applicants any credits for which the applicants fail to satisfy such requirements.

The executive director may make the allocation of credits subject to such terms as he may deem necessary or appropriate to assure that the applicant and the development comply with the requirements of the IRC.

The executive director may also (to the extent not already required under 13 VAC 10-180-60) require that all applicants make such good faith deposits or execute such contractual agreements with the authority as the executive director may require with respect to the credits, (i) to ensure that the buildings or development are completed in accordance with the binding commitment, including all of the representations made in the application for which points were assigned pursuant to 13 VAC 10-180-60 and (ii) only in the case of any buildings or development which are to receive an allocation of credits hereunder and which are to be placed in service in any future year, to assure that the buildings or the development will be placed in service as a qualified low-income housing project (as defined in the IRC) in accordance with the IRC and that the applicant will otherwise comply with all of the requirements under the IRC.

In the event that the executive director determines that a development for which an allocation of credits is made shall not become a qualified low-income housing project (as defined in the IRC) within the time period required by the IRC or the terms of the allocation or any contractual agreements between the applicant and the authority, the executive director may terminate the allocation and rescind the credits in accordance with the IRC and, in addition, may draw on any good faith deposit and enforce any of the authority's rights and remedies under any contractual agreement. An allocation of credits to an applicant may also be cancelled with the mutual consent of such applicant and the executive

director. Upon the termination or cancellation of any credits, the executive director may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

13 VAC 10-180-90. Monitoring for IRS compliance.

A. Federal law requires the authority to monitor developments receiving credits for compliance with the requirements of § 42 of the IRC and notify the IRS of any noncompliance of which it becomes aware. Compliance with the requirements of § 42 of the IRC is the responsibility of the owner of the building for which the credit is allowable. The monitoring requirements set forth hereinbelow are to qualify the authority's allocation plan of credits. The authority's obligation to monitor for compliance with the requirements of § 42 of the IRC does not make the authority liable for an owner's noncompliance, nor does the authority's failure to discover any noncompliance by an owner excuse such noncompliance.

B. The owner of a low-income housing development must keep records for each qualified low-income building in the development that show for each year in the compliance period:

1. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit).
2. The percentage of residential rental units in the building that are low-income units.
3. The rent charged on each residential rental unit in the building (including any utility allowances).
4. The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under § 42(g)(2) of the IRC (as in effect before the amendments made by the federal Revenue Reconciliation Act of 1989).
5. The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented.
6. The annual income certification of each low-income tenant per unit.
7. Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the determination of annual income under section 8 of the United States Housing Act of 1937, 42 USC § 1401 et seq. ("section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under section 8, the documentation requirement of this subdivision 7 is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under § 42(g) of the IRC.

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8. The eligible basis and qualified basis of the building at the end of the first year of the credit period.

9. The character and use of the nonresidential portion of the building included in the building's eligible basis under § 42(d) of the IRC (e.g., tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the development).

The owner of a low-income housing development must retain the records described in this subsection B for at least six years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

In addition, the owner of a low-income housing development must retain any original local health, safety, or building code violation reports or notices issued by the Commonwealth or local government (as described in subdivision C 6 of this section) for the authority's inspection. Retention of the original violation reports or notices is not required once the authority reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected.

C. The owner of a low-income housing development must certify annually to the authority, on the form prescribed by the authority, that, for the preceding 12-month period:

1. The development met the requirements of the 20-50 test under § 42(g)(1)(A) of the IRC or the 40-60 test under § 42(g)(2)(B) of the IRC, whichever minimum set-aside test was applicable to the development.

2. There was no change in the applicable fraction (as defined in § 42(c)(1)(B) of the IRC) of any building in the development, or that there was a change, and a description of the change.

3. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving section 8 housing assistance payments, the statement from a public housing authority described in subdivision 7 of subsection B of this section (unless the owner has obtained a waiver from the IRS pursuant to § 42(g)(8)(B) of the IRC).

4. Each low-income unit in the development was rent-restricted under § 42(g)(2) of the IRC.

5. All units in the development were for use by the general public ~~and used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC)~~ *(as defined in IRS Regulation § 1.42-9), and that no finding of discrimination under the Fair Housing Act has occurred for the development. (A finding of discrimination includes an adverse final decision by the Secretary of HUD, 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 U.S.C. 3616(a)(1), or adverse judgment from federal court.)*

6. Each building in the development was suitable for occupancy, taking into account local health, safety, and building codes *(or other habitability standards), and that the Commonwealth or local government unit responsible for making local health, safety, and building code inspections did not issue a violation report for any building or low-income unit in the development. (If a violation report or notice was issued by the governmental unit, the owner must attach a statement summarizing the violation report or notice or a copy of the violation report or notice to the annual certification. In addition the owner must state whether the violation has been corrected.)*

7. There was no change in the eligible basis (as defined in § 42(d) of the IRC) of any building in the development, or if there was a change, the nature of the change (e.g., a common area has become commercial space or a fee is now charged for a tenant facility formerly provided without charge).

8. All tenant facilities included in the eligible basis under § 42(d) of the IRC of any building in the development, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building.

9. If a low-income unit in the development became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the development were or will be rented to tenants not having a qualifying income.

10. If the income of tenants of a low-income unit in the development increased above the limit allowed in § 42(g)(2)(D)(ii) of the IRC, the next available unit of comparable or smaller size in the development was or will be rented to tenants having a qualifying income.

11. An extended low-income housing commitment as described in § 42(h)(6) of the IRC was in effect (for buildings subject to § 7108(c)(1) of the federal ~~Revenue~~ *Omnibus Budget Reconciliation Act of 1989*).

12. All units in the development were used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC or single-room-occupancy units rented on a month-by-month basis under § 42(i)(3)(B)(iv) of the IRC).

Such certifications shall be made annually covering each year of the compliance period and must be made under the penalty of perjury.

In addition, each owner of a low-income housing development must provide to the authority, on a form prescribed by the authority, a certification containing such information necessary for the Commonwealth to determine the eligibility of tax credits for the first year of the development's compliance period.

D. The authority will review each certification set forth in subsection C of this section for compliance with the requirements of § 42 of the IRC. Also, the authority will ~~inspect at least 20% of low-income housing developments~~

~~each year and will conduct on-site inspections of all the buildings in the development by the end of the second calendar year following the year the last building in the development is placed in service and, for at least 20% of the development's low-income housing units, inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in the tenants in those units. In addition, at least once every three years, the authority will conduct on-site inspections of all the buildings in each low-income housing development and, for at least 20% of the low-income units in those developments~~ *development's low-income units, inspect the units, the low-income certifications, the documentation the owner has received to support the certifications, and the rent record for the tenants in those units. The authority will determine which low-income housing developments will be reviewed in a particular year and which tenant's records are to be inspected.*

In addition, the authority, at its option, may request an owner of a low-income housing development not selected for the review procedure set forth above in a particular year to submit to the authority for compliance review copies of the annual income certifications, the documentation such owner has received to support those certifications and the rent record for each low-income tenant of the low-income units in their development.

All low-income housing developments may be subject to review at any time during the compliance period.

E. The authority has the right to perform, and each owner of a development receiving credits shall permit the performance of, an on-site inspection of any low-income housing development through the end of the compliance period of the building. The inspection provision of this subsection E is separate from the review of low-income certifications, supporting documents and rent records under subsection D of this section.

The owner of a low-income housing development should notify the authority when the development is placed in service. The authority reserves the right to inspect the property prior to issuing IRS Form 8609 to verify that the development conforms to the representations made in the Application for Reservation and Application for Allocation.

F. The authority will provide written notice to the owner of a low-income housing development if the authority does not receive the certification described in subsection C of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in subsection D of this section or discovers by inspection, review, or in some other manner, that the development is not in compliance with the provisions of § 42 of the IRC.

Such written notice will set forth a correction period which shall be that period specified by the authority during which an owner must supply any missing certifications and bring the development into compliance with the provisions of § 42 of the IRC. The authority will set the correction period for a time not to exceed 90 days from the date of such notice to the owner. The authority may extend the correction period for up

to 6 months, but only if the authority determines there is good cause for granting the extension.

The authority will file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the IRS no later than 45 days after the end of the correction period (as described above, including any permitted extensions) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The authority must explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under subdivisions 2 and 7 of subsection C of this section, respectively, that results in a decrease in the qualified basis of the development under § 42(c)(1)(A) of the IRC is noncompliance that must be reported to the IRS under this subsection F. If the authority reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the authority need not file Form 8823 in subsequent years to report that building's noncompliance.

The authority will retain records of noncompliance or failure to certify for six years beyond the authority's filing of the respective Form 8823. In all other cases, the authority must retain the certifications and records described in subsection C of this section for three years from the end of the calendar year the authority receives the certifications and records.

G. If the authority decides to enter into the agreements described below, the review requirements under subsection D of this section will not require owners to submit, and the authority is not required to review, the tenant income certifications, supporting documentation and rent records for buildings financed by the Rural Economic and Community Development (RECD) under the § 515 program, or buildings of which 50% or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under § 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the authority must enter into an agreement with the RECD Rural Development or tax-exempt bond issuer. Under the agreement, the RECD Rural Development or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the authority. The authority may assume the accuracy of the information provided by RECD Rural Development or the tax-exempt bond issuer without verification. The authority will review the information and determine that the income limitation and rent restriction of § 42(g)(1) and (2) of the IRC are met. However, if the information provided by the RECD Rural Development or tax-exempt bond issuer is not sufficient for the authority to make this determination, the authority will request the necessary additional income or rent information from the owner of the buildings. For example, because RECD Rural Development determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under section 8, the authority may have to calculate the tenant's income for purposes of § 42 of the IRC and may need to request additional income information from the owner.

Proposed Regulations

H. The owners of low-income housing developments must pay to the authority such fees in such amounts and at such times as the authority shall reasonably require the owners to pay in order to reimburse the authority for the costs of monitoring compliance with § 42 of the IRC.

I. The owners of low-income housing developments that have submitted IRS Forms 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information on such owners shall submit from time to time renewals of such Forms 8821 as required by the authority throughout the extended use period.

13 VAC 10-180-100. Tax-exempt bonds.

In the case of any buildings or development to be financed by certain tax-exempt bonds of the authority, or an issuer other than the authority, in such amount so as not to require under the IRC an allocation of credits hereunder, the owner of the buildings or development shall submit to the authority, in a timely fashion, an application for allocation of credits and supporting information and documents as described in 13 VAC 10-180-70, and such other information and documents as the executive director may require. The executive director shall determine, in accordance with the IRC, whether such buildings or development satisfies the requirements for allocation of credits hereunder. For the purposes of such determination, buildings or a development shall be deemed to satisfy the requirements for allocation of credits hereunder if (i) the application submitted to the authority in connection therewith is assigned not fewer than the threshold number of points (~~exclusive of bonus points~~) under the ranking system described in 13 VAC 10-180-60, and (ii) the executive director shall determine that the buildings or development shall receive an amount of credits necessary for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC, and more fully described in 13 VAC 10-180-70. The owner of the buildings or development shall, as required by the executive director, pay such fees as described in 13 VAC 10-180-50, and such good faith deposits as described in 13 VAC 10-180-70. Furthermore, the owner of the buildings or development shall satisfy all other requirements for an allocation as required by the executive director, including execution, delivery and recordation of an extended low-income housing commitment as more fully described in 13 VAC 10-180-70 and all requirements for compliance monitoring as described in 13 VAC 10-180-90.

VA.R. Doc. No. R01-26; Filed October 5, 2000, 1:55 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners (adding 18 VAC 85-40-61).

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

Public Hearing Date: December 1, 2000 - 8 a.m.

Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and renewal, to promulgate regulations and to issue inactive licensees.

Sections 54.1-2954 through 54.1-2956.01 of the Code of Virginia establish the definition of a respiratory care practitioner and requirements for the licensure of this profession and specify the powers and duties of the Advisory Board on Respiratory Care.

Purpose: The purpose of the proposed amendments is to establish inactive licensure for respiratory care practitioners pursuant to the specific authority granted in the Code of Virginia by Chapter 469 of the 1998 Acts of the Assembly. The amended regulations set forth the qualifications and requirements for reactivation of an inactive license, which protect the public by ensuring that respiratory care practitioners are current in their skills and knowledge.

Substance: The proposed new section establishes a category of inactive licensure and specifies that such a license holder may renew by indicating his request for inactive licensure on a renewal form and payment of the required fee.

To reactivate an inactive license, a respiratory care practitioner is required to provide information on practice in another jurisdiction or some other evidence of continued competency to resume practice and to pay the difference between the current inactive and active renewal fee.

The board reserves the right to deny a request for reactivation to any person determined to have committed a violation of this chapter or of § 54.1-2914 of the Code of Virginia.

Issues: Establishment of an inactive license. The Department of Health Professions sought legislation in the 1998 Session of the General Assembly to give authorization to all boards to issue an active license. Some boards within the department already had such authority in the practice act for the particular professions regulated, but an amendment to § 54.1-2400 granted general authority to set out the qualifications, fees, and conditions for reactivation of inactive licensure.

While the requirements for biennial renewal of licensure as a respiratory care practitioner are minimal, the board

determined that all its licensees should have the option of requesting an inactive license if they are not currently practicing their profession. The board has also adopted a lesser fee for renewal of an inactive license.

Advantages and disadvantages. There are no disadvantages for the public that remains protected by requirements that assure that an active respiratory care practitioner is current in his skills and knowledge. By requiring an inactive licensee to provide some evidence of continued competency to practice, the board has the opportunity to determine whether the practitioner has maintained active practice in another state, remained professionally current with continuing education or engaged in some other learning activities to update his knowledge and skills. For persons who do not want to actively practice for a period of time, these regulations will allow them to maintain an inactive license and eliminate the need to reapply for reinstatement of an expired license.

Estimated Impact:

A. Number of entities affected by this regulation: There are 2,706 respiratory care practitioners licensed in Virginia; 373 of those list an out-of-state address. Some of those who live out of state may choose an inactive license if they are not actively practicing in Virginia.

B. Projected cost to the agency: The agency will incur some costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing list, conducting a public hearing, and sending copies of final regulations to regulated entities. Since these regulations are being amended simultaneously with other regulations of the board, the costs of mailings, meetings and hearings will be shared by several professions. In addition, every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

The potential loss of income to the board from persons who choose inactive licensure is minimal. It is estimated that only 20 or 30 licensees may become inactive; what is unknown is how many of those licensees might choose to allow their license to lapse if an inactive licensure status is not available. If the estimated 20 to 30 practitioners who are not practicing in the state let their license lapse, there could be a greater loss in revenue to the board per biennium. Therefore, offering the option of inactive licensure could result in a greater retention of revenue to the board.

C. Projected costs to the affected entities: There would be no additional costs for compliance with these regulations for licensed respiratory care practitioners.

D. Citizen input in development of regulation: In the development of regulations, notices were sent to persons on the Public Participation Guidelines mailing list of every meeting of the Advisory Board on Respiratory Care, the Legislative Committee of the board, and of the board itself. A Notice of Intended Regulatory Action was also sent to persons on the list; no comment was received on the NOIRA. Public comment was also received at each meeting.

E. Localities affected: There are no localities affected by these regulations in the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulatory action establishes inactive licensure for respiratory care practitioners and sets forth the requirements for reactivation of such a license.

Estimated economic impact. The Board of Medicine proposes to establish an inactive license for respiratory care practitioners who are either retired or out of state, and do not intend to engage in active practice in Virginia. To reactivate an inactive license, the licensee will have to submit information on continued practice in another jurisdiction or other evidence of competency to return to active practice. Since this would be a voluntary action, it can be expected that the associated costs would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license.

Businesses and entities affected. There are 2,706 respiratory care practitioners currently licensed in Virginia.

Localities particularly affected. The proposed changes to this regulation should not uniquely affect any locality.

Projected impact on employment. The proposed changes to this regulation are not expected to have any significant impact on employment in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the analysis of the Department of Planning and Budget.

Summary:

The proposed amendments establish inactive licensure for respiratory care practitioners pursuant to the specific authority granted in the Code of Virginia by Chapter 469 of the 1998 Acts of the Assembly. The amended regulations set forth the conditions for inactive licensure and requirements for reactivation of an inactive license, which include evidence of competency to return to active practice.

18 VAC 85-40-61. Inactive license.

A. *A licensed respiratory therapist who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be entitled to perform any act requiring a license to practice respiratory care in Virginia.*

Proposed Regulations

B. To reactivate an inactive license, a licensee shall:

- 1. Submit the required application;*
- 2. Pay a fee equal to the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure; and*
- 3. Submit information on continued practice in another jurisdiction or other evidence of competency to return to active practice.*

C. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of § 54.1-2914 of the Code of Virginia or any provisions of this chapter.

NOTICE: The forms used in administering 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Care Practitioners, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Instructions for Completing a Respiratory Care Practitioner Application (rev. 8/99).

Application for a License to Practice as a Respiratory Care Practitioner (rev. 2/99).

Instructions for Completing Reinstatement of Respiratory Therapy License (eff. 8/99).

Application for Reinstatement as a Respiratory Care Practitioner (eff. 7/98).

Form #A, Claims History Sheet (rev. 7/98).

Form #B, Activity Questionnaire (rev. 7/98).

Form #C, Clearance from Other State Boards (rev. 7/98).

Form #L, Certificate of Professional Education (rev. 2/99).

Verification of Certification Request Form (NBRTC) (rev. 7/98).

Renewal Notice and Application (rev. ~~2/00~~ 9/00).

RECEIPT—KEEP THIS PORTION FOR YOUR RECORDS—DO NOT RETURN

| | |
|---|---|
| «First_Name» «Last_Name» | Renewal Fee—Amount «renewal_fees» |
| «License_Type» - «License_No» | |
| Renewal Period: «begin_period» to «end_period» | Current Expiration Date: «L_Expiration_Date» |

1. For name changes, cross out any incorrect information on the front of the renewal form, write the correct name and check the box on return envelope. Enclose a copy of your marriage license or court order for name changes.
2. Address changes, cross out any incorrect information on the front of the renewal form, write the correct address and check the box on return envelope.
3. Detach "renewal form" portion and return completed form with your check in attached return envelope.
4. Make checks payable to "Treasurer of Virginia." Visit our website at www.dhp.state.va.us

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| | | |
|--|---|-----------------------|
| Renewal Form for Respiratory Care Practitioner | | Amount Due: |
| «License_No» | Renewal Period: «begin_period» to «end_period» | «renewal_fees» |
| «First_Name» «Middle_Name» «Last_Name» | | |
| «L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3» | | |
| <input type="checkbox"/> I wish to renew in an active status and enclose fee of \$135.00 <input type="checkbox"/> I wish to renew in an inactive status and enclose fee of \$70.00 (No practice authorized) | | |
| More detailed information on inactive licensure is provided at our website www.dhp.state.va.us or call the board office at 804-662-9924. | | |
| <input type="checkbox"/> Check here if you do not wish to renew, and sign. | | Signature _____ |
| If Payment is Received by Board After «L_Expiration_Date», Amount Due «combined_late_fees» | | |
| <i>Do not staple check to renewal form or fold renewal form.</i> | | |

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Detach Along Perforation
MOISTEN AND FOLD TO SEAL

VA.R. Doc. No. R99-8; Filed October 17, 2000, 11:15 a.m.

Proposed Regulations

Title of Regulation: 18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants (adding 18 VAC 85-50-58).

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

Public Hearing Date: December 1, 2000 - 8 a.m.

Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and renewal, to promulgate regulations and to issue inactive licenses.

Sections 54.1-2949 through 54.1-2953 of the Code of Virginia establish the requirement for licensure of physicians' assistants, the requisite training and supervision, and the authority to prescribe certain prescription drugs.

Purpose: The purpose of the proposed amendments is to establish inactive licensure for physician assistants pursuant to the specific authority granted in the Code of Virginia by Chapter 469 of the 1998 Acts of the Assembly. The amended regulations set forth the qualifications and requirements for reactivation of an inactive license, which protect the public by ensuring that physician assistants are current in their skills and knowledge.

Substance: The proposed amendment adds a section establishing a category of inactive licensure and specifying that such a license holder is not required to maintain certification by the National Commission on Certification of Physician Assistants (NCCPA), but is likewise not entitled to practice as a physician assistant.

To reactivate an inactive license, the physician assistant is required to provide documentation of having renewed or maintained NCCPA certification and to pay the difference between the current inactive and active renewal fee.

The board reserves the right to deny a request for reactivation to any person determined to have committed a violation of this chapter or of § 54.1-2914 of the Code of Virginia.

Issues:

ISSUE 1: Establishment of an inactive license. The Department of Health Professions sought legislation in the 1998 Session of the General Assembly to give authorization to all boards to issue an active license. Some boards within the department already had such authority in the practice act for the particular professions regulated, but an amendment to § 54.1-2400 granted general authority to set out the qualifications, fees and conditions for reactivation of inactive licensure.

The Board of Medicine currently requires a physician assistant to maintain current certification by the NCCPA in order to renew a license. NCCPA requires a minimum of 100 hours of continuing medical education for a two-year renewal period; 40 of those hours must be classified as Category I or

pre-approved programs recognized by the American Academy of Physician Assistants. For someone who is not planning to actively practice for a period of time, it may be unnecessarily burdensome to have to take the continuing education hours required by NCCPA to maintain certification. By taking an inactive status, the licensee is not required to maintain certification but is not permitted to practice. If the licensee wants to reactivate a license, it would be necessary to provide documentation that he has first taken the continuing education hours necessary to reactivate his certification with NCCPA.

Advantages and disadvantages. There are no disadvantages for the public, which remains protected by requirements that assure that physician assistants are current in their skills and knowledge. By requiring an inactive licensee to be certified by the NCCPA, the board is providing assurance of minimal competency as it does in initially granting a license to practice. For persons who do not want to actively practice for a period of time, these regulations will allow them to maintain an inactive license and eliminate the need to reapply for reinstatement of an expired license. Renewal of an inactive license is also less expensive than renewal of an active license.

Issue 2: Requirements for reinstatement of an expired license. In proposing regulations for an inactive license, the board determined that it was also necessary to set forth the requirements for reinstatement of a license expired for two years or more. Within the two years after expiration, a licensee may renew by payment of the renewal fee and an administrative fee, provided the licensee is qualified for renewal.

After two years, the expired license may only be reinstated by submission of a reinstatement application which includes information on practice and licensure in other states during the period in which the license was lapsed in Virginia and payment of a reinstatement fee.

Advantages and disadvantages. The proposed regulation provides a means for a licensee who has allowed his license to lapse to reinstate, but it also protects the public by requiring that the applicant provide complete information on practice and licensure in other jurisdictions during that period. The board maintains its authority to deny reinstatement to anyone who has committed acts in violation of law or regulation.

Estimated Impact:

A. Number of entities affected by this regulation: There are 523 physician assistants licensed in Virginia; 46 of those list an out-of-state address. Some of those who live out of state may choose an inactive license if they are not actively practicing in Virginia.

B. Projected cost to the agency: The agency will incur some costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing list, conducting a public hearing, and sending copies of final regulations to regulated entities. Since these regulations are being amended simultaneously with other regulations of the board, the costs of mailings, meetings and hearings will be shared by several professions. In addition, every effort will be made to

incorporate those into anticipated mailings and board meetings already scheduled.

The potential loss of income to the board from persons who choose inactive licensure is minimal. It is estimated that only 15 to 20 licensees will become inactive at a very modest cost per biennium in reduced revenue to the board. If an inactive licensure status is not available, it is not known how many of those 15 to 20 persons would choose to let their Virginia license lapse at a greater loss of income per biennium. Therefore, rather than resulting in a loss of income, inactive licensure may result in preservation of revenue to the board.

C. Projected costs to the affected entities: There would be no additional costs for compliance with these regulations for the vast majority of physician assistants.

D. Citizen input in development of regulation: In the development of regulations, notices were sent to persons on the Public Participation Guidelines mailing list of every meeting of the Advisory Board on Physician Assistants, the Legislative Committee of the board, and of the board itself. A Notice of Intended Regulatory Action was also sent to persons on the list; no comment was received on the NOIRA. Public comment was also received at each meeting.

E. Localities affected: There are no localities affected by these regulations in the Commonwealth.

Department of Planning and Budget 's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulatory action establishes inactive licensure for physician assistants and sets forth the requirements for reactivation of such a license.

Estimated economic impact. Physician assistants are required to maintain current certification by the National Commission on Certification of Physician Assistants (NCCPA) in order to renew their license. The NCCPA requires a minimum of 100 hours of continuing medical education for each two-year renewal period.

The proposed regulation establishes inactive licensure for practitioners who are either retired or out of state, and do not intend to engage in active practice in Virginia. This license would be exempt from continuing education requirements. Reactivation of an inactive license requires the licensee to provide documentation of having renewed or maintained NCCPA certification and to pay the difference between the current inactive and active renewal fee. Since this would be a

voluntary action, it can be expected that the associated costs would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license.

Businesses and entities affected. There are 523 physician assistants licensed in Virginia.

Localities particularly affected. The proposed changes to this regulation should not disproportionately affect any particular locality.

Projected impact on employment. The proposed changes to this regulation are not expected to have any significant impact on employment in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the analysis of the Department of Planning and Budget.

Summary:

The proposed amendments establish inactive licensure for physician assistants pursuant to the specific authority granted in the Code of Virginia by Chapter 469 of the 1998 Acts of the Assembly. The amended regulations set forth the conditions for inactive licensure, the renewal fee and requirements for reactivation of an inactive license, which include recertification by the National Commission on Certification of Physician Assistants as evidence of competency to return to active practice.

18 VAC 85-50-58. Inactive licensure.

A. *A physician assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required fee, be issued an inactive license.*

- 1. The holder of an inactive license shall not be required to maintain certification by the NCCPA.*
- 2. An inactive licensee shall not be entitled to practice as a physician assistant in Virginia.*

B. *An inactive licensee may reactivate his license upon submission of:*

- 1. The required application;*
- 2. Payment of the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure for the biennium in which the license is being reactivated; and*
- 3. Documentation of having maintained certification or having been recertified by the NCCPA.*

C. *The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of § 54.1-2914 of the Code of Virginia or any provisions of this chapter.*

NOTICE: The forms used in administering 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician Assistants, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Proposed Regulations

FORMS

Instructions for Completing a Physician Assistant Licensure Application (rev. 8/99).

Application for a License to Practice as a Physician Assistant (rev. 7/98).

Form #B, Activity Questionnaire (rev. 7/98).

Form #C, Clearance from Other State Boards (rev. 7/98).

Form #2, Physician Assistant Invasive Procedures Protocol, (rev. 7/98).

Renewal Notice and Application (rev. ~~2/00~~ 9/00).

Protocol for Employment as a Physician Assistant (rev. 7/98).

RECEIPT—KEEP THIS PORTION FOR YOUR RECORDS—DO NOT RETURN

| | |
|---|---|
| «First_Name» «Last_Name» | Renewal Fee—Amount «renewal_fee» |
| «License_Type» - «License_No» | |
| Renewal Period: «begin_period» to «end_period» | Current Expiration Date: «L_Expiration_Date» |

1. For name changes, cross out any incorrect information on the front of the renewal form, write the correct name and check the box on return envelope. Enclose a copy of your marriage license or court order for name changes.
2. Address changes, cross out any incorrect information on the front of the renewal form, write the correct address and check the box on return envelope.
3. Detach "renewal form" portion and return completed form with your check in attached return envelope.
4. Make checks payable to "Treasurer of Virginia." Visit our website at www.dhp.state.va.us

Please fold and tear on perforated line

| | | |
|--|---|----------------------|
| Renewal Form for Physician Assistant | | Amount Due: |
| «License_No» | Renewal Period: «begin_period» to «end_period» | «renewal_fee» |
| «First_Name» «Middle_Name» «Last_Name» | | |
| «L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3» | | |
| <input type="checkbox"/> I wish to renew in an active status and enclose fee of \$ 135.00 <input type="checkbox"/> I wish to renew in an inactive status and enclose fee of \$ 70.00 (No practice authorized) | | |
| More detailed information on inactive licensure is provided at our website www.dhp.state.va.us or call the board office at 804-662-9624. | | |
| <input type="checkbox"/> Check here if you do not wish to renew, and sign. Signature _____ | | |
| If Payment is Received by Board After «L_Expiration_Date», Amount Due «combined_late_fee» | | |
| <i>Do not staple check to renewal form or fold renewal form.</i> | | |

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MOISTEN AND FOLD TO SEAL

VA.R. Doc. No. R99-9; Filed October 17, 2000, 11:16 a.m.

Proposed Regulations

BOARD OF NURSING

Title of Regulation: 18 VAC 90-50-10 et seq. Regulations Governing the Certification of Massage Therapists (amending 18 VAC 90-50-30 and 18 VAC 90-50-80).

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public Hearing Date: November 15, 2000 - 3 p.m.

Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations and levy fees.

Section 54.1-113 requires the board to adjust fees; however, the board must exercise some discretion in the amount and type of fees that will be increased in order to comply with the statute.

Purpose: The purpose of the proposed amendments is to establish fees sufficient to cover the administrative and disciplinary activities of the Board of Nursing. Without adequate funding, the approval of massage therapists could be delayed. In addition, sufficient funding is essential to carry out the investigative and disciplinary activities of the board in order to protect the public health, safety, and welfare.

Substance:

18 VAC 90-50-30. Fees.

Fees are amended as follows:

1. The fee for an application for massage therapists has increased from \$40 to \$105 and now includes \$25 for application processing and credential review, the cost of a biennial renewal and certification (\$70), and the cost of the wall certificate.
2. The proposed biennial renewal fee increases from \$50 to \$70 and reflects the cost of the administrative and disciplinary activities of the Board of Nursing and the allocated costs of the department.
3. Currently, anyone who does not renew his certification by the due date must be "reinstated" at a cost of \$50, regardless of the amount of time the certification was expired. Proposed regulations would establish a late fee of \$25 for anyone who renews the expired certification within the biennium (approximately 35% of the biennial renewal). If the certification is allowed to lapse beyond the biennium, it would require reinstatement with an application review fee and payment of the late fee and biennial renewal fee for a combined total of \$120. For reinstatement following suspension or revocation, the applicant would pay an additional \$30 to help offset the additional disciplinary cost for a reinstatement hearing.
4. The cost for producing and sending a duplicate certification has been reduced, so the proposed fee decreases from \$15 to \$5 and reflects the actual cost.

5. A fee for replacing a wall certificate is currently being paid by the person making the request directly to the vendor. The proposed fee of \$15 would make the process and fee uniform for all boards within the department.

6. The cost of verifying a certification to another jurisdiction or sending all or part of a transcript is estimated to be \$25, so the proposed fees of \$25 for either activity reflects those costs.

7. The proposed fee of \$25 is estimated to be the actual administrative costs for processing and collecting on a returned check; it is proposed to be the same fee for all boards within the department.

18 VAC 90-50-80. Reinstatement of certifications.

Amendments are proposed to conform the policies on reinstatement of the Board of Nursing to those in the "Principles for Fee Development" for all boards within the department. Under the current rule, anyone who is late renewing his certification (even by one day) would pay the current renewal fee and a reinstatement fee of \$50. The proposed rule requires a person who wants to renew an expired certification within one renewal cycle to pay a late fee of \$25 and the current renewal fee. Beyond the biennium, the lapsed certification could be reinstated by submission of a reinstatement application and payment of a reinstatement fee.

The board also proposes a higher fee for reinstatement of a certification that has been suspended or revoked to recover some of the costs for holding a hearing of the board.

Issues: Prior to consideration of amendments to regulations by the Board of Nursing, the Department of Health Professions set forth a set of principles by which all boards would be guided in the development of regulations. The "Principles for Fee Development" are intended to provide structure, consistency, and equity for all professionals regulated within the department. In consideration of various alternatives and issues surrounding the adoption of fees, the principles served to guide the board in the development of an appropriate and necessary fee.

ISSUE 1: Proration of initial certification fees based on timing within the renewal cycle an applicant is initially certified.

It is unknown at the time of application for initial certification when or if the applicant will qualify. Applicants may be delayed or ineligible because they fail to subsequently submit required information (such as transcripts or verification from other states), do not meet substantive requirements (education, experience, moral character, etc.) or fail to pass an examination. While most candidates are eventually found eligible, it is impossible to predict when or if any given candidate will be certified.

Therefore, in order to prorate an initial 'certification fee' for the current period of certification it would require the assessment, after the determination of eligibility, of each newly qualified candidate. To accomplish this, the department would need to incur a cost to program automated systems to generate assessments in various occupational categories. In addition to generating the assessment, the agency will be required to receive and account for the additional payment. This task could possibly be contracted out, as we do with a number of

lock box transactions. All exceptions to lock box transactions, however, are handled in-house, which is an activity that would result in additional administrative costs.

Prorating of fees would have a negative impact on prompt certification of massage therapists. It is likely that it would add a minimum of 14 days and likely average 21 days to the time it will take to issue a certification after approval (the period to generate an assessment, mailing out, writing of a check, return mail, and accounting for the fee). In many cases a candidate is legally prohibited from employment until the certification is in hand. Therefore, the equity that may be achieved by prorating fees will not be of sufficient value to lead to its implementation. During the two to three weeks of delay, the applicant could have been working with a certification issued promptly upon approval by the board. The additional income earned during that period would far exceed the small amount of the initial fee that might have been saved by a system of proration.

In the proposed regulations, all applicants for massage therapy certification would be certified for a full two years once eligibility has been determined. Since massage therapists renew biennially in their birth month, some applicants may receive more than two years, but no one would receive less than the equivalent of a biennial renewal, which is the amount calculated for initial certification in the application fee.

Advantages and disadvantages to the certified massage therapists. The advantage of not prorating fees is that initial certification can occur in a more timely manner. All newly certified massage therapists receive at least a full biennial renewal cycle, so there is no advantage to prorating the initial certification fee.

ISSUE 3. Uniformity in renewal and application fees across professions.

As is stated in the principles, renewal fees for all occupations regulated by a board should be consistent across occupations unless there is clear evidence to indicate otherwise. Certified massage therapists proportionally account for costs within the Board of Nursing similar to those of registered or licensed practical nurses. They are similar in their rate of discipline and in their participation in the Health Practitioner Intervention Program (HPIP). Likewise, the amount of work entailed in application processing and credential review is similar for all the professions.

Advantages and disadvantages to the certified massage therapists. Massage therapists certified by the Board of Nursing will experience increased renewal fees under the proposed regulations. While that is a disadvantage to the regulants, the alternative of reduced services for the board would be unacceptable to applicants, massage therapists and the general public. As a specially funded agency, renewal fees pay the vast majority of the expenses of board operations, which include investigation of complaints against massage therapists, nurses and nurse aides, adjudication of disciplinary cases, review and approval of nursing and nurse aide education program, verification of certification and education to other jurisdictions and entities, and

communications with nurses and massage therapists about current practice and regulation.

ISSUE 4. Establishment of different fees for renewing an expired certification versus reinstating a lapsed certification.

Currently, Board of Nursing regulations require a fee of \$50 for an expired certification, regardless of the amount of time elapsed – one day or 10 years. For a person who is simply late in paying the renewal fee, the current “reinstatement” fee may seem excessive. In the principles, there is a distinction made between those who are expired (have failed to renew within one renewal cycle) and those who are lapsed (have failed to renew beyond one renewal cycle). The appropriate late fee for an expired certification should be set at 35% of the renewal fee (\$25 for a certified massage therapist); the current renewal fee must also be paid. Since a reinstatement application is required for a certificate holder to reinstate a lapsed certification, the reinstatement fee should include the current renewal fee, the late fee, and a credential review fee.

Reinstatement of a certification that has been suspended or revoked necessitates an additional cost of a hearing before a panel of the board. Therefore, an additional amount of \$30 is proposed for reinstatement of a suspended or revoked certification to recover some of those costs to the board.

Advantages and disadvantages to the certificate holders. For persons who are late in paying their biennial renewal but who pay within two years, there would be an advantage in the proposed regulations. Currently, the late fee is \$50; the proposed late fee is \$25. For those who fail to renew a certification for more than a biennium, the proposed reinstatement will be a higher fee to cover the costs of a reinstatement application and the late fee.

ISSUE 5. Uniformity among boards for setting miscellaneous fees.

In setting proposed fees for miscellaneous activities of the board, the principles call for uniformity among boards and regulated entities. Such activities as replacement of a duplicate certification, duplicate certificate, or processing and collecting on a bad check are similar for all boards and should be based on cost estimates provided by the Deputy Director for Finance of the department.

Advantages and disadvantages to the certificate holders. The advantage of proposed regulations is that all persons certified or licensed by a board under the Department of Health Professions will consistently pay a fee for miscellaneous activities determined by actual costs for that activity. There will not be inconsistent fees for certificate holders or licensees regulated under different boards. For massage therapists, the fee for a duplicate certification will be reduced from \$15 to \$5; the fee for a returned check will increase from \$15 to \$25.

Advantage or disadvantages to the public. Fee increases proposed by the Board of Nursing should have no disadvantage to the consuming public. There is no projection of a reduction in the number of applicants for certification or the number of certified persons available to provide massage therapy services to the public. An increase in the biennial renewal fee will result in an additional \$10 per year for a massage therapist's certification.

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There would be considerable disadvantages to the public if the Board of Nursing took no action to address its deficit and increase fees to cover its expenses. The only alternative currently available under the Code of Virginia would be a reduction in services and staff, which would result in delays in licensing or certifying applicants who would be unable to work and delays in approval or disapproval of education programs. Potentially, the most serious consequence would be a reduction in or reprioritization of the investigation of complaints against massage therapists, nurses and nurse aides. In addition, there may be delays in adjudicating cases of substandard care, neglect, abuse or other violations, resulting in potential danger to the patients who are often the most sick and vulnerable consumers in the Commonwealth.

Fiscal Impact:

A. Projected cost to the state to implement and enforce:

1. Fund source: As a special fund agency, the Board of Nursing must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of education program approval, administration of licensing, investigation of complaints, and disciplinary hearings.

2. Budget activity by program or subprogram: The program of the Board of Nursing is funded by revenue generated from fees charged to applicants and regulated entities. There is no change in the budget of the Commonwealth as a result of this program.

3. One-time versus ongoing expenditures: The agency will incur some costs (approximately \$2,500) for mailings to the Public Participation Guidelines mailing list, conducting a public hearing, and sending copies of final regulations to regulated entities.

B. Projected cost on localities: There are no projected costs to localities.

C. Description of entities that are likely to be affected by regulation: The entities that are likely to be affected by these regulations would be certified massage therapists who hold a certification in Virginia and persons who would be applying for certification.

D. Estimate of number of entities to be affected: The number of massage therapists who would be affected by these regulations is approximately 2,020.

For most applicants and regulated entities, the costs of acquiring and maintaining certification will increase. Certified massage therapists will pay an additional \$20 every two years to maintain a certification. Applicants for certification have been paying only a \$40 fee to have their application processed and credentials reviewed for qualification. Once approved, they were certified for at least one biennium and received a calligraphied wall certificate at no charge. Proposed regulations would include the costs of a certification and a wall certificate in that initial application fee.

For massage therapists who are late sending in their biennial renewal but do renew an expired certification within two years, the cost will be reduced from \$50 to \$25. For those whose

certification is lapsed beyond two years, a reinstatement application and fee will be required at a cost of \$120 (including the late fee and the biennial renewal).

Miscellaneous costs, such as replacement of a duplicate certification or wall certificate, verification of a certification or transcript, and returned check charges are uniformly proposed at amounts consistent with the actual costs incurred by the department for those activities.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation increases various fees paid by massage therapists to the Board of Nursing. The purpose of these fee increases is to bring the board into compliance with the board's interpretation of § 54.1-113 of the Code of Virginia. Section 54.1-113 requires all regulatory boards under the Department of Health Professions to revise their fee schedules if, after the close of any biennium, there is more than a 10% difference between revenues and expenditures. The proposed fee changes are as follows:

1. Application for certification as a massage therapist will increase from \$40 to \$105;
2. Biennial certification renewal will increase from \$50 to \$70;
3. The penalty for late renewal of a certification will decrease from \$50 to \$25;
4. Reinstatement of a lapsed certification (a certification not renewed for at least one biennium after expiration) will increase from \$50 to \$120;
5. Reinstatement of a suspended or revoked certification will increase from \$50 to \$150;
6. The cost of obtaining a duplicate certification would be reduced from \$15 to \$5;
7. The cost of obtaining a replacement wall certificate (\$15) will now be paid to the board rather than directly to the vendor;
8. Sending a transcript of all or part of an applicant's or licensee's record will increase from \$20 to \$25; and
9. The returned check charge will increase from \$15 to \$25.

Estimated economic impact. These regulatory amendments are part of a broader set of fee changes proposed for the Board of Nursing. Fee increases for nurses and certified nurse aides were published in the Virginia Register on November 22, 1999. The primary effect of the proposed fee changes will be to increase licensing costs for all licensees under the Board of Nursing in Virginia by approximately \$4.8 million biannually.¹ Specifically, application and renewal fees paid by certified massage therapists will increase by approximately \$42,000 per year.

Under the current fee structure, the Board of Nursing projects a \$5.2 million deficit for the 2000-2002 biennium.² The proposed fee increases would substantially reduce the projected deficits during the 2000-2002 biennium and thereafter would begin to generate a modest surplus, thereby bringing the board into compliance with the Code of Virginia.

According to the Board of Nursing, several circumstances have been responsible for the failure of fee revenue to keep up with expenditures. Such circumstances include implementation of the Health Practitioner Intervention Program and, to a lesser extent, staff pay raises and related benefit increases included in the Governor's budget, Y2K compliance, installation of a new computer system, and relocation of the Department of Health Professions (DHP). These circumstances have increased costs despite other efforts to improve efficiency (i.e., the privatization of certain functions, reductions in staff, etc.) undertaken by the department and the board during the past five years. According to DHP, the proposed fee increases are necessary so that the Board of Nursing can continue to perform its essential functions of licensing, investigations of complaints, adjudication of disciplinary cases, and the review and approval of nursing education programs. These functions sustain the supply of nurses and certified massage therapists in Virginia and protect the public from continued practice by incompetent or unethical nurses and massage therapists.

The level of the proposed fee increases, specifically the biennial renewal fee, is based on revenue and expenditure projections prepared by DHP for the Board of Nursing. The proposed amounts were selected such that projected revenues would be sufficient to cover projected expenditures but would not result in anything more than a modest surplus. The changes in fee structures are largely based on DHP's *Principles for Fee Development* and are discussed below.³

Application Fees. Currently, newly certified massage therapists pay only the costs of application processing and document review. They receive their first biennial certification

and their wall certificate at no cost. These costs are currently borne by massage therapists in their renewal fee. The proposed application fee of \$105 includes \$25 for application processing and credential review, \$70 for one biennial renewal period, and \$10 for a wall certificate.

Though the proposed application fee is higher than the existing fee, it represents a very small portion of the total cost of entry into the massage therapist profession, which includes all education and training expenses. Therefore, this fee increase is unlikely to have a significant effect on the decision of individuals to enter or exit the profession and consequently, should not affect the number of applicants or the supply of massage therapists in Virginia.

Reinstatement and Late Renewal Fees. The existing regulations require all individuals who do not renew their certification by the expiration date to reinstate their certification. Reinstatement includes submission of a reinstatement application and a fee of \$50. This policy does not differentiate between persons who are merely a day late in renewing their certification from persons who have chosen to let their certification lapse for a lengthy period of time (i.e., someone who had left the state to practice in another jurisdiction, and then has returned to Virginia). The proposed rules would establish a \$25 late fee for licensees renewing within one biennium of the expiration date and require reinstatement for the renewal of any certifications (now lapsed) beyond the biennium. The proposed reinstatement fee of \$120 includes \$25 for application processing and document review, a \$25 late fee, and the \$70 biennial renewal fee. Applicants reinstating a suspended or revoked certification would be required to pay an additional \$30 (total fee of \$150) since a disciplinary reinstatement hearing must be held.

The board estimates that 20 massage therapists will benefit from a reduction in the late fee from \$50 to \$25. According to DHP, the proposed fee more accurately reflects the costs incurred by the department for processing late renewals, which cannot be processed through the automated system but must be manually entered. The estimated number of massage therapists who will request reinstatement of lapsed or suspended/revoked licenses is under 10. Licensing costs for these individuals would increase under the proposal.

Miscellaneous Fees. Almost all of the other proposed fee changes are intended to represent more accurately the actual cost of service. For example, the fee charged for a duplicate certification is reduced from \$15 to \$5, the returned check charge is raised from \$15 to \$25, and the fee for a transcript of an application or license record will increase from \$20 to \$25. By charging individuals for the full costs incurred on their behalf, the proposed changes are both more efficient and equitable.

Summary of analysis. While the proposed regulation does reduce some fees charged by the Board of Nursing, the net effect of the new fees will be an increase in application and licensure costs for massage therapists in Virginia. According to DHP, the proposed fee increases are necessary to prevent a delay in the performance of or the elimination of investigations and discipline, license renewals, and educational program approvals, a delay which could

¹ This figure reflects the difference between projected revenue for the Board of Nursing under the current fee structure and Proposal #2 (\$5,946,750 and \$10,311,590). Also included is the difference between projected revenues for the Certified Nurse Aide program (\$816,250 under the current fees and \$1,221,250 under the proposed \$45 renewal fee).

² This figure reflects the sum of the \$4,615,498 deficit projected for the Board of Nursing plus the \$624,744 deficit projected for the Certified Nurse Aide Program.

³ This document, dated May 20, 1999, outlines the principles by which DHP sets its licensing fees. The principles are intended to provide structure, consistency, and equity for all the professionals regulated within the department.

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negatively affect public health and safety and reduce the supply of nurses and massage therapists in Virginia.

Businesses and entities affected. There are currently 2,020 massage therapists certified by the Board of Nursing in Virginia.

Localities particularly affected. The proposed fee changes will not affect any particular localities since they apply statewide.

Projected impact on employment. Since the application and licensure renewal fees represent a very small portion of the total cost of entry into the massage therapy profession, no significant impact on employment in Virginia is expected.

Effects on the use and value of private property. The proposed fee changes are not expected to have any significant effects on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Nursing concurs with the analysis of the Department of Planning and Budget on proposed regulations for 18 VAC 90-50 (Regulations Governing the Certification of Massage Therapists).

Summary:

The proposed amendments increase certain fees pursuant to the board's statutory mandate to levy fees as necessary to cover expenses of the board. Biennial renewal fees for certified massage therapists are increased from \$50 to \$70. While other fees would also be increased, the fee for a late renewal within one biennium will decrease from \$50 to \$25.

18 VAC 90-50-30. Fees.

A. Fees listed in this section shall be payable to the Treasurer of Virginia and shall not be refunded unless otherwise provided.

B. Fees required by the board are:

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|---|-----------------------|
| Application for for and initial certification | \$40 \$105 |
| Biennial renewal | \$50 \$70 |
| Late renewal | \$25 |
| Reinstatement of certification | \$50 \$120 |
| Reinstatement after suspension or revocation | \$150 |
| Duplicate certificate | \$15 \$5 |
| Replacement wall certificate | \$15 |
| Verification of certification | \$25 |
| Transcript of all or part of applicant/certificate holder records | \$20 \$25 |
| Returned check charge | \$15 \$25 |

18 VAC 90-50-80. Reinstatement of lapsed certificates.

A. A massage therapist whose certificate has lapsed may reinstate his certification within one renewal period by payment of the current renewal fee and the late renewal fee.

~~A-~~ B. A massage therapist whose certificate has lapsed for more than one renewal period shall file a reinstatement application and pay the ~~current renewal fee and the~~ reinstatement fee.

C. A massage therapist whose certificate has been suspended or revoked may apply for reinstatement by filing a reinstatement application and paying the fee for reinstatement after suspension or revocation.

~~B-~~ D. The board may require evidence that the massage therapist is prepared to resume practice in a competent manner.

NOTICE: The forms used in administering 18 VAC 90-50-10 et seq., Regulations Governing the Certification of Massage Therapists, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Nursing, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Filing Application for Certification as a Massage Therapist (~~Eff. 9/97~~ rev. 10/00).

Application for Certification as a - Massage Therapist (~~Eff. 9/97~~ rev. 10/00).

Instructions for Filing Application for Certification as a Massage Therapist by Endorsement (~~Eff. 9/97~~ rev. 10/00).

Application for Certification as a ~~Massage Therapist~~ by Endorsement - *Massage Therapist* (~~Eff. 9/97~~ rev. 10/00).

Massage Therapist Certification/Licensure Verification Form (~~Eff. 9/97~~ rev. 10/00).

Application for Reinstatement of Certificate as a Massage Therapist (rev. 1/99).

Renewal and Application (rev. 10/00).

VA.R. Doc. No. R00-44; Filed October 17, 2000, 11:10 a.m.

BOARD OF SOCIAL WORK

Title of Regulation: 18 VAC 140-20-10 et seq. **Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-100, 18 VAC 140-20-110, and 18 VAC 140-20-160; adding 18 VAC 140-20-105 and 18 VAC 140-20-106).**

Statutory Authority: § 54.1-2400 and 54.1-3705 of the Code of Virginia.

Public Hearing Date: December 15, 2000 - 9 a.m.

Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

In addition to provisions in § 54.1-2400 of the Code of Virginia which authorize the board to set qualifications and standards for licensure, the Code of Virginia provides a mandate for this licensure in § 54.1-3706 of the Code of Virginia.

The mandate for the board to establish requirements for continuing education of licensed social workers is set forth under § 54.1-3708 of the Code of Virginia. This section authorizes the board to approve individuals or programs that provide continuing education.

Purpose: Proposed amendments will provide requirements for licensees in social work to obtain hours of continuing education in order to renew an active license, reinstate a lapsed license, or reactivate an inactive license. Courses and activities must relate to the behavioral health of the public and must include at least two hours on laws and standards of practice or ethical issues related to the practice of social work. Such requirements are intended to protect the health, welfare and safety of the public by providing opportunity for licensees to receive exposure to current information on practice and ethical issues in the treatment of patients.

Substance:

18 VAC 140-20-100. Biennial renewal of licensure.

The board proposes amending this section by adding an inactive licensure status that would provide an exemption to the continuing education requirement for individuals who for reasons such as illness, family leave or relocation to another state or country are not actively practicing social work in Virginia. A title change to this section is also proposed.

18 VAC 140-20-105. Continued competency requirements for renewal of an active license

1. This new section outlines the types of activities the board will accept toward meeting the continued competency requirement. The board proposes a total of 30 contact hours of continuing education per biennium, of which a minimum of two hours must relate to professional ethics. The proposed regulation provides for exemption or extension of the requirement for special circumstances.
2. The board proposes that two-thirds of the contact hours come from formally organized activities such as university coursework or programs offered by public institutions, social work organizations, or individuals approved by those organizations.
3. For the remaining third of the contact hours, the board proposes a variety of individual professional activities that may include publication of a book or article, preparation of a course, seminar, workshop or program, supervision of graduate field instruction, professional board or

association activities, attendance at formal staffings or independent study.

18 VAC 140-20-106. Documenting compliance with continuing education requirements.

This new section outlines the type of documentation that the board will accept when monitoring compliance of licensees and sets forth a maintenance requirement for that documentation.

18 VAC 140-20-110. Renewal of expired license.

The board proposes amendments to this section to establish a requirement for documentation of continued competency hours for individuals who are reinstating either a lapsed or inactive license. A title change is also proposed for this section.

18 VAC 140-20-160. Grounds for disciplinary action or denial of issuance of a license.

The current regulation lists continuing education activities that the board would consider only in the event that a practitioner's competency is in question. The board proposes rescinding this list since it is redundant with 18 VAC 140-20-105. The board also proposes adding failure to comply with the continued competency requirements as a basis for disciplinary action.

Issues: At the board's initial meeting to begin developing the proposed regulation, public comment raised concerns about possible restrictions on course topics, learning methods, and continuing education providers. Concerns were also raised about the cost to the licensees to meet the requirement and the cost to the board to administer the programs and to monitor compliance. Other issues the board addressed included availability of training in remote areas of the state and developing a requirement that would be appropriate to both levels of licensure it regulates.

Advantages to the licensees:

Because the board is frequently contacted by individuals and organizations who wish to provide continuing education programs, it is likely that the requirement will result in the development of more training opportunities for social workers. The training will benefit licensees by keeping them abreast of changes in their profession and reinforcing ethical issues that are frequently the basis for disciplinary actions for clinical social workers, which make up the large majority of licensees.

Disadvantages to the licensees. Although many licensees will be able to count hours for activities they would be involved in regardless of the requirement, additional time and effort will be required to obtain all of the required hours. Likewise, although some of the activities can be accomplished as part of the job without additional charge, most of the activities under Category I will involve some expense that will be borne by licensees unless an employer is to cover the cost. The cost per contact hour will range from \$10 to \$20 per contact hour, but could be more costly if travel and hotel expenses are incurred. This is more likely to affect individuals in remote areas of the state. The cost to the board to monitor compliance with the requirement will be borne by licensees in their renewal fees. Additionally, licensees who do not comply with the requirement will be subject to disciplinary action by the board.

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Advantages to the public. The public will have the advantage of knowing that the practitioners they are receiving services from are staying abreast of advances in the profession. Reinforcement of training in professional ethics may result in less exploitation of clients. Some individuals and organizations will benefit financially by becoming providers of continuing education programs.

Disadvantages to the public. Employers may incur additional costs if they pay for the licensing expenses of their staff.

Advantages or disadvantages to government agencies. Government agencies that employ social workers may incur additional costs if they elect to hire private individuals to present workshops or seminars to their staff. The board will incur additional costs to monitor compliance of licensees and to hold additional disciplinary hearings for individuals who do not comply with the requirement.

Fiscal Impact:

A. Projected cost to the state to implement and enforce:

1. Fund source: As a special fund agency, the Board of Social Work must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation.
2. Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.
3. One-time versus ongoing expenditures: The agency will incur some costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing list, conducting a public hearing, and sending copies of final regulations to regulated entities.

There will be some additional on-going costs for monitoring compliance of licensees with the requirements. Compliance monitoring will incur additional costs for the board, depending on the number of licensees audited each year. Generally, less than 5.0% of licensees are audited for other boards within the Department of Health Professions. Because there are no facility inspections for social workers, it is likely that the board will have to contract an outside reviewer to ensure that the documentation meets the requirements in regulation. For an auditing range of 2.0% to 5.0% of licensees at an estimate of 15 minutes per file reviewed at \$50 per hour, the cost to the board could range from \$1,000 to \$2,500 per renewal period, plus \$100 to \$350 in mailing costs to notify applicants that they are being audited. Additional costs will be incurred to hold disciplinary hearings for individuals who are not in compliance with the requirement. Each hearing will cost approximately \$550. It is likely that there will also be an increase in disciplinary hearings to individuals who are found not to comply with the regulations. There is no estimate of what percentage of licensees will not comply with the requirement.

B. Projected cost on localities. Agencies may elect to provide continuing education programs for their licensed staff. However, this would depend on the policy of individual agencies, and is not influenced by the Board of Social Work.

C. Description of entities that are likely to be affected by regulation. Licensed social workers and licensed clinical social workers will be affected by the regulations.

D. Estimate of number of entities to be affected. There are approximately 3600 licensed clinical social workers and 260 licensed social workers who will be affected by these regulations.

E. Projected cost of the regulation for affected individuals. Category II activities are essentially free, since they incorporate professional activities the licensee may be undertaking regardless of the requirement. The cost for Category I activities will vary depending on the source of the training. Workshops offered by state or federal government agencies or by health facilities and hospitals are provided at no cost to employees. The majority of licensed social workers are employed in these settings. Licensed clinical social workers, however, may be employed in these kinds of settings or in private practice settings where this free training is not as readily available. The cost per contact hour for university coursework or workshops offered by professional associations ranges from \$10 to \$20 per contact hour, which would total \$200 to \$400 each biennium to cover the full 20-hour requirement for this category. Individuals who attend professional association meetings are sometimes able to have all or part of the cost covered by their employers. Attendance at conferences is not only for the purpose of attaining continuing education, so the travel and hotel costs cannot be attributed entirely to this requirement. The board addressed other training venues that would not involve travel such as distance learning, Internet and video training, and made sure that the regulation would not preclude those types of training, as long as provided by an approved organization. This type of training has a wide range from \$15 to several hundred dollars per course, depending on length and complexity of the material. The longer courses, such as those offered for college credit, would count for more contact hours. A video course could be purchased by a practice group or institution for use to train many employees.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Social Work proposes the following changes to the Regulations Governing the Practice of Social Work:

1. Addition of continuing education requirements (30 hours per biennium) for the renewal of an active license

and for the reactivation of an inactive or lapsed license;
and

2. Establishment of an inactive license.

Estimated economic impact.

Continuing Education Requirements. The most significant change proposed to the current regulations is the addition of continuing education (CE) requirements for the renewal of an active license and for the reactivation of an inactive or lapsed license. The economic costs of this provision are the costs of any courses offered for the purposes of meeting the requirements of this regulation (whether paid for by the practitioner, his employer or professional association).

Compliance costs for meeting the CE requirements will differ across licensees. Some licensees may already be obtaining CE hours during academic or professional activities or for professional credentialing. For these individuals, the proposed requirements will not result in any additional costs aside from those associated with the documentation and maintenance of records. For other practitioners, however, the proposed CE requirements can be expected to represent a significant personal cost. Based on information provided by the Board of Social Work, the average out-of-pocket costs for earning the required CE hours could range from \$10 to \$20+ per contact hour for each of the 3,860 licensees. Additionally, practitioners would incur the cost of the time spent on pursuing such activities, whether in lost income or lost leisure time, and any costs associated with the documentation and maintenance of the records.

Inactive Licenses and Reactivation Criteria. In light of the additional CE requirements for licensure renewal, the Board of Social Work proposes to establish an inactive license for those practitioners who are either retired, on family leave, or out of state, and do not intend to engage in active practice in Virginia, which would be exempt from on-going CE requirements. Since this would be a voluntary action, it can be expected that the associated renewal costs would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license.

Requirements are set forth that the reactivation of an inactive license or reinstatement of a lapsed license include documentation of having completed continued competency hours equal to the requirement for the length of time, not to exceed four, that the license has been inactive.

Conclusion. The Board of Social Work will incur costs related to enforcement of the proposed CE requirements. Based on the experience of other professions, the board estimates that the biennially auditing of 2.0% to 5.0% of licensees could cost \$1,100 to \$2,850 per renewal cycle. These costs will be able to be absorbed into the existing budget without any fee increases at this time. Additional costs will result from disciplinary hearings for individuals who are found to be out of compliance with the requirement (approximately \$550 per hearing). Enforcement of the proposed requirements will increase compliance, and if the requirements themselves result in a net economic benefit, then the enforcement costs are also justified.

The proposed CE requirements and license reactivation criteria can also be expected to provide some beneficial results. The proposed rules would provide some assurance to the public that social workers licensed by the board are maintaining their knowledge, skills, and competencies. In addition, some individuals and organizations will benefit financially by becoming providers of continuing education programs.

However, there is no empirical evidence currently available on how effective continuing education is on improving the quality of care provided by social workers, nor is there any data on the economic value of incremental benefits in that quality of care. Thus, no conclusions can be drawn at this time about the net economic impact of the proposed CE requirements.

Businesses and entities affected. There are 3,600 clinical social workers and 260 social workers currently licensed in Virginia who would be affected by the proposed changes to this regulation.

Localities particularly affected. The proposed changes to this regulation should not disproportionately affect any particular locality.

Projected impact on employment. The proposed changes to this regulation are not expected to have any significant impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes to this regulation are not expected to have any significant effects on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the analysis of the Department of Planning and Budget.

Summary:

In compliance with a statutory mandate, the board is proposing continuing education requirements for the renewal of social work and clinical social work licensure. The board is proposing a requirement of 30 contact hours per biennium, with two-thirds of the hours coming from formally organized activities, and the remaining one-third of the hours coming from independent professional activities. The proposal includes a provision for an inactive licensure status to accommodate individuals who are not actively practicing social work, and who may be unable to meet the continuing education requirements.

18 VAC 140-20-100. ~~Biennial renewal of Licensure renewal.~~

A. All licensees shall renew their licenses on or before June 30 of each odd-numbered year and pay the renewal fee prescribed by the board.

B. *Beginning with the 2003 renewal, licensees who wish to maintain an active license shall pay the appropriate fee and document on the renewal form compliance with the continued competency requirements prescribed in 18 VAC 140-20-105. Newly licensed individuals are not required to document continuing education on the first renewal date following initial licensure.*

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C. A licensee who wishes to place his license in inactive status may do so upon payment of a fee equal to one-half of the biennial license renewal fee as indicated on the renewal form. No person shall practice social work or clinical social work in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18 VAC 140-20-110.

~~B.~~ D. Failure to receive a renewal notice from the board shall not relieve the licensee from the renewal requirement.

18 VAC 140-20-105. Continued competency requirements for renewal of an active license.

A. After (establish date to allow one full renewal cycle for licensees to obtain CE), licensed social workers and licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education for each biennial licensure renewal. A minimum of two of those hours must pertain to the standards of practice and laws governing the profession of social work in Virginia, or the Code of Ethics of one of the social work professional associations listed under subdivision B 1 d.

1. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters.

B. Hours may be obtained from a combination of board-approved activities in the following three categories:

1. Category I. Formally Organized Learning Activities. A minimum of 20 hours shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. One semester credit hour is equivalent to 15 contact hours.

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

(1) The Child Welfare League of America and its state and local affiliates.

(2) The National Association of Social Workers and its state and local affiliates.

(3) The Association of Black Social Workers and its state and local affiliates.

(4) The Family Service Association of America and its state and local affiliates.

(5) The National Federation of Societies for Clinical Social Work, Inc. and its state and local affiliates.

(6) Individuals or organizations who have been approved as continuing education sponsors by the Association of Social Work Boards or any state social work board.

2. Category II. Individual Professional Activities. A maximum of 10 of the required 30 hours may be earned in this category, which shall include one or more of the following:

a. Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)

b. Publication of a professional social work-related book or initial preparation/presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)

c. Publication of a professional social work-related article or chapter of a book, or initial preparation/presentation of a social work-related in-service training, seminar or workshop. (Activity will count for a maximum of five hours.)

d. Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)

e. Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)

f. Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section. (Activity will count for a maximum of two hours.)

g. Attendance at formal staffings at federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)

h. Independent or group study including listening to audio tapes, viewing video tapes, reading, professional books or articles. (Activity will count for a maximum of five hours.)

18 VAC 140-20-106. Documenting compliance with continuing education requirements.

A. All licensees in active status are required to maintain original documentation for a period of five years following renewal.

B. After the end of each renewal period, the board shall conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. To document completion of Category I activities licensee shall provide:
 - a. Official transcripts showing credit hours earned; or
 - b. Certificates of participation.
2. Documentation of Category II activities shall be by:
 - a. Certificates of participation;
 - b. Proof of presentations made;
 - c. Reprints of publications;
 - d. Letters from educational institutions or agencies approving continuing education program;
 - e. Letter of confirmation from the school of social work;
 - f. Official notification from the association that sponsored the item writing workshop or continuing education program;
 - g. Documentation of attendance at formal staffings shall be by signed affidavit on a form provided by the board; or
 - h. Identification of the source of material studied, summary of content, and a signed affidavit attesting to completion of the independent study.

D. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

18 VAC 140-20-110. Late renewal of expired license; reinstatement; reactivation.

A. A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:

1. Providing evidence of having met all applicable continuing education requirements.
2. Paying the penalty for late renewal and the biennial license fee for each biennium as prescribed in 18 VAC 140-20-30.

B. A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply according to the requirements of 18 VAC 140-20-40 or 18 VAC 140-20-45 apply for reinstatement, pay the reinstatement fee and provide documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years.

C. A social worker wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid for inactive licensure renewal, and document completion of continued competency hours equal to the

number of years the license has been inactive, not to exceed four years.

18 VAC 140-20-160. Grounds for denial, revocation, suspension, disciplinary action or denial of renewal issuance of a license.

Action by the board to deny, revoke, suspend or decline to renew a license shall be in accordance with the following:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education in one or more of the following categories as a demonstration of effort to maintain minimum competence to engage in practice:
 - a. ~~Academic social work courses taken for credit or audited.~~
 - b. ~~Continuing education offered by accredited social work education programs, other accredited educational programs, and other providers, including professional associations, agencies and private entrepreneurs:~~
 - (1) ~~Seminars, institutes, workshops, or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge; and~~
 - (2) ~~Cross-disciplinary offering from medicine, law, and the behavioral sciences if they are clearly related to the enhancement of social work practice, values, skills and knowledge.~~
 - c. ~~Planned self-directed study in collaboration with other professionals:~~
 - (1) ~~Independent study in a social work curriculum area or a closely related field. Examples include a planned reading program, individual supervision or consultation; and~~
 - (2) ~~The content and plan of instruction developed by the licensee.~~
 - d. ~~Publication of books, papers, or presentations given for the first time at a professional meeting;~~
 - e. ~~Other professional activities, including:~~
 - (1) ~~Preparation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar; and~~
 - (2) ~~Research not resulting in publication.~~
 - f. ~~Social work-related academic courses such as mental health, health and social work research, psychology, human growth and development, and child and family development.~~

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4. Being unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;
5. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of 18 VAC 140-20-150, standards of practice;
6. Performing functions outside the board-licensed area of competency; ~~and~~
7. *Failure to comply with the continued competency requirements set forth in 18 VAC 140-20-105; and*
- ~~7-~~ 8. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of this chapter.

NOTICE: The forms used in administering 18 VAC 140-20-10 et seq., Regulations Governing the Practice of Social Work, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Social Work, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- ~~Social Worker Licensure Application (rev. 10/98).~~
~~Clinical Social Worker Licensure Application (rev. 10/98).~~
~~Registration of Supervision; Post-Graduate Degree Supervised Experience (rev. 12/97).~~
~~Verification of Clinical Supervision (rev. 12/97).~~
~~Verification of Casework Management and Supportive Services (rev. 12/97).~~
~~Licensure Verification of Out-of-State Supervisor (rev. 10/98).~~
~~Out-of-State Licensure Verification (rev. 1995).~~
~~Renewal Notice and Application (rev. 7/97).~~
Registration of Supervision, rev. 11/2000.
Social Worker Licensure Application, rev. 11/2000.
Clinical Social Worker Licensure Application, rev 11/2000.
Verification of Clinical Supervision, rev. 11/2000.
Verification of Casework Management and Supportive Services, rev. 11/2000.
Renewal Notice and Application, rev. 11/2000.
Out of State Licensure Verification, rev. 11/2000.
Licensure Verification of Out-of-State Supervisor, rev. 11/2000.
Form for Reporting Social Work Attendance at Formal Staffing, eff. 11/2000.

Form for Reporting Social Work Independent Study, eff. 11/2000.

General Information for Licensure by Examination as a Licensed Social Worker, w/Application Instructions, rev. 11/2000.

General Information for Licensure by Endorsement as a Licensed Social Worker, w/Application Instructions, rev. 11/2000.

General Information for Licensure by Examination as a Clinical Social Worker, w/ Application Instructions, rev. 11/2000.

Registration of Supervision, rev. 11/2000.

VA.R. Doc. No. R00-31; Filed October 17, 2000, 11:13 a.m.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Title of Regulation: **19 VAC 30-40-10 et seq. Standards and Specifications for the Stickers or Decals Used by Cities, Counties and Towns in Lieu of License Plates (amending 19 VAC 30-40-30).**

Statutory Authority: § 46.2-1052 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 46.2-1052 of the Code of Virginia provides that the size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent of State Police, and further provides that such stickers shall be affixed on the windshield at a location designated by the Superintendent.

Purpose: The Department of State Police performed an extensive review of the placement of window stickers, contacting numerous jurisdictions and receiving input from the Virginia Municipal League, the Treasurers' Association of Virginia, the Virginia Association of Counties, the Virginia Association of Chiefs of Police, and the Virginia Sheriffs' Association. The department has determined that removing the restriction requiring that window stickers or decals be placed no more than three inches from the bottom of the windshield will allow for easier application and viewing of the stickers and decals for some newer models of motor vehicles.

Substance: Amendment to 19 VAC 30-40-30 permits the optional placement of a sticker or decal to be affixed to the extreme lower left side of the windshield on a motor vehicle.

Issues: The agency has contacted the affected associations and organizations concerning this revision. In all instances, the associations and organizations have determined that this is the least obtrusive alternative for achieving the purpose of

this regulation. There is no perceived negative impact or additional expense projected as a result of this change. It is not anticipated that these changes will create any additional burden or greater intrusion into the lives of citizens.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Department of State Police proposes to amend the language in these regulations concerning the placement of stickers or decals used by cities, counties, and towns in lieu of license plates.

Estimated economic impact. The stickers or decals in question are used, for example, to indicate payment of the local car tax. Current language does not permit the top edge of the sticker or decal to be more than three inches from the bottom of the windshield. For some newer models of motor vehicles that have windshields with steep angles, both placing and viewing the sticker or decal is difficult when it is restricted to having the top edge no more than three inches from the bottom of the windshield. The proposed regulations remove this restriction. Since the removal of the restriction may make it easier to apply and view stickers and decals for some vehicles, and there is no known cost associated with the proposed language, implementation of the new language will likely produce a net benefit for the Commonwealth.

Businesses and entities affected. The proposed regulations apply to all 6,200,601 registered motor vehicles in all localities in the Commonwealth.¹

Localities particularly affected. The proposed regulations apply to localities throughout the Commonwealth.

Projected impact on employment. The proposed changes in language are unlikely to affect employment.

Effects on the use and value of private property. The proposed changes in language affect where stickers or decals are placed on privately owned vehicles, but should not affect their value.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of State Police is in agreement with the economic impact analysis conducted by the Department of Planning and Budget that was related to this proposed regulation.

¹ Virginia Department of Motor Vehicles 6/22/00 estimate of registered vehicles for calendar year 2000.

Summary:

The proposed amendment permits the optional placement of a sticker or decal to be affixed to the extreme lower left side of the windshield on a motor vehicle.

19 VAC 30-40-30. Placement.

The sticker or decal shall be placed ~~on~~ at the *bottom* of the windshield adjacent to the right side of the official inspection sticker when viewed through the windshield from inside the vehicle. ~~The top edge of the sticker or decal shall not extend upwards more than three inches from the bottom of the windshield.~~ The side edge adjacent to the official inspection sticker shall not be more than 1/4 inch from the edge of the official inspection sticker. At the option of the motor vehicle's owner, the sticker or decal may be affixed at the ~~upper edge of the center~~ *lower left corner* of the windshield so that the *inside or left edge of the sticker or decal is within one inch of the extreme left edge of the windshield when looking through the windshield from inside the vehicle. When placed at this location, the bottom edge of the sticker or decal must be affixed within three inches of the bottom of the windshield.*

VA.R. Doc. No. R00-10; Filed October 16, 2000, 10:39 a.m.

* * * * *

Title of Regulation: **19 VAC 30-150-5 et seq. Regulations Relating to Standards and Specifications for Overdimensional Warning Lights (amending 19 VAC 30-150-10, 19 VAC 30-150-30, and 19 VAC 30-150-50; adding 19 VAC 30-150-5; repealing 19 VAC 30-150-20).**

Statutory Authority: §§ 46.2-1005 and 46.2-1026 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until January 5, 2001.
(See Calendar of Events section for additional information)

Basis: Section 46.2-1026 authorizes the Superintendent of State Police to establish standards and specifications for overdimensional warning lights.

Purpose: This regulation is essential to ensure the safety of the motoring public and reduce the risk of death or injury to citizens using our highways. Only those overdimensional warning lights required by § 46.2-1026 of the Code of Virginia and that meet or exceed the standards set forth in this regulation are approved for sale and/or use.

Substance: These changes make the existing regulation consistent with SAE Standards J575, J578, J759 and J845; provide the proper referenced sections of SAE Standards J575, J578, J759 and J845; correct nonsubstantive errors; and clarify the existing regulation.

Issues:

Advantages to the public and this agency. The amendments to this regulation will be an advantage to the public because a larger variety of approved over-dimensional warning lights will be available for their choice of purchase and use. There will

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be no impact on currently approved lighting equipment, but the range of amber warning lights approved for use, such as the top-mounted lights, will actually broaden.

The amendments to this regulation will be an advantage to the Department of State Police because the wording will be consistent with the Society of Automotive Engineers (SAE) standards, upon which the standards and specifications are based. This consistency will simplify the approval process because the testing process and requirements will be readily available for reference.

There are no disadvantages to the public or agency.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. These regulations establish standards and specifications for warning lights used in the escorting or towing of overdimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit. The Department of State Police proposes to update language in these regulations in order to achieve consistency with the most up-to-date Society of Automotive Engineers standards and specifications.

Estimated economic impact. According to the department, the proposed new language will broaden the range of amber warning lights approved for use. The designs that will become newly approved under the proposed language are considered safe by the Society of Automotive Engineers. Additionally, all lighting equipment that is currently approved for use will continue to be approved for use under the proposed new language. Thus, the proposed new language, if implemented, will allow the public a larger range of options of safe lighting equipment from which to choose. Since there are no known costs associated with the proposed language, implementation of the new standards and specifications will likely produce a net benefit for the Commonwealth.

Businesses and entities affected. The proposed regulations apply to all individuals or businesses who escort or tow overdimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit. During 1999 there were 84,551 highway-hauling permits issued for escorting or towing overdimensional materials, equipment, boats, or manufactured housing units.¹

Localities particularly affected. The proposed amended regulations apply to localities throughout the Commonwealth.

Projected impact on employment. The introduction of the proposed amended regulations is unlikely to have a significant effect on employment.

Effects on the use and value of private property. The proposed new standards and specifications will allow the use of certain designs of lighting equipment, particularly top-mounted lights, that have not been permitted in the past.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of State Police is in agreement with the economic impact analysis conducted by the Department of Planning and Budget that was related to this proposed regulation.

Summary:

The proposed amendments (i) incorporate the proper referenced sections of and make the existing regulation consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J759 and J845; (ii) correct nonsubstantive errors; and (iii) clarify the existing regulation.

19 VAC 30-150-5. Definitions.

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

"Overdimensional light" means a high-intensity, flashing, blinking, or alternating amber warning light visible for at least 500 feet required for use on any vehicle that is engaged in either escorting or towing overdimensional materials, equipment, boats or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139 of the Code of Virginia.

"SAE" means the Society of Automotive Engineers.

19 VAC 30-150-10. Purpose.

The purpose of this ~~standard regulation~~ is to establish standards and specifications ~~which define standards and identification, as required by § 46.2-1026 of the Code of Virginia,~~ for warning lights used in the escorting or towing of overdimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139 of the Code of Virginia.

19 VAC 30-150-20. Definitions. (Repealed.)

~~"Overdimensional light" means a flashing or rotating amber warning light required for use on any vehicle which is engaged in either escorting or towing overdimensional materials, equipment, boats or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139 of the Code of Virginia.~~

19 VAC 30-150-30. Description and identification.

The *warning* light will be a flashing or rotating amber warning light ~~which~~ *that* meets or exceeds Society of Automotive Engineers (SAE) Standard J845 ~~or Standard J959,~~ for warning lights. The light will be identified with the

¹ Source: Virginia Department of Transportation

Code SAE-W, ~~SAE-W4~~ or SAE-W3-1, -2, -3 in accordance with SAE J759 and SAE J845, Lighting and Identification Code.

19 VAC 30-150-50. Color.

The color will be amber (yellow) and will meet or exceed the requirements of SAE J578, Standard for color specification for electrical signal lighting device.

DOCUMENTS INCORPORATED BY REFERENCE

Society of Automotive Engineers Standard J575, June 1992.

Society of Automotive Engineers Standard J578, June 1995.

Society of Automotive Engineers Standard J759, January 1995.

Society of Automotive Engineers Standard J845, March 1992.

VA.R. Doc. No. R00-6; Filed October 16, 2000, 10:39 a.m.

Title of Regulation: **19 VAC 30-160-5 et seq. Regulations Relating to Standards and Specifications for the Safety Lights for Farm Tractors in Excess of 108 Inches in Width (amending 19 VAC 30-160-30 and 19 VAC 30-160-40; adding 19 VAC 30-160-5 and 19 VAC 30-160-45; repealing 19 VAC 30-160-20).**

Statutory Authority: §§ 46.2-1005 and 46.2-1102 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 46.2-1005 of the Code of Virginia authorizes the Superintendent of State Police to establish a procedure for the approval of any equipment required to be approved by him. Section 46.2-1102 of the Code of Virginia requires certain farm tractors to be equipped with a safety light of a type approved by the Superintendent of State Police.

Purpose: This regulation is essential to ensure the safety of the motoring public and reduce the risk of death or injury to citizens using our highways. Only those safety lights required by § 46.2-1102 of the Code of Virginia and that meet or exceed the standards set forth in this regulation are approved for sale and/or use.

Substance: These changes make the existing regulation consistent with SAE Standards J575 and J974, provide the proper referenced sections of SAE Standards J575 and J974, correct spelling or other nonsubstantive errors, and clarify the existing regulation.

Issues: Advantages to the public and this agency. The amendments to this regulation will be an advantage to the public because information concerning approval of the lighting equipment has been more fully explained and made more accessible to the public. There will be no impact on currently approved lighting equipment, as basic approval standards are not being changed.

The amendments to this regulation will be an advantage to the Department of State Police because the wording will be consistent with the Society of Automotive Engineers (SAE) standards, upon which the standards and specifications are based. This consistency will simplify the approval process because the testing process and requirements will be readily available for reference.

There are no disadvantages to the public or agency.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. These regulations establish specifications for safety lights used on farm tractors or agricultural multi-purpose drying units in excess of 108 inches in width that are hauled, propelled, transported or moved on the highway. The Department of State Police proposes to update language in these regulations in order to achieve consistency with the most up-to-date Society of Automotive Engineers standards.

Estimated economic impact. According to the department, the proposed new language will not cause any safety lights that are currently approved for use to no longer be approved for use. Additionally, the proposed new language will not cause any design of safety lights to become approved that is not currently approved. Thus, the proposed new language, if implemented, will not have any economic impact.

Businesses and entities affected. The proposed regulations apply to all farmers with tractors or agricultural multi-purpose drying units in excess of 108 inches in width. The number of farmers with tractors or agricultural multi-purpose drying units in excess of 108 inches in width within the Commonwealth is not known.

Localities particularly affected. The proposed regulations apply to localities throughout the Commonwealth.

Projected impact on employment. The introduction of the proposed regulations should not affect employment.

Effects on the use and value of private property. The introduction of the proposed regulations should not affect private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of State Police is in agreement with the economic impact analysis conducted by the Department of Planning and Budget that was related to this proposed regulation.

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Summary:

The proposed amendments (i) incorporate the proper referenced sections of and make the existing regulation consistent with the Society of Automotive Engineers (SAE) Standards J575 and J974, (ii) correct nonsubstantive errors, and (iii) clarify the existing regulation.

19 VAC 30-160-5. Definitions.

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

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

"Lighting device" means a flashing warning light to indicate both forward and rearward the presence of agricultural equipment that normally travels at a rate of speed below that of other traffic.

19 VAC 30-160-20. Definitions. (Repealed.)

~~"Lighting device" means a flashing warning light to indicate both forward and rearward the presence of agricultural equipment which normally travels at a rate of speed below that of other traffic.~~

19 VAC 30-160-30. Description and identification General requirements.

This lighting device shall flash at least 60 flashes per minute but not more than 120 flashes per minute when operating. The safety light shall meet the provisions of the Society of Automotive Engineers (SAE) Standard J974 (Flashing Warning Light for Agricultural Equipment).

19 VAC 30-160-40. Determine requirements Test descriptions.

The flashing warning light shall be tested in accordance with the following sections of SAE J575:

~~Section B - Samples for Test;~~

~~Section C - Lamp Bulbs;~~

~~Section D - Laboratory Facilities;~~

~~Section E - Vibration Test;~~

~~Section F - Moisture Test;~~

~~Section G - Dust Test;~~

~~Section H - Corrosion Test;~~

~~Section J - Photometric Test;~~

~~Section L - Warpage Test on Devices with Plastic Lenses.~~

~~Section 3.1 - Vibration Test~~

~~Section 3.2 - Moisture Test~~

~~Section 3.3 - Dust Exposure Test~~

~~Section 3.4 - Corrosion Test~~

~~Section 3.5 - Photometry Test~~

~~Section 3.6 - Warpage Test on Devices with Plastic Components.~~

19 VAC 30-160-45. Test requirements.

The flashing warning light shall meet the requirements of the following sections of SAE J575 as applicable:

~~Section 4.1 - Vibration Test Requirements~~

~~Section 4.2 - Water Spray Test Requirements~~

~~Section 4.3 - Water Submersion Test Requirements~~

~~Section 4.4 - Dust Exposure Test Requirements~~

~~Section 4.5 - Corrosion Test Requirements~~

~~Section 4.6 - Photometry Design and Performance Requirements~~

~~Section 4.7 - Warpage Test Requirements.~~

DOCUMENTS INCORPORATED BY REFERENCE

Society of Automotive Engineers Standard J575, June 1992.

Society of Automotive Engineers Standard J974, June 1993.

VA.R. Doc. No. R00-5; Filed October 16, 2000, 10:39 a.m.

* * * * *

Title of Regulation: **19 VAC 30-165-10 et seq. Regulations Relating to Standards and Specifications for Purple Warning Lights Used by Vehicles Leading or Escorting Funeral Processions.**

Statutory Authority: §§ 46.2-1005 and 46.2-1025 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until January 5, 2001.

(See Calendar of Events section for additional information)

Basis: Section 46.2-1005 of the Code of Virginia authorizes the Superintendent of State Police to establish a procedure for the approval of any equipment required to be approved by him. Section 46.2-1025 of the Code of Virginia authorizes the Superintendent of State Police to develop standards and specifications for purple warning lights used on vehicles that lead or provide escorts for funeral processions.

Purpose: This regulation is essential to ensure the safety of the motoring public and reduce the risk of death or injury to citizens using our highways. Only those purple warning lights authorized by § 46.2-1025 of the Code of Virginia to be used by vehicles escorting funeral processions and that meet or exceed the standards set forth in this regulation are approved for sale and/or use.

Substance: At the present time, the Society of Automotive Engineers (SAE) Lighting Committee is in the process of formally defining the color "purple" in their established specifications. The Department of State Police has consulted with experts within that committee and determined the criteria established will be based on specifications currently required for the color "red." The referenced SAE Standard sections are SAE Standards J1318, J845, and J595. Based on that information, light emission standards have been established in the regulation that define boundaries of the emission of purple light, which will clearly distinguish the purple color from other colors. These boundaries are consistent with the SAE standards the committee has tentatively approved.

Issues: Advantages to the public and this agency. The proposed regulation will be an advantage to the public because standards and specifications are established that provide for the approval of purple warning lights. This will enable the public to purchase and use the approved equipment.

The proposed regulation will be an advantage to the Department of State Police because the regulation establishes standards for the approval of purple warning lights. This will give the Superintendent guidelines to follow in determining whether to approve or disapprove lighting equipment presented to him by lighting manufacturers for his consideration.

There are no disadvantages to the public or agency.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The 1999 Session of the Virginia General Assembly enacted an amendment to § 46.2-1025 of the Code of Virginia that authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions. The amendment also directs the Superintendent of State Police to develop standards and specifications for purple lights. These proposed regulations establish those standards and specifications.

Estimated economic impact. Before the amendment to the Code of Virginia, only amber lights were permitted for use to lead or provide escorts for funeral processions. Now either amber or purple lights are permitted for use to lead or provide escorts for funeral processions. These proposed regulations delineate specifications that are based on the Society of Automotive Engineers' national standards that the purple lights must meet.

Since funeral directors may continue to use amber lights, and there has been no change to the specifications of the amber lights, there is no new burden or cost created by the amendment to the Code of Virginia or these proposed regulations for funeral homes or their clients. Additionally, since the Department of State Police believes that the purple lights will not cause any safety problems, there appear to be no new costs to the public by the new approved use of purple lights. The amendment to the Code of Virginia and these proposed regulations allowing funeral directors an additional option for the color of flashing lights will create a small benefit for those funeral directors and clients who prefer to use the color purple, while not imposing any new costs. Thus, the amendment and proposed regulations will likely produce a small net benefit for the Commonwealth.

Businesses and entities affected. The proposed regulations potentially affect the 512 funeral homes and approximately 2,500 funeral directors in the Commonwealth.¹

Localities particularly affected. The proposed regulations apply to localities throughout the Commonwealth.

Projected impact on employment. The introduction of the proposed regulations is unlikely to have a significant effect on employment.

Effects on the use and value of private property. The amendment to the Code of Virginia and these proposed regulations will allow funeral homes to purchase and use purple warning lights. Vendors of purple warning lights may encounter a small increase in sales.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of State Police is in agreement with the economic impact analysis conducted by the Department of Planning and Budget that was related to this proposed regulation.

Summary:

The proposed regulation establishes standards and specifications for flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions. The standards and specifications are based on the Society of Automotive Engineers standards J1318, J845, and J595.

¹ Source for numbers: Virginia Board of Funeral Directors and Embalmers.

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CHAPTER 165.

REGULATIONS RELATING TO STANDARDS AND SPECIFICATIONS FOR PURPLE WARNING LIGHTS USED BY VEHICLES LEADING OR ESCORTING FUNERAL PROCESSIONS.

19 VAC 30-165-10. Definitions.

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

"Department" means the Department of State Police.

"SAE" means the Society of Automotive Engineers.

19 VAC 30-165-20. Purpose.

The purpose of this standard is to establish specifications for warning lights used by vehicles escorting funeral processions and define the chromaticity boundaries for the color purple.

19 VAC 30-165-30. Performance requirements.

Purple warning lights as described in this chapter must (i) meet all criteria as set forth for single color optical warning devices in SAE Recommended Practice J845 for Class 2 warning lamps with a minimum flash of that specified for the color red; (ii) meet all criteria as set forth for single color gaseous discharge warning lamps in SAE Recommended Practice J1318 for Class 2 warning lamps with a minimum flash of that specified for the color red; or (iii) meet all criteria of SAE Recommended Practice J595 with a minimum candela - luminous intensity of that specified for the color red.

19 VAC 30-165-40. Color definition (purple).

The fundamental requirements of color are expressed as chromaticity coordinates according to the CIE (1931) standard colorimetric system. The purple color of light emitted from this device shall fall within the following boundaries:

$x = .25$ (blue boundary)

$x = .33$ (red boundary)

$y = .18$ (white boundary).

19 VAC 30-165-50. Approval process.

An application for approval of a specific manufacturer's model of warning light shall be directed to the Safety Officer, Department of State Police, 491 Southlake Boulevard, Richmond, Virginia 23236. Such requests must include a sample of the device, a laboratory report prepared by a test facility independent of the device's manufacturer that certifies the device has been tested and found to meet the requirements of this chapter, and a fee of \$150.

Upon review of the application for approval and laboratory results, the applicant will be notified in writing of the department's findings.

Devices found to meet the requirements of this chapter will be added to the Approved Equipment List and distributed to official inspection stations.

19 VAC 30-165-60. Proof of compliance.

The device shall be prominently and permanently marked with the manufacturer's name or trademark and model designation. Such markings must be visible for inspection without dismantling the device when properly installed.

DOCUMENTS INCORPORATED BY REFERENCE

Society of Automotive Engineers Standard J595, January 1990.

Society of Automotive Engineers Standard J845, March 1992.

Society of Automotive Engineers Standard J1318, May 1998.

VA.R. Doc. No. R00-176; Filed October 16, 2000, 10:39 a.m.



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For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

REGISTRAR'S NOTICE: Due to its length, the regulation filed by the State Air Pollution Control Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Environmental Quality, 629 East Main Street, Richmond, VA. The full text of the regulation is also available on the Internet at www.townhall.state.va.us. Copies of the regulation may be obtained from Alma Jenkins, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY.

Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. K97).

9 VAC 5-60-10 et seq. Hazardous Air Pollutant Sources (adding 9 VAC 5-60-120 through 9 VAC 5-60-180).

9 VAC 5-80-10 et seq. Permits for Stationary Sources (amending 9 VAC 5-80-50 through 9 VAC 5-80-120, 9 VAC 5-60-150, 9 VAC 5-80-180 through 9 VAC 5-80-300, 9 VAC 5-80-310 through 9 VAC 5-80-350, 9 VAC 5-80-360 through 9 VAC 5-80-380, 9 VAC 5-80-400 through 9 VAC 5-80-460, 9 VAC 5-80-480, 9 VAC 5-80-490, 9 VAC 5-80-510, 9 VAC 5-80-540 through 9 VAC 5-80-570, 9 VAC 5-80-610, 9 VAC 5-80-620, 9 VAC 5-80-650, 9 VAC 5-80-660, 9 VAC 5-80-680, 9 VAC 5-80-700, and 9 VAC 5-80-720; repealing 9 VAC 5-80-305, 9 VAC 5-80-355, and 9 VAC 5-80-705).

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Effective Date: January 1, 2001.

Summary:

The regulation amendments concern provisions covering federal operating permits and can be summarized as falling primarily into seven categories. The amendments (i) remove deficiencies that prevent full federal approval for Virginia's Title V program; (ii) support commitments made in a letter of February 27, 1997, from the DEQ director to EPA's Region III administrator amending previous program submittals; (iii) incorporate guidance from EPA's White Papers of July 1995 and March 1996; (iv) clarify applicable state requirements; (v) bring the acid rain program into conformity with federal regulations; (vi) incorporate provisions relating to the new federal Compliance Assurance Monitoring (CAM) rule; and (vii) incorporate provisions relating to § 112(j) of the federal Clean Air Act.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's

response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

VA.R. Doc. No. R98-44; Filed October 11, 2000, 1:32 p.m.

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 5-121-10 et seq. Regulation for Emissions from Fleet Vehicles (REPEALED).

Statutory Authority: §§ 10.1-1308 and 46.2-1179.1 of the Code of Virginia.

Effective Date: January 1, 2001.

Summary:

The regulation provides emissions standards for fleet vehicles and covers fleet vehicles in the Northern Virginia area. It requires that a percentage of annual vehicle purchases by certain fleet owners be clean-fuel fleet vehicles in order to reduce emissions. The regulation is being repealed as mandated by § 46.2-1179.1 of the Code of Virginia.

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

VA.R. Doc. No. R01-38; Filed October 18, 2000, 11:29 a.m.

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TITLE 11. GAMING

VIRGINIA RACING COMMISSION

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision B 21 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the Virginia Breeders Fund.

Title of Regulation: 11 VAC 10-130-10 et seq. Virginia Breeders Fund (amending 11 VAC 10-130-10, 11 VAC 10-130-20, 11 VAC 10-130-40, 11 VAC 10-130-60, 11 VAC 10-130-70, 11 VAC 10-130-76, 11 VAC 10-130-77 and 11 VAC 10-130-80).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: October 16, 2000.

Summary:

The amendments extend by three years the time constraints relating to the definition of a Virginia-bred Standardbred and eliminate the registration fees for Standardbred foals.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404.

11 VAC 10-130-10. Definitions.

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

"Breeding season" means a period of time beginning on February 1 and ending on August 1 of each year. For Standardbreds, the breeding season means a period of time beginning February 15 and ending on July 15 of each year.

"Stallion owner" means an owner or lessee of record of a stallion that covered mares in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred horse.

"Virginia-bred Arabian horse" means a registered Arabian horse foaled in the Commonwealth of Virginia.

"Virginia Arabian horse breeder" means the owner or lessee of record of the mare at the time of foaling of a Virginia-bred Arabian horse.

"Virginia Arabian sire" means a registered Arabian stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Arabian horse.

"Virginia-bred Quarter Horse" means a registered Quarter Horse foaled or conceived in the Commonwealth of Virginia.

"Virginia Quarter Horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Quarter Horse.

"Virginia Quarter Horse sire" means a registered Quarter Horse stallion or registered Virginia Thoroughbred stallion that covered mares only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Quarter Horse.

"Virginia-bred Standardbred horse" means a registered Standardbred horse foaled or conceived in the Commonwealth of Virginia, sired by a Virginia Standardbred sire or purchased or owned by a Virginia resident and meeting the following requirements:

1. During the first ~~six~~ *nine* calendar years of live pari-mutuel harness racing in the Commonwealth, a foal not meeting the requirements of the previous paragraph may still be registered as Virginia bred providing it is registered by a Virginia resident and owner with the commission *or its designee* by submitting documentation proving that the horse was purchased prior to April 1 of its two-year-old year and prior to making its first start in a nonqualifying race. For purposes of registration under this subdivision, neither the stallion owner of a sire standing outside the Commonwealth nor the breeder of a Standardbred foaled outside the Commonwealth shall be eligible for any award from the Virginia Breeders Fund;
2. For purposes of determining the eligibility for an owner to register a Virginia Standardbred, a Virginia resident and owner shall be defined as a person legally required to file a resident income tax return with the Commonwealth that year or a partnership, corporation, stable name or other entity that is solely owned by Virginia residents and owners legally required to file resident income tax returns with the Commonwealth that year; and
3. After December 31 of the ~~fourth~~ *seventh* calendar year of live harness racing in the Commonwealth, foals of that year and each succeeding year must be sired by a Virginia Standardbred sire to qualify as Virginia-bred Standardbreds.

"Virginia Standardbred horse breeder" means the owner or lessee of record of the mare at the time of conception of a Virginia-bred Standardbred horse.

"Virginia Standardbred sire" means a registered Standardbred stallion that stood only in the Commonwealth of Virginia during the breeding season in which it sired a Virginia-bred Standardbred horse. Shipment of semen for the breeding of mares outside the Commonwealth shall be permitted so long as any resulting foals meet the requirements of this chapter in all other respects.

"Virginia-bred Thoroughbred horse" means a registered Thoroughbred horse foaled in Virginia and, if foaled in the Commonwealth after December 31, 1999, shall also satisfy one of the following additional requirements:

1. The foal was sired by a Virginia Thoroughbred sire; or
2. If not so sired, the dam, if bred back that same breeding season, is bred to a Virginia Thoroughbred sire; or

3. If not so sired, or the dam is not bred back that same breeding season or is bred to a sire other than a Virginia Thoroughbred sire, the dam remains continuously in the Commonwealth from September 1 to date of foaling, or if barren to February 1 of the following year.

"Virginia Thoroughbred horse breeder" means the owner or lessee of record of the mare at the time of foaling a Virginia-bred Thoroughbred horse.

"Virginia Thoroughbred sire" means a registered Thoroughbred stallion that covers mares, other than test mares, only in the Commonwealth during the breeding season in which it sires a Virginia-bred Thoroughbred horse, or only during that part of the breeding season after entering the Commonwealth.

11 VAC 10-130-20. Generally.

The purpose of this chapter is to establish procedures for the administration of the Virginia Breeders Fund by the Virginia Racing Commission as provided for in § 59.1-372 of the Code of Virginia.

A. Certification. The commission or its designee shall certify that a racehorse is Virginia bred for eligibility for entry into races restricted to Virginia-bred horses, and to qualify its owner, the stallion owner, if applicable, and breeder for awards.

B. Determination of eligibility. The final determination of all questions, disputes or protests relating to the registration, eligibility for certification or breeding of a Virginia-bred horse and the final determination of eligibility of any horse to enter a race restricted to Virginia-bred horses shall rest solely with the commission.

C. Documentation. In making its determination, the commission or its designee, in its discretion, may require the submission of any certificate of foal registration, eligibility paper or any other registration document, affidavits or other substantive proof to support or deny any claim concerning registration of a horse as Virginia bred.

D. False statements. Any person who submits false or misleading information to a breed registry, to the commission or *its designee*, or to any racing official may be fined, have his permit suspended or revoked, be denied participation in the Virginia Breeders Fund for a period of time deemed appropriate by the commission, or any or all of the foregoing.

E. Forfeiture of awards and purse moneys. Any person who is denied participation in the Virginia Breeders Fund under the provisions of this chapter shall forfeit and restore to the fund any awards and purse moneys received based upon the submission of false or misleading information. Until the awards and purse moneys are restored, the commission may suspend the person's permit to participate in horse racing at licensed facilities.

F. Recognized registries. The commission shall recognize certificates of registration from the following breed registries:

1. Thoroughbred: The Jockey Club;
2. Standardbred: The United States Trotting Association;

3. Quarter Horse: The American Quarter Horse Association; and

4. Arabian horse: The Arabian Horse Registry of America.

G. Payment of awards. All awards for owners, stallion owners and breeders shall be distributed from the Virginia Breeders Fund in a manner prescribed by the commission. The following provisions shall apply to payment of owner, stallion owner and breeder awards:

1. Determination of individual distributions to a stallion owner shall be in the same ratio as the amount of first-place purse money won by the Virginia-bred horse at the race meeting, which qualifies the stallion owner for an award, to the total amount of first-place purse money won by all Virginia-bred horses ~~which~~ *that* qualify stallion owners for awards at the race meeting;

2. Determination of individual distributions to a breeder shall be in the same ratio as the amount of first-place purse money won by the Virginia-bred horse at the race meeting, which qualifies the breeder for an award, to the total amount of first-place purse money won by all Virginia-bred horses at the race meeting;

3. Determination of individual distributions to an owner shall be in the same ratio as the amount of nonsupplemented first-place purse money won by the Virginia-bred horse at the race meeting ~~which~~ *that* qualifies the owner for an award to the total amount of nonsupplemented first-place purse money won by all Virginia-bred horses at the race meeting;

4. To become eligible for an owner, a stallion owner or a breeder award from the Virginia Breeders Fund, the owner, stallion owner or breeder must be certified by the commission prior to receiving any award, unless his racehorse, stallion or foal has been previously registered with the commission *or its designee*;

5. A stallion owner or breeder will have 25 days after the closing of the race meeting, at which he becomes eligible for an award, to be certified by the commission unless his stallion or foal has been previously registered with the commission;

6. A stallion owner or breeder need only be certified once per racehorse; and

7. Any unclaimed awards from the Virginia Breeders Fund shall be remitted to the fund.

H. Distribution by breeds. The funds generated by the breed of horse through pari-mutuel wagering at a race meeting shall be distributed to that breed of horse through owner awards, stallion owner awards, breeder awards, purses and purse supplements.

I. Reimbursement of funds. The source of funding is 1.0% of all pari-mutuel pools, which shall be paid to the commission within five days of the date that the funds were generated. Purse moneys shall be paid from the horsemen's account when approval is granted by the stewards. The commission

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shall reimburse the horsemen's account to the extent that funds are available from the Virginia Breeders Fund.

J. Restrictions. In disbursing the Virginia Breeders Fund, the following restrictions shall apply:

1. Supplements to purses from the Virginia Breeders Fund shall not be considered in determining owner awards;
2. The amount of the purses for races restricted to Virginia-bred horses or any adjustments must be fair, equitable and appropriate to the quality of the horses competing for those purses;
3. Purses from the Virginia Breeders Fund shall be considered for stallion owner and breeder awards.
4. Funds allocated for purses shall be credited to the owner's account by the horsemen's bookkeeper in accordance with procedures established elsewhere in this chapter; and
5. Underpayment of moneys generated by each breed shall be remitted to the Virginia Breeders Fund.

K. Reservation of funds. The commission may set aside funds for distribution in future years if the commission, in its discretion, determines that there is an insufficient supply of Virginia-bred horses of a certain breed to warrant a distribution. In this event, the funds shall be deposited in an interest-bearing account for future distribution of awards and purse supplements to the breed that generated the funds so set aside.

L. Assignment of awards. Awards distributable to breeders and stallion owners are only assignable pursuant to a court order.

M. Advisory committee. To assist it in establishing this awards and incentive program to foster the industry of breeding racehorses in Virginia, the commission shall appoint an advisory committee composed of two members from each of the registered breed associations representing each breed of horse participating in the fund program, one member representing the owners and operators of racetracks and one member representing all the meets sanctioned by the National Steeplechase Hunt Association.

The commission, in its discretion, may establish and appoint the members of subcommittees of the advisory committee for each breed of horse participating in the fund program. Each subcommittee shall be composed of one commissioner, the executive secretary of the commission, two advisory committee members, a member representing an owner or operator of a horse racing facility, and an at-large member associated with the breed of horse participating in the fund program. All appointments shall be approved by the commission.

11 VAC 10-130-40. Stallion registration.

A. Initial registration. For a stallion owner to be certified to receive stallion owner awards from the Virginia Breeders Fund, the stallion owner shall register his stallion with the commission or its designee by satisfying the following requirements:

1. Each year prior to the commencement of the breeding season, but no later than January 31, or within 30 days following the entry into stud in Virginia if entry is after the breeding season commences, the owner or authorized agent shall submit an application on a form approved by the commission that shall set forth the name of the stallion, year of foaling, registration number, pedigree, including sire, dam and sire of the dam, where the stallion is standing at stud, the date of entry to stud if after the commencement of the breeding season, and the names and addresses of owners and lessees;
2. The application shall be signed and dated by the owner or lessee, or the authorized agent;
3. A notarized copy of the stallion's Certificate of Foal Registration, clearly showing the front and transfer side of the document, shall accompany the application;
4. If the stallion is held under a lease or a syndicate agreement, a copy of the lease or agreement shall accompany the application, and the lease or agreement must include a statement that the lessee or syndicate manager is authorized to sign the service certificate and receive stallion awards; and
5. The owner or authorized agent shall submit to the commission *or its designee* a notarized copy of The Jockey Club's Report of Mares Bred at the conclusion of the breeding season but no later than August 1.

B. Registration fees. A stallion may be registered with the commission or its designee for the breeding season after January 31 or 30 days following its entry into stud in Virginia. A registration fee of \$100 shall accompany the application. A late registration fee of \$250 shall be assessed. A late registration of a stallion shall be accepted by the commission or its designee until August 1 for that breeding year.

C. Change of ownership. If there is a change in ownership or the stallion is subsequently leased or syndicated or the location of where the stallion is standing is changed, the new owner, lessee or syndicate manager shall submit to the commission or its designee a new application for stallion registration.

11 VAC 10-130-60. Fund distribution; allocation of funds.

The funds generated by pari-mutuel wagering on Thoroughbred horse races for the Virginia Breeders Fund shall be allocated on the following schedule:

1. 35% shall be set aside for payment to the breeders of Virginia-bred Thoroughbred horses that win races at a race meeting designated by the commission;
2. 15% shall be set aside for payment to owners or lessees of registered Virginia stallions that sire Virginia-bred Thoroughbred horses ~~which~~ *that* win races at race meetings designated by the commission; and
3. 50% shall be paid to supplement purses as determined by the commission under the following provisions:
 - a. An award may be paid to the owner or owners of a Virginia-bred Thoroughbred horse each time the horse

wins a nonrestricted race at race meetings designated by the commission;

b. The maximum amount payable for owner, breeder or stallion owner awards to a Virginia-bred Thoroughbred horse for any single race shall be \$25,000; and

c. Purses shall be paid for races restricted to Virginia-bred Thoroughbred horses.

11 VAC 10-130-70. Restricted races.

The racing secretary at each unlimited race meeting licensed by the commission shall include in the condition book restricted races ~~which that~~ equal not less than 5.0% of the total nonsubstitute races included in that book, and that those races shall be run if six separate ~~betting~~ *wagering* interests are entered. If there is not a sufficient number of registered Virginia-bred horses entered to fill the race, then the racing secretary may substitute another race.

11 VAC 10-130-76. Stallion registration.

A. Initial registration. For a stallion owner to be certified to receive stallion owner awards from the Virginia Breeders Fund, the stallion owner must register his stallion with the commission or its designee by satisfying the following requirements:

1. Each year prior to the commencement of the breeding season, but no later than January 31, or within 30 days following the entry into stud in Virginia if entry is after the breeding season commences, the owner or authorized agent shall submit an application on a form approved by the commission that shall set forth the name of the stallion; year of foaling; registration number; pedigree, including sire, dam and sire of the dam; where the stallion is standing at stud; the date of entry to stud if after the commencement of the breeding season; and the names and addresses of owners and lessees;

2. The application must be signed and dated by the owner or lessee, or the authorized agent;

3. A notarized copy of the stallion's Certificate of Registration, clearly showing the front and transfer side of the document, must accompany the application;

4. If the stallion is held under a lease or a syndicate agreement, a copy of the lease or agreement must accompany the application, and the lease or agreement must include a statement that the lessee or syndicate manager is authorized to sign the Service Certificate and receive stallion awards; and

5. The owner or authorized agent must submit to the commission a notarized copy of The United States Trotting Association's Report of Mares Bred at the conclusion of the breeding season and no later than December 31 of the breeding year.

B. Registration fees. A stallion may be registered with the commission *or its designee* for the breeding season after January 31 or 30 days following its entry into stud in Virginia. A registration fee of \$100 shall accompany the *initial* application. ~~A late registration fee of \$250 shall be assessed.~~

~~A late registration of a stallion shall be accepted by the commission until August 1 for that breeding year.~~

C. Change of ownership. If there is a change in ownership, or the stallion is subsequently leased or syndicated, or the location of where the stallion is standing is changed, the new owner, lessee or syndicate manager must submit to the commission or its designee a new application for stallion registration.

11 VAC 10-130-77. Foal registration.

A. Requirements. For an owner or lessee of a dam to be certified to receive breeder awards from the Virginia Breeders Fund, the owner or lessee must register its foal with the commission or its designee by satisfying the following requirements:

1. The owner, lessee or his authorized agent must submit an application, on a form approved by the commission, including the name of the stallion; the name of the dam; the sire of the dam; sex; color; year of foaling; and name, address and telephone number of the owner, lessee or his authorized agent;

2. The application must be signed and dated by the owner, lessee or his authorized agent;

3. If the dam is held under a lease, a statement to that effect and a copy of the lease, which must include a statement that the lessee is authorized to register the foal, must accompany the application; and

4. All Virginia-bred Standardbred horses must be registered with the commission or its designee prior to being entered in races.

B. Registration fees. A foal may be registered ~~by December 31 of its year of foaling by submitting a \$25 fee which must accompany the application for foal registration. A yearling must may be registered by December 31 of its yearling year by submitting a \$125 fee which must accompany the application for foal registration. A two-year-old or older horse may be registered by submitting a \$250 fee which must accompany the application for foal registration. Any purchased horse must be registered within the required purchase period with the commission or its designee.~~

11 VAC 10-130-80. Allocation and restriction of funds.

A. Allocation. The funds generated by harness racing through pari-mutuel wagering shall be allocated according to the following schedule:

1. 15% ~~shall~~ *may* be set aside for payment to the breeders of Virginia-bred Standardbred horses ~~which that~~ win races at horse racing facilities licensed by the commission;

2. 10% ~~shall~~ *may* be set aside for payment to the owners or lessees of Virginia Standardbred stallions ~~which that~~ sire Virginia-bred Standardbred horses ~~which that~~ win races at horse racing facilities licensed by the commission; and

3. 75% ~~shall~~ *may* be paid to supplement purses according to the following provisions:

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a. Not less than 75% ~~shall~~ *may* be set aside to develop a stakes program for two- and three-year-old Virginia-bred Standardbred horses; and

b. Any remaining amounts shall be set aside and may be paid to the owner or owners of a Virginia-bred Standardbred horse each time the horse wins a nonrestricted race at a horse racing facility licensed by the commission.

B. Restriction. During the first ~~two~~ *five* calendar years of live pari-mutuel harness racing in the Commonwealth, payment of stallion owner and breeder awards shall be limited to an amount not exceeding 20% of that horse's nonmaiden nonsupplemented first-place purse used in the calculation and 40% of that horse's maiden nonsupplemented first-place purse used in the calculation.

C. Restricted races. The racing secretary at each unlimited race meeting licensed by the commission shall include on the condition sheet at least one race each day restricted to Virginia-bred Standardbred horses and the race shall be run if six separate betting interests are entered. If there is not a sufficient number of registered Virginia-bred horses entered to fill the race, then the racing secretary may substitute another race.

NOTICE: The forms used in administering 11 VAC 10-130-10 et seq., Virginia Breeders Fund, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Stallion Registration for the Year ~~19~~ *20*__, eff. ~~4/98~~ *10/00*.

~~Foal Registration for the Year 19__~~, eff. ~~1/98~~.

Application for Registration of Virginia-Bred Thoroughbred, eff. 8/99.

Standardbred Foal Registration for 2000, eff. 10/00.

2 Year-Olds, Virginia-Bred Standardbred Registration Form, 2000, eff. 10/00.

3 Year-Olds, Virginia-Bred Standardbred Registration Form, 2000, eff. 10/00.

VIRGINIA BREEDERS FUND
STANDARDBRED FOAL REGISTRATION FOR 2000
REGISTRATION FEE WAIVED

PHONE: (804) 966-1068 FAX: (804) 966-5949

NAME OF FOAL: _____ GAIT: T () P ()

NAME OF SIRE: _____ NAME OF DAM: _____

DAM'S YEAR OF BIRTH: _____ DAM'S COLOR: _____

SIRE OF DAM: _____ FOAL'S YEAR OF BIRTH: _____

FOAL'S COLOR: _____ FOAL'S SEX: _____

LOCATION OF FOALING: _____

WHERE BROODMARE IS MOUNTED: _____

OWNER'S TELEPHONE NUMBER: () _____

IF THE BROODMARE IS HELD UNDER A LEASE, A STATEMENT TO THAT EFFECT AND A COPY OF THE LEASE, WHICH MUST INCLUDE A STATEMENT THAT THE LESSEE IS AUTHORIZED TO REGISTER THE FOAL, MUST ACCOMPANY THE APPLICATION.

OWNER: _____ DATE: _____

PLEASE MAIL COMPLETED APPLICATION TO: VHHA
P.O. BOX 356
PROVIDENCE FORGE, VA 23140

VIRGINIA BREEDERS FUND
STALLION REGISTRATION FOR THE YEAR 20 ____

____ Thoroughbred ____ Standardbred

For a stallion owner to be eligible for awards from the Virginia Breeders Fund an application must be submitted to the Virginia Racing Commission or its designee prior to the commencement of the breeding season but not later than January 31, or within 30 days of the following entry into stud in Virginia if entry is after the breeding season commences.

(Name of Stallion)

(Year of Foaling) _____ (Registration Number)

(Sire) _____ (Dam) _____ (Sire of the Dam)

Where Stallion is Standing: _____

Name and Address of Owner or Lessee: _____

- 1) A notarized copy of the stallion's certificate of registration, clearly showing the front and transfer side of the document, must accompany the application.
 - 2) If the stallion is held under a lease or syndicate agreement, a copy of the lease agreement must accompany the application, and the lease or agreement must include a statement that the lessee or syndicate manager is authorized to sign the Service Certificate and receive stallion awards.
-
- I HEREBY CERTIFY THAT THE STALLION NAMED ABOVE HAS COVERED MARES OTHER THAN TEST MARES, ONLY IN THE COMMONWEALTH OF VIRGINIA DURING THE BREEDING SEASON IN WHICH IT Sires VIRGINIA-BRED HORSES OR ONLY DURING THAT PART OF THE BREEDING SEASON AFTER ENTERING THE COMMONWEALTH.

(Signature of Owner or Lessee) _____ (Date)

3 YEAR OLDS
VIRGINIA BREEDERS' FUND
 VIRGINIA-BRED STANDARDBRED REGISTRATION FORM
 2000 - FEE WAIVED

Name of Horse: _____ Gait: Pace Trot
 Name of Sire: _____ Sex of Horse: H G M
 Birth Year of Horse: _____ Name of Dam: _____
 Color of Horse: _____ Age of Dam: _____
 Location of Foaling: _____ Sire of Dam: _____
 _____ Color of Dam: _____

Owner of Horse: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

HORSES MUST BE REGISTERED WITH THE VHHA PRIOR TO BEING IN VIRGINIA-BRED RACES.
A COPY OF THE USTA REGISTRATION PAPERS MUST ACCOMPANY APPLICATION.

Signature: _____
 Date: _____

Please Mail This Form and Copy of Registration Papers To:

The Virginia Harness Horse Association (VHHA)
 P. O. Box 356
 Providence Forge, Virginia 23140
 (804) 966-7223 EXT. 1068 FAX: (804) 966-5949
 e-mail: vhma@globalweb.net

2 YEAR OLDS
VIRGINIA BREEDERS' FUND
 VIRGINIA-BRED STANDARDBRED REGISTRATION FORM
 2000 - FEE WAIVED

Name of Horse: _____ Gait: Pace Trot
 Name of Sire: _____ Sex of Horse: H G M
 Birth Year of Horse: _____ Name of Dam: _____
 Color of Horse: _____ Age of Dam: _____
 Location of Foaling: _____ Sire of Dam: _____
 _____ Color of Dam: _____

Owner of Horse: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

HORSES MUST BE REGISTERED WITH THE VHHA PRIOR TO BEING IN VIRGINIA-BRED RACES.
A COPY OF THE USTA REGISTRATION PAPERS MUST ACCOMPANY APPLICATION.

Signature: _____
 Date: _____

Please Mail This Form and Copy of Registration Papers To:

The Virginia Harness Horse Association (VHHA)
 P. O. Box 356
 Providence Forge, Virginia 23140
 (804) 966-7223 EXT. 1068 FAX: (804) 966-5949
 e-mail: vhma@globalweb.net

VA.R. Doc. No. R01-32; Filed October 16, 2000, 10:58 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Ex Parte: In the matter of Adopting Revisions to the Rules Governing Long-Term Care Insurance

ORDER ADOPTING REVISIONS TO RULES

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

WHEREAS, by order entered herein August 10, 2000, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to September 14, 2000, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Long-term Care Insurance unless on or before September 14, 2000, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

Title of Regulation: 14 VAC 5-200-10 et seq. Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-170, and 14 VAC 5-200-200; adding 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187; repealing 14 VAC 5-200-180).

WHEREAS, the August 10, 2000, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before September 14, 2000;

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

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

Effective Date: December 1, 2000.

WHEREAS, a comment was filed with the Clerk of the Commission on September 13, 2000, by AARP requesting that the Commission adopt the proposed revisions as submitted by the Bureau of Insurance;

Summary:

The purpose of the revisions to the rules is to carry out those provisions of House Bill 1511 of the 2000 Session of the General Assembly that added § 38.2-5210 of the Code of Virginia to require that a nonforfeiture benefit be offered to purchasers of long-term care contracts in Virginia. An additional purpose of these revisions is to update this rule to more accurately reflect the model regulation of the National Association of Insurance Commissioners as it existed in April 2000.

WHEREAS, a comment was filed with the Clerk of the Commission on September 12, 2000, by GE Financial Assurance regarding the number of activities of daily living that must be taken into account when determining the benefit trigger under 14 VAC 5-200-187;

Significant revisions include the following: (i) restrictions on when premium increases may be implemented in 14 VAC 5-200-60 F; (ii) the addition of protections against unintentional lapse in 14 VAC 5-200-65; (iii) the addition of requirements to be met by life insurance policies that accelerate benefits for long-term care in 14 VAC 5-200-150 B; (iv) the addition of standards to determine suitability of the product for its intended purchaser in 14 VAC 5-200-175; (v) the addition of standards for nonforfeiture benefits in accordance with HB 1511; and (vi) the addition of standards for benefit triggers in 14 VAC 5-200-187.

WHEREAS, the Bureau has reviewed the filed comments and has recommended that, in response to the filed comments, there be no amendments to the proposed revisions; and

Contact: Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, Virginia 23218, telephone (804) 371-9074 or e-mail Rwright@scc.state.va.us.

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's recommendation, is of the opinion that the attached proposed revisions should be adopted;

AT RICHMOND, OCTOBER 6, 2000

THEREFORE, IT IS ORDERED THAT:

COMMONWEALTH OF VIRGINIA

(1) The revisions to Chapter 200 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-170, and 14 VAC 5-200-200, repeal 14 VAC 5-200-180 in its entirety, and propose new rules at 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective December 1, 2000;

At the relation of the STATE CORPORATION COMMISSION

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order,

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together with a clean copy of the revised rules, to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

14 VAC 5-200-20. ~~Effective date and other provisions. Contracts effective prior to December 1, 2000.~~

~~A. This chapter shall be effective on January 1, 1992.~~

~~B. No new policy form shall be approved on or after January 1, 1992 unless it complies with this chapter.~~

~~C. No policy form shall be~~ *Except as otherwise specifically provided, each long-term care policy delivered or issued for delivery in this Commonwealth on or after January 1, 1992 unless it complies with this chapter prior to December 1, 2000, shall be subject to this chapter as it existed at the time the policy was issued or issued for delivery.*

14 VAC 5-200-30. Applicability and scope.

Except as otherwise specifically provided, this chapter applies to all long-term care Insurance policies delivered or issued for delivery in this Commonwealth, on or after ~~January 1, 1992~~ *December 1, 2000*, by insurers, fraternal benefit societies, health services plans, health maintenance organizations, cooperative non-profit life benefit companies or mutual assessment life, accident and sickness insurers.

14 VAC 5-200-40. Definitions.

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

"Applicant" means in the case of an individual long-term care insurance policy, the person who seeks to contract for such benefits, or in the case of a group long-term care insurance policy, the proposed certificateholder.

"Certificate" means any certificate or evidence of coverage issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this Commonwealth.

"Commission" means the Virginia State Corporation Commission.

"Expected loss ratio" means the ratio of the present value of future premiums to the present value of future benefits over the entire period of the contract.

"Group long-term care insurance" means a long-term care insurance policy which complies with § ~~38.2-3523~~ 38.2-3521.1 or § 38.2-3522.1 of the Code of Virginia delivered or issued for delivery in this Commonwealth.

"Insurer" means any insurance company, health services plan, fraternal benefit society, health maintenance organization, cooperative non-profit life benefit company, or mutual assessment life, accident and sickness insurer.

"Long-term care insurance" means any insurance policy or rider primarily advertised, marketed, offered or designed to

provide coverage for not less than ~~twelve~~ 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, personal care, mental health or substance abuse services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance whether issued by insurers, fraternal benefit societies, health services plans, health maintenance organizations, cooperative non-profit life benefit companies or mutual assessment life, accident and sickness insurers. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed or offered as long-term care insurance shall be subject to the provisions of this chapter. Health maintenance organizations, cooperative non-profit life benefit companies and mutual assessment life, accident and sickness insurers shall apply to the commission for approval to provide long-term care insurance prior to issuing this type of coverage.

"Policy" means any individual or group policy of insurance, contract, subscriber agreement, certificate, rider or endorsement delivered or issued for delivery in this Commonwealth by an insurer, fraternal benefit society, health services plan, health maintenance organization, cooperative non-profit life benefit company, or mutual assessment life, accident and sickness insurer.

14 VAC 5-200-50. Policy definitions.

No long-term care insurance policy delivered or issued for delivery in this Commonwealth shall use the terms set forth below, unless the terms are defined in the policy and the definitions satisfy the following requirements:

"Activities of daily living" means at least bathing, continence, dressing, eating, toileting and transferring.

"Acute condition" means that the individual is medically unstable. Such an individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult day care" means a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

"Bathing" means washing oneself by sponge bath, or in either a tub or shower, including the task of getting into or out of the tub or shower.

"Cognitive impairment" means a deficiency in a person's short or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

"Contenance" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

"Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

"Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

"Hands-on assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

"Home health care services" means medical and nonmedical services, provided to ill, disabled or infirm persons in their residences. Such services may include homemaker services, assistance with activities of daily living and respite care services.

"Medicaid" ~~shall be defined as~~ means the program administered in accordance with Title 32.1 of the Code of Virginia.

"Medicare" ~~shall be defined as~~ means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965" (42 USC § 1395 et seq.), or "Title 1, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act" (Public Law 89-97 79 Stat. 286 July 30, 1965), or words of similar import.

"Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

"Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

"Skilled nursing care," "intermediate care," "personal care," "home health care," and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

"Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

"Transferring" means moving into or out of a bed, chair or wheelchair.

All providers of services, including but not limited to "skilled nursing facility," "extended care facility," "intermediate care facility," "convalescent nursing home," "personal care facility," "home for adults," and "home health care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

14 VAC 5-200-60. Policy practices and provisions.

A. Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of 14 VAC 5-200-70 ~~of this chapter~~.

1. No such policy issued to an individual shall contain renewal provisions other than "guaranteed renewable or noncancellable".

2. The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

3. The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no unilateral right to make any change in any provision of the insurance or in the premium rate.

B. Limitations and exclusions. No policy may be delivered or issued for delivery in this Commonwealth as long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

1. Preexisting conditions or diseases, subject to § 38.2-5204 B of the Code of Virginia;

2. Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease, senile dementia, organic brain disorder or other similar diagnoses;

3. Alcoholism and drug addiction;

4. Illness, treatment or medical condition arising out of:

a. War or act of war (whether declared or undeclared);

b. Participation in a felony, riot or insurrection;

c. Service in the armed forces or units auxiliary thereto;

d. Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or

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e. Aviation (this exclusion applies only to non fare-paying passengers).

5. Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

6. This subsection B is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

C. Extension of benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

D. Continuation or conversion.

1. Group long-term care insurance issued in this Commonwealth on or after ~~January 1, 1992~~ *December 1, 2000*, shall provide covered individuals with a basis for continuation of coverage or a basis for conversion of coverage.

2. For the purposes of this chapter "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The substantial equivalency of benefits is subject to review by the commission, and in doing so, the commission shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

3. For the purposes of this chapter, "a basis for conversion of coverage" means a policy provision stating that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced) for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy he or she is covered, without evidence of insurability.

4. For the purposes of this chapter, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the commission to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers and/or facilities, the insurer, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity. The determination of substantial equivalency is subject to review by the commission.

5. Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

6. Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the initial group policy replaced.

7. Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

a. Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

b. The terminating coverage is replaced, as to an individual insured, not later than 31 days after termination, by group coverage effective on the day following the termination of coverage:

(1) Providing benefits identical to or benefits substantially equivalent to or in excess of those provided by the terminating coverage; and

(2) The premium for which is calculated in a manner consistent with the requirements of subdivision 6 of this subsection. The determination of substantial equivalency is subject to review by the commission.

8. Notwithstanding any other provision of this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full

benefits provided by the converted policy, would result in payment of more than 100% of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9. The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

10. Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11. For the purposes of this chapter, a "Managed Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

E. Discontinuance and replacement. If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

1. Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
2. Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

F. Premium increases.

1. *The premium charged to an insured shall not increase due to either:*
 - a. *The increasing age of the insured at ages beyond age 65; or*
 - b. *The duration the insured has been covered under the policy.*
2. *The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under 14 VAC 5-200-185, the portion of the additional coverage shall be added to and considered part of the initial annual premium.*
3. *A reduction in benefits shall not be considered a premium change, but for purposes of the calculation under 14 VAC 5-200-185, the initial annual premium shall be based on the reduced benefits.*

14 VAC 5-200-65. Unintentional lapse.

A. *Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:*

1. *Notice before lapse or termination. No individual long-term care policy or certificate shall be issued until the insurer has received from the applicant either a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium, or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate a person to receive this notice."*

The insurer shall notify the insured in writing of the right to change this written designation, no less often than once every two years.

2. *When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in subdivision 1 of this subsection need not be met until 60 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.*

3. *Lapse or termination for nonpayment of premium. No individual long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least 30 days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to subdivision 1 of this subsection, at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of five days after the date of mailing.*

B. *Reinstatement. In addition to the requirement in subsection A of this subsection, a long-term care insurance policy or certificate shall include a provision that provides for reinstatement of coverage in the event of lapse if the insurer*

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is provided proof that the policyholder or certificateholder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available to the insured if requested within five months after termination and shall allow for the collection of past due premium, where appropriate. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy and certificate.

14 VAC 5-200-70. Required disclosure provisions.

A. Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision, and under which the right to nonrenew is reserved solely to the policyholder.

B. Riders and endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

C. Payment of benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations".

E. Other limitations or conditions on eligibility for benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in § 38.2-5205- A- of the Code of Virginia shall set forth a description of such limitations or conditions, including any required number of days of confinement prior to receipt of benefits, in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

F. Disclosure of tax consequences. With regard to life insurance policies which provide an accelerated benefit for

long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

G. Benefit triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

14 VAC 5-200-90. Minimum standards for home health care benefits in long-term care insurance policies.

A. A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:

1. By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
2. By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;
3. By limiting eligible services to services provided by registered nurses or licensed practical nurses;
4. By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;
5. *By excluding coverage for personal care services provided by a home health aide;*
6. *By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;*
- ~~7.~~ 7. By requiring that the insured/claimant have an acute condition before home health care services are covered; ~~or~~
- ~~8.~~ 8. By limiting benefits to services provided by Medicare-certified agencies or providers; ~~or~~
9. *By excluding coverage for adult day care services.*

B. Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

14 VAC 5-200-110. Requirements for application forms and replacement coverage.

A. Application or enrollment forms shall include the following questions designed to elicit information as to whether, as of the date of the application the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used. With regard to a replacement policy issued to a group the following questions may be modified only to the extent necessary to elicit information about accident and sickness or long-term care insurance policies other than the group policy being replaced; provided, however, that the certificateholder has been notified of the replacement.

1. Do you have another long-term care insurance policy or certificate in force (including a health services plan contract, or a health maintenance organization contract)?
2. Did you have another long-term care insurance policy or certificate in force during the last 12 months?
 - a. If so, with which company?
 - b. If that policy lapsed, when did it lapse?
3. Are you covered by Medicaid?
4. Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

B. Agents shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.
2. List policies sold in the past five years which are no longer in force.

C. Solicitations other than direct response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be phrased as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

.....
[INSURANCE COMPANY'S NAME AND ADDRESS]

SAVE THIS NOTICE

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing

accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [OR OTHER REPRESENTATIVE]:

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage; I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

Signature of Agent or Other Representative

(Typed name and Address of Agent)

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The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

D. Direct Response Solicitations: Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be phrased as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF
ACCIDENT AND SICKNESS OR LONG-TERM CARE
INSURANCE

.....
.....
.....

Insurance Company's Name and Address

SAVE THIS NOTICE!

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions, this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (deleted) under the original policy.

3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. (To be included only if the application is attached to the policy or certificate.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application or enrollment form attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application or enrollment form could cause an otherwise valid claim to be denied. Carefully check the application or enrollment form and write to (Company Name and Address) within thirty (30) days if any information is not correct or complete, or if any past medical history has been left out of the application or enrollment form.

(Company Name)

E. Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Such notice shall be made within five working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

F. An individual long-term care policy that replaces a previous long-term care policy must be at least substantially equivalent in benefits. The substantial equivalency of benefits is subject to review by the commission. An insured may purchase and an insurer may issue an individual replacement policy that is less than substantially equivalent in benefits only under the following conditions:

1. The insured provides to the insurer to which application for the replacement policy is made written acknowledgement and documentation satisfactory to the insurer that the insured has had a change in financial or personal circumstances sufficient to justify the replacement; and

2. The insured signs a waiver form separate from, and in addition to the replacement notice by ~~subdivisions~~ *subsections* C and D of this section. The waiver form shall be printed in boldface type of a size not less than 12 point, one point leaded; shall be executed at the time of application for the replacement policy; and shall be signed and dated both by the applicant and by the agent, if an agent is involved in the transaction. The waiver form shall state that the insured understands that the replacement policy applied for will provide benefits that are less than those provided by the policy being replaced; and

3. One copy of the waiver form shall be retained by the applicant, and an additional copy signed by the applicant shall be submitted to the insurer, who shall retain such copy with the applicant's file, along with the acknowledgement and documentation required in subdivision 1 of this subsection. The insurer shall also retain copies of all such acknowledgements, documentation, and waivers in a separate file of long-term care policy replacements that may be examined and verified by the commission or its authorized representatives.

14 VAC 5-200-120. Reporting requirements.

A. Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses and long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

B. ~~Each~~ Every insurer shall report annually by June 30 the 10% of its agents with the greatest percentages of lapses and replacements as measured by subsection A ~~above~~ of this section.

C. Reported replacement and lapse rates do not alone constitute a violation of the insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

D. Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

E. Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

F. For purposes of this section, "policy" shall mean only long-term care insurance and "report" means on a statewide basis.

14 VAC 5-200-150. Loss ratio.

A. Benefits under individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least 60% calculated in a manner which provides for adequate reserving of the long-term care insurance risk. In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including:

1. Statistical credibility of incurred claims experience and earned premiums;
2. The period for which rates are computed to provide coverage;
3. Experienced and projected trends;
4. Concentration of experience within early policy duration;
5. Expected claim fluctuation;
6. Experience refunds, adjustments or dividends;
7. Renewability features;
8. All appropriate expense factors;
9. Interest;
10. Experimental nature of the coverage;
11. Policy reserves;
12. Mix of business by risk classification; and

13. Product features such as long elimination periods, high deductibles and high maximum limits.

Demonstrations of loss ratios shall be made in compliance with ~~Regulation No. 22~~ the Rules Governing the Filing of Rates for Individual and Certain Group Accident and Sickness Insurance Policy Forms, Chapter 130 (14VAC 5-130-10 et seq.) of this title.

B. Subsection A of this section shall not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

2. The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Chapter 32 (§ 38.2-3200 et seq.) of Title 38.2 of the Code of Virginia;

3. If an application for a long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later than 30 days after the date of approval;

4. At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy that provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

a. An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;

b. An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;

c. Any exclusions, reductions and limitations on benefits of long-term care;

d. A statement that any long-term care inflation protection option required by 14 VAC 5-200-100 is not available under this policy;

e. If applicable to the policy type, the summary shall also include:

(1) A disclosure of the effects of exercising other rights under the policy;

(2) A disclosure of guarantees related to long-term care costs of insurance charges; and

(3) Current and projected maximum lifetime benefits; and

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f. The provisions of the policy summary listed above may be incorporated into a basic illustration or into the life insurance policy summary;

5. Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. The report shall include:

a. Any long-term care benefits paid out during the month;

b. An explanation of any changes in the policy, e.g., death benefits or cash values, due to long-term care benefits being paid out; and

c. The amount of long-term care benefits existing or remaining;

6. Any policy illustration that meets the applicable requirements of 14 VAC 5-40-10 et seq.; and

7. An actuarial memorandum is filed with the Bureau of Insurance that includes:

a. A description of the basis on which the long-term care rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age;

g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

14 VAC 5-200-155. Filing requirement.

Prior to an insurer or similar organization offering group long-term care insurance to a resident of this Commonwealth pursuant to § 38.2-3522.1 of the Code of Virginia, it shall file

with the commission evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this Commonwealth.

14 VAC 5-200-170. Standards for marketing.

A. Every insurer, marketing long-term care insurance coverage in this Commonwealth directly or through its agents, shall:

1. Establish marketing procedures to assure that any comparison of policies by its agents will be fair and accurate.

2. Establish marketing procedures to assure excessive insurance is not sold or issued.

3. Display prominently by type, stamp or other appropriate means on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of any such insurance.

5. Every insurer, marketing long-term care insurance shall establish auditable procedures for verifying compliance with this subsection A.

6. At solicitation, provide written notice to the prospective policyholder and certificateholder that the Virginia Insurance Counseling and Assistance Program is available at: Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia 23229, Aging Services Hotline 1-800-552-3402.

7. For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms with 14 VAC 5-200-60.

B. In addition to the practices prohibited in Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 of the Code of Virginia the following acts and practices are prohibited:

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

14 VAC 5-200-175. Suitability.

A. This section shall not apply to life insurance policies that accelerate benefits for long-term care.

B. Every insurer, health care service plan or other entity marketing long-term care insurance (the "issuer") shall:

1. Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;
2. Train its agents in the use of its suitability standards; and
3. Maintain a copy of its suitability standards and make them available for inspection upon request by the commission.

C. 1. To determine whether the applicant meets the standards developed by the issuer, the agent and issuer shall develop procedures that take the following into consideration:

- a. The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;
- b. The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and
- c. The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

2. The issuer, and where an agent is involved, the agent shall make reasonable efforts to obtain the information set out in subdivision 1 of this subsection. The efforts shall include presentation to the applicant, at or prior to application, the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Form A, in not less than 12-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the commission for approval as required for a policy pursuant to § 38.2-316 of the Code of Virginia.

3. A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

4. The sale or dissemination outside the company or agency by the issuer or agent of information obtained through the personal worksheet in Form A is prohibited.

D. The issuer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

E. Agents shall use the suitability standards developed by the issuer in marketing long-term care insurance.

F. At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance" shall be provided. The form shall be in the format contained in Form B, in not less than 12-point type.

G. If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to Form C. If a letter similar to Form C is sent, it may be in lieu of a notice of adverse underwriting decision as set forth in § 38.2-610 of the Code of Virginia. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

H. The issuer shall report annually to the commission the total number of applications received from residents of this state, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

14 VAC 5-200-180. Appropriateness of recommended purchase. (Repealed.)

~~In recommending the purchase or replacement of any long-term care insurance policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.~~

14 VAC 5-200-185. Nonforfeiture of benefit requirement.

A. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

B. To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of § 38.2-5210 of the Code of Virginia:

1. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection E of this section; and

2. The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

C. If the offer required to be made under § 38.2-5210 of the Code of Virginia is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

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D. 1. After rejection of the offer required under § 38.2-5210 of the Code of Virginia, for individual and group policies without nonforfeiture benefits issued after December 1, 2001, the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

| Issue Age | Percent Increase Over Initial Premium |
|--------------|---------------------------------------|
| 29 and under | 200% |
| 30-34 | 190% |
| 35-39 | 170% |
| 40-44 | 150% |
| 45-49 | 130% |
| 50-54 | 110% |
| 55-59 | 90% |
| 60 | 70% |
| 61 | 66% |
| 62 | 62% |
| 63 | 58% |
| 64 | 54% |
| 65 | 50% |
| 66 | 48% |
| 67 | 46% |
| 68 | 44% |
| 69 | 42% |
| 70 | 40% |
| 71 | 38% |
| 72 | 36% |
| 73 | 34% |
| 74 | 32% |
| 75 | 30% |
| 76 | 28% |
| 77 | 26% |
| 78 | 24% |
| 79 | 22% |
| 80 | 20% |
| 81 | 19% |
| 82 | 18% |
| 83 | 17% |
| 84 | 16% |
| 85 | 15% |
| 86 | 14% |
| 87 | 13% |
| 88 | 12% |
| 89 | 11% |

90 and over

10%

4. On or before the effective date of a substantial premium increase as defined in subdivision 3 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection E of this section. This option may be elected at any time during the 120-day period referenced in subdivision 3 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 3 of this subsection shall be deemed to be the election of the offer to convert in subdivision b of this subdivision.

E. Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are described in this subsection:

1. For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases age at least 1.0% per year prior to age 50, and at least 3.0% per year beyond age 50.

2. For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subdivision 3 of this subsection.

3. The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection F of this section.

4. a. The nonforfeiture benefit and the contingent benefit upon lapse shall begin not later than the end of the third year following the policy or certificate issue date.

b. Notwithstanding subdivision a of this subdivision, except that for a policy or certificate with a contingent benefit upon lapse or a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of: (i) the end of the tenth year following the policy or certificate issue date; or (ii) the

end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

F. All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

G. There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

H. The requirements set forth in this section shall become effective December 1, 2001, and shall apply as follows:

1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to any long-term care policy issued in this Commonwealth on or after December 1, 2001.

2. For certificates issued on or after December 1, 2001, under a group long-term care insurance policy as defined in § 38.2-5200 of the Code of Virginia, which policy was in force December 1, 2001, the provisions of this section shall not apply.

I. Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of 14 VAC 5-200-150 treating the policy as a whole.

J. To determine whether contingent nonforfeiture upon lapse provisions are triggered under subdivision D 3 of this section, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

K. A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. The nonforfeiture provision shall be appropriately captioned;

2. The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the commission for the same contract form; and

3. The nonforfeiture provision shall provide at least one of the following:

- a. Reduced paid-up insurance;
- b. Extended term insurance;

c. Shortened benefit period; or

d. Other similar offerings approved by the commission.

14 VAC 5-200-187. Standards for benefit triggers.

A. A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment.

B. 1. Activities of daily living shall include at least the following as defined in 14 VAC 5-200-50 and in the policy:

- a. Bathing;
- b. Continence;
- c. Dressing;
- d. Eating;
- e. Toileting; and
- f. Transferring;

2. Insurers may use activities of daily living to trigger covered benefits in addition to those contained in subdivision 1 of this subsection as long as they are defined in the policy.

C. An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however the provisions shall not restrict and are not in lieu of the requirements contained in subsections A and B of this section.

D. For purposes of this section the determination of a deficiency shall not be more restrictive than:

1. Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
2. If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

E. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

F. Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

G. The requirements set forth in this section shall be effective December 1, 2001, and shall apply as follows:

1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to a long-term care policy issued in this Commonwealth on or after December 1, 2001.

Final Regulations

2. For certificates issued on or after December 1, 2001, under a group long-term care insurance policy that was in force on or after December 1, 2000, the provisions of this section shall not apply.

14 VAC 5-200-200. Standard format outline of coverage.

This section of the chapter implements, interprets and makes specific, the provisions of § 38.2-5207 of the Code of Virginia in prescribing a standard format and the content of an outline of coverage.

1. The outline of coverage shall be a freestanding document [,] in at least 10-point type.
2. The outline of coverage shall contain no material of an advertising nature.
3. Text which is capitalized or underscored in the standard format for outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
4. The text and sequence of text of the standard format for outline of coverage is mandatory, unless otherwise specifically indicated.
5. Format for outline of coverage:

[COMPANY NAME]
[ADDRESS - CITY & STATE]
[TELEPHONE NUMBER]
LONG-TERM CARE INSURANCE
OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied.] If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises. If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which the group policy was issued]).
2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy

sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

- a. [Provide a brief description of the right to return - "free look" provision of the policy.]
- b. [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

4. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

- a. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.
- b. [For direct response] [insert company name] is not representing Medicare, the federal government, or any state government.

5. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

6. BENEFITS PROVIDED BY THIS POLICY.

- a. [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]
- b. [Institutional benefits, by skill level.]
- c. [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

7. LIMITATIONS AND EXCLUSIONS.

[Describe:

- a. Preexisting conditions;
- b. Noneligible facilities/provider;
- c. Noneligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- d. Exclusions/exceptions;
- e. Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.] THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

8. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- a. That the benefit level will not increase over time;
- b. Any automatic benefit adjustment provisions;
- c. Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- d. If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- e. And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.

[(i) Describe the policy renewability provisions; (ii) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy; (iii) Describe waiver of premium provisions or state that there are no such provisions (iv) State whether or not the company has a right to change premium, and if such a right exists, describe clearly and concisely each circumstance under which premium may change.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability

of policy benefits for such an insured. In the event that the policy does not cover such preexisting conditions, that information should be included here also.]

11. PREMIUM.

- [1. State the total annual premium for the policy;
2. If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

- [1. Indicate if medical underwriting is used;
2. Describe other important features.]

| |
|---|
| <p>NOTICE: The forms used in administering 14 VAC 5-200-10 et seq., Rules Governing Long-Term Care Insurance, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p> |
|---|

FORMS

Long-Term Care Personal Worksheet, Form A (eff. 12/01/00).

Things You Should Know Before You Buy Long-Term Care Insurance, Form B (eff. 12/01/00).

Long-Term Care Insurance Suitability Letter, Form C (eff. 12/01/00).

Long-Term Care Insurance Personal Worksheet

People buy long-term care insurance for many reasons. Some don't want to use their own assets to pay for long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But long-term care insurance may be expensive, and may not be right for everyone.

By state law, the insurance company must ask you to fill out this worksheet to help you and the company decide if you should buy this policy.

Premium

The premium for the coverage you are thinking about buying will be \$_____ per month, or \$_____ per year. [a one-time single premium of \$_____.]

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums in the future.] The company has sold long-term care insurance since [year] and has sold this policy since [year]. [The last rate increase for this policy in this state was in [year], when premiums went up by an average of ____%.] [The company has not raised its rates for this policy.]

Drafting Note: The issuer shall use the bracketed sentence or sentences applicable to the product offered. If a company includes a statement regarding not having raised rates, it must disclose the company's rate increases under prior policies providing essentially similar coverage. The issuer may include rate information for up to two policy forms if the issuer has not changed rates on either policy form or for prior policies providing essentially similar coverage.

Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?

Drafting Note: The issuer shall use the bracketed sentence unless the policy is fully paid up or is a noncancellable policy.

How will you pay each year's premium?
 From my Income From my Savings/Investments My Family will pay

Income
 What is your annual income? (check one)
 Under \$10,000 \$[10-20,000] \$[20-30,000] \$[30-50,000] Over \$50,000

Drafting Note: The issuer may choose the numbers to put in the brackets to fit its suitability standards.
 How do you expect your income to change over the next 10 years? (check one)
 No change Increase Decrease

If you will be paying premiums from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Turn the Page

Form A, Page 1
 12-1-00

Savings and Investments

Not counting your home, about how much are all of your assets worth (your savings and investments)? (check one)
 Under \$20,000 \$20,000-\$30,000 \$30,000-\$50,000 Over \$50,000

How do you expect your assets to change over the next ten years? (check one)
 Stay about the same Increase Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long-term care.

Disclosure Statement

The answers to the questions above describe my financial situation. I choose not to complete this information.

Signed: _____ (Applicant) _____ (Date)

I explained to the applicant the importance of completing this information.

Signed: _____ (Agent) _____ (Date)

Agent's Printed Name: _____

[Note: In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My agent has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.]

Signed: _____ (Applicant) _____ (Date)

Drafting Note: Choose the appropriate sentences depending on whether this is a direct mail or agent sale.

The company may contact you to verify your answers.

Drafting Note: When the Long-Term Care Insurance Personal Worksheet is furnished to employees and their spouses under employer group policies, the text from the heading "Disclosure Statement" to the end of the page may be removed.

Form A, Page 2

Long-Term Care Insurance Suitability Letter

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet," which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, state law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your state insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

Drafting Note: Choose the paragraph that applies.

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

Yes, [although my worksheet indicates that long-term care insurance may not be a suitable purchase,] I wish to purchase this coverage. Please resume review of my application.

Drafting Note: Delete the phrase in brackets if the applicant did not answer the questions about income.

No. I have decided not to buy a policy at this time.

APPLICANT'S SIGNATURE _____ DATE _____

Please return to [issuer] at [address] by [date].

Form C
12/1-00

Things You Should Know Before You Buy Long-Term Care Insurance

Long-Term Care Insurance

- A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

- [You should **not** buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

Drafting Note: For single premium policies, delete this bullet; for noncancellable policies, delete the second sentence only.

- The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare

- Medicare does **not** pay for most long-term care.

Medicaid

- Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should **not** buy this policy if you are now eligible for Medicaid.

- Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.

- When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

- Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.

Shopper's Guide

- Make sure the insurance company or agent gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for long-term care insurance, you have the right to return the policy within 30 days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

Counseling

- Free counseling and additional information about long-term care insurance are available through your state's insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

Form B
12-1-00

VA.R. Doc. No. R00-278; Filed October 13, 2000, 10:27 a.m.

EMERGENCY REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20-10 et seq. **Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic (amending 18 VAC 85-20-131).**

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

Effective Dates: October 13, 2000, through October 12, 2001.

Preamble:

Amendments are required in order to conform to an enactment clause in Chapter 814 of the 2000 Acts of the Assembly requiring the board to promulgate regulations within 280 days of enactment for the education and training of doctors who utilize acupuncture.

The regulation is being amended to comply with a statutory mandate for the board to provide regulations for the education and training required of a doctor of medicine, osteopathy, podiatry or chiropractic in order to be authorized to use acupuncture as a modality of treatment. Current regulations require 200 hours of instruction in order to become licensed as a "physician acupuncturist." Chapter 814 eliminated the separate license for physicians who practice acupuncture but mandated that the board establish qualifications necessary to practice with minimal competency. The requirement of 200 hours with 50 of those hours being clinical instruction under supervision by a person legally authorized to practice acupuncture is the least burdensome requirement considered that would continue to protect the public health and safety in seeking acupuncture treatment.

The issue involved in the development of this regulation centered on the amount and type of training that was necessary. Doctors of medicine, osteopathy, podiatry and chiropractic receive years of didactic education in subjects such as anatomy, but their training typically does not prepare them to perform acupuncture. For that reason, training in acupuncture treatment and technique has been post-graduate and post-licensure for most practitioners. Courses have been developed by individuals and health education systems to prepare physicians and equip them with the skills and necessary hours of training.

In an effort to standardize that training or to determine comparability and quality, the board sought curriculum information from all providers of acupuncture education for physicians of which it was aware. Only a few responded with course outlines or other information. It appears that there is no national standard, no national credentialing, and no accreditation of programs for physician acupuncturists. Therefore, the board elected to retain the hours requirement but did not add a

requirement for any accreditation or board approval of programs.

In the opinion of the Advisory Committee on Acupuncture, it is essential for physicians to receive supervised clinical training in the technique of acupuncture administration. While physicians have experience through their medical training with injections, appropriate and efficacious administration of acupuncture needles requires different knowledge and skills.

The committee debated the necessary hours of training and compromised on 50 hours of supervised clinical experience in addition to the 200 hours of instruction. When the issue was considered by the full Board of Medicine, the 50 hours was included in the 200 hours as sufficient for public protection and minimal competency.

Approved:

James S. Gilmore, III

Governor

Date: October 11, 2000

18 VAC 85-20-131. Requirements to practice acupuncture.

A. To be qualified to practice acupuncture, licensed doctors of medicine, osteopathy, podiatry, and chiropractic shall first have obtained at least 200 hours of instruction in general and basic aspects of the practice of acupuncture, specific uses and techniques of acupuncture, and indications and contraindications for acupuncture administration. After the effective date of this regulation, at least 50 hours of the 200 hours of instruction shall be clinical experience supervised by a person legally authorized to practice acupuncture in any jurisdiction of the United States. Persons who held a license as a physician acupuncturist prior to July 1, 2000, shall not be required to obtain the 50 hours of clinical experience.

B. A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

VA.R. Doc. No. R01-29; Filed October 13, 2000, 11:21 a.m.

BOARD OF PHYSICAL THERAPY

Title of Regulation: 18 VAC 112-10-10 et seq. **Public Participation Guidelines.**

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Effective Dates: October 17, 2000, through October 16, 2001.

Preamble:

Emergency regulations are required for compliance with an enactment clause in Chapter 688 of the 2000 Acts of Assembly requiring the board to promulgate regulations within 280 days of enactment to implement provisions of the act establishing a new Board of Physical Therapy. In order for the board to provide the mechanism for public participation in the regulatory process, it must adopt

these regulations in accordance with the Administrative Process Act.

Regulations for Public Participation Guidelines adopted by the Board of Physical Therapy provide requirements for sending notices to the public for any meeting at which a regulatory action is to be considered, for an intended regulatory action, for comment on a proposed regulation, and for adoption of a final regulation.

Regulations allow for individuals and organizations to petition the board for rulemaking on an issue of interest and have also provided for the appointment of advisory committees on issues such as continuing competency.

The board has determined that it is essential to adopt public participation guidelines and that the proposed emergency regulations are reasonable, clearly stated and adequate to protect the public interest in the development and promulgation of regulations.

New regulations governing public participation in the regulatory process are identical to those adopted by all boards and in effect since 1994. Since that time, there have been no comments or requests for amendments to the regulation. There have been, however, changes to the notification and submission process through electronic means. With the availability of e-mail and fax, comments may now be received electronically. In addition, the board intends to provide information on the Regulatory Townhall to all persons on the public participation guidelines mailing list with instructions on how to access regulatory submissions and how to join the mailing list.

Therefore, in the adoption of permanent regulations for public participation, the board intends to modify the emergency regulation. Public participation guideline regulations for the Board of Physical Therapy should be amended in the same manner as other regulations within the department to encourage greater public access to information and participation in the regulatory process through electronic means of communication. In the adoption of regulations, the board's intent will be to implement but not duplicate provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

Approved:

James S. Gilmore, III
Governor
Date: October 11, 2000

CHAPTER 10.
PUBLIC PARTICIPATION GUIDELINES.

PART I.
STATEMENT OF PURPOSE.

18 VAC 112-10-10. Purpose.

The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Physical Therapy. The guidelines do not apply to regulations exempted or

excluded from the provisions of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).

18 VAC 112-10-20. Definitions.

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

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Board" means the Board of Physical Therapy.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

PART II.
MAILING LIST.

18 VAC 112-10-30. Composition of the mailing list.

A. The board shall maintain a list of persons who have requested to be notified of the formation and promulgation of regulations.

B. Any person may request to be placed on the mailing list by indicating so in writing to the board. The board may add to the list any person it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional mailing lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the mailing list to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable or there has been no response to the request from the board, such persons shall be deleted from the list.

18 VAC 112-10-40. Documents to be sent to persons on the mailing list.

Persons on the mailing list described in 18 VAC 112-10-30 shall be mailed the following documents related to the promulgation of regulations:

1. A Notice of Intended Regulatory Action.
2. A Notice of the Comment Period on a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents.
3. A notification of the adoption of a final regulation and instructions as to how to obtain a copy of the regulation and any supporting documents.
4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

Emergency Regulations

PART III. PUBLIC PARTICIPATION PROCEDURES.

18 VAC 112-10-50. Petition for rulemaking.

A. As provided in § 9-6.14:7.1 of the Code of Virginia, any person may petition the board to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
2. The number and title of the regulation to be addressed.
3. A description of the regulatory problem or need to be addressed.
4. A recommended addition, deletion, or amendment to the regulation.

C. The board shall receive, consider and respond to a petition within 180 days.

D. Nothing herein shall prohibit the board from receiving information from the public and proceeding on its own motion for rulemaking.

18 VAC 112 10-60. Notice of Intended Regulatory Action.

A. The Notice of Intended Regulatory Action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.

18 VAC 112-10-70. Notice of Comment Period.

A. The Notice of Comment Period (NOCP) shall indicate that copies of the proposed regulation are available from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for comments pertaining to the proposed regulation.

18 VAC 112-10-80. Notice of meeting.

A. At any meeting of the board or advisory committee, at which the formation or adoption of regulation is anticipated, the subject shall be described in a notice of meeting and transmitted to the Registrar for inclusion in The Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under § 9-6.14:4.1 of the Code of Virginia, the notice of meeting shall indicate that a copy of the regulation is available upon request at least two days prior to the meeting and that a copy of the regulation shall be made available to the public attending such meeting.

18 VAC 112-10-90. Public hearings on regulations.

The board shall conduct a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment to an existing regulation, unless, at a noticed meeting, the board determines that a hearing is not required.

18 VAC 112-10-100. Review of regulations.

A. Unless otherwise directed by Executive Order, the board shall conduct an informational proceeding at least every two years to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar for inclusion in The Virginia Register and shall be sent to the mailing list identified in 18 VAC 112-10-30.

PART IV. ADVISORY COMMITTEES.

18 VAC 112-10-110. Appointment of committees.

A. The board may appoint an ad hoc advisory committee whose responsibility shall be to assist in the review and development of regulations for the board.

B. The board may appoint an ad hoc advisory committee to provide professional specialization or technical assistance when the board determines that such expertise is necessary to address a specific regulatory issue or need or when groups of individuals register an interest in working with the agency.

18 VAC 112-10-120. Limitation of service.

An advisory committee which has been appointed by the board may be dissolved by the board when:

1. There is no response to the Notice of Intended Regulatory Action, or
2. The board determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).

VA.R. Doc. No. R01-33; Filed October 17, 2000, 11:14 a.m.



FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been amended by the Department of Mines, Minerals and Energy. Any amended or added forms are reflected in the listing and are published following the listing. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Abingdon, Big Stone Gap, or Charlottesville offices. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Title of Regulation: 4 VAC 25-30-10 et seq. Minerals Other Than Coal Surface Mining Regulations.

FORMS

Mineral Mining Annual Tonnage Report, DMM-146 (rev. 9/98).

Permit/License Application, DMM-101 (rev. 9/98).

Request for Release of Mine Map, DMM-155/DM-MR-1 (rev. 3/97).

Notice of Application to Mine, DMM-103 (rev. 11/94).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 1/88; included in DMM-103).

Yearly Progress Report, DMM-105 (rev. 12/94).

Surety Bond, DMM-107 (rev. 4/98).

Legend, DMM-109 (rev. 11/94).

Relinquishment of Mining Permit, DMM-112 (rev. 11/94).

Request for Amendment, DMM-113 (rev. 2/95).

Consolidated Biennial Report of Waivered Counties, Cities and Towns, DMM-116 (rev. 12/99).

Biennial Waivered Counties, Cities and Towns Report of Individual Mining Companies, DMM-117 (rev. 12/99).

Consent for Right of Entry on Surface Mined Orphaned Land, DMM-120 (rev. 12/99).

Mineral Mining Annual Tonnage Report, DMM-146 (rev. 11/94).

~~DMM Course E & T Service Evaluation, DMM-152 (rev. 4/90 9/00).~~

~~Training/Exam Application, DMM-154 (rev. 7/95).~~

Request for Release of Mine Map, DMM-155 (rev. 11/94).

Notice of Operator Intent, DMM-156 (rev. 1/95).

License Renewal Application, DMM-157 (rev. 9/98).

Request Form, DMM-158 (eff. 9/00).

Title of Regulation: 4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining.

FORMS

Permit/License Application, DMM-101 (rev. 9/99).

Notice of Application to Mine, DMM-103 (rev. 9/99).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 11/88; included in DMM-103).

Yearly Progress Report, DMM-105 (rev. 11/94).

Surety Bond, DMM-107 (rev. 9/99).

Legend, DMM-109 (rev. 9/99).

Relinquishment of Mining Permit, DMM-112 (rev. 9/99).

Request for Amendment, DMM-113 (rev. 7/99).

Consolidated Biennial Report of Waivered Counties, Cities and Towns, DMM-116 (rev. 6/90).

Biennial Waivered Counties, Cities and Towns Report of Individual Mining Companies, DMM-117 (rev. 6/90).

Consent for Right of Entry on Surface Mined Orphaned Land, DMM-120 (rev. 8/87).

Mineral Mining Annual Tonnage Report, DMM-146 (rev. 9/99).

~~DMM Course E & T Service Evaluation, DMM-152 (rev. 4/90 9/00).~~

~~Training/Exam Application, DMM-154 (rev. 7/95).~~

Request for Release of Mine Map, DMM-155/DM-MR-1 (rev. 9/99).

Notice of Operator Intent, DMM-156 (rev. 9/99).

License Renewal Application, DMM-157 (rev. 9/99).

Request Form, DMM-158 (eff. 9/00).

Permit Transfer Acceptance, DMM-161 (eff. 9/99).

Title of Regulation: 4 VAC 25-90-10 et seq. Rules and Regulations Governing the Use of Diesel Powered Equipment in Underground Coal Mines.

FORMS

~~Diesel Equipment Approval Letter, DM-DE-03 (rev. 4/95).~~

Title of Regulation: 4 VAC 25-100-10 et seq. Regulations Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells.

FORMS

Notice and Application for a Permit to Drill Vertical Ventilation Hole, DM-VVH-01 (9/91).

~~Vertical Ventilation Hole Plat (9/91).~~

Forms

~~Notice and Petition to Mine Within 200 Feet of, or Through, a Gas or Oil Well or Vertical Ventilation Hole, DM VVH-03 (7/94).~~

~~Notice of Mining Within 500 Feet of a Gas or Oil Well or Vertical Ventilation Hole, DM VVH-04 (7/94).~~

Title of Regulation: 4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.

FORMS

Anniversary Notification, DMLR-PT-028 (eff. 9/99).

Change Order Justification, DMLR-AML-065 (eff. 8/99).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 11/99).

Application for Exemption Determination (Extraction of Coal Incidental to the Extraction Of Other Minerals), DMLR-211 (rev. 4/96).

Applicant Violator System (AVS) Ownership Control Information, DMLR-AML-003 (rev. 1/95).

Consent for Right of Entry-Exploratory, DMLR-AML-122 (rev. 3/98).

Consent for Right of Entry-Construction, DMLR-AML-123 (rev. 3/98).

Consent for Right of Entry-Construction Lien Waiver, DMLR-AML-174 (rev. 3/91).

License for Performance--Acid Mine Drainage Investigations and Monitoring (Abandoned Mine Land Program), DMLR-AML-175c, 11/96.

License for Performance--Acid Mine Drainage Reclamation and Construction (Abandoned Mine Land Program), DMLR-AML-176c, (rev. 12/96).

Consent for Right of Entry-Ingress/Egress, DMLR-AML-177 (rev. 3/98).

Application for Recertification: DMLR Endorsement/Blaster's Certification, DMLR-BCME-03 (rev. 6/95).

Application for DMLR Endorsement: Blaster's Certification (Coal Surface Mining Operation), DMLR-BCME-04 (rev. 6/95).

Geology and Hydrology Information Part A through E, DMLR-CP-186 (rev. 3/86).

Sediment and Pond Design Data Sheet, DMLR-CP-187 (rev. 12/85).

Notice of Temporary Cessation, DMLR-ENF-220 (rev. 2/96).

Application for Small Operator's Assistance, DMLR-OA-106 (rev. 12/85).

Lands Unsuitable Petition, DMLR-OA-131 (rev. 12/85).

Application for Permit for Coal Exploration and Reclamation Operations (which Remove More Than 250 Tons) and NPDES, DMLR-PS-062 (rev. 12/85).

Chapter 19-Statement for Third Party-Certificate of Deposit, DMLR-PS-093 (rev. 12/85).

Cognovit Note, Part I and II, DMLR-PS-095 (rev. 12/85).

Application-Coal Surface Mining Reclamation Fund, DMLR-PS-162 (rev. 7/89).

Application for Release of Bond-Estimated Cost, DMLR-PS-212 (rev. 3/88).

Application for Release of Bond-Reclamation Fund, DMLR-PS-213 (rev. 3/88).

Example - Waiver (300 Feet from Dwelling), DMLR-PT-223 (rev. 2/96).

Verification That Application Was On Public Display, DMLR-PS-236 (rev. 5/90).

~~Application-Permit Revision, DMLR-PT-097 (rev. 7/96).~~

Surety Bond, DMLR-PT-013 (rev. 10/95).

Surety Bond-Federal Lands, DMLR-PT-013A (rev. 10/95).

Map Legend, DMLR-PT-017 (rev. ~~2/95~~ 9/00).

Form Letter From Banks Issuing CD's For Coal Operators, DMLR-PT-026A (rev. 1/95).

Operator's Seeding Report, DMLR-PT-011 (rev. 4/96).

Request for Relinquishment, DMLR-PT-027 (rev. 4/96).

Water Supply Inventory List, DMLR-PT-030 (rev. 4/96).

Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination Systems (NPDES), DMLR-PT-034 (rev. 2/99).

Application for Permit: Coal Surface Mining and Reclamation Operations, DMLR-PT-034D (rev. 8/98).

Coal Exploration Notice, DMLR-PT-051 (rev. 11/98).

Well Construction Data Sheet, DMLR-PT-053 (rev. 4/96).

Sediment Basin Design Data Sheet, DMLR-PT-086 (rev. 10/95).

Impoundment Construction and Annual Certification, DMLR-PT-092 (rev. 10/95).

Road Construction Certification, DMLR-PT-098 (rev. 10/95).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 2/95).

Rainfall Monitoring Report, DMLR-PT-102 (rev. 8/98).

Pre-Blast Survey, DMLR-PT-104 (rev. 10/95).

Excess Spoil Fills and Refuse Embankments Construction Certification, DMLR-PT-105 (rev. 4/96).

Stage-Area Storage Computations, DMLR-PT-111 (rev. 10/95).

NPDES Discharge Monitoring Report, DMLR-PT-119 (rev. 2/95).

Water Monitoring Report -- Electronic File/Printout Certification, DMLR-PT-119C (rev. 5/95; included in DMLR-PT-119).

Coal Surface Mining Reclamation Fund Application, DMLR-PT-162 (rev. 4/96).

Conditions -- Coal Surface Mining Reclamation Fund, DMLR-PT-167 (rev. 10/95).

Coal Surface Mining Reclamation Fund Tax Reporting Form, DMLR-PT-178 (rev. 10/95).

Surface Water Monitoring Report, DMLR-PT-210 (rev. 8/98).

Application For Performance Bond Release, DMLR-PT-212 (rev. 4/96).

Public Notice: Application for Transfer, Assignment, or Sale of Permit Rights under Chapter 19 of Title 45.1 of the Code of Virginia, DMLR-PT-219 (8/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase I, DMLR-PT-225 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase II, DMLR-PT-226 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase III, DMLR-PT-227 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Incremental Bond Reduction, DMLR-PT-228 (rev. 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Reduction, DMLR-PT-229 (rev. 9/95).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Release, DMLR-PT-230 (rev. 4/96).

Affidavit (Permit Application Information: Ownership and Control Information and Violation History Information), DMLR-PT-240 (rev. 12/98).

Stream Channel Diversion(s) Certification, DMLR-PT-233 (rev. 2/96).

Quarterly Acid-Base Monitoring Report, DMLR-PT-239 (rev. 6/95).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (rev. 12/98).

Blasting Plan Data, DMLR- PT-103 (rev. 4/96).

Affidavit (Reclamation Fee Payment), DMLR-PT-244 (rev. 2/96).

Application - National Pollutant Discharge Elimination System (NPDES) Permit - Short Form C, DMLR- PT-128 (rev. 5/96).

National Pollutant Discharge Elimination System (NPDES) Short Form C - Instructions, DMLR-PT-128A (rev. 5/96).

Impoundment Inspection Report, DMLR-PT-251 (rev. 12/93).

Water Sample Tag, DMLR-TS-107 (rev. 3/83).

Surface Water Baseline Data Summary, DMLR-TS-114 (rev. 4/82).

Diversion Design Computation Sheet, DMLR-TS-120 (rev. 12/85).

Sediment Channel Design Data Sheet, DMLR-TS-127 (rev. 12/85).

Virginia Stream Survey, DMLR-TS-217 (rev. 1/87).

Line Transect - Forest Land Count, DMLR-PT-224 (rev. 2/96).

Applicant Violator System (AVS) Ownership & Control Information, DMLR-AML-003, rev. 4/97.

Application for Permit Renewal Coal Surface Mining and Reclamation Operations, DMLR-PT-034R, eff. 6/97.

Application for Coal Exploration Permit and National Pollutant Discharge Elimination System Permit, DMLR-PT-062 (formerly DMLR-PS-062), rev. 6/97.

Conditions--Coal Surface Mining Reclamation Fund, DMLR-PT-167, rev. 10/95.

Vibration Observations, DMLR-ENF-032V, eff. 9/97.

Application for Small Operator Assistance, DMLR-PT-106 (formerly CP-106), rev. 9/97.

Application--National Pollutant Discharge Elimination System Application Instructions, DMLR-PT-128, rev. 9/97.

Blasting Plan Data, DMLR-PT-103, rev. 10/97.

Request for Relinquishment, DMLR-PT-027, rev. 1/98.

Written Findings, DMLR-PT-237, rev. 1/98.

Irrevocable Standby Letter of Credit, DMLR-PT-255 (rev. 7/98).

DMLR-AML-312, Affidavit (eff. 7/98).



Division of Mineral Mining
 900 Natural Resources Drive
 P. O. Box 3727
 Charlottesville, VA 22903-0723
 (804) 951-6310

E & T SERVICE EVALUATION

Type of Training: Blaster Foreman First Aid Annual Refresher New Miner General Mineral Mine
 GMS Safety Meeting (topic): _____

Date: _____ Location: _____

Instructor Name(s): 1. _____ 2. _____ 3. _____

Please rate the following areas and provide comments below:

COURSE/SERVICE PROVIDED: (Circle the number) 1 = poor, 5 = best

- | | | | | | |
|--|---|---|---|---|---|
| 1. Information was new – I learned something new and/or useful | 1 | 2 | 3 | 4 | 5 |
| 2. Up-to-date information provided | 1 | 2 | 3 | 4 | 5 |
| 3. Quality of the content | 1 | 2 | 3 | 4 | 5 |
| 4. Quality of the audio-visuals/hand-outs | 1 | 2 | 3 | 4 | 5 |
| 5. Information organized efficiently | 1 | 2 | 3 | 4 | 5 |
| 6. Information provided of sufficient length of time | 1 | 2 | 3 | 4 | 5 |
| 7. Overall rating of the quality/helpfulness of information | 1 | 2 | 3 | 4 | 5 |

INSTRUCTOR/SERVICE PROVIDER:

- | | | | | | |
|--|---|---|---|---|---|
| 8. Instructor was well prepared | 1 | 2 | 3 | 4 | 5 |
| 9. Instructor provided time for and responded to questions | 1 | 2 | 3 | 4 | 5 |
| 10. Instructor was clear and understandable | 1 | 2 | 3 | 4 | 5 |
| 11. Adequate time given for breaks in class | 1 | 2 | 3 | 4 | 5 |
| 12. Overall rating of the instructor/provider | 1 | 2 | 3 | 4 | 5 |

13. Recommendation(s) for changes to content or presentations: _____

14. Which segment did you consider to be the most important: _____

15. Which segment did you consider to be the least important: _____

16. Related to your job, what other topics would you like to have offered: _____

17. Do you think the information presented in this class improved your safety knowledge or will positively influence your safety practices on the job? Yes No

OPTIONAL: Name: _____ Company: _____

DMM 152



Division of Mineral Mining
900 Natural Resources Drive
P. O. Box 3727
Charlottesville, VA 22903-0723
(804) 951-6310

REQUEST FOR:

- Being on mailing list
- Taking an exam
- Change of address
- Course not listed

Name: _____

Address: _____

To take an exam, also complete:

Title: _____ Social Security # _____

Company name: _____

Exam requested: _____

Exam date/location: _____

- Initial Certification
- Renewal

If exam location is the DMM office, call to schedule a date. Use this to submit your intentions to test.

For course information, complete the following:

Course Title: _____

Course Date/Location: _____

If taking a certification course, do you intend to test at the end of the course:

- Yes
- No

Company size (# employees at site):

- 1-9
- 10-19
- 20-49
- 50+

If you would like a DMM staff member to contact you concerning the available E&T Services, Please check the following services in which you are interested:

- Customized on-site E&T course scheduling
- Mined Lane Reclamation services
- Environmental assessment
- Conducting mine safety analysis
- Conducting E&T training assessment
- Information on external referral

Comments or suggestions on E&T services: _____

DMM-158



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 P. O. DRAWER 900; BIG STONE GAP, VA 24219
 TELEPHONE: (540) 523-8202

MAP LEGEND

| | | | | |
|---------------------------|---|-----------------------------------|-------------------------------------|-----------------|
| Map Type: | <input type="checkbox"/> Application | <input type="checkbox"/> Renewal | <input type="checkbox"/> Revision | CSMO Permit No. |
| Check appropriate box(es) | <input type="checkbox"/> Relinquishment | <input type="checkbox"/> Deletion | <input type="checkbox"/> Completion | |

| | |
|---------------------------|--|
| COMPANY | |
| ADDRESS | |
| AUTHORIZED REPRESENTATIVE | |
| SITE LOCATION | |
| MINING TYPE(s) | |
| SEAM(s) TO BE MINED | |

| COLOR CODE | NUMBER OF ACRES | ACRES | SINCE PERMIT ISSUANCE, TOTAL NUMBER OF ACRES | ACRES |
|--------------------|--|-------|--|-------|
| OUTLINED RED | Covered by the Permit. | | Disturbed. | |
| SHADED RED | Undisturbed and will not be disturbed next __ months. | | Regraded. | |
| SHADED YELLOW | To be disturbed next __ months. | | Vegetated. | |
| CROSS-HATCH YELLOW | That will be regraded (previously disturbed). | | Remaining undisturbed. | |
| SHADED BROWN | Regraded without partial bond release. | | With partial bond release. | |
| SHADED GREEN | Vegetated without partial bond release. | | | |
| CROSS-HATCH BROWN | Regraded with partial bond release. | | | |
| CROSS-HATCH GREEN | Vegetated with partial bond release. | | QUADRANGLE | |
| CROSS-HATCH ORANGE | Disturbed, but not regraded. | | MAP SCALE | |
| CROSS-HATCH PURPLE | Being relinquished to _____, under Permit No. _____. | | | |
| CROSS-HATCH RED | Being deleted. | | | |
| SHADED BLUE | Streams, water drainways, sediment ponds. | | | |
| BLACK LINES | Distinguish separate increments (i.e., incremental bonding). | | | |

| | |
|-----------------------------------|------------------------------|
| MAP PREPARED BY | |
| P.G. Certification No. (Virginia) | P. E. License No. (Virginia) |

CERTIFICATION: I, the undersigned, hereby certify this map to be true and accurate, showing to the best of my knowledge and belief, all information required by the Virginia Coal Surface Mining Control and Reclamation Act of 1979, as amended, and the regulations promulgated thereunder.

| | |
|------------------------------|--|
| AFFIX SEAL | |
| Signature: _____ Date: _____ | |

DMLR-PT-017
 Rev. 9/00

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: **9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: September 22, 2000

VA.R. Doc. No. R96-358; Filed October 16, 2000, 12:29 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING

Title of Regulation: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: August 1, 2000

VA.R. Doc. No. R00-45; Filed October 16, 2000, 12:29 p.m.

* * * * *

Title of Regulation: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: August 1, 2000

VA.R. Doc. No. R00-43; Filed October 16, 2000, 12:29 p.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation: **18 VAC 160-20-10 et seq. Board for Waterworks and Wastewater Works Operators Regulations.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: September 14, 2000

VA.R. Doc. No. R00-74; Filed October 16, 2000, 12:29 p.m.



THE LEGISLATIVE RECORD

The Legislative Record is available on the Internet at <http://dls.state.va.us/pubs/legisrec/>

GENERAL NOTICES/ERRATA

BOARD OF EDUCATION

Notice Regarding the Education Flexibility Partnership Program (Ed-Flex)

The Board of Education is seeking public comment on the Virginia Department of Education's application to the U.S. Department of Education under the Education Flexibility Partnership Program (Ed-Flex). This program allows the U.S. Secretary of Education to delegate to states with strong accountability safeguards the authority to waive certain federal education requirements that may, in particular instances, impede local efforts to reform and improve education. It is designed to help school divisions and schools carry out educational reforms and raise the achievement levels of all children by providing increased flexibility in the implementation of federal education programs in exchange for enhanced accountability for the performance of students.

Those wishing to review the Ed-Flex application and to make comments may access the application under "News" on the Virginia Department of Education homepage at www.pen.k12.va.us.

Comments will be received through December 6, 2000. Questions regarding the application may be directed to Lillian A. Shearin or Dianne B. Pollard at the Department of Education, P.O. Box 2120, Richmond, VA 23218; or by calling (804) 225-3023 or (804) 371-7583; or by e-mail to Edflex@pen.k12.va.us.

Virginia Tax Bulletin

Virginia Department of Taxation

September 26, 2000

00-6

INTEREST RATES FOURTH QUARTER 2000

Changes to Virginia Interest Rates: In 1999, the General Assembly enacted legislation to equalize Virginia's interest rates on most tax overpayments (refunds) and underpayments (assessments) for both corporate and noncorporate taxpayers. Effective January 1, 2000, Virginia's overpayment rate for all overpayments is now equal to the federal overpayment rate for noncorporate taxpayers plus 2% under this change. However, the interest rate on "large corporate underpayments," remains unchanged and is equal to the federal rate for large corporate underpayments plus 2%.

Federal rates unchanged: State and certain local interest rates are subject to change every quarter based on changes in federal rates established pursuant to IRC § 6621. The federal rates for the fourth quarter of 2000 will remain at 9% for tax underpayments (assessments), 9% for tax overpayments (refunds) by taxpayers other than corporations, and 11% for "large corporate underpayments" as defined in IRC § 6621(c). Code of Virginia § 58.1-15 provides that the underpayment rates for Virginia taxes will be 2% higher than the corresponding federal rates and overpayment rates for Virginia taxes will be 2% higher than the federal rate for noncorporate taxpayers. Accordingly, the Virginia rates for the fourth quarter of 2000 will be 11% for tax underpayments (assessments), 11% for tax overpayments (refunds), and 13% for "large corporate underpayments."

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers with taxable years ending on September 30, 2000: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or on Form 500C, the fourth quarter 11% underpayment rate will apply through the due date of the return, January 15, 2001 (for corporations), and February 1, 2001 (for individuals and fiduciaries).

Local Tax

Assessments: Localities that assess interest on delinquent taxes under Code of Virginia § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the federal underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the fourth quarter of 2000, the federal underpayment rate is 9%.

Refunds: Effective July 1, 1999, localities which charge interest on delinquent taxes are required paying interest to taxpayers on all overpayments or erroneously assessed taxes at the same rate as they charge interest on delinquent taxes under Code of Virginia § 58.1-3916.

Recent Interest Rates

| <u>Accrual Beginning</u> | <u>Period Through</u> | Non - Corporation Overpayment <u>(Refund)</u> | Corporation Overpayment <u>(Refund)</u> | <u>Underpayment (Assessment)</u> | Large Corporate <u>Underpayment</u> |
|------------------------------|---------------------------|--|---|--------------------------------------|---|
| 1-Oct-89 | 31-Mar-91 | 10% | 10% | 11% | ---- |
| 1-Apr-91 | 30-Jun-91 | 9% | 9% | 10% | ---- |
| 1-Jul-91 | 31-Dec-91 | 9% | 9% | 12% | 14% |
| 1-Jan-92 | 31-Mar-92 | 8% | 8% | 11% | 13% |
| 1-Apr-92 | 30-Sep-92 | 7% | 7% | 10% | 12% |
| 1-Oct-92 | 30-Jun-94 | 6% | 6% | 9% | 11% |
| 1-Jul-94 | 30-Sep-94 | 7% | 7% | 10% | 12% |
| 1-Oct-94 | 31-Mar-95 | 8% | 8% | 11% | 13% |
| 1-Apr-95 | 30-Jun-95 | 9% | 9% | 12% | 14% |
| 1-Jul-95 | 31-Mar-96 | 8% | 8% | 11% | 13% |
| 1-Apr-96 | 30-Jun-96 | 7% | 7% | 10% | 12% |
| 1-Jul-96 | 31-Mar-98 | 8% | 8% | 11% | 13% |
| 1-Apr-98 | 31-Dec-98 | 7% | 7% | 10% | 12% |
| 1-Jan-99 | 31-Mar-99 | 7% | 6% | 9% | 11% |
| 1-Apr-99 | 31-Dec-99 | 8% | 7% | 10% | 12% |
| 1-Jan-00 | 31-Mar-00 | 10% | 10% | 10% | 12% |
| 1-Apr-00 | 31-Dec-00 | 11% | 11% | 11% | 13% |

For additional information: Contact the Office of Customer Services, Virginia Department of Taxation, P. O. Box 1115, Richmond, Virginia 23218-1115, or call the following numbers for additional information about interest rates and penalties.

| | |
|-----------------------------------|----------------|
| Individual & Fiduciary Income Tax | (804) 367-8031 |
| Corporation Income Tax | (804) 367-8037 |
| Withholding Tax | (804) 367-8037 |
| Soft Drink Excise Tax | (804) 367-8098 |
| Aircraft Sales & Use Tax | (804) 367-8098 |
| Other Sales & Use Taxes | (804) 367-8037 |

DEPARTMENT OF TRANSPORTATION

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulations listed below for review. VDOT will conduct this review to determine whether the regulations should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulations meet the following goals:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
2. To ensure the program receives satisfactory audit reports.
3. Is the regulation written clearly and understandably?

24 VAC 30-270-10 et seq., Industrial Access Program Guide, establishes guidelines, policies, and procedures VDOT will follow in providing funding under the Industrial Access Fund Program, as administered by the Commonwealth Transportation Board (CTB) and the Economic Development Partnership.

24 VAC 30-280-10 et seq. Revenue Sharing Program Guide, establishes the policies and procedures VDOT will follow in providing funding under the Revenue Sharing Program as established by the Code of Virginia and administered by the Commonwealth Transportation Board (CTB).

24 VAC 30-300-10 et seq. Recreational Access Guide, summarizes the requirements of the Recreational Access Program as authorized by the Code of Virginia, and is intended to serve as a reference to local jurisdictions and VDOT in the preparation and disposition of applications for program funding.

Contact for the above regulations: James S. Givens, State Secondary Roads Engineer, Secondary Roads Division, Virginia Department of Transportation, 1401 E. Broad St., Room 403, Richmond, Virginia 23219, telephone (804) 786-2745, FAX (804) 786-2603, e-mail givens_js@vdot.state.va.us.

24 VAC 30-440-10 et seq., Recreational Access Funding, appears in VDOT's Department Policy Memoranda Manual. It establishes the policies and procedures VDOT will follow in providing funding under the Recreational Access Fund Program as administered by the Commonwealth Transportation Board and the Director of Conservation and Recreation.

24 VAC 30-450-10 et seq. Airport Access Funding, appears in VDOT's Department Policy Memoranda Manual. It establishes the policies and procedures VDOT will follow in providing funding under the Airport Access Fund Program as

administered by the Commonwealth Transportation Board (CTB) and the Department of Aviation.

24 VAC 30-460-10 et seq. Industrial Access Funding, appears in VDOT's Department Policy Memoranda Manual. It establishes the policies and procedures VDOT will follow in providing funding under the Industrial Access Fund Program as administered by the Commonwealth Transportation Board (CTB) and the Economic Development Partnership.

Contact for the above regulations: David L. Roberts, Policy and Planning Specialist II, Virginia Department of Transportation, Management Services Division, 1401 E. Broad St., Room 712, Richmond, VA 23219, telephone (804) 786-3620, FAX (804) 371-0074, e-mail address roberts_dl@vdot.state.va.us.

APA Exemption: § 9-6.14:4.1 B 4

Comments may be submitted until November 27, 2000.

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulation meets the following goals:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
2. To provide guidance to VDOT users and the CTB in making major categories of changes to the secondary system:
 - additions to subdivision streets;
 - rural additions; and
 - additions at the request of certain towns under 3,500 or for facilities that serve as primary access to public schools;
 - abandoning roads; and
 - discontinuing roads.
3. Is the regulation written clearly and understandably?

24 VAC 30-290-10 et seq. Guide for Additions, Abandonments, and Discontinuances, establishes the policies and procedures VDOT uses to make major categories of changes to the secondary system:

- additions to subdivision streets;
- rural additions; and
- additions to the secondary system at the request of certain towns under 3,500 or facilities that serve as primary access to public schools;

General Notices/Errata

- abandoning roads that are part of the secondary system; and
- discontinuing a road from the secondary system.

APA Exemption: § 9-6.14:4.1 B 4

Contact: James S. Givens, State Secondary Roads Engineer, Secondary Roads Division, Virginia Department of Transportation, 1401 E. Broad St., Room 403, Richmond, Virginia 23219, telephone (804) 786-2745, FAX (804) 786-2603, e-mail givens_js@vdot.state.va.us.

Comments may be submitted until November 27, 2000.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Doswell All-American Travel Plaza

The State Water Control Board proposes to issue a consent special order to Doswell All-American Travel Plaza to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Hanover, Virginia. The proposed order requires Doswell All-American Travel Plaza to pay a \$3,400 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Fork Union Military Academy

The State Water Control Board proposes to enter into a consent special order with Fork Union Military Academy (FUMA) to resolve violations of the State Water Control Law and regulations at the FUMA's sewage treatment plant in Fluvanna County. The facility discharges treated wastewater to North Creek in the Middle James River basin.

FUMA has experienced effluent limitation violations in addition to certain other permit violations. DEQ has conducted biological stream surveys of North Creek below FUMA's outfall that indicated that North Creek was adversely impacted downstream of the academy's discharge in violation of the board's Water Quality Standard regulations.

The proposed consent special order settles the outstanding Notice of Violation and incorporates a schedule of compliance to upgrade the facility to meet final effluent limitations. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality,

P.O. Box 1129, Harrisonburg, Virginia 22801, and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Norfolk Airport Authority James City Service Authority Carroll's Foods of Virginia, Inc.

The State Water Control Board proposes to take enforcement actions against the facilities listed above.

The proposed enforcement action against the Norfolk Airport Authority, located in Norfolk, Virginia, is a consent special order that will require the payment of a \$4,200 civil charge to settle violations of the State Water Control Law.

The proposed enforcement action against James City Service Authority is a consent special order in regard to the Kings Village subdivision. The proposed order will require the payment of a civil charge and the performance of a supplemental environmental project to settle violations of the Virginia Ground Water Management Act.

The proposed enforcement action against Carroll's Foods of Virginia, Inc., is in regard to hog rearing facilities located in Southampton County, Virginia. The proposed action is a consent special order that will require the payment of a civil charge to settle violations of the State Water Control Law. In addition, the consent order will require the implementation of corrective actions.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders until December 6, 2000. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to one of the orders specified above. The proposed orders may be examined at the above address and copies of the orders may be obtained in person or by mail.

Proposed Consent Special Order Oak Grove Mennonite Church Mountain View Nursing Home Sewage Treatment Plant

The State Water Control Board (board) proposes to issue a consent special order (order) to Oak Grove Mennonite Church (permittee) regarding Mountain View Nursing Home Sewage Treatment Plant (facility) located in Madison County, Virginia.

Mountain View Nursing Home Sewage Treatment Plant is subject to VPDES Permit No. VA0063347. The order requires that the permittee upgrade or replace the STP in order to comply with permit limitations and provides interim effluent permit limitations for ammonia and biochemical oxygen demand. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through December 5, 2000. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193. Please address comments sent via e-mail to saokes@deq.state.va.us.

In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863 in order to examine or to obtain a copy of the order.

Proposed Consent Special Order Amendment County of Powhatan

The State Water Control Board proposes to issue a consent special order amendment to the County of Powhatan. The proposed order requires the county to complete construction of the Regional WWTP, close the school STPs and divert flow to the Regional WWTP, and clean up the western unnamed tributary to Fighting Creek. In addition, the proposed order requires the county to pay a civil charge for the unpermitted discharges from the school STP to state waters. The order also requires the county to comply with a proposed supplemental environmental project to clean up debris in the western unnamed tributary to Fighting Creek and to enhance an eastern unnamed tributary to Fighting Creek by the creation of a forested wetland in the proposed county park.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060; or sent to the email address of eakers@deq.state.va.us. All comments received by email must include name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Richfood, Inc.

The State Water Control Board proposes to issue a consent special order to Richfood, Inc. The proposed order requires Richfood to submit a completed Ground Water Withdrawal Permit application or submit and implement a plan and schedule to comply with Ground Water Withdrawal Regulations and State Water Control Board Law by February 15, 2001. The proposed order also requires the payment of a \$ 10,000 civil charge for noncompliance with their Ground Water Withdrawal Permit.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental

Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060; or sent to the email address of eakers@deq.state.va.us. All comments received by email must include name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order South Wales Utility, Inc.

The State Water Control Board (board) proposes to issue an amended consent special order (order) to South Wales Utility, Inc., (South Wales) regarding the South Wales wastewater treatment plants (WWTP) located in Culpeper County, Virginia.

The South Wales WWTP is subject to VPDES Permit No. VA0029238. The amended order includes a construction schedule for a new WWTP (VPDES Permit No. VA0080527), requires closure of the existing WWTP, and provides interim effluent limits for ammonia for the existing WWTP until the new WWTP is constructed and the existing WWTP is taken off line. South Wales has agreed to the issuance of the amended order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the decree through December 6, 2000. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please address comments sent via e-mail to eacrosier@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3886 in order to obtain or examine a copy of the consent decree.

Proposed Consent Special Order Shoosmith Brothers, Inc.

The State Water Control Board proposes to issue a consent special order to Shoosmith Brothers, Inc., to resolve certain alleged violations of environmental laws and regulations occurring at the Chester Goodrich Tract in Chesterfield County owned by Shoosmith Brothers, Inc. The order formalizes a plan for mitigating wetland impacts.

On behalf of the State Water Control Board, DEQ will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Richard F. Weeks, Jr., Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060. Comments can also be faxed to 804-527-5106 or emailed to rfweeks@deq.state.va.us.

A copy of the order may be obtained by mail, email or in person from the above addresses.

General Notices/Errata

Proposed Consent Special Order TA Operating Company (Richmond Travel Center)

The State Water Control Board proposes to issue a consent special order to TA Operating Company (Richmond Travel Center) to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Hanover, Virginia. The proposed order requires Richmond Travel Center to pay a \$6,800 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Unimin

The State Water Control Board proposes to enter into a consent special order with Unimin to resolve violations of the State Water Control Law and regulations at the Unimin plant in Frederick County. Unimin discharges treated wastewater into Mine Spring Run and Back Creek in the Potomac River subbasin, Potomac River basin under authority of a VPDES Permit.

On July 14, 2000, DEQ staff conducted a fishkill investigation on Back Creek. This investigation determined the upstream extent of the fishkill and found that Unimin experienced an unpermitted discharge to state waters resulting from a spill of a surfactant that is used in the quarry's sand washing operation. The fishkill is attributed to the unpermitted discharge of the surfactant.

The proposed consent special order settles the outstanding Notice of Violation and incorporates a schedule of compliance to provide additional corrective actions designed to prevent a future release of the surfactant. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, Virginia 22801, and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order West Sand and Gravel/Gloucester Plant

The State Water Control Board proposes to issue a consent special order to West Sand and Gravel to resolve certain alleged violations of environmental laws and regulations

occurring at their facility in Gloucester County, Virginia. The proposed order requires West Sand and Gravel to pay a \$3,500 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Change in Subscription Rate for the Virginia Register of Regulations

The Virginia Code Commission approved an increase of the annual subscription rate for the Virginia Register of Regulations to \$125 and an increase for single copy issues of the Register to \$5.00 per issue. The new rates became effective with Volume 17, Issue 1, which was published on September 25, 2000.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:
<http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08

ERRATA

**BOARD FOR WATERWORKS AND WASTEWATER
WORKS OPERATORS**

Title of Regulation: 18 VAC 160-20-10 et seq. Board for Waterworks and Wastewater Works Operators Regulations.

Publication: 17:2 VA.R. 203 October 9, 2000.

Correction to the proposed regulation:

Page 210, 18 VAC 160-20-90 A 5, line 3, after "Class V" insert "or Class VI"

**VIRGINIA WORKERS' COMPENSATION
COMMISSION**

Title of Regulation: 16 VAC 30-100-10 et seq. Regulations for Professional Employer Organizations.

Publication: 17:1 VA.R. 55-61 September 25, 2000.

Correction to the proposed regulation:

Page 55, Title of Regulation, after "Organizations," delete "(amending 8 VAC 20-110-10, 8 VAC 20-110-40, and 8 VAC 20-110-50; repealing 8 VAC 20-110-20, 8 VAC 20-110-60, 8 VAC 20-110-70 and 8 VAC 20-110-140)"

CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

Board, 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 371-6104, FAX (804) 371-7786.

BOARD OF ACCOUNTANCY

Virginia Aquaculture Advisory Board

NOTE: CHANGE IN MEETING DATE

November 15, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4W, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

† **November 9, 2000 - 9 a.m.** -- Open Meeting
Graves Mountain Lodge, Route 670, Ridgecrest Lodge,
Meeting Room 115, Syria, Virginia. 

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

The board will meet in its regular session to discuss issues related to Virginia aquaculture. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least two days before the meeting date so that suitable arrangements can be made.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail accountancy@dpor.state.va.us.

Contact: T. Robins Buck, Board Secretary, Department of Agriculture and Consumer Services, Virginia Aquaculture Advisory Board, 1100 Bank St., 9th Floor, Richmond, VA, telephone (804) 371-6094, FAX (804) 371-2945.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

Virginia Cattle Industry Board

† **November 9, 2000 - 12:30 p.m.** -- Open Meeting
Rowe's Restaurant, Route 4, Staunton, Virginia. 

† **November 8, 2000 - 10:30 a.m.** -- Open Meeting
Four Points Sheraton, 1400 East Market Street, Harrisonburg, Virginia. 

The board will hear and approve the minutes from the last board meeting, hear a presentation of the board's current financial statement, review the fiscal year 2000 tax collections, review the FY 2000/2001 fall and winter marketing promotions, and discuss proposed tax assessment increase. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least two days before the meeting date so that suitable arrangements can be made.

During the regular business meeting, the board will approve minutes from the August 2000 meeting in addition to reviewing the financial statement for the period August 30 through November 1. Staff will give program updates for the state and national level. A representative from the U.S. Meat Export Federation will discuss current foreign marketing initiatives of U.S. beef and specific projects that Virginia's checkoff dollars have supported. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least

Contact: Nancy L. Israel, Program Director, Department of Agriculture and Consumer Services, Virginia State Apple

one day before the meeting date so that suitable arrangements can be made.

Contact: Reginald B. Reynolds, Executive Director, Department of Agriculture and Consumer Services, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Charity Food Assistance Advisory Board

November 9, 2000 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, First Floor, Conference Room, Richmond, Virginia. 

A routine meeting to discuss issues related to food insecurity. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Contact: Steven W. Thomas, Executive Director, Department of Agriculture and Consumer Services, Virginia Charity Food Assistance Advisory Board, Washington Building, 1100 Bank St., Room 809, Richmond, VA, telephone (804) 786-3936, FAX (804) 371-7788.

Virginia Farmers Market Board

November 9, 2000 - 9:30 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 

The board will convene for its quarterly meeting for the purpose of conducting business to benefit the Virginia Farmers Market System. During the meeting, the board members will hear and approve the financial report and, if appropriate, approve the minutes of the August 8, 2000, meeting. In addition, contracted private sector operators of the shipping point markets in the system will present reports on operations of the four markets. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Special Programs Manager, Department of Agriculture and Consumer Services, Virginia Farmers Market Board, 1100 Bank St., Room 1002, Richmond, VA 23219, telephone (804) 786-2112, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

November 8, 2000 - 2 p.m. -- Open Meeting
November 9, 2000 - 9 a.m. -- Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia.

The annual meeting of the State Air Pollution Control Board and the State Advisory Board on Air Pollution.

Contact: Janet Wynne, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4140, FAX (804) 698-4510, (804) 698-4021/TTY , e-mail jtwynne@deq.state.va.us.

November 14, 2000 - 9 a.m. -- Open Meeting
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia.

A public meeting to receive comments on the Notice of Intended Regulatory Action issued for 9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D00) to bring the regulation into conformance with federal regulation.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY , e-mail kgsabastea@deq.state.va.us.

November 29, 2000 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

A public meeting to receive comments on the Notice of Intended Regulatory Action to develop amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Contact: Beth Major, State Air Pollution Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail memajor@deq.state.va.us.

† December 11, 2000 - 9 a.m. -- Open Meeting
Main Street Centre, Conference Room, 600 East Main Street, Richmond, Virginia. 

A public meeting to receive comments on the intent of the board to make the state toxic pollutant program consistent with the federal Clean Air Act.

Contact: Dr. Kathleen Sands, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, e-mail krsands@deq.state.va.us.

STATE AIR POLLUTION CONTROL BOARD VIRGINIA WASTE MANAGEMENT BOARD STATE WATER CONTROL BOARD

December 4, 2000 - 9 a.m. -- Public Hearing
Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

December 26, 2000 - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to adopt regulations entitled **9 VAC 5-210-**

Calendar of Events

10 et seq., Regulation for Dispute Resolution; that the Virginia Waste Management Board intends to adopt regulations entitled **9 VAC 20-15-20 et seq., Regulation for Dispute Resolution;** and that the State Water Control Board intends to adopt regulations entitled **9 VAC 25-15-10 et seq., Regulation for Dispute Resolution.** The proposed regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the boards' sole discretion, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The proposed regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Contact: Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

ALCOHOLIC BEVERAGE CONTROL BOARD

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed amendment is to require that notices of initial decisions of the board's hearing officers be sent by both certified mail and regular mail and to extend the present 10-day appeal period to 30 days.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The purpose of the proposed amendment is to allow for the acceptance of

credit or debit cards from licensees for the purchase of alcoholic beverages at government stores.

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-119 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The proposed amendment adds a new section that lists a number of administrative violations for which a licensee may waive administrative hearing and accept a predetermined penalty in lieu of license suspension for a first violation within three years.

Statutory Authority: §§ 4.1-103 and 4.1-227 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

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

December 15, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting of the full board to conduct business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

Certified Interior Designer Section

December 6, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special

accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

ART AND ARCHITECTURAL REVIEW BOARD

December 1, 2000 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, Chairman, Art and Architectural Review Board, 1011 East Main Street, Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981.

VIRGINIA BOARD FOR ASBESTOS AND LEAD

November 8, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to discuss routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

November 29, 2000 - 9 a.m. -- Open Meeting
† **December 20, 2000 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Richmond, Lower Level, Training Room 3, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to provide for interagency programmatic and fiscal policies and oversee the administration of funds appropriated under the Act. Advise the SHHR and the Governor. Agenda is posted on the web a week prior to the meeting.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa

Rd., Suite 137, Richmond, VA, telephone (804) 662-9815, FAX (804) 62-9831, e-mail AGS992@central.dss.state.va.us.

State and Local Advisory Team

† **December 7, 2000 - 9:15 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss policy and procedure recommendations to be presented to the State Executive Council on the Comprehensive Services Act. Public comment will be received from 9:45 a.m. to 10 a.m.

Contact: Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 9, 2000 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting to adopt amendments to public participation guideline regulations and consider other business as may come before it. Public comment on agenda items will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail etisdale@dhp.state.va.us.

November 9, 2000 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia.

December 22, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to establish requirements for evidence of continued competency and for an inactive license for audiologists and speech-language pathologists.

Statutory Authority: §§ 54.1-103 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or e-mail Etisdale@dhp.state.va.us.

Calendar of Events

BOARD FOR BARBERS AND COSMETOLOGY

† **December 4, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.state.va.us.

BOARD FOR BRANCH PILOTS

† **December 12, 2000 - 9 a.m.** -- Open Meeting
† **December 13, 2000 - 9 a.m.** -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to administer examinations and conduct any board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

† **December 19, 2000 - 9:30 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

November 7, 2000 - 7 p.m. -- Public Hearing
Virginia Commonwealth University, 907 Floyd Avenue,
Student Commons, Capitol Ball Room, Richmond, Virginia.

November 14, 2000 - 7 p.m. -- Public Hearing
Eastern Shore Community College, 29300 Lankford Highway,
Lecture Hall, Melfa, Virginia.

November 16, 2000 - 7 p.m. -- Public Hearing
Virginia Institute of Marine Science, 1208 Greate Road, John
L. McHugh Auditorium, Gloucester Point, Virginia.

November 21, 2000 - 7 p.m. -- Public Hearing
Fairfax County Government Center, 12000 Government
Center Parkway, Conference Rooms 4 and 5, Fairfax,
Virginia.

December 8, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to amend regulations entitled: **9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations.** This regulation amendment is being proposed to accomplish the following:

1. Achieve greater clarity in all regulatory language to minimize confusion and misinterpretation.
2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations while still providing for maximum water quality protection. Specific issues under consideration where conflicts or redundancies are perceived to exist are as follows:
 - a. Stormwater management criteria (9 VAC 10-20-120, subdivision 8);
 - b. Erosion and sediment control criteria (9 VAC 10-20-120, subdivision 6);
 - c. Septic system criteria (9 VAC 10-20-120, subdivision 7);
 - d. Agricultural criteria [9 VAC 10-20-120, subdivision 9];
 - e. Silvicultural criteria (9 VAC 10-20-120, subdivision 10); and
3. Improve vegetative buffer area criteria (9 VAC 10-20-80, subdivision 5; and 9 VAC 10-20-130, subdivisions 3-5 and 7) to provide greater clarity as well as consistency with the riparian forest buffer policy developed by the Executive Council of the Regional Chesapeake Bay Program.
4. Improve agricultural conservation criteria (9 VAC 10-20-120, subdivision 9; and 9 VAC 10-20-130, subdivision 5 b, (1) – (3)) to correct the inability to meet the existing conservation plan approval deadline, reduce administrative overhead and result in more water quality protection practices on the land.

5. Add criteria regarding a board/department process to review local program implementation for consistency with the regulations (Parts V, VI and VII).

Accomplish numerous technical amendments necessitated by changes in terminology and numbering protocols.

A more detailed and specific explanation of the proposed amendments can be found on the agency's web site (<http://www.cblad.state.va.us>) or at the Department of Planning and Budget's Regulatory Town Hall web site (<http://www.townhall.state.va.us>) within the document entitled "Agency Background Statement."

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7503, FAX (804) 225-3447, toll-free 1-800-243-7229/TTY ☎

STATE BOARD FOR COMMUNITY COLLEGES

November 15, 2000 - 3:30 p.m. -- Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs; Audit, Budget and Finance; Facilities; and Personnel Committees.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY ☎

November 16, 2000 - 9 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY ☎

COMPENSATION BOARD

November 28, 2000 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Cave Board

† **January 27, 2001 - 1 p.m.** -- Open Meeting
Endless Caverns, New Market, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committee meetings at 11 a.m. followed by the full board at 1 p.m.

Contact: Lawrence Smith, Natural Area Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, e-mail lsmith@dcr.state.va.us.

Virginia Land Conservation Foundation

NOTE: CHANGE IN MEETING TIME

November 14, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Silas Davenport, Virginia Land Conservation Foundation, Special Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-5678, FAX (804) 786-6141, e-mail sdavenport@dcr.state.va.us.

BOARD OF CORRECTIONS

† **November 14, 2000 - 10:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting of the Correctional Services Committee to discuss correctional services matters for possible presentation to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **November 15, 2000 - 8:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting of the Administration Committee to discuss administrative matters for possible presentation to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **November 15, 2000 - 10 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

Calendar of Events

A meeting to discuss matters that may be presented to the full board. Public comment will be received.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

BOARD OF COUNSELING

November 8, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Credentials Committee will hold informal conferences pursuant to § 9-6.14:11 of the Code of Virginia to review applicant credentials.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 660-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

November 8, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

The Joint Regulatory and Supervision Committee will discuss issues pertaining to supervisor education and training. The Regulatory Committee will discuss recommendations for a time-limited waiver of certain requirements for licensure as a substance abuse treatment practitioner. The Regulatory Committee will review draft Periodic Review Reports for all of its regulations.

Contact: Janet Delorme, Deputy Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail jdelorme@dhp.state.va.us.

† November 8, 2000 - 4 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Examination Committee to review and discuss examinations for the Licensed Professional Counselor examination.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 660-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

November 9, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee to review the agenda for the Board of Counseling meeting.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 660-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

November 9, 2000 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A meeting to adopt proposed regulations for a time-limited waiver for individuals meeting certain requirements to become licensed as substance abuse treatment practitioners. The board will adopt proposed amendments to its Public Participation Guidelines and will adopt periodic review reports for its regulations governing professional counselors.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† December 14, 2000 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the Committee on Training.

Contact: Thomas Nowlin, Executive Secretary, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6348, FAX (804) 371-8981, e-mail tnowlin@dcjs.state.va.us.

† December 14, 2000 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

The last board meeting in the year 2000. At this meeting regular business will be discussed, as well as the selection of meeting dates for the year 2001.

Contact: Christine Wiedemer, Administrative Staff Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.

BOARD OF DENTISTRY

November 17, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. 

An informal conference committee will convene to hear possible violations of the regulations governing the practice of dentistry. No public comment will be heard.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 West Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, e-mail mmiller@dhp.state.va.us.

BOARD OF EDUCATION

November 6, 2000 - 9 a.m. -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Management and Advisory Committee. All sessions will consist of work sessions, and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

November 9, 2000 - 9 a.m. -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Task Force. All sessions will be work sessions and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

November 20, 2000 - 9 a.m. -- Open Meeting
Virginia Commonwealth University, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the Advisory Board on Teacher Education and Licensure. Public comment will not be received at this meeting. Persons requesting services of interpreter for the deaf should do so in advance. Contact the board for exact location.

Contact: Dr. Thomas Elliott, Assistant Superintendent for Teacher Licensure, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 371-2522, FAX (804) 225-2524.

November 24, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to **repeal** regulations entitled: **8 VAC 20-540-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education** and **adopt** regulations entitled: **8 VAC 20-541-10 et seq. Regulations Governing Approved Programs for Virginia Institutions of Higher Education**. The Board of Education seeks to repeal the current regulations (8 VAC 20-540) and promulgate regulations by the same

title (8 VAC 20-541). The purpose is to ensure that prospective teachers receive the academic training necessary to become a quality teacher.

Statutory Authority: §§ 22.1-16, 22.1-298, and 22.1-305.2 of the Code of Virginia.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2524.

November 24, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **8 VAC 20-110-10 et seq. Regulations Governing Pupil Accounting Records**. The purpose of the proposed amendments is to eliminate the requirement that school divisions either maintain paper records of student enrollment and attendance data or implement equivalent systems.

Statutory Authority: §§ 22.1-16, 22.1-20, and 22.1-259 of the Code of Virginia.

Contact: Jerry Mathews, Principal Specialist-Software, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2950 or FAX (804) 225-2524.

November 30, 2000 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTE: CHANGE IN MEETING LOCATION

November 6, 2000 - 1 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the Virginia Environmental Education Advisory Committee advising the Governor on all matters related to environmental education in the Commonwealth.

Contact: Ann Regn, Environmental Education Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4442, FAX (804) 698-4522, e-mail amregn@deq.state.va.us.

Calendar of Events

November 14, 2000 - 9 a.m. -- Open Meeting
Main Street Centre, 600 East Main Street, Conference Room, Lower Level, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to receive comments on and to discuss the notice of intended regulatory action for Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas regulation. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Contact: Karen G. Sabastanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free (800) 592-5482, (804) 698-4021/TTY 

November 29, 2000 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to receive comments on and to discuss the Notice of Intended Regulatory Action to develop amendments that conform to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia. Unlike a public hearing, which is intended to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Contact: Beth Major, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, (804) 698-4021/TTY 

December 8, 2000 - 9 a.m. -- Open Meeting

December 9, 2000 - 9 a.m. -- Open Meeting
Virginia Commonwealth University, Student Commons Building, Richmond, Virginia.

A meeting of the Virginia Environmental Education Advisory Committee in conjunction with the Governor's Forum on Environmental Education.

Contact: Ann Regn, Environmental Education Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4442, FAX (804) 698-4522, e-mail amregn@deq.state.va.us.

Virginia Ground Water Protection Steering Committee

† **November 21, 2000 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 10th Floor, Conference Room, Richmond, Virginia. 

A regular meeting. Anyone interested in attending the meeting is welcome. Meeting minutes and agenda are available from the contact person.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4042, FAX (804) 698-4032, e-mail mamassie@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **November 13, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **November 14, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Task Force on Inspection Process to discuss the establishment of the inspection process. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

November 29, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia 

The Legislative Committee will consider issues related to laws and regulations and the practice of funeral directing and embalming. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

December 6, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to consider matters and agenda items arising from the September workshop and other issues brought before the board. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

† **December 6, 2000 - 1 p.m.** -- Open Meeting

† **December 7, 2000 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to hold formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

STATE BOARD OF HEALTH

† **November 17, 2000 - 10 a.m.** -- Open Meeting
400 East Jackson Street Richmond Virginia. 

A business meeting of the State Child Fatality Review Team from 10 a.m. to 10:45 a.m. that will be open to the public. The rest of the meeting will be closed for reviews of confidential case information.

Contact: Suzanne Keller, Coordinator, Department of Health, 400 East Jackson Street, Richmond, VA telephone (804) 786-1047.

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November 15, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health is adopting regulations entitled: **12 VAC 5-185-10 et seq. Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.** These regulations will establish (i) policies and procedures for handling applications for funding received by the Commonwealth Neurotrauma Initiative (CNI) Advisory Board, (ii) criteria for reviewing applications, and (iii) procedures for distributing moneys from the CNI Trust Fund.

Statutory Authority: § 32.1-73.1 of the Code of Virginia.

Contact: Douglas R. Harris, Adjudication Officer, State Board of Health, 1500 E. Main St., Room 308, Richmond, VA 23218, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY 

BOARD OF HEALTH PROFESSIONS

November 15, 2000 - 9 a.m. -- Open Meeting
Omni Hotel, 100 South 12th Street, Richmond, Virginia. 

The Board of Health Professions will host an issues forum entitled "The Role of Health Regulatory Boards in the Reduction of Medical Errors" from 9 a.m. to noon. Senator William T. Bolling, Chair, Joint Commission on Health Care, we serve as the panel moderator. Panel participants will speak to issues regarding the Institute of Medicine report, "To Err is Human: Building a Safer Health System," and how the recommendations within the report can be implemented in practice. Following brief presentations by the panel experts, there will be

interactive dialogue between the audience and panel in a question and answer format. See the General Notices section for further details. Seating is available for 150 attendees. Please RSVP to Kirsten Barrett at (804) 662-7218 or via e-mail at kbarrett@dhp.state.va.us no later than November 1, 2000.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY  or e-mail ecarter@dhp.state.va.us.

November 15, 2000 - 12:15 p.m. -- Open Meeting
Omni Hotel, 100 South 12th Street, Richmond, Virginia. 

A meeting to adopt proposed amendments to public participation guideline regulations and consider other business as may come before the board. Public comment will be received for the first 10 minutes of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504, (804) 662-7197/TTY  or e-mail ecarter@dhp.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

† **December 8, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Health Practitioners' Intervention Program will meet with its contractor and representatives to review reports, policies, and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program, and may meet in executive session to consider specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114, (804) 662-9197/TTY 

BOARD FOR HEARING AID SPECIALISTS

† **November 20, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Committee for Consumer Awareness will meet to develop a plan for disseminating consumer information about the fitting and dispensing of hearing aids. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact

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the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

† **December 11, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the meeting time is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER

† **December 12, 2000 - 4 p.m.** -- Open Meeting
Southwest Virginia Higher Education Center, Abingdon, Virginia. ♿

The fall board meeting.

Contact: Sonia Craig, Scheduling Coordinator, Southwest Virginia Higher Education Center, P.O. Box 1987, Abingdon, VA, telephone (540) 469-4001, toll-free (800) 792-3683, e-mail scraig@swcenter.edu.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

November 21, 2000 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿

A general meeting. Agenda materials will be available on the web site approximately one week prior to the meeting at www.schev.edu.

Contact: Lee Ann Rung, Executive Assistant, State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

November 7, 2000 - 9 a.m. -- Open Meeting
December 5, 2000 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. ♿ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

December 6, 2000 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ♿

A quarterly meeting of the State Advisory Council to discuss the state employee health benefits program.

Contact: Anthony Graziano, Director, Office of Health Benefit Programs, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.

COUNCIL ON HUMAN RIGHTS

November 18, 2000 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 12th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Sandra D. Norman, Administration/Operations Manager, Council on Human Rights, Washington Bldg., 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.

LIBRARY BOARD

November 13, 2000 - 8:15 a.m. -- Open Meeting
† **January 19, 2001 - 8:15 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board. Committees of the board will meet as follows:

8:15 a.m. -- Public Library Development Committee, Orientation Room
Publications and Educational Services Committee, Conference Room B
Records Management Committee, Conference Room C

9:30 a.m. -- Archival and Information Services Committee, Orientation Room

Collection Management Services Committee, Conference Room B

Legislative and Finance Committee, Conference Room C

10:30 a.m. The full board will meet in the Conference Room on 2M.

Public comments will be received at approximately 11 a.m.

Contact: Jean H. Taylor, Executive Secretary to the Librarian of Virginia, The Library of Virginia, Richmond, VA 23219, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

November 13, 2000 - 10 a.m. -- Open Meeting

Commission on Local Government, 900 East Main Street, Suite 103, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

Contact: Barbara W. Bingham, Administrative Staff Specialist, Commission on Local Government, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

MARINE RESOURCES COMMISSION

† **November 15, 2000 - 9:30 a.m.** -- Open Meeting

† **December 19, 2000 - 9:30 a.m.** -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters beginning at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items beginning at approximately noon: regulatory proposals, fishery management plans, fishery conservation issues, licensing, and shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TTY ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care; and 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment--Inpatient Hospital Services.** The proposed regulations incorporate the agency's restrictions for covering Medicaid services in out-of-state facilities.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until November 10, 2000, to Jim Cohen, Director, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Pharmacy Services: Pharmacy Intravenous Infusion Therapy Services.** The purpose of the proposed amendments is to provide a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence. By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until November 10, 2000, to Marianne Rollings, Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St.,

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Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE

November 8, 2000 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☎

A panel of the board will convene pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344, subsection A 7 of the Code of Virginia, and subsection a 15 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Department of Health Professions, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Psadler@dhp.state.va.us.

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to modify the seven-year rule for completion of Steps 1, 2 and 3 of the USMLE examination and delete the provision permitting an applicant to take combination USMLE and FLEX examinations.

Statutory Authority: §§ 54.1-2400 and 54.1-2913 of the Code of Virginia.

Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

November 17, 2000 - 8:45 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia ☎

The Executive Committee will meet to consider adoption of final regulations for collaborative practice, jointly promulgated with the Board of Pharmacy. Public comment will be received immediately following adoption of the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

December 1, 2000 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ☎

The Executive Committee will meet to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **December 1, 2000 - 8 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed amendments is to establish an inactive license for respiratory care practitioners.

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

Public comments may be submitted until January 5, 2001, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

† **December 1, 2000 - 8 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed amendments is to establish an inactive license for practitioners who do not intend to actively practice in Virginia.

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

Public comments may be submitted until January 5, 2001, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

December 1, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 3, Richmond, Virginia. 🗺

A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY 🗻, e-mail wharp@dhp.state.va.us.

Informal Conference Committee

November 17, 2000 - 9:15 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

December 15, 2000 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY 🗻

STATE MILK COMMISSION

November 15, 2000 - 10 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 🗺

A public hearing to receive evidence and testimony relative to 2 VAC 15-20-100 6(b)(c). The commission seeks public input on a proposal made during the periodic review of its regulations. The proposal would permit promotional specials below cost selling on fluid milk products. The hearing will be conducted under the provisions of 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. 9th St., Room 915, Richmond, VA 23219, telephone (804) 786-2013 or (804) 786-3779, e-mail ewilson@smc.state.va.us.

November 15, 2000 - 1 p.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 🗺

A regular meeting to consider industry issues, distributor licensing, base transfers, fiscal matters, and to review reports from staff of the agency. The commission will review and discuss public input from the hearing on 2 VAC 15-20-100 6(b)(c) to determine if any regulatory action should be commenced. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr. at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth Street Office Bldg., 202 N. Ninth St., Room 915 Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, (804) 786-2013/TTY 🗻, e-mail ewilson@smc.state.va.us.

MOTOR VEHICLE DEALER BOARD

November 13, 2000 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. 🗺 (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 9 a.m.
Franchise Law Committee - 10 a.m.
Licensing Committee - 10:45 a.m.
Transaction Recovery Fund Committee - 1:30 p.m.
Advertising Committee - 2:15 p.m.
Finance - Committee - 3 p.m.

Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

November 14, 2000 - 9:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. 🗺 (Interpreter for the deaf provided upon request)

A meeting of the full board. The Personnel Committee will meet at 8:30 a.m. Meetings may begin later, but not earlier than scheduled. Any person who needs any accommodation in order to participate in the meeting

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should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

November 14, 2000 - 2 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss electronic commerce in the automobile dealer industry as it relates to the Motor Vehicle Dealer Board, and current and future issues.

Contact: Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

November 15, 2000 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

Meetings of the following committees:

10 a.m. -- Architect Search Committee
2nd Floor Meeting Room

11:30 a.m. -- Legislative Committee
Main Lobby Conference Room

12:30 p.m. -- Planning Committee
Auditorium

2 p.m. -- Education and Program Committee
1st Floor Meeting Room

4:30 p.m. -- Exhibitions Committee
1st Floor Meeting Room

3:15 p.m. -- Communications and Marketing Committee
CEO Building, 2nd Floor Meeting Room

Contact: Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

November 16, 2000 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

Meetings of the following committees:

8:30 a.m. -- Buildings and Grounds Committee
CEO Building, 2nd Floor Meeting Room

9:30 a.m. -- Collections Committee
Auditorium

11 a.m. -- Finance Committee
Main Lobby, Conference Room

Contact: Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

November 16, 2000 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

† **November 8, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Committee of Joint Boards of Nursing and Medicine to consider requirements for continued competency for nurse practitioners for recommendation to the Boards of Nursing and Medicine.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

† **November 13, 2000 - 8:30 a.m.** -- Open Meeting

† **November 15, 2000 - 8:30 a.m.** -- Open Meeting

† **November 16, 2000 - 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

† **November 15, 2000 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting, including consideration and adoption of proposed amendments to regulations for public participation guidelines, workforce data collection and continuing competency requirements for nurse practitioners. Public comment on agenda items will be received at the beginning of the meeting.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

† **November 15, 2000 - 3 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Nursing intends to
amend regulations entitled: **18 VAC 90-50-10 et seq.
Regulations Governing the Certification of Massage
Therapists.** The purpose of the proposed amendments
is to increase application, renewal and other fees
charged to applicants and regulated entities in order to
cover the expenditures for the regulatory and disciplinary
functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code
of Virginia.

Public comments may be submitted until January 5, 2001.

Contact: Nancy K. Durrett, Executive Director, Board of
Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-
1717, telephone (804) 662-9909 or FAX (804) 662-9943.

November 15, 2000 - 3 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room, Richmond, Virginia.

December 8, 2000 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Nursing intends to
amend regulations entitled: **18 VAC 90-30-10 et seq.
Regulations Governing the Licensure of Nurse
Practitioners.** The purpose of the proposed action is to
increase application, renewal and other fees charged to
applicants and regulated entities in order to cover the
expenditures for the regulatory and disciplinary functions
of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code
of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9909 or FAX (804) 662-
9943.

November 15, 2000 - 3 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room, Richmond, Virginia.

December 8, 2000 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Nursing intends to

amend regulations entitled: **18 VAC 90-40-10 et seq.
Regulations for Prescriptive Authority for Nurse
Practitioners.** The purpose of the proposed action is to
increase application, renewal and other fees charged to
applicants and regulated entities in order to cover the
expenditures for the regulatory and disciplinary functions
of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code
of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9909 or FAX (804) 662-
9943.

November 30, 2000 - 8:30 a.m. -- Open Meeting

December 4, 2000 - 8:30 a.m. -- Open Meeting

December 5, 2000 - 8:30 a.m. -- Open Meeting

December 11, 2000 - 8:30 a.m. -- Open Meeting

December 14, 2000 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond,
Virginia. ☎

A Special Conference Committee, comprised of two or
three members of the Virginia Board of Nursing, will
conduct informal conferences with licensees or certificate
holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board
of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA
23230, telephone (804) 662-9909, FAX (804) 662-9512, (804)
662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

OLD DOMINION UNIVERSITY

December 7, 2000 - 2:30 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Norfolk,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board of the
institution to discuss business of the board and the
institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for
Administration and Finance, Old Dominion University, 225
Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072,
FAX (757) 683-5679, e-mail dmeeks@odu.edu.

November 13, 2000 - 3 p.m. -- Open Meeting

January 22, 2001 - 3 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Norfolk,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the
governing board of the institution to discuss business of
the board and the institution as determined by the Rector
and the President.

Contact: Donna Meeks, Assistant to the Vice President for
Administration and Finance, Old Dominion University, 225
Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072,
FAX (757) 683-5679, e-mail dmeeks@odu.edu.

Calendar of Events

BOARD FOR OPTICIANS

November 17, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY, e-mail opticians@dpor.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

December 5, 2000 - 10 a.m. -- Open Meeting
December 6, 2000 - 9 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation and to accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA 23219, telephone (804) 225-2147.

Preservation Trust Fund Advisory Board-Region II

November 15, 2000 - 10 a.m. -- Open Meeting
Virginia Outdoors Foundation, 1010 Harris Street, Charlottesville, Virginia.

A meeting to review Region II Preservation Trust Fund Applications.

Contact: Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Preservation Trust Fund Advisory Board-Region V

November 8, 2000 - 10:30 a.m. -- Open Meeting
Lynchburg Chamber of Commerce, Conference Room, Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

Contact: Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† December 5, 2000 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Disability Commission.

Contact: Brian S. Parsons, Director of Virginia Board for People with Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY

BOARD OF PHARMACY

† November 7, 2000 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A panel of the board will conduct a formal hearing. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail www.dhp.state.va.us.

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments provide for approval of robotic technology in hospital pharmacies through application to an informal conference committee.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-30-10 et seq.**

Regulations for Practitioners of the Healing Arts to Sell Controlled Substances. The proposed amendments would update and clarify sections of the regulation to provide consistency with current law, current practices in pharmacy, and the board's regulations for licensed pharmacists.

Statutory Authority: §§ 54.1-2400 and 54.1-3304.1 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

† **November 14, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Board Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

The Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

† **November 27, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A general business meeting to include adoption of final amended regulations for 18 VAC 110-20 (robot technology), 19 VAC 110-30 (physicians selling drugs), and 18 VAC 110-40 (collaborative practice agreements). The board may also consider disciplinary matters and conduct disciplinary proceedings. Public comment on agenda items will be received following approval of the agenda and acceptance of minutes.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ♿, e-mail russell@dhp.state.va.us.

BOARD OF PHYSICAL THERAPY

† **November 20, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

The Informal Conference Committee will conduct an informal disciplinary proceeding. Public comment will not be received.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail etisdale@dhp.state.va.us.

November 20, 2000 - 2 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to consider issues related to the regulations and laws governing physical therapy.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail etisdale@dhp.state.va.us.

December 15, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A meeting to receive a report from the Credentials and Legislative/Regulatory Committees and to consider other board business. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ♿, e-mail etisdale@dhp.state.va.us.

DEPARTMENT OF STATE POLICE

† **January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-40-10 et seq. Standards and Specifications for the Stickers or Decals Used by Cities, Counties, and Towns in Lieu of Licensure Plates.** The proposed amendment relates to the placement of stickers used by counties, cities, and towns in lieu of license plates.

Statutory Authority: § 46.2-1052 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

† **January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-150-10 et seq. Regulations Relating to Standards and Specifications for Overdimensional Warning Lights.** The proposed amendments make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J579, and J845, upon which the standards and specifications are based.

Calendar of Events

Statutory Authority: §§ 46.2-1005 and 46.2-1026 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

† **January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-160-5 et seq. Regulations Relating to Standards and Specifications for the Safety Lights for Farm Tractors in Excess of 108 Inches in Width.** The proposed amendments make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575 and J974, upon which the standards and specifications are based.

Statutory Authority: §§ 46.2-1005 and 46.2-1102 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

† **January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **19 VAC 30-165-10 et seq. Regulations Relating to Standards and Specifications for Purple Warning Lights Used by Vehicles Leading or Escorting Funeral Processions.** The proposed regulation was promulgated in response to an amendment during the 1999 Session of the General Assembly to § 46.2-1025 of the Code of Virginia, which authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions.

Statutory Authority: §§ 46.2-1005 and 46.2-1025 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

Contact: Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

POLYGRAPH EXAMINERS ADVISORY BOARD

† **December 13, 2000 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

November 13, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 

† **December 13, 2000 - 11 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A regular meeting.

Contact: Judith A. Spiller, Administrative Staff Assistant, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, e-mail spiller@dpor.state.va.us.

VIRGINIA RACING COMMISSION

† **November 14, 2000 - 9:30 a.m.** -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East
Main Street, Richmond, Virginia. 

A monthly meeting including a segment for public participation. The commission will also conduct a public hearing on Colonial Downs' request for racing days in the year 2001. The licensee has requested 110 days of live Thoroughbred racing and 40 days of live harness racing.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **November 14, 2000 - 9:45 a.m.** -- Open Meeting
Wintergreen Resort, Skyline Room  (Interpreter for the deaf provided upon request)

A regular quarterly meeting to develop strategies to enhance the markets for recyclables. Subcommittee meetings may be held prior to or after the general council meeting.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Virginia Recycling Markets Development Council, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, toll-free (800) 592-5482, (804) 698-4021/TTY , e-mail mpmurphy@deq.state.va.us.

DEPARTMENT OF REHABILITATIVE SERVICES

November 8, 2000 - 4 p.m. -- Public Hearing
Department of Rehabilitative Services, Bristol Square Station, 307 County Street, Room 220, Portsmouth, Virginia.  (Interpreter for the deaf provided upon request)

December 4, 2000 - 4 p.m. -- Public Hearing
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

December 7, 2000 - 4 p.m. -- Public Hearing
Fairfax County Government Center, Pennino Human Services Center, 2011 Government Center Parkway, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

December 11, 2000 - 4 p.m. -- Public Hearing
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Rehabilitative Services and the State Rehabilitation Council invite public comment for use in the development of the FY 2000-2001 State Plan for Vocational Rehabilitation and Supported Employment. This notice is for the public hearings to be held across the state during the 2000-2001 public comment period which lasts until March 9, 2001. Input to the state plan may be submitted by mail, telephone, FAX, or e-mail. Consumer input to the department's planning efforts is welcomed at any time.

Contact: Gloria O'Neal, Program Support Technician, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7611, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY , e-mail onealgb@drs.state.va.us.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

November 8, 2000 - 3 p.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Steering Committee.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jonessm@drvd.state.va.us.

November 9, 2000 - 10:30 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council, preceded by specific committee meetings including Priorities at 9 a.m., Policy at 9 a.m., and Nominating at 8:30 a.m.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jonessm@drvd.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

November 28, 2000 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and for general business of the board. Contact the authority for confirmation of meeting time.

Contact: Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.

STATE BOARD OF SOCIAL SERVICES

November 10, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-35-10 et seq. Virginia Independence Program.** The purpose of the proposed amendment is to provide one year of supportive transitional employment and training services to VIEW (Virginia Initiative for Employment not Welfare) participants.

Calendar of Events

Statutory Authority: §§ 63.1-25 and 63.1-133.46 of the Code of Virginia.

Contact: Chris Raines, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1323 or FAX (804) 692-1704.

BOARD OF SOCIAL WORK

November 30, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

The Special Conference Committee will hear possible violations of the regulations and statutes that governing the practice of social work. No public comment will be heard.

Contact: Rai Minor, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail Rminor@dhp.state.va.us.

† **December 15, 2000 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to comply with a statutory mandate to develop regulations to implement continuing education requirements for licensure renewal.

Statutory Authority: §§ 54.1-2400 and 54.1-3705.

Contact: Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

VIRGINIA SOIL AND WATER CONSERVATION BOARD

December 6, 2000 - 9 a.m. -- Open Meeting
Wyndham Roanoke Airport, 2801 Hershberger Road, Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. The board will meet first in joint session with the Board of Directors of the Virginia Association of Soil and Water Conservation District Directors, then move to the regular business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302,

Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

January 18, 2001 - 9 a.m. -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **December 11, 2000 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 W. Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss changes to proposed regulations.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail soilscientist@dpor.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

November 15, 2000 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

November 16, 2000 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

TRANSPORTATION SAFETY BOARD

November 16, 2000 - 10 a.m. -- Open Meeting
Smart Roadway, Blacksburg, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss highway safety issues.

Contact: Angelisa Jennings, Management Analyst, Transportation Safety Board, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026.

BOARD OF VETERINARY MEDICINE

November 8, 2000 - 1 p.m. -- Public Hearing
Virginia-Maryland Regional College of Veterinary Medicine, Classroom 102, Blacksburg, Virginia. 

November 16, 2000 - 1 p.m. -- Public Hearing
Thomas Nelson Community College, 99 Thomas Nelson Drive, Moore Hall, EFPADA Room, Hampton, Virginia. 

† **November 29, 2000 - 2 p.m.** -- Public Hearing
Northern Virginia Community College, 1000 Harry Byrd Highway, Classroom 144, Sterling, Virginia. 

A meeting to receive public comment on regulations governing the practice of veterinary medicine and veterinary technology, particularly issues related to practice by unlicensed assistants, facility regulations, and educational standards.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.

VIRGINIA MILITARY INSTITUTE

† **December 1, 2000 - 7:30 a.m.** -- Open Meeting
Virginia Military Institute, Smith Hall, Moody Hall, Lexington, Virginia. 

Committee meetings of the Board of Visitors, and annual visits to the academic departments.

Contact: Colonel Edwin L. Dooley, Jr., Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

† **December 2, 2000 - 8:30 a.m.** -- Open Meeting
Virginia Military Institute, Turman Room, Preston Library, Lexington, Virginia. 

A regular meeting of the Board of Visitors to hear committee reports and remarks of the superintendent. The Board of Visitors will not provide an opportunity for public comment at this meeting. Public comment is

received at the first meeting of the academic year, usually in August.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

November 18, 2000 - 1:30 p.m. -- Open Meeting
Holiday Inn, 1017 Millwood Pike, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail taylorjg@dvh.state.va.us.

Statewide Rehabilitation Council for the Blind

December 2, 2000 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail taylorjg@dvh.state.va.us.

VIRGINIA VOLUNTARY FORMULARY BOARD

November 9, 2000 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Conference Room, Richmond, Virginia. 

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Monroe Bldg., 101 N 14th St., Room S-45, Richmond VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

November 10, 2000 - Public comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled: **9 VAC 20-170-10 et seq. Transportation of Solid Medical Wastes on State Waters.** The proposed regulation sets forth guidelines for the permitting of facilities and establishes a permit-by-rule requirement for facilities receiving solid and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon navigable waters of the Commonwealth and includes provisions governing the commercial transport, loading and off-loading of solid and regulated medical wastes by ship, etc. The board is requesting comments from the public on:

1. The costs and benefits of the proposal;
2. Alternatives to the requirements of the proposal, including the advantages and disadvantages of the alternatives;
3. The social costs of the proposal, including a description of the types of costs (i.e., increased paperwork, duplicative reporting requirements, etc.), potential nondollar impacts of the proposal (i.e., increased volume of waste transported by trucks due to increased regulation of water transport) and the possible health and environmental consequences associated with such impacts;
4. Quantitative information, if possible, regarding incremental benefits of the proposed regulation over existing federal and state regulations and current industry practices;
5. The relationship of the proposed regulation to federal regulations regarding nonhazardous and medical waste transport, including the identification of redundancy or conflict; and
6. Whether the board should make further distinctions between solid wastes and medical wastes which are regulated under the Resource Conservation and Recovery Act and covered by this rulemaking and hazardous wastes which are covered by the Resource Conservation and Recovery Act and not addressed in this rulemaking.

Statutory Authority: §§ 10.1-1402 and 10.1-1454.1 of the Code of Virginia.

Contact: Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, FAX (804) 698-4327 or e-mail dsgwinner@deq.state.va.us.

December 4, 2000 - 9 a.m. -- Public Hearing
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 5-210-10 et seq. See notice under State Air Pollution Control Board.

Contact: Kathleen Sands, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box

10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail klsands@deq.state.va.us

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† **December 6, 2000 - 10:30 a.m.** -- Public Hearing
James City County Government Center, 101-C Mounts Bay Road, Building C, 1st Floor, Board of Supervisors Room, Williamsburg, Virginia.

† **December 12, 2000 - 1 p.m.** -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

† **December 14, 2000 - 11 a.m.** -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

January 5, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-130-10 et seq. Regulations for the Development of Solid Waste Management Plans.** The purpose of the proposed amendments requires counties, cities and towns to develop complete, revised solid waste management plans.

Statutory Authority: § 10.1-1411 of the Code of Virginia.

Contact: Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218 or FAX (804) 698-4327, e-mail dsgwinner@deq.state.va.us.

STATE WATER CONTROL BOARD

† **November 6, 2000 - 7 p.m.** -- Public Hearing
Louisa County Middle School, 1009 Davis Highway, Louisa, Virginia. ♿

A public hearing to receive comments on the proposed reissuance of a VPDES permit for the Virginia Power North Anna Nuclear Power Station.

Contact: Janardan R. Pandey, Department of Environmental Quality, Valley Regional Office, P.O. Box 10009, Harrisonburg, VA 22801, telephone (540) 574-7817, e-mail jrpandey@deq.state.va.us.

November 8, 2000 - 2 p.m. -- Open Meeting
Roanoke County Administration Center, 5204 Bernard Drive, 1st Floor Meeting Room, Roanoke, Virginia.

November 13, 2000 - 2 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Auditorium, Richmond, Virginia.

A public meeting to receive comments on the notice of intended regulatory action to amend the Water Quality Standards.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, toll-free (804) 698-4021, e-mail emdaub@deq.state.va.us.

November 27, 2000 - 7 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

December 7, 2000 - 7 p.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Meeting Room, Roanoke, Virginia.

December 22, 2000 - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-110-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.** The proposed regulation will replace the general permit VAG40 which expires August 1, 2001. The regulation sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage.

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

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.

November 27, 2000 - 7 p.m. -- Public Hearing
Williamsburg Municipal Building, Williamsburg City Council, 401 Lafayette Street, Williamsburg, Virginia.

November 28, 2000 - 7 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

December 7, 2000 - 3 p.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Meeting Room, Roanoke, Virginia.

December 22, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The proposed amendments change the state's approach to assessment of dissolved oxygen water quality criteria in certain waters that are naturally low in dissolved oxygen concentration. In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal. Also, the proposed regulation states that a determination of natural water quality should be based upon an evaluation of aquatic life uses, habitat, available

monitoring data, available computer modeling results or other accepted scientific principles. The board requests comments on how the board should use these parameters to make the determination of natural water quality.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Opportunity for formal hearing: The board will hold a formal hearing at a time and place to be established if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of the board's Procedural Rule No. 1 (9 VAC 25-230-130 B) and must be received by the contact person no later than November 22, 2000.

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

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

December 4, 2000 - 9 a.m. -- Public Hearing
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 5-210-10 et seq. See notice under State Air Pollution Control Board.

Contact: Kathleen Sands, State Water Control Board, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail klsands@deq.state.va.us.

† **December 6, 2000 - 2 p.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

† **December 12, 2000 - 2 p.m.** -- Open Meeting
Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, Virginia. ♿

A public meeting to discuss the State Water Control Board's proposal to adopt a Virginia Total Maximum Daily Load Regulation for water quality management planning and repeal the existing regulatory water quality management plans (but maintain them as planning documents).

Contact: Charles H. Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136, e-mail chmartin@deq.state.va.us.

Calendar of Events

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† **December 12, 2000 - 10 a.m.** -- Public Hearing
Bank of Lancaster, 432 North Main Street, Conference Room,
Kilmarnock, Virginia.

January 8, 2001 - Public comments may be submitted until 4
p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the State Water Control Board
intends to amend regulations entitled: **9 VAC 25-115-10
et seq. General Virginia Pollutant Discharge
Elimination System (VPDES) Permit Regulation for
Seafood Processing Facilities.** The purpose of the
proposed amendment is to reissue general permit
VAG52 which will expire on July 24, 2001. This general
permit regulation sets forth guidelines for the permitting
of wastewater discharges from seafood processing
facilities.

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

Contact: Michael B. Gregory, Department of Environmental
Quality, P.O. Box 10009, Richmond, VA 23240, telephone
(804) 698-4065 or FAX (804) 698-4032, e-mail
mgbgregory@deq.state.va.us.

† **December 13, 2000 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. ♿

A regular meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department
of Environmental Quality, P.O. Box 10009, Richmond, VA
23240, telephone (804) 698-4378, FAX (804) 698-4346, e-
mail cmberndt@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

December 9, 2000 - Public comments may be submitted until
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board for Waterworks and
Wastewater Works Operators intends to amend
regulations entitled: **18 VAC 160-20-10 et seq. Board
for Waterworks and Wastewater Works Operators
Regulations.** The proposed amendments will implement
the "Environmental Protection Agency Guidelines for the
Certification and Recertification of the Operators of
Community and Nontransient Noncommunity Public
Water Systems; Notice" (1999), by creating a new Class
VI waterworks operator license and requiring continuing
professional education for all licensed waterworks
operators. In addition, the text of the regulations have
been reorganized and revised for clarity and ease of use.

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code
of Virginia.

Contact: Joseph Kossan, Regulatory Board Administrator,
Department of Professional and Occupational Regulation,

3600 W. Broad St., Richmond, VA 23230, telephone (804)
367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY ♿

December 21, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. ♿

A meeting to conduct routine business. A public comment
period will be held at the beginning of the meeting. This
meeting was rescheduled from December 14, 2000.

Contact: David E. Dick, Assistant Director, Department of
Professional and Occupational Regulation, 3600 W. Broad
St., Richmond, VA 23230, telephone (804) 367-2648, FAX
(804) 367-6128, (804) 367-9753/TTY ♿, e-mail
waterwasteoper@dpor.state.va.us.

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

† **November 16, 2000 - 1 p.m.** -- Open Meeting
December 21, 2000 - 1 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main
Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia
Retirement System, P.O. Box 2500, Richmond, VA 23218,
telephone (804) 649-8059, FAX (804) 786-1541, toll-free
(888) 827-3847, (804) 344-3190/TTY ♿, e-mail
dkestner@vrs.state.va.us.

November 14, 2000 - Noon -- Open Meeting
December 20, 2000 - Noon -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main
Street, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee.

Contact: Darla K. Glazier, Office Manager, Virginia
Retirement System, P.O. Box 2500, Richmond, VA 23218,
telephone (804) 649-8059, FAX (804) 786-1541, toll-free
(888) 827-3847, (804) 344-3190/TTY ♿, e-mail
dkestner@vrs.state.va.us.

November 16, 2000 - 10 a.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main
Street, Richmond, Virginia. ♿

The following committees will meet:

Benefits and Actuarial Committee - 10 a.m.
Audit and Compliance Committee - 11 a.m.
Administration and Personnel Committee - Noon

Contact: Darla K. Glazier, Office Manager, Virginia
Retirement System, P.O. Box 2500, Richmond, VA 23218,
telephone (804) 649-8059, FAX (804) 786-1541, toll-free
(888) 827-3847, (804) 344-3190/TTY ♿, e-mail
dkestner@vrs.state.va.us.

VIRGINIA WORKERS' COMPENSATION COMMISSION

November 28, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to adopt regulations entitled: **16 VAC 30-100-10 et seq. Regulations for Professional Employer Organizations.** The proposed regulations relate to implementation of the registration and reporting requirements imposed upon professional employer organizations by amendments to Title 65.2 at the 2000 legislative session.

Statutory Authority: §§ 65.2-201 and 65.2-803.1 of the Code of Virginia.

Contact: Sam Lupica, Virginia Workers' Compensation Ombudsman, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-8269, FAX (804) 367-9740, toll-free 1-877-664-2566, or (804) 367-3600/TTY ☎

LEGISLATIVE

JOINT SUBCOMMITTEE STUDYING OVERREPRESENTATION OF AFRICAN-AMERICAN STUDENTS IN SPECIAL EDUCATION PROGRAMS

November 15, 2000 - 10 a.m. -- Open Meeting

December 1, 2000 - 10 a.m. -- Open Meeting

December 15, 2000 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Rooms C and D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE

† **November 28, 2000 - 9:30 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 3rd Floor East Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the advisory committee. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

VIRGINIA CODE COMMISSION

NOTE: CHANGE IN MEETING DATE

November 27, 2000 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting to review the final draft of Titles 2.1 and 9, continue the review of Title 63.1, and conduct any other business that may come before the commission. A brief public comment period will be scheduled at the end of the meeting.

Contact: Jane D. Chaffin, Registrar of Regulations, Division of Legislative Services, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

December 13, 2000 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be scheduled.

Contact: Jane D. Chaffin, Registrar of Regulations, Division of Legislative Services, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

JOINT SUBCOMMITTEE STUDYING THE ESTABLISHMENT OF A DOMESTIC RELATIONS DIVISION IN VIRGINIA'S JUDICIAL CIRCUITS (HJR 126)

† **November 16, 2000 - 7 p.m.** -- Public Hearing

Fairfax City Hall, 10455 Armstrong Street, City Council Chambers, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

The second meeting and a public hearing will be held. Questions regarding the meeting should be addressed to Mary Geisen, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Calendar of Events

COMMISSION ON EDUCATIONAL INFRASTRUCTURE AND TECHNOLOGY (HJR 223)

December 5, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

HOUSE COMMITTEE ON FINANCE

November 13, 2000 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Joan Putney or David Rosenberg, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

November 29, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general meeting.

Contact: Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail meverett@leg.state.va.us.

HOUSE COMMITTEE ON GENERAL LAWS

November 14, 2000 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Maria Everett, Division of

Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

SENATE COMMITTEE ON GENERAL LAWS

December 6, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to consider legislation continued to the 2001 Session of the General Assembly.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

HOUSE COMMITTEE ON HEALTH, WELFARE AND INSTITUTIONS

† **December 11, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider carry-over legislation. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

VIRGINIA HOUSING STUDY COMMISSION

† **November 28, 2000 - 1 p.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing and meeting to address recommendations of Commission 2000 work groups relating to SJR/HJR 253 (including 224, 236, 254, 255, 256 and 257), and HB 605, 607, 933, 1083, and 1145; and SB 721.

Contact: Nancy D. Blanchard, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5565.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **November 13, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

A staff briefing on Medicaid reimbursement of hospital rates, and a final report on the Revolutionary War veteran grave sites.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

JOINT SUBCOMMITTEE TO STUDY CREATION OF A NORTHERN VIRGINIA REGIONAL TRANSPORTATION AUTHORITY (SJR 121, 2000)

November 8, 2000 - 9:30 a.m. -- Open Meeting
December 13, 2000 - 9:30 a.m. -- Open Meeting
Northern Virginia Planning District Commission Headquarters, 7535 Little River Turnpike, Suite 100, Annandale, Virginia. (Interpreters for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

JOINT SUBCOMMITTEE STUDYING SATELLITE CHIP MILLS (HJR 730)

NOTE: CHANGE IN MEETING DATE
December 6, 2000 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting. Questions regarding the retreat or the agenda should be directed to Marty Farber, Division of Legislative Services, (804) 786-3591. The meeting scheduled for December 14, 2000, has been canceled.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

STANDING SUBCOMMITTEE ON SCHOOL DROP OUT AND WAYS TO PROMOTE THE DEVELOPMENT OF SELF-ESTEEM AMONG YOUTH AND ADULTS

† **November 29, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speakers Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

COMMISSION ON VIRGINIA'S STATE AND LOCAL TAX STRUCTURE FOR THE 21ST CENTURY

November 28, 2000 - 9 a.m. -- Open Meeting
University of Virginia, Newcomb Hall, South Meeting Room, Charlottesville, Virginia.

A regular meeting of the commission devoted to the discussion and consideration of issues concerning the adequacy of Virginia's state and local tax structure to address the needs of the Commonwealth in the 21st Century.

Contact: Leisa Steele, Executive Assistant, Weldon Cooper Center for Public Service, 700 E. Franklin St., Suite 700, Richmond, VA 23219-2318, telephone (804) 786-4273, FAX (804) 371-0234, e-mail leisasteele@erols.com.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

Advisory Committee 6 (Criminal Law)

NOTE: CHANGE IN MEETING DATE
† **November 8, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please refer to the commission's website for details (<http://jcots.state.va.us>).

Contact: John S. Jung, Staff Attorney, Joint Commission on Technology and Science, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

Advisory Committee 5 (UCITA)

November 9, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please refer to the commission's website for details (<http://jcots.state.va.us>).

Contact: John Jung, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804)

Calendar of Events

786-3591, FAX (804) 371-0169, e-mail
JJung@leg.state.va.us.

Advisory Committee 2 (Economic Development)

† December 5, 2000 - 1 p.m.

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Continuing discuss on economic development issues facing Virginia's high technology sectors.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

JOINT SUBCOMMITTEE TO STUDY THE STATUS AND IMPLEMENTATION OF THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT (SJR 75, 2000)

† November 13, 2000 - 2 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

CHRONOLOGICAL LIST

OPEN MEETINGS

November 6

Education, Board of
Environmental Quality, Department of
- Virginia Environmental Education Advisory Committee

November 7

Hopewell Industrial Safety Council
† Pharmacy, Board of

November 8

† Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
Air Pollution Control Board
Asbestos and Lead, Virginia Board for
† Counseling, Board of
- Credentials Committee
- Examination Committee

- Joint Regulatory and Supervision Committee
Medicine, Board of
† Nursing, Board of
- Committee of Joint Boards of Nursing and Medicine
Northern Virginia Regional Transportation Authority, Joint Subcommittee to Study Creation of a
Outdoors Foundation, Virginia
- Preservation Trust Fund Advisory Board - Region V
Rights of Virginian's with Disabilities, Department for
† Technology and Science, Joint Commission on
- Advisory Committee 6 (Criminal Law)
Water Control Board, State

November 9

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
- Virginia Aquaculture Advisory Board
- Virginia Charity Food Assistance Advisory Board
- Virginia Farmers Market Board
Air Pollution Control Board, State
Audiology and Speech-Language Pathology, Board of
Counseling, Board of
- Executive Committee
Education, Board of
Rights of Virginian's with Disabilities, Department for
- PAIMI
Technology and Science, Joint Commission on
- Advisory Committee 5 (UCITA)
Voluntary Formulary Board, Virginia

November 13

Finance, House Committee on
† Funeral Directors and Embalmers, Board of
- Special Conference Committee
† Legislative Audit and Review Commission, Joint
Library Board
- Archival and Information Services Committee
- Collection Management Services Committee
- Legislative and Finance Committee
- Public Library Development Committee
- Publications and Educational Services Committee
- Records Management Committee
Local Government, Commission on
Motor Vehicle Dealer Board
† Nursing, Board of
Old Dominion University
- Board of Visitors' Executive Committee
Professional and Occupational Regulation, Board for
† Underground Utility Damage Prevention Act, Joint Subcommittee to Study the Status and Implementation of the Virginia
† Water Control Board, State

November 14

Air Pollution Control Board, State
Conservation and Recreation, Department of
- Virginia Land Conservation Foundation
† Corrections, Board of
- Correctional Services Committee
Environmental Quality, Department of
† Funeral Directors and Embalmers, Board of
- Task Force on Inspection Process
General Laws, House Committee on

Motor Vehicle Dealer Board
† Pharmacy, Board of
- Special Conference Committee
† Recycling Markets Development Council, Virginia
Retirement System, Virginia
- Investment Advisory Committee

November 15

Accountancy, Board of
African-American Students in Special Education
Programs, Joint Subcommittee Studying
Overrepresentation of
Community Colleges, State Board for
† Corrections, Board of
- Administration Committee
Health Professions, Board of
† Marine Resources Commission
Museum of Fine Arts, Virginia
- Architect Search Committee
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Legislative Committee
- Planning Committee
Milk Commission, Virginia
† Nursing, Board of
Outdoors Foundation, Virginia
- Preservation Trust Fund Advisory Board - Region II
Transportation Board, Commonwealth

November 16

Community Colleges, State Board for
Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee
† Nursing, Board of
Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee
Transportation Board, Commonwealth
Transportation Safety Board

November 17

Dentistry, Board of
† Health, Department of
- State Child Fatality Review Team
Medicine, Board of
- Executive Committee
- Informal Conference Committee
Opticians, Board for

November 18

Human Rights, Council on
Visually Handicapped, Department for the

November 20

Education, Board of
- Advisory Board of Teacher Education and Licensure
† Hearing Aid Specialists, Board for
- Committee for Consumer Awareness
† Physical Therapy, Board of
- Informal Conference Committee

- Legislative/ Regulatory Committee

November 21

† Environmental Quality, Department of
- Ground Water Protection Steering Committee,
Virginia
Higher Education for Virginia, State Council of

November 27

Code Commission, Virginia
† Pharmacy, Board of

November 28

† Chesapeake Bay Restoration Fund
- Advisory Committee
Compensation Board
† Housing Study Commission, Virginia
Small Business Financing Authority, Virginia
Tax Structure for the 21st Century, Commission on
Virginia's State and Local

November 29

Air Pollution Control Board
At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Environmental Quality, Department of
Freedom of Information Advisory Council, Virginia
Funeral Directors and Embalmers, Board of
- Legislative Committee
† School Drop Out and Ways to Promote the
Development of Self-Esteem Among Youth and Adults,
Standing Subcommittee on

November 30

Education, Board of
Nursing, Board of
- Special Conference Committee
Social Work, Board of
- Special Conference Committee

December 1

African-American Students in Special Education
Programs, Joint Subcommittee Studying
Overrepresentation of
General Services, Department of
- Art and Architectural Review Board
Medicine, Board of
- Credentials Committee
- Executive Committee
† Virginia Military Institute
- Board of Visitors

December 2

† Virginia Military Institute
- Board of Visitors
Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

December 4

† Barbers and Cosmetology, Board for
Nursing, Board of
- Special Conference Committee

December 5

Educational Infrastructure and Technology, Commission
on

Calendar of Events

Hopewell Industrial Safety Council
Nursing, Board of
- Special Conference Committee
Outdoors Foundation, Virginia
- Board of Trustees
† People with Disabilities, Virginia Board for
- Disability Commission
† Technology and Science, Joint Commission on
- Advisory Committee 2 (Economic Development)

December 6

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Certified Interior Designer Section
† Funeral Directors and Embalmers, Board of
General Laws, Senate Committee on
Human Resource Management, Department of
Outdoors Foundation, Virginia
- Board of Trustees
Satellite Chip Mills, Joint Subcommittee Studying
Soil and Water Conservation Board, Virginia
† Water Control Board, State

December 7

† At-Risk Youth and Families, Comprehensive Services
for
- State and Local Advisory Team
† Funeral Directors and Embalmers, Board of
Old Dominion University
- Board of Visitors

December 8

Environmental Quality, Department of
- Virginia Environmental Education Advisory
Committee
† Health Professions, Department of
- Health Practitioners' Intervention Program

December 9

Environmental Quality, Department of
- Virginia Environmental Education Advisory
Committee

December 11

† Air Pollution Control Board, State
† Health, Welfare and Institutions, Committee on
Nursing, Board of
- Special Conference Committee
† Soil Scientists, Board for Professional

December 12

† Branch Pilots, Board for
† Higher Education Center, Southwest Virginia
† Water Control Board, State

December 13

† Branch Pilots, Board for
Code Commission, Virginia
Northern Virginia Regional Transportation Authority, Joint
Subcommittee to Study Creation of a
† Polygraph Examiners Advisory Board
† Professional and Occupational Regulation, Board for
† Water Control Board, State

December 14

† Criminal Justice Services Board
- Committee on Training
Nursing, Board of
- Special Conference Committee

December 15

African-American Students in Special Education
Programs, Joint Subcommittee Studying
Overrepresentation of
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Medicine, Board of
- Informal Conference Committee
Physical Therapy, Board of

December 19

† Branch Pilots, Board for
† Marine Resources Commission

December 20

† At-Risk Youth and Families, Comprehensive Services
for
- State Executive Council
Retirement System, Virginia
- Investment Advisory Committee

December 21

Retirement System, Virginia
- Board of Trustees
Waterworks and Wastewater Works Operators, Board for

January 18, 2001

Soil and Water Conservation Board, Virginia

January 22

Old Dominion University
- Executive Committee

January 27

† Conservation and Recreation, Department of
- Cave Board

PUBLIC HEARINGS

November 6

† Water Control Board, State

November 7

Chesapeake Bay Local Assistance Board

November 8

Rehabilitative Services, Department of
Veterinary Medicine, Board of

November 9

Audiology and Speech-Language Pathology, Board of

November 14

Chesapeake Bay Local Assistance Board

November 15

Milk Commission, State
† Nursing, Board of

November 16

Chesapeake Bay Local Assistance Board
† Domestic Relations Division in Virginia's Judicial
Circuits, Joint Subcommittee Studying the Establishment
of a
Veterinary Medicine, Board of

November 21

Chesapeake Bay Local Assistance Board

November 27

Water Control Board, State

November 28

Water Control Board, State

November 29

† Veterinary Medicine, Board of

December 1

† Medicine, Board of

December 4

Air Pollution Control Board, State
Rehabilitative Services, Department of
Waste Management Board, Virginia
Water Control Board, State

December 6

† Waste Management Board, Virginia

December 7

Rehabilitative Services, Department of
Water Control Board, State

December 11

Rehabilitative Services, Department of

December 12

† Waste Management Board, Virginia
† Water Control Board, State

December 14

† Waste Management Board, Virginia

December 15

† Social Work, Board of