

---

# TABLE OF CONTENTS

---

## CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....941

## NOTICES OF INTENDED REGULATORY ACTION

### TITLE 2. AGRICULTURE

Department of Agriculture and Consumer Services .....957

### TITLE 3. ALCOHOLIC BEVERAGES

Alcoholic Beverage Control Board .....958

### TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

State Board of Juvenile Justice.....959

### TITLE 9. ENVIRONMENT

State Water Control Board .....959

### TITLE 12. HEALTH

Department of Medical Assistance Services.....959

State Mental Health, Mental Retardation and Substance Abuse Services Board.....960

### TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board of Dentistry .....960

Board of Funeral Directors and Embalmers .....960

Board of Medicine .....961

Boards of Nursing and Medicine.....961

### TITLE 22. SOCIAL SERVICES

State Board of Social Services .....961

### TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

Department of Motor Vehicles .....961

## PROPOSED REGULATIONS

### TITLE 8. EDUCATION

#### VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

8 VAC 105-10. Traffic and Parking Regulations (amending 8 VAC 105-10-10 through 8 VAC 105-10-60, 8 VAC 105-10-80, 8 VAC 105-10-100, 8 VAC 105-10-110, 8 VAC 105-10-120, 8 VAC 105-10-125, 8 VAC 105-10-130, 8 VAC 105-10-

135, 8 VAC 105-10-137, 8 VAC 105-10-140, 8 VAC 105-10-145, 8 VAC 105-10-147, 8 VAC 105-10-160, 8 VAC 105-10-170, 8 VAC 105-10-180, 8 VAC 105-10-187, 8 VAC 105-10-200 through 8 VAC 105-10-290, 8 VAC 105-10-310, 8 VAC 105-10-315, 8 VAC 105-10-320, 8 VAC 105-10-325, 8 VAC 105-10-330, 8 VAC 105-10-340, 8 VAC 105-10-345, 8 VAC 105-10-350, 8 VAC 105-10-390, 8 VAC 105-10-410, 8 VAC 105-10-430 through 8 VAC 105-10-490, 8 VAC 105-10-510 through 8 VAC 105-10-550; adding 8 VAC 105-10-115, 8 VAC 105-10-131, 8 VAC 105-10-136, 8 VAC 105-10-148, 8 VAC 105-10-149, 8 VAC 105-10-165, 8 VAC 105-10-175, 8 VAC 105-10-401, 8 VAC 105-10-405, 8 VAC 105-10-415, 8 VAC 105-10-416, 8 VAC 105-10-465, 8 VAC 105-10-560, 8 VAC 105-10-570, 8 VAC 105-10-580, and 8 VAC 105-10-590; repealing 8 VAC 105-10-90, 8 VAC 105-10-150, 8 VAC 105-10-300, and 8 VAC 105-10-400). ..... 962

### TITLE 9. ENVIRONMENT

#### STATE WATER CONTROL BOARD

##### Extension of Public Comment Period

James River 3(C) Wastewater Management Plan Peninsula Area (REPEALING). (9 VAC 25-420) ..... 976

Roanoke River Basin Water Quality Management Plan (REPEALING). (9 VAC 25-430) ..... 976

Upper Roanoke River Subarea Water Quality Management Plan (REPEALING). (9 VAC 25-440)..... 976

Upper James River Basin Water Quality Management Plan (REPEALING). (9 VAC 25-450) ..... 976

Upper James-Jackson River Subarea Water Quality Management Plan (REPEALING). (9 VAC 25-452)..... 976

Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17) (REPEALING). (9 VAC 25-460) ..... 976

York River Basin Water Quality Management Plan. (REPEALING). (9 VAC 25-470) ..... 976

Tennessee and Big Sandy River Basins Water Quality Management Plan (REPEALING). (9 VAC 25-480)..... 976

Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan (REPEALING). (9 VAC 25-490)..... 976

State Water Quality Management Plan for the Fifth Planning District (REPEALING). (9 VAC 25-500) ..... 976

Water Quality Management Plan for the Southwest Virginia 208 Planning Area (REPEALING). (9 VAC 25-510) ..... 976

Water Quality Management Plan for the First Tennessee-Virginia Development District (REPEALING). (9 VAC 25-520) ..... 976

Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21) (REPEALING). (9 VAC 25-530) ..... 976

---

# Table of Contents

---

Water Quality Management Plan for the New River Basin (REPEALING). (9 VAC 25-540) ..... 976

Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan (REPEALING). (9 VAC 25-550) ..... 976

Potomac-Shenandoah River Basin Water Quality Management Plan (REPEALING). (9 VAC 25-560)..... 976

Richmond-Crater Interim Water Quality Management Plan (REPEALING). (9 VAC 25-570) ..... 976

Water Quality Management Plans (REPEALING). (9 VAC 25-572)..... 976

Virginia Water Quality Management Planning Public Participation Guidelines. (9 VAC 25-720) ..... 976

## TITLE 13. HOUSING

### **VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

Rules and Regulations -- General Provisions for Programs of the Virginia Housing Development Authority (amending 13 VAC 10-10-10 and 13 VAC 10-10-20). ..... 977

Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-10, 13 VAC 10-40-30 through 13 VAC 10-40-70, 13 VAC 10-40-90, 13 VAC 10-40-100, 13 VAC 10-40-120, 13 VAC 10-40-130, 13 VAC 10-40-140, 13 VAC 10-40-160, 13 VAC 10-40-170, and 13 VAC 10-40-190 through 13 VAC 10-40-230). ..... 979

## TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

### **STATE CORPORATION COMMISSION**

Energy Regulation; In General (amending 20 VAC 5-300-90). ..... 993

## **FINAL REGULATIONS**

## TITLE 9. ENVIRONMENT

### **STATE AIR POLLUTION CONTROL BOARD**

Regulations for the Control and Abatement of Air Pollution (Documents Incorporated by Reference -- Rev. B00)..... 998

    General Definitions (amending 9 VAC 5-10-20)..... 998

    General Provisions (amending 9 VAC 5-20-21)..... 998

    Existing Stationary Sources (amending 9 VAC 5-40-460, 9 VAC 5-40-2930, 9 VAC 5-40-5210, 9 VAC 5-40-5230, 9 VAC 5-40-8130, and 9 VAC 5-40-8150)..... 998

    Permits for Stationary Sources (amending 9 VAC 5-80-10, 9 VAC 5-80-370, 9 VAC 5-80-390, 9 VAC 5-80-1710, and 9 VAC 5-80-2010)..... 998

Regulations for the Control and Abatement of Air Pollution (Rev. B01). ..... 1006

New and Modified Stationary Sources (amending 9 VAC 5-50-400, 9 VAC 5-50-410, and 9 VAC 5-50-420)..... 1006

Hazardous Air Pollutant Sources (amending 9 VAC 5-60-60, 9 VAC 5-60-80, 9 VAC 5-60-90, 9 VAC 5-60-100, and 9 VAC 5-60-110). ..... 1006

## TITLE 12. HEALTH

### **DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

2001 Technical (9 Part) Amendment. .... 1016

    State Plan Under Title XIX of the Social Security Act Medical Assistance (amending 12 VAC 30-10-640; adding 12 VAC 30-10-631). ..... 1016

    Groups Covered and Agencies Responsible for Eligibility Determination (amending 12 VAC 30-30-10). ..... 1016

    Eligibility Conditions and Requirements (amending 12 VAC 30-40-220). ..... 1016

    Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-20, 12 VAC 30-50-30, 12 VAC 30-50-60, 12 VAC 30-50-70, 12 VAC 30-50-100, 12 VAC 30-50-105, 12 VAC 30-50-140, 12 VAC 30-50-229.1, and 12 VAC 30-50-260). ..... 1016

    Standards Established and Methods Used to Assure High Quality Care (amending 12 VAC 30-60-170). ..... 1016

    Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-201, 12 VAC 30-70-420, and 12 VAC 30-70-435)..... 1016

## TITLE 13. HOUSING

### **BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

Rules and Regulations for the Virginia Low-Income Housing Tax Credit (amending 13 VAC 5-175-10, 13 VAC 5-175-20, 13 VAC 5-175-30 and 13 VAC 5-175-40)..... 1033

## TITLE 14. INSURANCE

### **STATE CORPORATION COMMISSION**

Rules Governing Health Maintenance Organizations (amending 14 VAC 5-210-70)..... 1034

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### **BOARD OF ACCOUNTANCY**

Board of Accountancy Rules and Regulations (amending 18 VAC 5-21-20)..... 1035

Board of Accountancy Rules and Regulations (amending 18 VAC 5-21-10, 18 VAC 5-21-30 through 18 VAC 5-21-70, 18 VAC 5-21-90, 18 VAC 5-21-120 and 18 VAC 5-21-170). ..... 1036

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

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations (amending 18 VAC 10-20-10, 18 VAC 10-20-20, 18 VAC 10-20-30, 18 VAC 10-20-40, 18 VAC 10-20-110 through 18 VAC 10-20-170, 18 VAC 10-20-190 through 18 VAC 10-20-220, 18 VAC 10-20-240, 18 VAC 10-20-260, 18 VAC 10-20-270, 18 VAC 10-20-280, 18 VAC 10-20-300, 18 VAC 10-20-310, 18 VAC 10-20-320, 18 VAC 10-20-340 through 18 VAC 10-20-380, 18 VAC 10-20-400, 18 VAC 10-20-420 through 18 VAC 10-20-450, 18 VAC 10-20-490, 18 VAC 10-20-505, 18 VAC 10-20-530 through 18 VAC 10-20-570, 18 VAC 10-20-590 through 18 VAC 10-20-620, 18 VAC 10-20-640, 18 VAC 10-20-650, 18 VAC 10-20-660, 18 VAC 10-20-680, 18 VAC 10-20-720, 18 VAC 10-20-740, 18 VAC 10-20-750, 18 VAC 10-20-760, and 18 VAC 10-20-780; adding 18 VAC 10-20-15, 18 VAC 10-20-55, 18 VAC 10-20-75, and 18 VAC 10-20-295; repealing 18 VAC 10-20-100, 18 VAC 10-20-180, 18 VAC 10-20-250, 18 VAC 10-20-290, 18 VAC 10-20-410, and 18 VAC 10-20-480).....1045

**AUCTIONEERS BOARD**

Rules and Regulations of the Virginia Auctioneers Board (amending 18 VAC 25-21-10 through 18 VAC 25-21-70, 18 VAC 25-21-90, 18 VAC 25-21-110, 18 VAC 25-21-180, and 18 VAC 25-21-200; adding 18 VAC 25-21-210 and 18 VAC 25-21-220).....1058

**BOARD OF NURSING**

Regulations Governing the Practice of Nursing (adding 18 VAC 90-20-36).....1059

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS**

Board for Professional Soil Scientists Regulations (amending 18 VAC 145-20-10, 18 VAC 145-20-70, 18 VAC 145-20-90, 18 VAC 145-20-100, 18 VAC 145-20-120, 18 VAC 145-20-130, 18 VAC 145-20-140, 18 VAC 145-20-160, and 18 VAC 145-20-170; adding 18 VAC 145-20-91, 18 VAC 145-20-111, and 18 VAC 145-20-151; repealing 18 VAC 145-20-20 through 18 VAC 145-20-50, 18 VAC 145-20-80, 18 VAC 145-20-110, and 18 VAC 145-20-150).....1059

**FORMS**

TITLE 22. SOCIAL SERVICES

**DEPARTMENT OF SOCIAL SERVICES**

Virginia Child Care Provider Scholarship Program. (22 VAC 40-690).....1061

**GOVERNOR**

EXECUTIVE ORDER

Emergency Order Temporarily Increasing Unemployment Insurance Benefits and Establishing the Governor's Emergency Opportunity Fund. (86-01) ..... 1062

**GENERAL NOTICES/ERRATA**

**STATE WATER CONTROL BOARD**

Proposed Consent Special Order - Goochland Mobile Home Sites ..... 1063

Proposed Consent Special Order - Henry County Public Service Authority - Sanville Utilities Corporation ..... 1063

Proposed Consent Special Order Amendment - Westvaco Corporation - Westvaco Covington Mill..... 1063

**VIRGINIA CODE COMMISSION**

Notice to State Agencies..... 1064

Forms for Filing Material for Publication in *The Virginia Register of Regulations*..... 1064

ERRATA

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

Virginia Asbestos Licensing Regulations. (18 VAC 15-20) ..... 1064

**STATE CORPORATION COMMISSION**

Rules Governing Retail Access to Competitive Energy Services. (20 VAC 5-312) ..... 1064

**STATE BOARD OF SOCIAL SERVICES**

Child Support Enforcement Program. (22 VAC 40-880) .. 1064

**STATE WATER CONTROL BOARD**

Closure Plans and Demonstration of Financial Capability. (9 VAC 25-650) ..... 1064

**CALENDAR OF EVENTS**

EXECUTIVE

Open Meetings and Public Hearings ..... 1065

INDEPENDENT

Open Meetings and Public Hearings ..... 1077

LEGISLATIVE

Open Meetings and Public Hearings ..... 1077

---

# Table of Contents

---

## CHRONOLOGICAL LIST

|                      |      |
|----------------------|------|
| Open Meetings.....   | 1078 |
| Public Hearings..... | 1079 |

# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

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 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 11, dated February 12, 2001). 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 |
|--|----------|------------------|----------------|
| <b>Title 1. Administration</b>                     |          |                  |                |
| 1 VAC 17-20-10                                     | Amended  | 17:24 VA.R. 3556 | 9/12/01        |
| 1 VAC 17-20-40                                     | Amended  | 17:24 VA.R. 3557 | 9/12/01        |
| 1 VAC 17-20-70                                     | Amended  | 17:24 VA.R. 3557 | 9/12/01        |
| 1 VAC 17-20-110                                    | Amended  | 17:24 VA.R. 3557 | 9/12/01        |
| 1 VAC 17-20-180                                    | Amended  | 17:24 VA.R. 3557 | 9/12/01        |
| 1 VAC 17-20-210                                    | Amended  | 17:24 VA.R. 3557 | 9/12/01        |
| 1 VAC 17-20-250                                    | Amended  | 17:24 VA.R. 3558 | 9/12/01        |
| 1 VAC 17-20-270                                    | Amended  | 17:24 VA.R. 3558 | 9/12/01        |
| 1 VAC 17-20-280                                    | Amended  | 17:24 VA.R. 3558 | 9/12/01        |
| 1 VAC 17-20-310                                    | Amended  | 17:24 VA.R. 3558 | 9/12/01        |
| 1 VAC 30-60-10 et seq.                             | Repealed | 17:19 VA.R. 2731 | 7/4/01         |
| 1 VAC 30-70-10 et seq.                             | Repealed | 17:19 VA.R. 2731 | 7/4/01         |
| <b>Title 2. Agriculture</b>                        |          |                  |                |
| 2 VAC 15-20-81                                     | Amended  | 17:14 VA.R. 2179 | 3/1/01         |
| <b>Title 4. Conservation and Natural Resources</b> |          |                  |                |
| 4 VAC 15-20-80                                     | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-20-160                                    | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-40-20                                     | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-40-150                                    | Repealed | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-40-280                                    | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-50-90                                     | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-90-20                                     | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-90-21                                     | Added    | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-90-70                                     | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-90-80                                     | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-85                                     | Added    | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-100                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-110                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-141                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-160                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-170                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-190                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-195                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-200                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-210                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-220                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-90-240                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-110-75                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-190-60                                    | Added    | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-240-20                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-240-31                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-240-90                                    | Amended  | 17:19 VA.R. 2730 | 7/4/01         |
| 4 VAC 15-270-20                                    | Amended  | 17:19 VA.R. 2729 | 7/4/01         |
| 4 VAC 15-290-140                                   | Amended  | 17:19 VA.R. 2729 | 7/4/01         |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                          | ACTION   | CITE                  | EFFECTIVE DATE  |
|---|----------|-----------------------|-----------------|
| 4 VAC 15-320-100                        | Amended  | 17:19 VA.R. 2729      | 7/4/01          |
| 4 VAC 20-40-20                          | Amended  | 17:18 VA.R. 2576      | 5/1/01          |
| 4 VAC 20-70-120                         | Amended  | 18:5 VA.R. 726        | 12/1/01         |
| 4 VAC 20-252-70                         | Amended  | 17:12 VA.R. 2024      | 1/26/01         |
| 4 VAC 20-252-90                         | Amended  | 17:12 VA.R. 2024      | 1/26/01         |
| 4 VAC 20-252-100                        | Amended  | 17:12 VA.R. 2024      | 1/26/01         |
| 4 VAC 20-252-110                        | Amended  | 17:12 VA.R. 2025      | 1/26/01         |
| 4 VAC 20-252-140                        | Amended  | 17:12 VA.R. 2025      | 1/26/01         |
| 4 VAC 20-270-40                         | Amended  | 17:14 VA.R. 2179      | 3/1/01          |
| 4 VAC 20-270-40                         | Amended  | 17:18 VA.R. 2576      | 5/1/01          |
| 4 VAC 20-380-20                         | Amended  | 17:23 VA.R. 3455      | 7/1/01          |
| 4 VAC 20-380-50                         | Amended  | 17:23 VA.R. 3455      | 7/1/01          |
| 4 VAC 20-398-10 through 4 VAC 20-398-90 | Added    | 18:6 VA.R. 875-877    | 11/1/01         |
| 4 VAC 20-450-30                         | Amended  | 17:18 VA.R. 2576      | 5/1/01          |
| 4 VAC 20-510-20                         | Amended  | 18:5 VA.R. 726        | 1/1/02          |
| 4 VAC 20-561-10 through 4 VAC 20-561-50 | Added    | 17:16 VA.R. 2332      | 8/16/01         |
| 4 VAC 20-610-30                         | Amended  | 17:23 VA.R. 3456      | 7/1/01          |
| 4 VAC 20-620-10 emer                    | Amended  | 18:5 VA.R. 740        | 11/1/01-12/1/01 |
| 4 VAC 20-620-20 emer                    | Amended  | 18:5 VA.R. 740        | 11/1/01-12/1/01 |
| 4 VAC 20-620-30                         | Amended  | 17:14 VA.R. 2180      | 3/1/01          |
| 4 VAC 20-620-40 emer                    | Amended  | 18:5 VA.R. 740        | 11/1/01-12/1/01 |
| 4 VAC 20-620-50                         | Amended  | 17:14 VA.R. 2180      | 3/1/01          |
| 4 VAC 20-620-70                         | Amended  | 17:14 VA.R. 2180      | 3/1/01          |
| 4 VAC 20-620-70                         | Amended  | 17:20 VA.R. 2880      | 6/1/01          |
| 4 VAC 20-670-20                         | Amended  | 18:1 VA.R. 31         | 9/15/01         |
| 4 VAC 20-670-25                         | Added    | 17:18 VA.R. 2577      | 5/1/01          |
| 4 VAC 20-670-30                         | Amended  | 18:1 VA.R. 31         | 9/15/01         |
| 4 VAC 20-670-40                         | Amended  | 18:1 VA.R. 31         | 9/15/01         |
| 4 VAC 20-720-20                         | Amended  | 18:3 VA.R. 354        | 10/1/01         |
| 4 VAC 20-720-40 through 4 VAC 20-720-80 | Amended  | 18:3 VA.R. 354-357    | 10/1/01         |
| 4 VAC 20-751-10                         | Amended  | 17:16 VA.R. 2333      | 4/1/01          |
| 4 VAC 20-751-20                         | Amended  | 17:16 VA.R. 2333      | 4/1/01          |
| 4 VAC 20-890-10 emer                    | Amended  | 17:20 VA.R. 2932      | 5/25/01-6/24/01 |
| 4 VAC 20-890-20 emer                    | Amended  | 17:20 VA.R. 2932      | 5/25/01-6/24/01 |
| 4 VAC 20-890-25 emer                    | Amended  | 17:20 VA.R. 2932      | 5/25/01-6/24/01 |
| 4 VAC 20-890-25                         | Amended  | 17:23 VA.R. 3457      | 7/1/01          |
| 4 VAC 20-890-30                         | Amended  | 17:16 VA.R. 2333      | 4/1/01          |
| 4 VAC 20-890-40 emer                    | Amended  | 17:20 VA.R. 2933      | 5/25/01-6/24/01 |
| 4 VAC 20-910-30                         | Amended  | 17:14 VA.R. 2181      | 3/1/01          |
| 4 VAC 20-910-45                         | Amended  | 17:18 VA.R. 2577      | 5/1/01          |
| 4 VAC 20-910-45                         | Amended  | 18:3 VA.R. 357        | 10/1/01         |
| 4 VAC 20-950-30                         | Amended  | 17:14 VA.R. 2181      | 3/1/01          |
| 4 VAC 20-950-45                         | Amended  | 17:14 VA.R. 2181      | 3/1/01          |
| 4 VAC 20-950-45                         | Amended  | 17:16 VA.R. 2334      | 4/1/01          |
| 4 VAC 20-950-45 emer                    | Amended  | 17:18 VA.R. 2673      | 4/24/01-5/23/01 |
| 4 VAC 20-950-45                         | Amended  | 17:20 VA.R. 2880      | 5/25/01         |
| 4 VAC 20-950-45                         | Amended  | 18:3 VA.R. 357        | 10/1/01         |
| 4 VAC 20-970-30                         | Amended  | 18:5 VA.R. 727        | 1/1/02          |
| 4 VAC 20-995-20                         | Amended  | 17:12 VA.R. 2025      | 1/26/01         |
| 4 VAC 20-995-20                         | Amended  | 17:14 VA.R. 2182      | 3/1/01          |
| 4 VAC 20-1040-20                        | Amended  | 17:20 VA.R. 2881      | 5/26/01         |
| 4 VAC 25-90-10 through 4 VAC 25-90-100  | Amended  | 17:20 VA.R. 2882-2885 | 7/18/01         |
| 4 VAC 25-90-120                         | Repealed | 17:20 VA.R. 2885      | 7/18/01         |
| 4 VAC 25-90-270                         | Repealed | 17:20 VA.R. 2885      | 7/18/01         |
| 4 VAC 25-90-300                         | Repealed | 17:20 VA.R. 2885      | 7/18/01         |
| 4 VAC 25-90-340                         | Repealed | 17:20 VA.R. 2885      | 7/18/01         |

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                   | ACTION   | CITE                  | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 4 VAC 25-90-360                                  | Repealed | 17:20 VA.R. 2885      | 7/18/01        |
| 4 VAC 25-90 (Forms)                              | Added    | 17:21 VA.R. 3119      | --             |
| 4 VAC 25-100-10 et seq.                          | Repealed | 17:20 VA.R. 2885      | 7/18/01        |
| 4 VAC 25-101-10 through 4 VAC 25-101-220         | Added    | 17:20 VA.R. 2886      | 7/18/01        |
| 4 VAC 25-101 (Forms)                             | Added    | 17:21 VA.R. 3119      | --             |
| 4 VAC 25-130 (Forms)                             | Amended  | 17:23 VA.R. 3473      | --             |
| <b>Title 5. Corporations</b>                     |          |                       |                |
| 5 VAC 5-10-10 et seq.                            | Repealed | 17:18 VA.R. 2577      | 6/1/01         |
| 5 VAC 5-20-10 through 5 VAC 5-20-280             | Amended  | 17:18 VA.R. 2581-2587 | 6/1/01         |
| 5 VAC 5-30-10 through 5 VAC 5-30-70              | Added    | 17:22 VA.R. 3312-3315 | 7/1/01         |
| <b>Title 6. Criminal Justice and Corrections</b> |          |                       |                |
| 6 VAC 20-200-10 through 6 VAC 20-200-180         | Amended  | 17:19 VA.R. 2731-2735 | 7/4/01         |
| <b>Title 8. Education</b>                        |          |                       |                |
| 8 VAC 20-110-10                                  | Amended  | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-20                                  | Repealed | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-40                                  | Amended  | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-50                                  | Amended  | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-60                                  | Repealed | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-70                                  | Repealed | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-110-140                                 | Repealed | 17:12 VA.R. 2026      | 3/28/01        |
| 8 VAC 20-160-10                                  | Amended  | 18:5 VA.R. 728        | 12/19/01       |
| 8 VAC 20-160-30                                  | Amended  | 18:5 VA.R. 728        | 12/19/01       |
| 8 VAC 20-160-40                                  | Amended  | 18:5 VA.R. 729        | 12/19/01       |
| 8 VAC 20-540-10 et seq.                          | Repealed | 17:16 VA.R. 2334      | 5/23/01        |
| 8 VAC 20-541-10 through 8 VAC 20-541-60          | Added    | 17:16 VA.R. 2335-2342 | 5/23/01        |
| 8 VAC 20-650-10 through 8 VAC 20-650-20 emer     | Added    | 17:14 VA.R. 2202      | 3/7/01-3/6/02  |
| <b>Title 9. Environment</b>                      |          |                       |                |
| 9 VAC 5-40-240                                   | Amended  | 18:4 VA.R. 586        | 1/1/02         |
| 9 VAC 5-40-250                                   | Amended  | 18:4 VA.R. 586        | 1/1/02         |
| 9 VAC 5-40-310                                   | Amended  | 18:4 VA.R. 587        | 1/1/02         |
| 9 VAC 5-40-311                                   | Amended  | 18:4 VA.R. 587        | 1/1/02         |
| 9 VAC 5-40-890                                   | Amended  | 18:4 VA.R. 588        | 1/1/02         |
| 9 VAC 5-50-400                                   | Amended  | 17:15 VA.R. 2248      | 6/1/01         |
| 9 VAC 5-60-60                                    | Amended  | 17:15 VA.R. 2248      | 6/1/01         |
| 9 VAC 5-60-90                                    | Amended  | 17:15 VA.R. 2248      | 6/1/01         |
| 9 VAC 5-60-100                                   | Amended  | 17:15 VA.R. 2249      | 6/1/01         |
| 9 VAC 5-80-310 through 9 VAC 5-80-350            | Amended  | 17:20 VA.R. 2887-2890 | 7/18/01        |
| 9 VAC 5-80-355                                   | Repealed | 17:20 VA.R. 2891      | 7/18/01        |
| 9 VAC 5-210-10 through 9 VAC 5-210-160           | Added    | 17:16 VA.R. 2342-2344 | 7/1/01         |
| 9 VAC 15-30-20                                   | Amended  | 17:21 VA.R. 3029      | 8/1/01         |
| 9 VAC 15-30-40 through 9 VAC 15-30-110           | Amended  | 17:21 VA.R. 3030-3031 | 8/1/01         |
| 9 VAC 15-30-130                                  | Amended  | 17:21 VA.R. 3031      | 8/1/01         |
| 9 VAC 15-30-150                                  | Repealed | 17:21 VA.R. 3031      | 8/1/01         |
| 9 VAC 15-30-160                                  | Amended  | 17:21 VA.R. 3031      | 8/1/01         |
| 9 VAC 15-30-170                                  | Amended  | 17:21 VA.R. 3031      | 8/1/01         |
| 9 VAC 20-15-10 through 9 VAC 20-15-160           | Added    | 17:16 VA.R. 2344-2346 | 7/1/01         |
| 9 VAC 20-60-18                                   | Amended  | 18:3 VA.R. 359        | 11/21/01       |
| 9 VAC 20-70 Appendices I through VI              | Repealed | 18:3 VA.R. 377-388    | 11/21/01       |
| 9 VAC 20-70-10                                   | Amended  | 18:3 VA.R. 359        | 11/21/01       |
| 9 VAC 20-70-41                                   | Repealed | 18:3 VA.R. 361        | 11/21/01       |
| 9 VAC 20-70-50 through 9 VAC 20-70-75            | Amended  | 18:3 VA.R. 362-363    | 11/21/01       |
| 9 VAC 20-70-81                                   | Amended  | 18:3 VA.R. 363        | 11/21/01       |
| 9 VAC 20-70-90                                   | Amended  | 18:3 VA.R. 363        | 11/21/01       |
| 9 VAC 20-70-111                                  | Amended  | 18:3 VA.R. 364        | 11/21/01       |
| 9 VAC 20-70-112                                  | Amended  | 18:3 VA.R. 364        | 11/21/01       |
| 9 VAC 20-70-113                                  | Amended  | 18:3 VA.R. 365        | 11/21/01       |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                            | ACTION   | CITE                  | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 9 VAC 20-70-150 through 9 VAC 20-70-230   | Amended  | 18:3 VA.R. 366-376    | 11/21/01       |
| 9 VAC 20-70-240                           | Repealed | 18:3 VA.R. 376        | 11/21/01       |
| 9 VAC 20-70-250                           | Amended  | 18:3 VA.R. 376        | 11/21/01       |
| 9 VAC 20-70-260                           | Amended  | 18:3 VA.R. 377        | 11/21/01       |
| 9 VAC 20-70-280                           | Repealed | 18:3 VA.R. 377        | 11/21/01       |
| 9 VAC 20-70-290                           | Added    | 18:3 VA.R. 377        | 11/21/01       |
| 9 VAC 20-80-10                            | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-40                            | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-60                            | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-80                            | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-100                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-110                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-113                           | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-115                           | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-120                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-140 through 9 VAC 20-80-290   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-310 through 9 VAC 20-80-340   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-360 through 9 VAC 20-80-380   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-400                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-450                           | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-460                           | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-470                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-480                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-485                           | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-500 through 9 VAC 20-80-560   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-620 through 9 VAC 20-80-650   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-670                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-700                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-730                           | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-80-750 through 9 VAC 20-80-790   | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| Appendices 2.1 and 2.2                    | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| Appendix 4.1                              | Repealed | 17:16 VA.R. 2349      | 5/23/01        |
| Appendix 5.1                              | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| Appendices 5.2 and 5.3                    | Repealed | 17:16 VA.R. 2349      | 5/23/01        |
| Appendix 5.5                              | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| Appendix 5.6                              | Added    | 17:16 VA.R. 2349      | 5/23/01        |
| Appendices 7.4 and 9.1                    | Amended  | 17:16 VA.R. 2349      | 5/23/01        |
| 9 VAC 20-130-10 through 9 VAC 20-130-70   | Amended  | 17:21 VA.R. 3033-3037 | 8/1/01         |
| 9 VAC 20-130-80                           | Repealed | 17:21 VA.R. 3037      | 8/1/01         |
| 9 VAC 20-130-90                           | Amended  | 17:21 VA.R. 3037      | 8/1/01         |
| 9 VAC 20-130-110 through 9 VAC 20-130-150 | Amended  | 17:21 VA.R. 3037-3040 | 8/1/01         |
| 9 VAC 20-130-160                          | Repealed | 17:21 VA.R. 3040      | 8/1/01         |
| 9 VAC 20-130-165                          | Added    | 17:21 VA.R. 3040      | 8/1/01         |
| 9 VAC 20-130-170                          | Repealed | 17:21 VA.R. 3040      | 8/1/01         |
| 9 VAC 20-130-175                          | Added    | 17:21 VA.R. 3040      | 8/1/01         |
| 9 VAC 20-130-180                          | Amended  | 17:21 VA.R. 3041      | 8/1/01         |
| 9 VAC 20-130-190                          | Amended  | 17:21 VA.R. 3041      | 8/1/01         |
| 9 VAC 20-130-220                          | Amended  | 17:21 VA.R. 3041      | 8/1/01         |
| 9 VAC 20-130-230                          | Amended  | 17:21 VA.R. 3041      | 8/1/01         |
| 9 VAC 20-130-240                          | Repealed | 17:21 VA.R. 3041      | 8/1/01         |
| 9 VAC 20-130 (Forms)                      | Added    | 17:26 VA.R. 3758-3759 | --             |
| 9 VAC 20-130 (Forms)                      | Amended  | 18:6 VA.R. 909        | --             |
| 9 VAC 20-190-10 through 9 VAC 20-190-80   | Added    | 18:3 VA.R. 389-390    | 11/21/01       |
| 9 VAC 25-15-10 through 9 VAC 25-15-160    | Added    | 17:16 VA.R. 2347-2349 | 7/1/01         |
| 9 VAC 25-31-10                            | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-30                            | Amended  | 17:13 VA.R. 2076      | 4/11/01        |



# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                      | ACTION   | CITE                  | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 9 VAC 25-31-50                                      | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-100                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-110                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-120                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-170                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-220                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-280                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-370                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-390                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31-410                                     | Amended  | 17:13 VA.R. 2076      | 4/11/01        |
| 9 VAC 25-31 (Forms)                                 | Amended  | 18:6 VA.R. 909        | --             |
| 9 VAC 25-110-10                                     | Amended  | 17:16 VA.R. 2350      | 8/1/01         |
| 9 VAC 25-110-20                                     | Amended  | 17:16 VA.R. 2351      | 8/1/01         |
| 9 VAC 25-110-40                                     | Repealed | 17:16 VA.R. 2351      | 8/1/01         |
| 9 VAC 25-110-50                                     | Repealed | 17:16 VA.R. 2351      | 8/1/01         |
| 9 VAC 25-110-60                                     | Amended  | 17:16 VA.R. 2351      | 8/1/01         |
| 9 VAC 25-110-70                                     | Amended  | 17:16 VA.R. 2351      | 8/1/01         |
| 9 VAC 25-110-70                                     | Amended  | 17:21 VA.R. 3044      | 8/1/01         |
| 9 VAC 25-110-80                                     | Amended  | 17:16 VA.R. 2353      | 8/1/01         |
| 9 VAC 25-115-10 through 9 VAC 25-115-50             | Amended  | 17:16 VA.R. 2367-2380 | 7/24/01        |
| 9 VAC 25-192-50                                     | Amended  | 17:21 VA.R. 3044      | 8/1/01         |
| 9 VAC 25-192-60                                     | Amended  | 17:21 VA.R. 3045      | 8/1/01         |
| 9 VAC 25-210-10                                     | Amended  | 17:21 VA.R. 3049      | 8/1/01         |
| 9 VAC 25-210-20                                     | Repealed | 17:21 VA.R. 3052      | 8/1/01         |
| 9 VAC 25-210-30                                     | Repealed | 17:21 VA.R. 3052      | 8/1/01         |
| 9 VAC 25-210-40                                     | Repealed | 17:21 VA.R. 3052      | 8/1/01         |
| 9 VAC 25-210-45                                     | Added    | 17:21 VA.R. 3052      | 8/1/01         |
| 9 VAC 25-210-50 through 9 VAC 25-210-110            | Amended  | 17:21 VA.R. 3052-3063 | 8/1/01         |
| 9 VAC 25-210-80                                     | Erratum  | 17:24 VA.R. 3604      | --             |
| 9 VAC 25-210-115                                    | Added    | 17:21 VA.R. 3063      | 8/1/01         |
| 9 VAC 25-210-120 through 9 VAC 25-210-180           | Amended  | 17:21 VA.R. 3064-3067 | 8/1/01         |
| 9 VAC 25-210-185                                    | Added    | 17:21 VA.R. 3067      | 8/1/01         |
| 9 VAC 25-210-190 through 9 VAC 25-210-260           | Amended  | 17:21 VA.R. 3067-3069 | 8/1/01         |
| 9 VAC 25-260-50                                     | Amended  | 17:16 VA.R. 2381      | *              |
| 9 VAC 25-260-55                                     | Added    | 17:16 VA.R. 2381      | *              |
| 9 VAC 25-430-20                                     | Amended  | 17:25 VA.R. 3657      | 9/26/01        |
| 9 VAC 25-430-30                                     | Amended  | 17:25 VA.R. 3657      | 9/26/01        |
| 9 VAC 25-430-60                                     | Amended  | 17:25 VA.R. 3657      | 9/26/01        |
| 9 VAC 25-650-10 through 9 VAC 25-650-200            | Added    | 18:4 VA.R. 590-604    | 12/5/01        |
| 9 VAC 25-660-10 through 9 VAC 25-660-100            | Added    | 17:22 VA.R. 3316-3327 | 10/1/01        |
| 9 VAC 25-670-10 through 9 VAC 25-670-100            | Added    | 17:22 VA.R. 3328-3344 | 10/1/01        |
| 9 VAC 25-680-10 through 9 VAC 25-680-100            | Added    | 17:21 VA.R. 3070-3087 | 8/1/01         |
| 9 VAC 25-680-30                                     | Erratum  | 17:24 VA.R. 3604      | --             |
| 9 VAC 25-680-50                                     | Erratum  | 17:24 VA.R. 3604      | --             |
| 9 VAC 25-680-100                                    | Erratum  | 17:24 VA.R. 3604      | --             |
| 9 VAC 25-690-10 through 9 VAC 25-690-100            | Added    | 17:21 VA.R. 3088-3107 | 8/1/01         |
| 9 VAC 25-690-30                                     | Erratum  | 17:24 VA.R. 3604      | --             |
| 9 VAC 25-690-40                                     | Erratum  | 17:24 VA.R. 3604      | --             |
| <b>Title 10. Finance and Financial Institutions</b> |          |                       |                |
| 10 VAC 5-10-10                                      | Amended  | 17:22 VA.R. 3345      | 7/1/01         |
| 10 VAC 5-20-30                                      | Amended  | 17:22 VA.R. 3346      | 6/27/01        |
| <b>Title 11. Gaming</b>                             |          |                       |                |
| 11 VAC 10-60 (Forms)                                | Amended  | 17:15 VA.R. 2259      | --             |
| 11 VAC 10-130-10                                    | Amended  | 17:19 VA.R. 2736      | 5/7/01         |

\* 30 days after notice in *Virginia Register* of EPA approval

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                               | ACTION   | CITE               | EFFECTIVE DATE   |
|--|----------|--------------------|------------------|
| 11 VAC 10-130-60                             | Amended  | 17:19 VA.R. 2736   | 5/7/01           |
| 11 VAC 10-130-70                             | Amended  | 17:19 VA.R. 2737   | 5/7/01           |
| <b>Title 12. Health</b>                      |          |                    |                  |
| 12 VAC 5-218-10 through 12 VAC 5-218-90 emer | Added    | 18:4 VA.R. 634-637 | 11/1/01-10/31/02 |
| 12 VAC 30-10-20                              | Amended  | 17:19 VA.R. 2737   | 8/1/01           |
| 12 VAC 30-10-160                             | Amended  | 17:13 VA.R. 2077   | 4/11/01          |
| 12 VAC 30-10-1000                            | Added    | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-20-80                              | Amended  | 17:13 VA.R. 2077   | 4/11/01          |
| 12 VAC 30-20-290 through 12 VAC 30-20-490    | Added    | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-20-500 through 12 VAC 30-20-560    | Added    | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-30-10                              | Amended  | 17:13 VA.R. 2077   | 4/11/01          |
| 12 VAC 30-30-10                              | Amended  | 17:19 VA.R. 2737   | 8/1/01           |
| 12 VAC 30-30-20                              | Amended  | 17:13 VA.R. 2081   | 4/11/01          |
| 12 VAC 30-30-20                              | Amended  | 17:18 VA.R. 2588   | 7/1/01           |
| 12 VAC 30-30-20                              | Amended  | 17:18 VA.R. 2589   | 7/1/01           |
| 12 VAC 30-30-40                              | Amended  | 17:13 VA.R. 2082   | 4/11/01          |
| 12 VAC 30-30-50                              | Amended  | 17:13 VA.R. 2082   | 4/11/01          |
| 12 VAC 30-40-80                              | Amended  | 17:13 VA.R. 2087   | 4/11/01          |
| 12 VAC 30-40-100                             | Amended  | 17:13 VA.R. 2083   | 4/11/01          |
| 12 VAC 30-40-220                             | Amended  | 17:18 VA.R. 2590   | 7/1/01           |
| 12 VAC 30-40-220                             | Amended  | 17:18 VA.R. 2593   | 7/1/01           |
| 12 VAC 30-40-220                             | Erratum  | 17:21 VA.R. 3124   | --               |
| 12 VAC 30-40-240                             | Amended  | 17:13 VA.R. 2083   | 4/11/01          |
| 12 VAC 30-40-250                             | Amended  | 17:13 VA.R. 2085   | 4/11/01          |
| 12 VAC 30-40-280                             | Amended  | 17:13 VA.R. 2085   | 4/11/01          |
| 12 VAC 30-40-290                             | Amended  | 17:13 VA.R. 2085   | 4/11/01          |
| 12 VAC 30-40-350                             | Amended  | 17:13 VA.R. 2087   | 4/11/01          |
| 12 VAC 30-50-100                             | Amended  | 18:6 VA.R. 882     | 1/2/02           |
| 12 VAC 30-50-105                             | Amended  | 18:6 VA.R. 882     | 1/2/02           |
| 12 VAC 30-50-140                             | Amended  | 18:6 VA.R. 882     | 1/2/02           |
| 12 VAC 30-50-210                             | Amended  | 18:4 VA.R. 605     | 12/5/01          |
| 12 VAC 30-50-300                             | Amended  | 17:12 VA.R. 2026   | 6/1/01**         |
| 12 VAC 30-50-490                             | Added    | 17:18 VA.R. 2595   | 7/1/01           |
| 12 VAC 30-50-530                             | Amended  | 17:12 VA.R. 2026   | 6/1/01**         |
| 12 VAC 30-60-21                              | Added    | 18:6 VA.R. 883     | 1/2/02           |
| 12 VAC 30-70-120                             | Repealed | 18:6 VA.R. 883     | 1/2/02           |
| 12 VAC 30-70-140                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-141                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-142                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-143                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-144                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-145                             | Repealed | 17:19 VA.R. 2741   | 7/4/01           |
| 12 VAC 30-70-420                             | Amended  | 18:6 VA.R. 883     | 1/2/02           |
| 12 VAC 30-80-110                             | Amended  | 17:18 VA.R. 2597   | 7/1/01           |
| 12 VAC 30-90-19                              | Added    | 17:18 VA.R. 2623   | 7/1/01           |
| 12 VAC 30-90-20                              | Amended  | 17:18 VA.R. 2624   | 7/1/01           |
| 12 VAC 30-90-29                              | Added    | 17:18 VA.R. 2624   | 7/1/01           |
| 12 VAC 30-90-30                              | Amended  | 17:18 VA.R. 2625   | 7/1/01           |
| 12 VAC 30-90-31                              | Amended  | 17:18 VA.R. 2626   | 7/1/01           |
| 12 VAC 30-90-33                              | Amended  | 17:18 VA.R. 2626   | 7/1/01           |
| 12 VAC 30-90-34                              | Amended  | 17:18 VA.R. 2628   | 7/1/01           |
| 12 VAC 30-90-35                              | Amended  | 17:18 VA.R. 2630   | 7/1/01           |
| 12 VAC 30-90-36                              | Amended  | 17:18 VA.R. 2630   | 7/1/01           |
| 12 VAC 30-90-37                              | Amended  | 17:18 VA.R. 2632   | 7/1/01           |

\*\* Effective date changed in 17:17 VA.R. 2443.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER    | ACTION   | CITE             | EFFECTIVE DATE |
|-------------------|----------|------------------|----------------|
| 12 VAC 30-90-38   | Amended  | 17:18 VA.R. 2632 | 7/1/01         |
| 12 VAC 30-90-39   | Amended  | 17:18 VA.R. 2633 | 7/1/01         |
| 12 VAC 30-90-40   | Amended  | 17:18 VA.R. 2633 | 7/1/01         |
| 12 VAC 30-90-41   | Amended  | 17:18 VA.R. 2633 | 7/1/01         |
| 12 VAC 30-90-42   | Repealed | 17:18 VA.R. 2635 | 7/1/01         |
| 12 VAC 30-90-43   | Repealed | 17:18 VA.R. 2636 | 7/1/01         |
| 12 VAC 30-90-50   | Amended  | 17:18 VA.R. 2636 | 7/1/01         |
| 12 VAC 30-90-51   | Amended  | 17:18 VA.R. 2636 | 7/1/01         |
| 12 VAC 30-90-55   | Amended  | 17:18 VA.R. 2637 | 7/1/01         |
| 12 VAC 30-90-60   | Amended  | 17:18 VA.R. 2638 | 7/1/01         |
| 12 VAC 30-90-65   | Amended  | 17:18 VA.R. 2638 | 7/1/01         |
| 12 VAC 30-90-70   | Amended  | 17:18 VA.R. 2638 | 7/1/01         |
| 12 VAC 30-90-80   | Amended  | 17:18 VA.R. 2639 | 7/1/01         |
| 12 VAC 30-90-110  | Amended  | 17:18 VA.R. 2639 | 7/1/01         |
| 12 VAC 30-90-120  | Amended  | 17:18 VA.R. 2639 | 7/1/01         |
| 12 VAC 30-90-123  | Amended  | 17:18 VA.R. 2640 | 7/1/01         |
| 12 VAC 30-90-130  | Repealed | 17:18 VA.R. 2640 | 7/1/01         |
| 12 VAC 30-90-130  | Repealed | 17:19 VA.R. 2741 | 7/4/01         |
| 12 VAC 30-90-131  | Repealed | 17:18 VA.R. 2640 | 7/1/01         |
| 12 VAC 30-90-131  | Repealed | 17:19 VA.R. 2741 | 7/4/01         |
| 12 VAC 30-90-132  | Repealed | 17:18 VA.R. 2640 | 7/1/01         |
| 12 VAC 30-90-132  | Repealed | 17:19 VA.R. 2741 | 7/4/01         |
| 12 VAC 30-90-133  | Repealed | 17:18 VA.R. 2641 | 7/1/01         |
| 12 VAC 30-90-133  | Repealed | 17:19 VA.R. 2741 | 7/4/01         |
| 12 VAC 30-90-135  | Repealed | 17:18 VA.R. 2641 | 7/1/01         |
| 12 VAC 30-90-135  | Repealed | 17:19 VA.R. 2741 | 7/4/01         |
| 12 VAC 30-90-136  | Added    | 17:18 VA.R. 2641 | 7/1/01         |
| 12 VAC 30-90-160  | Amended  | 17:18 VA.R. 2641 | 7/1/01         |
| 12 VAC 30-90-165  | Added    | 17:18 VA.R. 2641 | 7/1/01         |
| 12 VAC 30-90-170  | Amended  | 17:18 VA.R. 2642 | 7/1/01         |
| 12 VAC 30-90-221  | Amended  | 17:18 VA.R. 2642 | 7/1/01         |
| 12 VAC 30-90-240  | Amended  | 17:18 VA.R. 2642 | 7/1/01         |
| 12 VAC 30-90-250  | Amended  | 17:18 VA.R. 2643 | 7/1/01         |
| 12 VAC 30-90-253  | Amended  | 17:18 VA.R. 2643 | 7/1/01         |
| 12 VAC 30-90-260  | Repealed | 17:18 VA.R. 2643 | 7/1/01         |
| 12 VAC 30-90-264  | Amended  | 17:18 VA.R. 2643 | 7/1/01         |
| 12 VAC 30-90-266  | Amended  | 17:18 VA.R. 2646 | 7/1/01         |
| 12 VAC 30-90-270  | Amended  | 17:18 VA.R. 2646 | 7/1/01         |
| 12 VAC 30-90-272  | Amended  | 17:18 VA.R. 2646 | 7/1/01         |
| 12 VAC 30-90-280  | Amended  | 17:18 VA.R. 2648 | 7/1/01         |
| 12 VAC 30-110-630 | Amended  | 17:13 VA.R. 2096 | 4/11/01        |
| 12 VAC 30-110-650 | Amended  | 17:13 VA.R. 2096 | 4/11/01        |
| 12 VAC 30-110-660 | Amended  | 17:13 VA.R. 2096 | 4/11/01        |
| 12 VAC 30-110-670 | Amended  | 17:13 VA.R. 2096 | 4/11/01        |
| 12 VAC 30-110-700 | Amended  | 17:13 VA.R. 2097 | 4/11/01        |
| 12 VAC 30-110-710 | Amended  | 17:13 VA.R. 2097 | 4/11/01        |
| 12 VAC 30-110-720 | Amended  | 17:13 VA.R. 2088 | 4/11/01        |
| 12 VAC 30-110-730 | Amended  | 17:13 VA.R. 2090 | 4/11/01        |
| 12 VAC 30-110-740 | Repealed | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-741 | Added    | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-744 | Added    | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-747 | Added    | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-751 | Added    | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-760 | Amended  | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-780 | Amended  | 17:13 VA.R. 2091 | 4/11/01        |
| 12 VAC 30-110-790 | Amended  | 17:13 VA.R. 2091 | 4/11/01        |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                   | ACTION   | CITE                  | EFFECTIVE DATE    |
|--|----------|-----------------------|-------------------|
| 12 VAC 30-110-800                                | Amended  | 17:13 VA.R. 2091      | 4/11/01           |
| 12 VAC 30-110-810                                | Amended  | 17:13 VA.R. 2091      | 4/11/01           |
| 12 VAC 30-110-813                                | Added    | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-815                                | Added    | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-820                                | Repealed | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-830                                | Amended  | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-840                                | Amended  | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-850                                | Amended  | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-853                                | Added    | 17:13 VA.R. 2092      | 4/11/01           |
| 12 VAC 30-110-856                                | Added    | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-860                                | Amended  | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-870                                | Amended  | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-880                                | Amended  | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-890                                | Repealed | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-900                                | Amended  | 17:13 VA.R. 2093      | 4/11/01           |
| 12 VAC 30-110-910                                | Amended  | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-920                                | Amended  | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-921                                | Added    | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-930                                | Amended  | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-940                                | Amended  | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-950                                | Amended  | 17:13 VA.R. 2094      | 4/11/01           |
| 12 VAC 30-110-960                                | Amended  | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-110-970                                | Amended  | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-110-980                                | Amended  | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-110-990                                | Amended  | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-110-1010                               | Amended  | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-110-1011                               | Added    | 17:13 VA.R. 2095      | 4/11/01           |
| 12 VAC 30-120-210 emer                           | Amended  | 18:5 VA.R. 743        | 10/17/01-10/16/02 |
| 12 VAC 30-120-211 through 12 VAC 30-120-215 emer | Added    | 18:5 VA.R. 745-751    | 10/17/01-10/16/02 |
| 12 VAC 30-120-220 emer                           | Amended  | 18:5 VA.R. 752        | 10/17/01-10/16/02 |
| 12 VAC 30-120-230 emer                           | Amended  | 18:5 VA.R. 755        | 10/17/01-10/16/02 |
| 12 VAC 30-120-240 emer                           | Amended  | 18:5 VA.R. 758        | 10/17/01-10/16/02 |
| 12 VAC 30-120-241 through 12 VAC 30-120-249 emer | Added    | 18:5 VA.R. 760-771    | 10/17/01-10/16/02 |
| 12 VAC 30-120-250 emer                           | Amended  | 18:5 VA.R. 771        | 10/17/01-10/16/02 |
| 12 VAC 30-120-251 through 12 VAC 30-120-255 emer | Added    | 18:5 VA.R. 772-777    | 10/17/01-10/16/02 |
| 12 VAC 30-120-258 emer                           | Added    | 18:5 VA.R. 777        | 10/17/01-10/16/02 |
| 12 VAC 30-120-259 emer                           | Added    | 18:5 VA.R. 778        | 10/17/01-10/16/02 |
| 12 VAC 30-120-700 through 12 VAC 30-120-790      | Added    | 17:18 VA.R. 2597-2622 | 7/1/01            |
| 12 VAC 30-120-770                                | Erratum  | 17:21 VA.R. 3124      | --                |
| 12 VAC 30-141-10 et seq. emer                    | Added    | 17:25 VA.R. 3660-3670 | 8/1/01-7/31/02    |
| 12 VAC 30-141-100 emer                           | Amended  | 17:26 VA.R. 3757      | 8/22/01-7/31/02   |
| 12 VAC 35-110                                    | Repealed | 18:3 VA.R. 391        | 11/21/01          |
| 12 VAC 35-115-10 through 12 VAC 35-115-250       | Added    | 18:3 VA.R. 392-414    | 11/21/01          |
| 12 VAC 35-115-50                                 | Erratum  | 17:22 VA.R. 3371      | --                |
| 12 VAC 35-115-70                                 | Erratum  | 17:22 VA.R. 3371      | --                |
| 12 VAC 35-115-250                                | Erratum  | 18:6 VA.R. 911        | --                |
| 12 VAC 35-120                                    | Repealed | 18:3 VA.R. 414        | 11/21/01          |
| 12 VAC 35-130                                    | Repealed | 18:3 VA.R. 415        | 11/21/01          |
| <b>Title 13. Housing</b>                         |          |                       |                   |
| 13 VAC 10-40-30                                  | Amended  | 17:22 VA.R. 3347      | 6/20/01           |
| 13 VAC 10-40-110                                 | Amended  | 17:22 VA.R. 3347      | 6/20/01           |
| 13 VAC 10-40-130                                 | Amended  | 17:22 VA.R. 3347      | 6/20/01           |
| 13 VAC 10-40-190                                 | Amended  | 17:22 VA.R. 3347      | 6/20/01           |
| 13 VAC 10-40-230                                 | Amended  | 17:22 VA.R. 3347      | 6/20/01           |
| 13 VAC 10-180-10                                 | Amended  | 17:17 VA.R. 2444      | 4/9/01            |
| 13 VAC 10-180-40                                 | Amended  | 17:17 VA.R. 2444      | 4/9/01            |

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER   | ACTION   | CITE                  | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 13 VAC 10-180-60                                       | Amended  | 17:17 VA.R. 2444      | 4/9/01         |
| 13 VAC 10-180-70                                       | Amended  | 17:17 VA.R. 2452      | 4/9/01         |
| 13 VAC 10-180-90                                       | Amended  | 17:17 VA.R. 2452      | 4/9/01         |
| 13 VAC 10-180-100                                      | Amended  | 17:17 VA.R. 2452      | 4/9/01         |
| <b>Title 14. Insurance</b>                             |          |                       |                |
| 14 VAC 5-170-20  | Amended  | 17:24 VA.R. 3559      | 9/1/01         |
| 14 VAC 5-170-30  | Amended  | 17:24 VA.R. 3559      | 9/1/01         |
| 14 VAC 5-170-70  | Amended  | 17:24 VA.R. 3559      | 9/1/01         |
| 14 VAC 5-170-90  | Amended  | 17:24 VA.R. 3559      | 9/1/01         |
| 14 VAC 5-170-105                                       | Amended  | 17:24 VA.R. 3562      | 9/1/01         |
| 14 VAC 5-170-120                                       | Amended  | 17:24 VA.R. 3563      | 9/1/01         |
| 14 VAC 5-170-130                                       | Amended  | 17:24 VA.R. 3565      | 9/1/01         |
| 14 VAC 5-170-150                                       | Amended  | 17:24 VA.R. 3566      | 9/1/01         |
| 14 VAC 5-170-180                                       | Amended  | 17:24 VA.R. 3566      | 9/1/01         |
| Appendix D   | Added    | 17:24 VA.R. 3566      | 9/1/01         |
| 14 VAC 5-200-20 through 14 VAC 5-200-40                | Amended  | 18:6 VA.R. 885        | 2/1/02         |
| 14 VAC 5-200-70  | Amended  | 18:6 VA.R. 885        | 2/1/02         |
| 14 VAC 5-200-75  | Added    | 18:6 VA.R. 885        | 2/1/02         |
| 14 VAC 5-200-80  | Amended  | 18:6 VA.R. 886        | 2/1/02         |
| 14 VAC 5-200-160                                       | Amended  | 18:6 VA.R. 886        | 2/1/02         |
| 14 VAC 5-200-175                                       | Amended  | 18:6 VA.R. 886        | 2/1/02         |
| 14 VAC 5-215 (Forms)                                   | Amended  | 17:19 VA.R. 2753-2758 | 7/4/01         |
| 14 VAC 5-300-90  | Amended  | 17:22 VA.R. 3347      | 8/1/01         |
| 14 VAC 5-300-130                                       | Amended  | 17:16 VA.R. 2382      | 5/1/01         |
| 14 VAC 5-330-10  | Repealed | 18:3 VA.R. 415        | 12/31/01       |
| <b>Title 16. Labor and Employment</b>                  |          |                       |                |
| 16 VAC 25-60-50  | Repealed | 18:5 VA.R. 729        | 12/31/01       |
| 16 VAC 25-60-60  | Repealed | 18:5 VA.R. 730        | 12/31/01       |
| 16 VAC 25-60-70  | Repealed | 18:5 VA.R. 731        | 12/31/01       |
| 16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09       | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.10 (c)                               | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.11                                   | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28      | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.30 through 1904.46                   | Amended  | 18:5 VA.R. 731        | 1/1/02         |
| 16 VAC 25-85-1904.10 (a)&(b)                           | Amended  | 18:5 VA.R. 731        | 1/1/03         |
| 16 VAC 25-85-1904.12                                   | Amended  | 18:5 VA.R. 731        | 1/1/03         |
| 16 VAC 25-85-1904.29 (b)(7)(vi) second sentence        | Amended  | 18:5 VA.R. 731        | 1/1/03         |
| 16 VAC 25-90-1910.1030                                 | Amended  | 17:23 VA.R. 3459      | 9/15/01        |
| 16 VAC 25-90-1910.1043                                 | Amended  | 17:23 VA.R. 3458      | 9/15/01        |
| 16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759  | Amended  | 18:5 VA.R. 732        | 1/18/02        |
| 16 VAC 25-175-1926.760 (d) & (e)                       | Amended  | 18:5 VA.R. 732        | 1/18/02        |
| 16 VAC 25-175-1926.761                                 | Amended  | 18:5 VA.R. 732        | 1/18/02        |
| 16 VAC 25-175-1926.500                                 | Amended  | 18:5 VA.R. 732        | 1/18/02        |
| <b>Title 17. Libraries and Cultural Resources</b>      |          |                       |                |
| 17 VAC 15-20-20 through 17 VAC 15-20-50                | Amended  | 17:14 VA.R. 2183      | 5/1/01         |
| 17 VAC 15-20-70 through 17 VAC 15-20-120               | Amended  | 17:14 VA.R. 2183      | 5/1/01         |
| 17 VAC 15-20-150 through 17 VAC 15-20-170              | Amended  | 17:14 VA.R. 2183      | 5/1/01         |
| 17 VAC 15-30-10 et seq.                                | Repealed | 17:14 VA.R. 2183      | 5/1/01         |
| 17 VAC 15-40-10 et seq.                                | Repealed | 17:14 VA.R. 2183      | 5/1/01         |
| 17 VAC 15-50-20 through 17 VAC 15-50-50                | Amended  | 17:14 VA.R. 2184      | 5/1/01         |
| 17 VAC 15-50-70  | Amended  | 17:14 VA.R. 2184      | 5/1/01         |
| 17 VAC 15-50-90 through 17 VAC 15-50-110               | Amended  | 17:14 VA.R. 2184      | 5/1/01         |
| 17 VAC 15-50-130                                       | Amended  | 17:14 VA.R. 2184      | 5/1/01         |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER   | ACTION   | CITE                  | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 17 VAC 15-50-140   | Repealed | 17:14 VA.R. 2184      | 5/1/01         |
| 17 VAC 15-50-150   | Amended  | 17:14 VA.R. 2184      | 5/1/01         |
| 17 VAC 15-50-160   | Amended  | 17:14 VA.R. 2184      | 5/1/01         |
| <b>Title 18. Professional and Occupational Licensing</b> |          |                       |                |
| 18 VAC 5-20-10 et seq.                                   | Repealed | 17:14 VA.R. 2184      | 4/25/01        |
| 18 VAC 5-21-10 through 18 VAC 5-21-170                   | Amended  | 17:14 VA.R. 2184-2198 | 4/25/01        |
| 18 VAC 15-20-10  | Amended  | 18:6 VA.R. 887        | 1/2/02         |
| 18 VAC 15-20-20  | Amended  | 18:6 VA.R. 888        | 1/2/02         |
| 18 VAC 15-20-21  | Added    | 18:6 VA.R. 890        | 1/2/02         |
| 18 VAC 15-20-30 through 18 VAC 15-20-90                  | Amended  | 18:6 VA.R. 890-893    | 1/2/02         |
| 18 VAC 15-20-100   | Repealed | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-101   | Added    | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-110   | Amended  | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-120 through 18 VAC 15-20-140                | Repealed | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-150   | Amended  | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-160 through 18 VAC 15-20-240                | Repealed | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-250   | Amended  | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-251   | Added    | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-260   | Repealed | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-270   | Amended  | 18:6 VA.R. 893        | 1/2/02         |
| 18 VAC 15-20-271   | Added    | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-280   | Repealed | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-290   | Amended  | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-291   | Added    | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-300 through 18 VAC 15-20-320                | Repealed | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-330   | Amended  | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-331   | Added    | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-332   | Added    | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-340 through 18 VAC 15-20-360                | Repealed | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-361   | Added    | 18:6 VA.R. 894        | 1/2/02         |
| 18 VAC 15-20-370 through 18 VAC 15-20-390                | Repealed | 18:6 VA.R. 895        | 1/2/02         |
| 18 VAC 15-20-400 through 18 VAC 15-20-450                | Amended  | 18:6 VA.R. 895        | 1/2/02         |
| 18 VAC 15-20-451 through 18 VAC 15-20-455                | Added    | 18:6 VA.R. 895-896    | 1/2/02         |
| 18 VAC 15-20-455.1                                       | Added    | 18:6 VA.R. 896        | 1/2/02         |
| 18 VAC 15-20-456 through 18 VAC 15-20-459                | Added    | 18:6 VA.R. 896        | 1/2/02         |
| 18 VAC 15-20-459.1 through 18 VAC 15-20-459.15           | Added    | 18:6 VA.R. 896-897    | 1/2/02         |
| 18 VAC 15-20-460 through 18 VAC 15-20-500                | Amended  | 18:6 VA.R. 897-899    | 1/2/02         |
| 18 VAC 15-20-510   | Repealed | 18:6 VA.R. 899        | 1/2/02         |
| 18 VAC 15-20-511   | Added    | 18:6 VA.R. 899        | 1/2/02         |
| 18 VAC 15-20-520 through 18 VAC 15-20-610                | Amended  | 18:6 VA.R. 899-900    | 1/2/02         |
| 18 VAC 15-20-620 through 18 VAC 15-20-690                | Repealed | 18:6 VA.R. 900        | 1/2/02         |
| 18 VAC 15-20-700 through 18 VAC 15-20-880                | Amended  | 18:6 VA.R. 900-907    | 1/2/02         |
| 18 VAC 15-20-890 through 18 VAC 15-20-960                | Repealed | 18:6 VA.R. 908        | 1/2/02         |
| 18 VAC 30-10-10  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-20  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-30  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-40  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-60  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-70  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-80  | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-10-100   | Amended  | 17:20 VA.R. 2921      | 7/18/01        |
| 18 VAC 30-20-10  | Amended  | 17:16 VA.R. 2383      | 5/23/01        |
| 18 VAC 30-20-80  | Amended  | 17:16 VA.R. 2383      | 5/23/01        |
| 18 VAC 30-20-160   | Amended  | 17:16 VA.R. 2383      | 5/23/01        |
| 18 VAC 30-20-300   | Added    | 17:16 VA.R. 2384      | 5/23/01        |
| 18 VAC 30-20-310   | Added    | 17:16 VA.R. 2384      | 5/23/01        |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                 | ACTION  | CITE                  | EFFECTIVE DATE   |
|--|---------|-----------------------|------------------|
| 18 VAC 30-20-320                               | Added   | 17:16 VA.R. 2384      | 5/23/01          |
| 18 VAC 50-22-10 through 18 VAC 50-22-60        | Amended | 17:21 VA.R. 3108-3113 | 9/1/01           |
| 18 VAC 50-22-80                                | Amended | 17:21 VA.R. 3113      | 9/1/01           |
| 18 VAC 50-22-100 through 18 VAC 50-22-270      | Amended | 17:21 VA.R. 3113-3115 | 9/1/01           |
| 18 VAC 50-30-10                                | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 50-30-20                                | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 50-30-40                                | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 50-30-50                                | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 50-30-50                                | Erratum | 18:4 VA.R. 658        | --               |
| 18 VAC 50-30-90                                | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 50-30-90                                | Erratum | 18:4 VA.R. 658        | --               |
| 18 VAC 50-30-200                               | Amended | 17:26 VA.R. 3756      | 11/1/01          |
| 18 VAC 60-10-10 through 18 VAC 60-10-40        | Amended | 17:24 VA.R. 3566      | 9/12/01          |
| 18 VAC 60-10-60                                | Amended | 17:24 VA.R. 3566      | 9/12/01          |
| 18 VAC 60-10-70                                | Amended | 17:24 VA.R. 3566      | 9/12/01          |
| 18 VAC 60-10-80                                | Amended | 17:24 VA.R. 3566      | 9/12/01          |
| 18 VAC 60-10-100                               | Amended | 17:24 VA.R. 3566      | 9/12/01          |
| 18 VAC 60-20-10 emer                           | Amended | 18:5 VA.R. 780        | 12/1/01-10/30/02 |
| 18 VAC 60-20-250 through 18 VAC 60-20-330 emer | Added   | 18:5 VA.R. 780-782    | 12/1/01-10/30/02 |
| 18 VAC 65-10-10                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-20                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-30                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-40                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-60                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-70                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-80                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 65-10-100                               | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 75-10-10                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-20                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-30                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-40                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-60                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-70                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-80                                | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 75-10-100                               | Amended | 17:26 VA.R. 3756      | 10/10/01         |
| 18 VAC 85-10-10                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-20                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-30                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-40                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-60                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-70                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-80                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-10-100                               | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-20-131                               | Amended | 18:4 VA.R. 607        | 12/5/01          |
| 18 VAC 85-40-61                                | Added   | 17:13 VA.R. 2097      | 4/11/01          |
| 18 VAC 85-50-10                                | Amended | 17:21 VA.R. 3116      | 8/1/01           |
| 18 VAC 85-50-58                                | Added   | 17:13 VA.R. 2098      | 4/11/01          |
| 18 VAC 85-50-101                               | Amended | 17:21 VA.R. 3117      | 8/1/01           |
| 18 VAC 85-50-130                               | Amended | 17:21 VA.R. 3117      | 8/1/01           |
| 18 VAC 85-50-140                               | Amended | 17:21 VA.R. 3117      | 8/1/01           |
| 18 VAC 85-50-150                               | Amended | 17:21 VA.R. 3117      | 8/1/01           |
| 18 VAC 85-80-10                                | Amended | 17:17 VA.R. 2452      | 6/6/01           |
| 18 VAC 85-80-70                                | Amended | 17:17 VA.R. 2452      | 6/6/01           |
| 18 VAC 85-80-71                                | Added   | 17:17 VA.R. 2452      | 6/6/01           |
| 18 VAC 85-80-72                                | Added   | 17:17 VA.R. 2452      | 6/6/01           |
| 18 VAC 85-80-80                                | Amended | 17:17 VA.R. 2452      | 6/6/01           |

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                             | ACTION  | CITE             | EFFECTIVE DATE   |
|--|---------|------------------|------------------|
| 18 VAC 85-101-150                          | Amended | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-101-151                          | Added   | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-101-152                          | Added   | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-110-100                          | Amended | 18:4 VA.R. 607   | 12/5/01          |
| 18 VAC 85-110-150                          | Amended | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-110-155                          | Added   | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-110-160                          | Amended | 17:17 VA.R. 2452 | 6/6/01           |
| 18 VAC 85-120-10 et seq.                   | Added   | 17:17 VA.R. 2453 | 6/6/01           |
| 18 VAC 90-10-10                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-20                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-30                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-40                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-60                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-70                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-80                            | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-10-100                           | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-20-210                           | Amended | 17:20 VA.R. 2921 | 7/18/01          |
| 18 VAC 90-30-50                            | Amended | 17:13 VA.R. 2098 | 4/11/01          |
| 18 VAC 90-30-110                           | Amended | 17:13 VA.R. 2098 | 4/11/01          |
| 18 VAC 90-40-60                            | Amended | 17:13 VA.R. 2098 | 4/11/01          |
| 18 VAC 90-40-70                            | Amended | 17:13 VA.R. 2098 | 4/11/01          |
| 18 VAC 95-10-10 through 18 VAC 95-10-40    | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 95-10-60                            | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 95-10-70                            | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 95-10-80                            | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 95-10-100                           | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-10-10 through 18 VAC 105-10-40  | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-10-60                           | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-10-70                           | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-10-80                           | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-10-100                          | Amended | 17:24 VA.R. 3566 | 9/12/01          |
| 18 VAC 105-20-60                           | Amended | 17:17 VA.R. 2453 | 6/6/01           |
| 18 VAC 110-10-10                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-20                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-30                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-40                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-60                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-70                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-80                           | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 110-10-100                          | Amended | 17:21 VA.R. 3118 | 8/1/01           |
| 18 VAC 112-10-10 through 18 VAC 112-10-120 | Added   | 18:5 VA.R. 733   | 12/19/01         |
| 18 VAC 112-20-10                           | Amended | 17:25 VA.R. 3657 | 9/12/01          |
| 18 VAC 112-20-10 emer                      | Amended | 18:3 VA.R. 429   | 11/1/01-10/31/02 |
| 18 VAC 112-20-90                           | Amended | 17:25 VA.R. 3658 | 9/12/01          |
| 18 VAC 112-20-130 emer                     | Amended | 18:3 VA.R. 430   | 11/1/01-10/31/02 |
| 18 VAC 112-20-131 emer                     | Added   | 18:3 VA.R. 430   | 11/1/01-10/31/02 |
| 18 VAC 112-20-135 emer                     | Amended | 18:3 VA.R. 431   | 11/1/01-10/31/02 |
| 18 VAC 112-20-136 emer                     | Added   | 18:3 VA.R. 431   | 11/1/01-10/31/02 |
| 18 VAC 112-20-140 emer                     | Amended | 18:3 VA.R. 431   | 11/1/01-10/31/02 |
| 18 VAC 115-10-10                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-20                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-30                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-40                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-60                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-70                           | Amended | 18:1 VA.R. 32    | 10/24/01         |
| 18 VAC 115-10-80                           | Amended | 18:1 VA.R. 32    | 10/24/01         |



## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER   | ACTION   | CITE             | EFFECTIVE DATE |
|--|----------|------------------|----------------|
| 18 VAC 115-10-100  | Amended  | 18:1 VA.R. 32    | 10/24/01       |
| 18 VAC 115-60-20   | Amended  | 17:18 VA.R. 2651 | 6/20/01        |
| 18 VAC 115-60-40   | Amended  | 17:18 VA.R. 2651 | 6/20/01        |
| 18 VAC 115-60-50   | Amended  | 17:18 VA.R. 2651 | 6/20/01        |
| 18 VAC 115-60-120  | Amended  | 17:18 VA.R. 2651 | 6/20/01        |
| 18 VAC 115-60-150  | Amended  | 17:18 VA.R. 2651 | 6/20/01        |
| 18 VAC 125-20-10   | Amended  | 17:12 VA.R. 2026 | 3/28/01        |
| 18 VAC 125-20-30   | Amended  | 17:12 VA.R. 2027 | 3/28/01        |
| 18 VAC 125-20-30   | Amended  | 17:18 VA.R. 2652 | 6/20/01        |
| 18 VAC 125-20-43   | Added    | 17:12 VA.R. 2027 | 3/28/01        |
| 18 VAC 125-20-120  | Amended  | 17:18 VA.R. 2652 | 6/20/01        |
| 18 VAC 125-20-121  | Added    | 17:18 VA.R. 2653 | 6/20/01        |
| 18 VAC 125-20-122  | Added    | 17:18 VA.R. 2653 | 6/20/01        |
| 18 VAC 125-20-123  | Added    | 17:18 VA.R. 2653 | 6/20/01        |
| 18 VAC 125-20-130  | Amended  | 17:18 VA.R. 2654 | 6/20/01        |
| 18 VAC 125-20-160  | Amended  | 17:18 VA.R. 2654 | 6/20/01        |
| 18 VAC 140-10-10   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-20   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-30   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-40   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-60   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-70   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-80   | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-10-100  | Amended  | 17:21 VA.R. 3118 | 8/1/01         |
| 18 VAC 140-20-100  | Amended  | 17:14 VA.R. 2198 | 4/25/01        |
| 18 VAC 140-20-105  | Added    | 17:14 VA.R. 2198 | 4/25/01        |
| 18 VAC 140-20-106  | Added    | 17:14 VA.R. 2199 | 4/25/01        |
| 18 VAC 140-20-110  | Amended  | 17:14 VA.R. 2199 | 4/25/01        |
| 18 VAC 140-20-160  | Amended  | 17:14 VA.R. 2199 | 4/25/01        |
| 18 VAC 150-10-10 through 18 VAC 150-10-40                | Amended  | 17:24 VA.R. 3567 | 9/12/01        |
| 18 VAC 150-10-60   | Amended  | 17:24 VA.R. 3567 | 9/12/01        |
| 18 VAC 150-10-70   | Amended  | 17:24 VA.R. 3567 | 9/12/01        |
| 18 VAC 150-10-80   | Amended  | 17:24 VA.R. 3567 | 9/12/01        |
| 18 VAC 150-10-100  | Amended  | 17:24 VA.R. 3567 | 9/12/01        |
| <b>Title 19. Public Safety</b>                           |          |                  |                |
| 19 VAC 30-40-30  | Amended  | 17:15 VA.R. 2252 | 5/9/01         |
| 19 VAC 30-70-160   | Amended  | 17:15 VA.R. 2252 | 5/9/01         |
| 19 VAC 30-70-530   | Amended  | 17:15 VA.R. 2255 | 5/9/01         |
| 19 VAC 30-150-5  | Added    | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-150-10   | Amended  | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-150-20   | Repealed | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-150-30   | Amended  | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-150-50   | Amended  | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-160-5  | Added    | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-160-20   | Repealed | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-160-30   | Amended  | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-160-40   | Amended  | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-160-45   | Added    | 17:15 VA.R. 2257 | 5/9/01         |
| 19 VAC 30-165-10 et seq.                                 | Amended  | 17:15 VA.R. 2258 | 5/9/01         |
| <b>Title 20. Public Utilities and Telecommunications</b> |          |                  |                |
| 20 VAC 5-309-10  | Amended  | 17:18 VA.R. 2657 | 7/1/01         |
| 20 VAC 5-309-15  | Added    | 17:18 VA.R. 2657 | 7/1/01         |
| 20 VAC 5-309-20  | Amended  | 17:18 VA.R. 2657 | 7/1/01         |
| 20 VAC 5-309-30  | Amended  | 17:18 VA.R. 2657 | 7/1/01         |
| 20 VAC 5-309-40  | Amended  | 17:18 VA.R. 2657 | 7/1/01         |
| 20 VAC 5-309-50  | Amended  | 17:18 VA.R. 2658 | 7/1/01         |

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                     | ACTION   | CITE                  | EFFECTIVE DATE  |
|--|----------|-----------------------|-----------------|
| 20 VAC 5-309-70                                    | Amended  | 17:18 VA.R. 2658      | 7/1/01          |
| 20 VAC 5-309-90 through 20 VAC 5-309-180           | Added    | 17:18 VA.R. 2658-2660 | 7/1/01          |
| 20 VAC 5-312-10 through 20 VAC 5-312-110           | Added    | 17:22 VA.R. 3351-3364 | 8/1/01          |
| 20 VAC 5-312-10                                    | Amended  | 18:4 VA.R. 613        | 10/10/01        |
| 20 VAC 5-312-70                                    | Amended  | 18:4 VA.R. 614        | 10/10/01        |
| 20 VAC 5-312-80                                    | Amended  | 18:4 VA.R. 615        | 10/10/01        |
| 20 VAC 5-325-10 through 20 VAC 5-325-110           | Added    | 17:23 VA.R. 3464-3466 | 7/1/01          |
| 20 VAC 5-400-10 through 20 VAC 5-400-60            | Repealed | 18:4 VA.R. 619-628    | 10/17/01        |
| 20 VAC 5-400-100 through 20 VAC 5-400-170          | Repealed | 18:4 VA.R. 629        | 10/17/01        |
| 20 VAC 5-400-190                                   | Repealed | 18:4 VA.R. 630        | 10/17/01        |
| 20 VAC 5-400-200                                   | Repealed | 18:4 VA.R. 632        | 10/17/01        |
| 20 VAC 5-401-10 through 20 VAC 5-401-50            | Added    | 18:4 VA.R. 619-620    | 10/17/01        |
| 20 VAC 5-403-10 through 20 VAC 5-403-70            | Added    | 18:4 VA.R. 621-627    | 10/17/01        |
| 20 VAC 5-405-10 through 20 VAC 5-405-130           | Added    | 18:5 VA.R. 735-736    | 10/23/01        |
| 20 VAC 5-409-10 through 20 VAC 5-409-70            | Added    | 18:4 VA.R. 627-628    | 10/17/01        |
| 20 VAC 5-411-10 through 20 VAC 5-411-90            | Added    | 18:4 VA.R. 628-629    | 10/17/01        |
| 20 VAC 5-413-10 through 20 VAC 5-413-40            | Added    | 18:4 VA.R. 629        | 10/17/01        |
| 20 VAC 5-415-10                                    | Added    | 18:4 VA.R. 629        | 10/17/01        |
| 20 VAC 5-415-20                                    | Added    | 18:4 VA.R. 629        | 10/17/01        |
| 20 VAC 5-419-10 through 20 VAC 5-419-40            | Added    | 18:4 VA.R. 630-632    | 10/17/01        |
| 20 VAC 5-421-10                                    | Added    | 18:4 VA.R. 632        | 10/17/01        |
| 20 VAC 5-421-20                                    | Added    | 18:4 VA.R. 632        | 10/17/01        |
| <b>Title 21. Securities and Retail Franchising</b> |          |                       |                 |
| 21 VAC 5-10 (Forms)                                | Amended  | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-10                                     | Amended  | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-30                                     | Amended  | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-40                                     | Amended  | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-60 through 21 VAC 5-20-80              | Amended  | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-85                                     | Added    | 17:20 VA.R. 2925      | 7/1/01          |
| 21 VAC 5-20-90                                     | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-120                                    | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-130                                    | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-155                                    | Added    | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-220                                    | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-240                                    | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-280                                    | Amended  | 17:20 VA.R. 2926      | 7/1/01          |
| 21 VAC 5-20-290                                    | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-30-30                                     | Repealed | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-30-60                                     | Repealed | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-30-80                                     | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-30-90                                     | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-10                                     | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-30 through 21 VAC 5-80-70              | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-90 through 21 VAC 5-80-110             | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-160                                    | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-200                                    | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| 21 VAC 5-80-210                                    | Amended  | 17:20 VA.R. 2931      | 7/1/01          |
| <b>Title 22. Social Services</b>                   |          |                       |                 |
| 22 VAC 20-30-10 through 22 VAC 20-30-60            | Amended  | 17:23 VA.R. 3466-3468 | ***             |
| 22 VAC 20-30-70                                    | Repealed | 17:23 VA.R. 3468      | ***             |
| 22 VAC 20-30-80 through 22 VAC 20-30-140           | Amended  | 17:23 VA.R. 3468-3469 | ***             |
| 22 VAC 20-30-150                                   | Added    | 17:23 VA.R. 3469      | ***             |
| 22 VAC 40-71-10 emer                               | Amended  | 17:24 VA.R. 3568      | 10/9/01-10/8/02 |
| 22 VAC 40-71-20 emer                               | Amended  | 17:24 VA.R. 3571      | 10/9/01-10/8/02 |

\*\*\* Effective date suspended in 18:1 VA.R. 32.

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER                                     | ACTION    | CITE                  | EFFECTIVE DATE  |
|--|-----------|-----------------------|-----------------|
| 22 VAC 40-71-30 emer                               | Amended   | 17:24 VA.R. 3572      | 10/9/01-10/8/02 |
| 22 VAC 40-71-50 emer                               | Amended   | 17:24 VA.R. 3572      | 10/9/01-10/8/02 |
| 22 VAC 40-71-60 emer                               | Amended   | 17:24 VA.R. 3572      | 10/9/01-10/8/02 |
| 22 VAC 40-71-80 emer                               | Amended   | 17:24 VA.R. 3573      | 10/9/01-10/8/02 |
| 22 VAC 40-71-90 emer                               | Amended   | 17:24 VA.R. 3573      | 10/9/01-10/8/02 |
| 22 VAC 40-71-110 emer                              | Amended   | 17:24 VA.R. 3573      | 10/9/01-10/8/02 |
| 22 VAC 40-71-130 emer                              | Amended   | 17:24 VA.R. 3574      | 10/9/01-10/8/02 |
| 22 VAC 40-71-150 through 22 VAC 40-71-180 emer     | Amended   | 17:24 VA.R. 3574-3579 | 10/9/01-10/8/02 |
| 22 VAC 40-71-210 emer                              | Amended   | 17:24 VA.R. 3579      | 10/9/01-10/8/02 |
| 22 VAC 40-71-270 emer                              | Amended   | 17:24 VA.R. 3579      | 10/9/01-10/8/02 |
| 22 VAC 40-71-275 emer                              | Added     | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-280 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-290 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-310 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-330 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-360 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-410 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-440 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-450 emer                              | Amended   | 17:24 VA.R. 3580      | 10/9/01-10/8/02 |
| 22 VAC 40-71-460 emer                              | Amended   | 17:24 VA.R. 3581      | 10/9/01-10/8/02 |
| 22 VAC 40-71-480 emer                              | Amended   | 17:24 VA.R. 3581      | 10/9/01-10/8/02 |
| 22 VAC 40-71-490 emer                              | Amended   | 17:24 VA.R. 3581      | 10/9/01-10/8/02 |
| 22 VAC 40-71-530 through 22 VAC 40-71-600 emer     | Amended   | 17:24 VA.R. 3582-3584 | 10/9/01-10/8/02 |
| 22 VAC 40-71-630 through 22 VAC 40-71-700 emer     | Amended   | 17:24 VA.R. 3584-3589 | 10/9/01-10/8/02 |
| 22 VAC 40-130-10 et seq.                           | Withdrawn | 17:17 VA.R. 2456      | --              |
| 22 VAC 40-230-10 et seq.                           | Repealed  | 17:18 VA.R. 2660      | 6/20/01         |
| 22 VAC 40-480-10 et seq.                           | Repealed  | 17:18 VA.R. 2661      | 6/20/01         |
| 22 VAC 40-560                                      | Repealed  | 18:5 VA.R. 736        | 12/19/01        |
| 22 VAC 40-690-10                                   | Amended   | 17:18 VA.R. 2661      | 9/1/01          |
| 22 VAC 40-690-15                                   | Added     | 17:18 VA.R. 2662      | 9/1/01          |
| 22 VAC 40-690-20                                   | Amended   | 17:18 VA.R. 2662      | 9/1/01          |
| 22 VAC 40-690-30                                   | Amended   | 17:18 VA.R. 2662      | 9/1/01          |
| 22 VAC 40-690-35                                   | Added     | 17:18 VA.R. 2663      | 9/1/01          |
| 22 VAC 40-690-40                                   | Amended   | 17:18 VA.R. 2663      | 9/1/01          |
| 22 VAC 40-690-50                                   | Repealed  | 17:18 VA.R. 2664      | 9/1/01          |
| 22 VAC 40-690-55                                   | Added     | 17:18 VA.R. 2664      | 9/1/01          |
| 22 VAC 40-690-55                                   | Erratum   | 17:21 VA.R. 3124      | --              |
| 22 VAC 40-690-60                                   | Amended   | 17:18 VA.R. 2664      | 9/1/01          |
| 22 VAC 40-690-65                                   | Added     | 17:18 VA.R. 2664      | 9/1/01          |
| 22 VAC 40-690-70                                   | Repealed  | 17:18 VA.R. 2664      | 9/1/01          |
| 22 VAC 40-705-10 emer                              | Amended   | 18:5 VA.R. 784        | 1/1/02-12/31/02 |
| 22 VAC 40-705-40 through 22 VAC 40-705-90 emer     | Amended   | 18:5 VA.R. 786-790    | 1/1/02-12/31/02 |
| 22 VAC 40-705-110 through 22 VAC 40-705-160 emer   | Amended   | 18:5 VA.R. 790-794    | 1/1/02-12/31/02 |
| 22 VAC 40-705-180 emer                             | Amended   | 18:5 VA.R. 794        | 1/1/02-12/31/02 |
| 22 VAC 40-705-190 emer                             | Amended   | 18:5 VA.R. 794        | 1/1/02-12/31/02 |
| 22 VAC 40-730-10 emer                              | Amended   | 17:13 VA.R. 2103      | 4/1/01-3/31/02  |
| 22 VAC 40-730-10                                   | Erratum   | 17:25 VA.R. 3679      | --              |
| 22 VAC 40-730-40 through 22 VAC 40-730-100 emer    | Amended   | 17:13 VA.R. 2103-2104 | 4/1/01-3/31/02  |
| 22 VAC 40-790                                      | Repealed  | 18:5 VA.R. 736        | 12/19/01        |
| 22 VAC 40-900-10 et seq.                           | Repealed  | 17:18 VA.R. 2671      | 6/20/01         |
| 22 VAC 40-901-10 through 22 VAC 40-901-30          | Added     | 17:18 VA.R. 2671      | 6/20/01         |
| <b>Title 24. Transportation and Motor Vehicles</b> |           |                       |                 |
| 24 VAC 20-70-30 emer                               | Amended   | 18:3 VA.R. 433        | 9/21/01-9/20/02 |
| 24 VAC 30-40                                       | Repealed  | 18:3 VA.R. 416        | 11/21/01        |
| 24 VAC 30-41-10 through 24 VAC 30-41-760           | Added     | 18:3 VA.R. 416-427    | 11/21/01        |
| 24 VAC 30-61-20                                    | Amended   | 17:17 VA.R. 2456      | 6/6/01          |

---

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

---

| SECTION NUMBER                            | ACTION   | CITE                  | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 24 VAC 30-61-40                           | Amended  | 17:17 VA.R. 2456      | 6/6/01         |
| 24 VAC 30-71-160                          | Amended  | 18:5 VA.R. 737        | 12/19/01       |
| 24 VAC 30-240-10                          | Amended  | 17:18 VA.R. 2671      | 5/1/01         |
| 24 VAC 30-260-10 et seq.                  | Repealed | 17:25 VA.R. 3658      | 7/26/01        |
| 24 VAC 30-280-10                          | Amended  | 17:13 VA.R. 2099      | 2/15/01        |
| 24 VAC 30-280-20 through 24 VAC 30-280-70 | Added    | 17:13 VA.R. 2099-2102 | 2/15/01        |
| 24 VAC 30-370-10 et seq.                  | Repealed | 17:24 VA.R. 3567      | 9/12/01        |
| 24 VAC 30-440-10 et seq.                  | Repealed | 17:14 VA.R. 2200      | 3/6/01         |
| 24 VAC 30-450-10 et seq.                  | Amended  | 17:14 VA.R. 2200      | 3/6/01         |
| 24 VAC 30-460-10                          | Repealed | 17:14 VA.R. 2201      | 3/6/01         |
| 24 VAC 30-520-10                          | Amended  | 17:25 VA.R. 3658      | 7/26/01        |
| 24 VAC 30-520-20                          | Amended  | 17:25 VA.R. 3658      | 7/26/01        |
| 24 VAC 30-540-10                          | Added    | 17:23 VA.R. 3472      | 6/29/01        |
| 24 VAC 30-540-20                          | Added    | 17:23 VA.R. 3472      | 6/29/01        |
| 24 VAC 30-540-30                          | Added    | 17:23 VA.R. 3472      | 6/29/01        |
| 24 VAC 30-540-40                          | Added    | 17:23 VA.R. 3472      | 6/29/01        |
| 24 VAC 30-561-10                          | Amended  | 17:18 VA.R. 2672      | 5/2/01         |

---

# 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 § 2.2-4007 of the Code of Virginia that the Commissioner of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act. The agency invites comment on whether there should be an adviser.

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

Statutory Authority: § 58.1-3230 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Lawrence Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-7679 or e-mail [redford@vdacs.state.va.us](mailto:redford@vdacs.state.va.us).

VA.R. Doc. No. R02-79; Filed November 15, 2001, 3:55 p.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-340. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to repeal the weights and measures regulation. Amendments to the Virginia Weights and Measures Law by the 1993 Session of the General Assembly have rendered the regulation ineffective. The 1993 amendments included the adoption by reference of sections of the National Institute of Standards and Technology (NIST), Handbook 130. The adopted sections of

Handbook 130 replaced and eliminated the need for regulations addressing labeling and method of sale. All remaining provisions are obsolete or are adequately addressed by other state laws or regulations. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-926 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail [jrogers@vdacs.state.va.us](mailto:jrogers@vdacs.state.va.us).

VA.R. Doc. No. R02-80; Filed November 15, 2001, 3:55 p.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-380. Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including extending the complaint deadline. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail [jrogers@vdacs.state.va.us](mailto:jrogers@vdacs.state.va.us).

VA.R. Doc. No. R02-81; Filed November 15, 2001, 3:55 p.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-390. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including clarifying 2 VAC 5-390-10, Methods of Inspecting, Sampling, Testing, and Application Tolerances; repealing 2 VAC 5-390-60, Weed Seeds and 2 VAC 5-390-100, Origin; creating a new section to require the labeling of transgenic seed; and adding a section to allow the sale and distribution of certain second-generation hybrid (F2)

---

# Notices of Intended Regulatory Action

---

seed. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-82; Filed November 15, 2001, 3:55 p.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-420. Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need. Among matters to be considered are amendments to address changes in the marketplace and technology now in use in the petroleum industry; modify the specifications for gasoline and diesel fuel to update all product specifications and testing methods of the American Society of Testing and Materials; establish minimum standards for all gasoline and diesel fuel sold in the Commonwealth; delete certain outdated provisions; amend the registration requirements of gasoline and diesel fuel to comply with the 1992 amendments to the Motor Fuels and Lubricating Oils Law; and update the notation for documents incorporated by reference to reflect all documents incorporated by the aforementioned actions. Since the amendments would be extensive, it is recommended that the amendment be accomplished by the repeal of the existing regulation and by the adoption of a new regulation concurrently. The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 59.1-156 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-84; Filed November 15, 2001, 3:55 p.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-470. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery**

**Stock.** Virginia grape nursery stock growers have shown no interest in participation in this voluntary program for over 10 years. This lack of interest is attributed to the realization that virus-free certified grape nursery stock does not bring any economic benefit when offering the stock for sale. Grape nursery stock that is not certified as virus-free must still meet pest cleanliness requirements or "apparent disease-free" status for interstate movement as required by the Plants and Plant Products Inspection Law (§ 3.1-188.32 et seq. of the Code of Virginia). The agency invites comment on whether there should be an advisor.

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

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

**Contact:** Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793, or e-mail ffulgham@vdacs.state.va.us.

VA.R. Doc. No. R02-83; Filed November 15, 2001, 3:55 p.m.

---

## TITLE 3. ALCOHOLIC BEVERAGES

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-20. Advertising.** The purpose of the proposed action is to (i) implement the changes suggested in the most recent periodic review; (ii) address the possible removal of some of the differences in advertising allowed between spirits, wine and beer; (iii) consider adding amphitheaters to those places where billboard advertising is allowed; and (iv) consider expanding the ability of manufacturers and wholesalers to provide certain promotional items and service items to retailers.

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

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Public comments may be submitted until 5 p.m., January 2, 2002.

**Contact:** Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or e-mail smgillm@abc.state.va.us.

VA.R. Doc. No. R02-74; Filed November 13, 2001, 9:52 a.m.

## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### STATE BOARD OF JUVENILE JUSTICE

#### Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-140. Standards for Juvenile Residential Facilities.** The purpose of the proposed action is to provide standards for post-dispositional detention in accordance with the 2000 Appropriations Act, item 476 A 3 and to reinstate certain historical standards that conform closely to nationally accepted standards.

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

Statutory Authority: §§ 16.1-309.9, 66-10 and 66-25.1 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-43; Filed November 8, 2001, 4:49 p.m.

#### Extension of Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-160. Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System.** The purpose of the proposed action is to establish standards for the form and content of information submitted to the Virginia Juvenile Justice Information System, protect the integrity and the confidentiality of the information, and ensure the security and dissemination of information in accordance with law.

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

Statutory Authority: §§ 16.1-223 and 66-10 of the Code of Virginia.

The public comment period is extended until January 4, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, 700 E. Franklin St., 4th Floor, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

VA.R. Doc. No. R02-42; Filed November 9, 2001, 10:42 a.m.



## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### † Additional Public Comment Period

The State Water Control Board is receiving additional public comment on the Notice of Intended Regulatory Action for 9 VAC 25-760, James River (Richmond Regional West) Surface Water Management Area, published in 18:3 VA.R. 242-244 October 22, 2001. Additional comments will be accepted until January 16, 2002.

**Contact:** Erlinda Patron, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, e-mail elpatron@deq.state.va.us.

VA.R. Doc. No. R02-14; Filed November 28, 2001, 11:43 a.m.



## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120-220. Waivered Services (Home- and Community-Based Care Services for Individuals with Mental Retardation).** The purpose of the proposed action is to provide new requirements and restrict the application of the previously existing regulations to a small population of individuals for this community-based care program for persons with mental retardation in response to requirements from the Centers for Medicare and Medicaid Services, recommendations from the Governor's and Secretary's Task Force, and mandates from the 2000 Session of the General Assembly.

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

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until December 19, 2001, to Tammy Whitlock, Manager, Division of Long Term Care and QA, 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) 786-7959.

VA.R. Doc. No. R02-53; Filed October 17, 2001, 2:48 p.m.

---

# Notices of Intended Regulatory Action

---

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-11. Public Participation Guidelines.** The purpose of the proposed action is to update provisions to include the use of electronic technology to facilitate public participation in rulemaking and to clarify the legal authority for promulgating regulations.

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

Statutory Authority: §§ 2.2-4007 and 37.1-10 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

VA.R. Doc. No. R02-77; Filed November 14, 2001, 1:43 p.m.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** The purpose of the proposed action is to amend the regulations to eliminate standards that duplicate other regulations and to revise and update the provisions.

The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-1747 or FAX (804) 692-0066.

VA.R. Doc. No. R02-78; Filed November 14, 2001, 1:43 p.m.

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene.** The purpose of the proposed action is to promulgate regulations for the registration and profiling of oral and maxillofacial surgeons and for the certification of such persons who want to perform certain cosmetic procedures. The new regulations will replace emergency regulations in effect from December 1, 2001, to November 30, 2002.

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

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until December 19, 2001.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VA.R. Doc. No. R02-55; Filed October 23, 2001, 1:42 p.m.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to (i) modify the requirements for a change of ownership, (ii) provide additional access to licensure by endorsement, (iii) clarify the scope of practice for courtesy card holders, and (iv) require persons who handle remains with a surface transportation and removal service registration to have OSHA training. Other recommendations for the preparation room and its equipment and for documentation of embalming came from a task force on the inspection process. During the development of regulations, the board intends to receive comment on the need to require continuing education renewal and on the definition of a branch establishment. It will also consider any other issues raised during public comment on the Notice of Intended Regulatory Action.

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

Statutory Authority: Chapter 28 (§ 54.1-2800 et seq.) of 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., January 2, 2002.



---

# Notices of Intended Regulatory Action

---

**Contact:** Elizabeth Young Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943, or e-mail etisdale@dhp.state.va.us.

VA.R. Doc. No. R02-73; Filed November 9, 2001, 2:11 p.m.

## BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to amend the regulations concerning the use of certain anesthesia for outpatient surgery in physicians' office.

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

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 5 p.m. on December 19, 2001.

**Contact:** William L. Harp, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, e-mail wharp@dhp.state.va.us.

VA.R. Doc. No. R02-69; Filed October 30, 2001, 10:57 a.m.

## BOARDS OF NURSING AND MEDICINE

### † Additional Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to seek additional comment on the recommendation to amend the regulation governing prescriptive authority for nurse practitioners to provide less burdensome requirements for site visits and chart reviews by supervising physicians, to make certain changes related to expanded prescriptive authority, and to clarify requirements or terminology which are not easily understood. The Notice of Intended Regulatory Action was originally published in 17:10 VA.R. 1449 January 1, 2001.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**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.

VA.R. Doc. No. R01-83; Filed November 20, 2001, 2:56 p.m.

## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-705. Child Protective Services.** The purpose of the proposed action is to implement Chapter 500, 2000 Acts of Assembly (House Bill 1360) that requires a statewide child protective services differential response system.

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

Statutory Authority: §§ 63.1-25, 63.1-248.3 and 63.1-248.6 of the Code of Virginia.

Public comments may be submitted until December 19, 2001.

**Contact:** Betty Jo Zarris, CPS Policy Consultant, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1220 or FAX (804) 692-2215.

VA.R. Doc. No. R02-54; Filed October 17, 2001, 2:15 p.m.

---

## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### DEPARTMENT OF MOTOR VEHICLES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Motor Vehicles intends to consider amending regulations entitled: **24 VAC 20-70. Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The purpose of the proposed action is to amend 24 VAC 20-70-30 by removing subsection D, thereby eliminating acceptability and use of the Residency Certification Form (DL-51) in the application process for driver's licenses and photo identification cards.

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

Statutory Authority: §§ 46.2-203, 46.2-323 and 46.2-345 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

**Contact:** Thomas P. Falat, Assistant Commissioner, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone, (804) 367-1848, FAX (804) 367-6631 or toll-free 1-800-272-9268.

VA.R. Doc. No. R02-76; Filed November 21, 2001, 12:05 p.m.

---

# 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

### VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

**REGISTRAR'S NOTICE:** Virginia Polytechnic Institute and State University is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8 VAC 105-10. Traffic and Parking Regulations (amending 8 VAC 105-10-10 through 8 VAC 105-10-60, 8 VAC 105-10-80, 8 VAC 105-10-100, 8 VAC 105-10-110, 8 VAC 105-10-120, 8 VAC 105-10-125, 8 VAC 105-10-130, 8 VAC 105-10-135, 8 VAC 105-10-137, 8 VAC 105-10-140, 8 VAC 105-10-145, 8 VAC 105-10-147, 8 VAC 105-10-160, 8 VAC 105-10-170, 8 VAC 105-10-180, 8 VAC 105-10-187, 8 VAC 105-10-200 through 8 VAC 105-10-290, 8 VAC 105-10-310, 8 VAC 105-10-315, 8 VAC 105-10-320, 8 VAC 105-10-325, 8 VAC 105-10-330, 8 VAC 105-10-340, 8 VAC 105-10-345, 8 VAC 105-10-350, 8 VAC 105-10-390, 8 VAC 105-10-410, 8 VAC 105-10-430 through 8 VAC 105-10-490, 8 VAC 105-10-510 through 8 VAC 105-10-550; adding 8 VAC 105-10-115, 8 VAC 105-10-131, 8 VAC 105-10-136, 8 VAC 105-10-148, 8 VAC 105-10-149, 8 VAC 105-10-165, 8 VAC 105-10-175, 8 VAC 105-10-401, 8 VAC 105-10-405, 8 VAC 105-10-415, 8 VAC 105-10-416, 8 VAC 105-10-465, 8 VAC 105-10-560, 8 VAC 105-10-570, 8 VAC 105-10-580, and 8 VAC 105-10-590; repealing 8 VAC 105-10-90, 8 VAC 105-10-150, 8 VAC 105-10-300, and 8 VAC 105-10-400).**

Statutory Authority: § 23-9.2:3 of the Code of Virginia.

Agency Contact: Lisa Johnson Wilkes, Assistant to the Executive Vice President, Virginia Polytechnic Institute and State University, 321 Burruss Hall, Blacksburg, VA 24061-0147, telephone (540) 231-5706, FAX (540) 231-4830 or e-mail: lwilkes@vt.edu.

#### Summary:

*The proposed amendments modify permit purchasing requirements; increase or add permit fees; increase fines for violations; eliminate applications for refunds; establish a policy for exchanging a permit when there is a change in student status; add new permit types; alter requirements for special events parking; revise the appeals process; and establish a policy for booting a vehicle.*

#### **8 VAC 105-10-10. Students, faculty, staff, visitors.**

A. The mission of the Parking Services Office is to provide safe and convenient parking areas and to facilitate travel to, from, and within the campus for members of the university community and guests.

B. The university president has appointed an advisory committee so that individuals in the university community can comment on parking and transportation problems and make suggestions as to their solution. The ~~Parking and Transportation Advisory Board~~ and *Parking Committee* makes recommendations on general policies relating to traffic and parking matters on campus. Students, faculty members, and staff members are represented on this committee.

#### **8 VAC 105-10-20. General information.**

A. Traffic and parking regulations, as published by the university and in the Virginia Register of Regulations, will be administered by the Parking Services Office and the University Police Department. These regulations, pursuant to authority granted by § 23-9.2:3 of the Code of Virginia ~~state statute~~ to the board of visitors, are enforceable as laws of the Commonwealth.

B. Regulations are needed to aid in ~~safety~~ *safe* and orderly conduct of university business, as well as to provide parking facilities within the limits of available space. Students are to obey these regulations as a condition of attendance and faculty and staff members are to obey them as a condition of employment.

C. Changes in these regulations and notices about parking regulations for special events are official when published in the Spectrum ~~and, the Collegiate Times, and when listed on the university's administrative display system on the mainframe computer (CMS information screens)~~ *the Parking Services web page (located at <http://www.parking.vt.edu>).*

D. If you have any questions, comments, or suggestions, please call the Parking Services Office at (540) 231-3200 or visit the ~~Visitor Information office at 455 Tech Center on Southgate Drive.~~ *You may also visit the Parking Services web page at <http://www.parking.vt.edu>.*

E. The university shall have no responsibility for loss or damage to any vehicle, or its contents, operated or parked on the Virginia Tech campus.

#### **8 VAC 105-10-30. Permit parking.**

A. The purchase of a permit does not guarantee a parking place, but merely allows for legal parking in an appropriate area.

B. Permits allowing parking in specific areas of the campus. Permits are required from 7 a.m. to 5 p.m., Monday through Friday (unless signed otherwise). This is in effect whenever the university is open for business, including when classes are not in session and during semester breaks. *Permits are not required on weekends (Friday, 5 p.m. – Monday, 7 a.m.), except where otherwise signed.*

**8 VAC 105-10-40. Who must register.**

A. All vehicles, motorcycles, and motor scooters on campus requiring state license plates are required to be registered with the Parking Services Office. Vehicles operated by the faculty, staff, and students in connection with their employment or attendance at Virginia Tech are required to display a parking permit before parking on campus or on specified university-leased property (*government vehicles excluded*). For more information call Parking Services at (540) 231-3200.

~~B. Visitors, vendors, contractors, and university employees who are employed at university remote sites (greater than 25 miles from the main campus) and visiting the university on a short-term basis (30-day maximum) should register for a complimentary visitor permit.~~

~~C. Vehicle registration is valid until the registrant is no longer affiliated with the university as a student, faculty, or staff member, or until the permit expires. All parking permits are the property of the university and must be surrendered to Parking Services when university affiliation either changes or ceases.~~

*B. An individual may register more than one vehicle since the hangtag style permit can be moved from one vehicle to another. Individuals having two vehicles parked on campus at the same time must have each vehicle registered and displaying a permit (see 8 VAC 105-50-140 on Daily Permits for additional information).*

*C. A vehicle can be registered to only one person. Only one permit type per vehicle is allowed. Sharing of permits and other unauthorized use may result in a \$110 fine. If a vehicle is shared by two persons needing different permit types, the Parking Services Office needs to be notified before the vehicle can be registered.*

**8 VAC 105-10-50. How to register purchase.**

A. General.

~~1. An individual may register more than one vehicle since the hangtag style permit can be moved from one vehicle to another. Individuals having two vehicles parked on campus at the same time must have each vehicle registered and displaying a permit.~~

~~2. A vehicle can be registered to only one person. Only one permit type per vehicle is allowed. Sharing of permits and other unauthorized use may result in a \$100 fine. If a vehicle is shared by two persons needing different permit types, the Parking Services Office needs to be notified before the vehicle can be registered.~~

*1. A vehicle is registered once a parking permit is purchased and displayed. Vehicle registration is valid until the registrant is no longer affiliated with the university as a student, faculty, or staff member, or until the permit expires. All parking permits are the property of the university and must be surrendered to Parking Services when university affiliation either changes or ceases.*

*2. Permit prices are as follows:*

| Permit Type                              | Faculty/Staff | Student |
|--|---------------|---------|
| 2 Year Permit                            | \$ 136        | \$ ---  |
| 1 Year Permit                            | \$ 68         | \$ 52   |
| Fall Semester (mid-August – December 31) | \$ 37         | \$ 30   |
| Spring Semester (January – May)          | \$ 37         | \$ 30   |
| Summer Semester (May – End of August)    | \$ 16         | \$ 13   |
| Replacement                              | \$ 6          | \$ 6    |
| Daily Permit                             | \$ 1          | \$ 1    |

*Permits can be paid for using cash, check made payable to "Virginia Tech Treasurer," Visa, and Master Card. Full-time faculty and staff may also pay for permits through payroll deduction. This option is available each year until September 30th.*

*3. The two-year permit is available for full-time salaried faculty and staff. The permit may be purchased during the summer and fall semesters or through the mail program. If payment is made by cash, check, or charge card, the entire price must be paid at the time of purchase. Through payroll deduction, the same amount of \$2.83 is deducted each pay period.*

B. Student registration.

*1. You are recognized as a student until your name has been removed from the student roster. Complete a student registration form. Bring your vehicle information from the Department of Motor Vehicles and Virginia Tech ID to the Visitor Information Center on Southgate Drive Parking Services Office to purchase a parking permit. At the beginning of the Fall and Spring semesters, permits are available at Centralized Student Services in Squires Student Center. If the vehicle must be is not owned by the student or an immediate family member, the student must bring in a letter from the owner granting the student permission to use the vehicle. If the vehicle is owned by another student, the vehicle cannot be registered.*

*2. Vehicles are to be registered no later than the end of the first week of the semester. Students must be parked in designated student areas at all times. This applies whenever the university is open for business, including when classes are not in session and during semester breaks.*

C. Faculty/staff registration.

*1. Complete a faculty/staff registration form and return it to the Parking Services Office before parking on campus. Faculty and staff may also register their vehicle through the mail or at Centralized Student Services in Squires Student Center at the beginning of the Fall and Spring semesters. Faculty and salaried staff employees are required to submit show a Faculty/Staff ID card obtained from the Hokie Passport Office to purchase a permit in person. Wage employees are required to submit an show a wage ID card obtained from the Personnel Office at Southgate Center to purchase a permit. Both ID cards can be obtained from the Hokie Passport Office at 41 Owens Hall.*

---

# Proposed Regulations

---

~~2. Employees must register their vehicle(s) before parking on campus. Employees reregistering their vehicle(s) must do so no later than the expiration date on the previous year's permit.~~

~~3. 2. Full-time salaried employees are eligible to purchase a full-year faculty/staff permit through payroll deduction until September 30th of the current year. Wage employees are not eligible for payroll deduction at this time.~~

~~3. Faculty, staff, and students working on the Virginia Tech campus located in Northern Virginia (NOVA) are also required to register their vehicles by purchasing a Virginia Tech parking permit. Registration forms are available through the Northern Virginia Center (NVC) coordinator. The full-year permits are \$116 and the semester permits are \$62. University employees who work at University remote sites (greater than 25 miles from the main campus) and visiting the university on a short-term basis (30-day maximum) should register for a complimentary visitor permit when visiting the campus.~~

## 8 VAC 105-10-60. How to display.

A. The registration procedure is not complete until the permit is properly displayed on the vehicle (e.g., on the rearview mirror facing the windshield). The permit must be displayed so that it is readable through the window by enforcement officers.

B. Motorcycle permits are to be displayed on the front fork.

C. Bumper stickers are also available for vehicles where the permit cannot be secured inside (e.g., convertibles and soft-tops such as Jeep CJ, Suzuki Samurai, etc.) and are to be affixed to the driver's side rear bumper.

~~D. A vehicle displaying two different types of permits (e.g., displaying a faculty/staff permit and a commuter student permit at the same time) may receive a \$100 unauthorized use fine.~~

## 8 VAC 105-10-80. Lost or stolen permits.

A. There will be no refund or free replacement for lost or stolen permits. Replacement permits may be purchased for \$6.00 after filing a lost/stolen permit report at the Parking Services Office. Purchasers are encouraged to lock their vehicles and safeguard their permits.

B. If the original permit is found, it must be returned to the Parking Services Office. Failure to do so could result in a ~~\$400~~ \$110 unauthorized-use fine.

## 8 VAC 105-10-90. Refunds policy. (Repealed.)

~~As a general rule, refunds for parking permits and citations are not granted.~~

~~To be considered for a refund, the permit or permits must be returned and a refund application form must be completed. Applications for a full refund must be submitted within five working days of the permit purchase date or by the end of the first week of fall semester classes.~~

~~Applications for semester refunds must be submitted by the end of the first week of classes of the semester.~~

## 8 VAC 105-10-100. Issuance of permits.

All parking permits for the categories listed in this part are issued by the Parking Services Office on Southgate located at 455 Tech Center Drive.

## 8 VAC 105-10-110. Resident (on campus).

A. ~~The resident (on campus) permit is available for those students who live in the dorms. Undergraduates living in Main Campbell or Hillcrest are only eligible for Resident permits.~~

B. ~~The resident (on campus) permit allows parking only on the right side of the Resident I-Lot (also called the Cage, which is the fenced lot at west end of Washington Street), and part of the west end of the Stadium D-Lot, (between Lane Stadium and Southgate Drive), and the overflow lot beyond the golf course. Parking is not permitted in the Stadium D-Lot from 44 p.m. the night at certain times before any home football game until the game has started and basketball games, as noted in 8 VAC 105-10-390. See the map in the printed parking guides distributed by the Parking Services Office for specific details regarding parking lots.~~

## 8 VAC 105-10-115. Change in status.

A. ~~If a student's status changes to faculty/staff status before the expiration date on the permit, the student permit must be exchanged for a faculty/staff permit within five working days. Students with wage jobs at Virginia Tech over the summer are not eligible to purchase a faculty/staff permit.~~

B. ~~If a student's status changes from resident to commuter or vice versa, the issued parking permit must be exchanged for the appropriate permit within five working days. Students displaying an incorrect permit will receive a \$110 unauthorized use fine.~~

## 8 VAC 105-10-120. Commuter (off campus).

A. ~~The commuter (off campus) permit is available for students living off campus and in the Oak Lane Community.~~

~~A. B. The commuter (off campus) permit allows parking in the Commuter section of B-Lot (between Perry Street and Prices Fork Road); the left side of the Resident I-Lot (nearest the Vet-Med School at the west end of Washington Street); the commuter section of C-Lot (Wallace/Litton Reeves); and the Track/Soccer lot; the overflow lot beyond the golf course; (at the end of the duck pond); Oak Lane lots; and the Caldwell House Lot (off Turner Street). Commuter permit holders may also park in designated portions of the Coliseum Parking Lot and along Stadium Road (in marked parking spaces), except at specific times as noted in 8 VAC 105-10-390. See the map in the printed parking guide distributed by the Parking Services Office for specific details regarding parking lots.~~

~~B. Parking in commuter lots is prohibited from 2 a.m. to 6 a.m. unless prior arrangements have been made with the Parking Services Office (7:30 a.m. to 5 p.m., Monday through Friday) or the University Police Department all other times. Students cannot use campus parking as residence or nonuniversity business parking or both.~~

## 8 VAC 105-10-125. Graduate.

A. The graduate permit is available for graduate students living off campus, in Main Campbell, Hillcrest, or Special Purpose Housing.

~~A. B.~~ The graduate permit allows parking in all areas listed above in the commuter section. In addition to this, graduate students who qualify for a Teaching Assistant (TA) permit (see the Graduate School at 202 Sandy Hall your department for details) are allowed to park in the TA spaces designated by signs in the B-Lot and the C-Lot.

~~B. Students please note: If student status changes to faculty/staff status before the expiration date on the permit, the student permit must be exchanged for a faculty/staff permit within five working days. Students with wage jobs at Virginia Tech over the summer are not eligible to purchase a faculty/staff permit.~~

## 8 VAC 105-10-130. Faculty/staff permit.

A. The faculty/staff permit allows parking in any legal parking area on campus not restricted by signs (e.g., This includes faculty/staff, commuter, graduate, and resident parking areas. Parking is not allowed in areas restricted by signs such as visitor spaces, service vehicle areas, admissions areas, the right side of the Donaldson Brown Hotel (DBH) Lot, teaching assistant spaces, etc.). See the map in the printed parking guide distributed by the Parking Services Office for specific details regarding parking lots. New employees, see ~~8 VAC 105-10-150~~ 8 VAC 105-10-175.

B. Faculty/staff permits are issued to salaried (full or part-time) and wage employees of the university working on campus or at remote sites within a 25-mile radius. Graduate teaching assistants, graduate research assistants, and part-time salaried or wage employees who are students (taking more than six hours during fall or spring semesters) are not authorized to purchase a faculty/staff permit. ~~Students enrolled in summer classes or returning fall semester with wage jobs at Virginia Tech over the summer are not eligible to purchase a faculty/staff permit.~~

C. If faculty/staff status changes to student status before the expiration date on the permit, the faculty/staff permit must be exchanged for a student permit within five working days. Failure to do so will result in a \$100 unauthorized use fine.

~~D. Parking in faculty/staff lots is prohibited from 2 a.m. to 6 a.m. unless prior arrangements have been made with the Parking Services Office (7:30 a.m. to 5 p.m. Monday through Friday) or the University Police Department all other times. Faculty, staff, and students cannot use campus parking as residence or nonuniversity business parking or both.~~

~~E. D.~~ Employees with 30 years of service are become eligible for a free faculty/staff permit in their anniversary month. Contact the Personnel Services Office at (540) 231-9331 for details.

## 8 VAC 105-10-131. General parking.

If a faculty/staff, commuter, graduate, or resident parking permit is displayed, parking is permitted in areas designated for general parking. These areas include the Visitor

Information Center, the Health and Safety Building, and the Tennis Pavilion.

## PART IV. PERMIT TYPES.

### 8 VAC 105-10-135. Full One-year permits.

~~Full~~ One-year permits go on sale in mid-July and are valid from then until the expiration date on the permit.

### 8 VAC 105-10-136. Two-year permits.

Two-year permits are available for full-time, salaried faculty/staff. These permits go on sale in mid-July of the current year and may be purchased until December. These permits are valid from mid-July until the expiration date on the permit.

### 8 VAC 105-10-137. Semester permits.

Fall semester permits go on sale in mid-July and are valid from then until December 31 of the current year. Spring and summer semester permits are also available.

### 8 VAC 105-10-140. Daily permits.

A. Daily permits are available for \$1 per day for those who drive only occasionally or who bring a second vehicle. Daily permits may be purchased in advance and validated on the date of use.

B. A daily permit allows parking in the area indicated on the permit for any one day selected by the purchaser. ~~The date of use will be blackened in with a pen or marker; pencil markings are not acceptable to validate the permit. The misuse, resale, fabrication, alteration, or unauthorized transfer of daily permits will result in a \$100 fine. If the purchaser is a student taking 6 or more hours, the purchaser must scratch off "C" if the purchaser is a commuter or "G" if the purchaser is a graduate student. If the purchaser is a faculty or staff member, the purchaser must scratch off "F/S." The purchaser must park in a parking lot that corresponds to their affiliation. The permit must be scratched off only for the day the permit is used. The correct month, day, and year must be scratched off. One of each of these fields must be scratched. Failure to scratch off the correct affiliation or the correct field will result in a \$110 parking ticket.~~

### 8 VAC 105-10-145. Hangtag permits.

Hangtag permits are available for the majority of vehicles on campus and can be purchased for two years, the full year, or the semester.

### 8 VAC 105-10-147. Bumper permits.

Bumper permits are available for motorcycles and vehicles where the permit cannot be secured inside (e.g., convertibles and soft-tops such as Jeep CJ, Suzuki, Samurai, etc.). These permits can be purchased for two years, the full year, or the semester. Only one complimentary bumper permit will be given out with the purchase of a regular hangtag permit.

---

# Proposed Regulations

---

## ~~8 VAC 105-10-148 to 8 VAC 105-10-149. [Reserved]~~

### **8 VAC 105-10-148. Commuter alternative program (CAP) permits.**

A. CAP is available to all Virginia Tech students, faculty, and staff who use alternative transportation methods as their primary means of commuting to campus (i.e., riding Blacksburg Transit, bicycling, or walking). Faculty and staff members must have an on-campus office address to register for CAP. Registration for CAP is done on the parking registration form.

B. CAP participants receive 15 free daily permits per semester and access to Emergency Ride Home Services. The Emergency Ride Home Service provides CAP participants with a ride to their vehicle or local residence in case of an emergency. This service is available Monday through Friday, 7:30 a.m. to 5 p.m.

### **8 VAC 105-10-149. Carpool permits.**

A. Two or more commuter or graduate students who choose to ride together can register to be in a carpool. Each carpool applicant must provide proof of separate vehicle ownership.

B. If approved for a carpool permit, participants will receive:

1. One carpool permit at a cost of \$40 per year or \$20 per semester;
2. Reserved carpool spaces in the front student areas of B-Lot, the Coliseum Lot, and C-Lot;
3. Four free daily permits per semester (for days when carpooling is not possible). These permits must be picked up each day one is needed at the Parking Services Office;
4. Emergency Ride Home (available through Parking Services, this service provides carpoolers with a ride to their vehicle or local residence in case of an emergency). The Emergency Ride Home service is available Monday through Friday, from 7:30 a.m. to 5 p.m.

C. Assistance with forming a carpool may be found at the Carpool Rideboard website ([www.transportation.vt.edu](http://www.transportation.vt.edu)).

### **8 VAC 105-10-150. New employee (temporary) parking permits. (Repealed.)**

~~A. All first-time new employees of the university can receive a temporary parking permit. The new employee temporary permit will be valid for not more than 30 calendar days beginning with the first day of paid employment.~~

~~B. The new employee must bring an employment validation form from the hiring department to the Parking Services Office.~~

~~C. It is recommended that this process be completed the first day of employment. Unauthorized use of these permits carries a \$100 fine to the person displaying such a permit.~~

~~D. Full-time Virginia Tech students (taking more than six hours during fall or spring semesters) who are employed by the university are not eligible for a new employee permit. Students enrolled in summer classes or returning fall~~

~~semester with wage jobs at Virginia Tech over the summer are not eligible for new employee permits.~~

### **8 VAC 105-10-160. Visitor permits.**

A. Visitors (nonstudents or nonfaculty/staff) may park in any faculty, staff, visitor, or student parking space if they have a valid visitor parking permit and if space is not restricted by signs. Some areas restricted by signs include handicap spaces, yellow-curbed areas, loading zones, metered spaces, the Owens and Dietrick Dining Hall Lots, service vehicle areas, admissions areas, the right side (as you enter the lot) of the Donaldson Brown Lot, and teaching assistant spaces, sidewalks, grass and the gravel Tennis Court Lot (East Coliseum Lot). It is recommended that visitors use the faculty/staff section of B-Lot, C-Lot (behind Litton Reaves), Coliseum Lot, Derring Hall Lot, Washington Street, Presidents Lot, and Shultz Lot.

B. Visitor parking permits are available through the Visitor Information Center off on Southgate Drive (7:30 a.m. to 5 p.m., Monday through Friday) or at the University Police Department in the Maintenance Complex on off Southgate Drive all other times. Visitor permits must be signed and dated by an authorized parking services or police official and displayed 7 a.m. to 5 p.m., Monday through Friday, unless otherwise signed.

~~B.~~ C. University employees who are employed at university remote sites (greater than 25 miles from the main campus) and are visiting the university on a short-term basis (30-day maximum) may register for a visitor permit.

~~C.~~ D. Visitor permits are not needed on weekends (Friday, 5 p.m. through Monday, 7 a.m.). Metered parking spaces are also available for short-term visitors on campus. Visitors with parking permits may not park free at parking meters.

~~D.~~ Visitors may also park in the faculty/staff section (as you enter the lot, left side) of the Donaldson Brown Hotel and Conference Center (DBH) Lot at the corner of College Avenue and Otey Street across from the DBH. DBH guests may park on the right side of the lot (as you enter the lot) and must display a special parking permit issued by the Donaldson Brown Hotel.

E. If expecting a visitor, a department may contact the Parking Services Office in advance for a visitor parking permit. Students should direct their visitors to pick up a visitor permit at the Visitor Information Center during regular office hours or the Police Department at all other times.

### **8 VAC 105-10-165. Courtesy parking permit.**

A. The courtesy parking permit is available for long-term visitors and special event visitors who visit the campus frequently. Requests for courtesy parking permits may be made at the Parking Services Office.

B. Students and faculty/staff are not eligible for courtesy permits. These permits are only valid when used by visitors (nonstudent or nonfaculty/staff). If the holder of the permit becomes a Virginia Tech employee or student, the permit must be returned to the Parking Services Office at the time of the status change.

**8 VAC 105-10-170. ~~Vendors and contractors Contractor/Vendor/Business parking permit.~~**

~~A. Vendors, contractors, and others who visit the campus frequently can apply for a long-term permit if they present a letter from their company, supervisor or organization. These letters should include the name, social security number, and license plate number of each person who needs a permit, as well as a contact person and contact phone number.~~

~~B. Students are not eligible for vendor, contractor, or long-term visitor permits. Students must park in designated student areas 7 a.m. to 5 p.m., Monday through Friday.~~

~~C. These permits are only valid when used by visitors (nonstudent or nonfaculty/staff). If the holder of the permit becomes a Virginia Tech employee or student, then the permit must be returned to Parking Services at the time of the status change.~~

*All contractor, vendor, and business vehicles must display a university parking permit. This permit will allow the visitor parking access to faculty/staff parking spaces. Contractor/Vendor/ Business permits are priced the same as faculty/staff permits and are available from the Parking Services Office.*

**8 VAC 105-10-175. Temporary or short-term parking permit.**

A. Temporary (new employee) permit.

1. All first-time new employees of the university can receive a temporary parking permit. The new employee temporary permit will be valid for not more than 30 calendar days, beginning with the first day of paid employment.

2. The new employee must bring an employment validation form from the hiring department to the Parking Services Office. It is recommended that this process be completed the first day of employment.

3. Full-time Virginia Tech students (taking more than six hours during fall or spring semesters) who are employed by the university are not eligible for a new employee permit. Students enrolled in summer classes or returning fall semester with wage jobs at Virginia Tech over the summer are not eligible for new employee permits.

B. Temporary departmental loading permits. See 8 VAC 105-10-230.

C. Temporary medical disability permits. See 8 VAC 105-10-200 on handicap parking and 8 VAC 105-10-210 on temporary medical disability permits.

**8 VAC 105-10-180. Turf permits.**

Turf permits are available for state vehicles or contractor issued by the Parking Services Office to all vehicles requiring temporary parking on the grass, except for construction equipment, loaders, graders, etc. Parking Services' management shall decide who may obtain a turf permit. This permit does not allow parking on sidewalks or plazas. Vehicles should not be parked under trees. For more information, refer to University Policy 5000, Section 2.9.12,

point 6, on the university's website ([www.vt.edu/admin/policies/5000/5000.html](http://www.vt.edu/admin/policies/5000/5000.html)).

**8 VAC 105-10-187. Teaching assistant permits.**

Teaching assistant permits are available for graduate students who are teaching a class. See the Graduate School at 202 Sandy Hall your department for details.

**8 VAC 105-10-200. Handicap parking.**

A. Handicap parking spaces on campus are exclusively for those persons displaying state-authorized DMV handicap license plates or permits. These permits are available to any individual who has a disability of six weeks or longer duration. The Virginia Department of Motor Vehicles office nearest Virginia Tech is located at Route 114 (Peppers Ferry Road) and Walters 385 Arbor Drive in Christiansburg (telephone (540) 382-5000 381-7171). Only state DMV handicap permits or license plates allow parking in handicap spaces. State DMV handicap permits also allow free parking at metered spaces.

B. Faculty members, staff members, and students with handicap passes or plates are required to obtain a Virginia Tech parking permit to park on campus.

C. Unauthorized vehicles parked in handicap spaces will be ticketed and towed at the owner's expense. See 8 VAC 105-10-450 on vehicle towing for details on recovering a car.

D. Handicapped individuals may also use the Blacksburg Transit Para-Transit system, which has lift-equipped vehicles for on- and off-campus transportation needs. Call (540) 961-1803 for more information.

**8 VAC 105-10-210. Temporary medical disability permits (TMD).**

A. A Virginia Tech temporary medical disability permit (TMD) is available for students having mobility impairments lasting six weeks or less. If the disability qualifies for a handicap permit, it should be obtained from the Virginia Department of Motor Vehicles. Virginia state laws prohibit the use of TMD permits at handicap spaces at any time.

B. TMD permits allow students to park in faculty/staff area, and are valid only with a Virginia Tech commuter, graduate, or resident parking permit. Persons with TMD passes may park in metered spaces as long as the meter is kept current with the proper amount of coins.

C. A temporary medical disability permit can be obtained at the office of Parking Services Office by completing a request form and presenting a request slip from the Student Health Services or a doctor's statement. This documentation must include how long the disability requires special parking.

D. Unauthorized use of a TMD permit carries a \$400 \$110 fine to the person displaying such a permit.

**8 VAC 105-10-220. Temporary or short-term parking.**

Permission may be obtained from the Parking Services Office (7:30 a.m. to 5 p.m., Monday through Friday) or the University Police Department at all other times for temporary or short-term parking for emergencies and for loading and unloading only. Parking under this arrangement includes all

---

# Proposed Regulations

---

legal spaces. This does not include parking in fire lanes, bus lanes, yellow-curbed areas, roadways, air intakes zones, handicap spaces, or metered spaces. Permission must be obtained before parking, and only the Parking Services Office and the University Policy Department are authorized to grant such permission.

Anyone with a parking problem should contact the Parking Services Office to seek a possible solution before parking illegally. Emergency flashers or signs on a windshield indicating the vehicle is disabled or loading/unloading are not acceptable notification.

## **8 VAC 105-10-230. Loading/unloading.**

A. Long-term parking is prohibited at loading docks and other areas used for loading. Thirty minutes is the maximum time allowed for loading and unloading. A current Virginia Tech parking permit and prior authorization are required ~~from 7 a.m. to 5 p.m. weekdays~~ to use this service. Authorization, recorded on the Parking Services green log sheet, can be obtained by calling Parking Services 7:30 a.m. to 5 p.m. Monday through Friday, or the University Police Department all other times. Please have ~~available~~ your license plate number and permit number *available when you call*. After the vehicle has been loaded or unloaded, it should be moved to a legal parking space. Vehicles in violation of this policy will be ticketed or towed at the owner's expense or both. The policy is enforced 24 hours a day, 7 days a week.

~~B. Resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays. A maximum of 30 minutes is allowed and a call to the Parking Services Office is not necessary. However, Owens and Dietrick Dining Hall lots are reserved exclusively for faculty and staff parking 6 a.m. to 4 p.m., seven days a week.~~

*B. Students, faculty, and staff who need to load/unload on a regular basis may have their department request a Temporary Departmental Loading Permit. A Virginia Tech parking permit must be displayed along with this permit. Request forms can be obtained from Parking Services and should be filled out by the departmental liaison, supervisor, or course advisor.*

*C. Resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays. You are allowed a maximum of 30 minutes and a call to the Parking Services Office is not necessary. However, Owens and Dietrick Dining Hall lots and the Tennis Court lot are reserved exclusively for faculty and staff 24 hours a day, seven days a week.*

## **8 VAC 105-10-240. Disabled vehicles.**

A. The Parking Services Office and the University Police Department should be notified immediately if an automobile is disabled. Emergency flashers or signs on the windshield indicating the vehicle is disabled are not sufficient. Any disabled vehicle in a roadway, blocking traffic, creating a hazard, or illegally parked in a handicap space will be towed immediately at the owner's expense. If the disabled vehicle is parked in a legal parking space, it is to be removed within 24 hours.

B. The parking lots are not designed or intended for automobile repairs. If repairs become necessary, permission

must be secured from the Parking Services Office or the University Police Department. Permission will be granted only for minor repairs and never for more than 24 hours.

*C. The Parking Enforcement Officers are now available to assist motorists in repairs such as jump starting vehicles and tire inflation. They also can assist motorists who have been locked out of their vehicles or run out of gas. This service (MAP: Motorist Assist Program) is available Monday through Friday, 8 a.m. to 9 p.m. by calling (540) 231-3200. These services can only be provided in areas where a University parking permit is required.*

## **8 VAC 105-10-250. Special-event/special group parking.**

~~Contact the Parking Services Office at least two weeks prior to the event for special parking arrangements.~~

*A. Four weeks prior to an event, coordinators for large special events that anticipate more than 50 participants need to contact the Parking Services Office at (540) 231-7633 for parking coordination.*

*B. The Parking Services Office will provide the following services for special event parking:*

- 1. Identify the most appropriate parking location for event participants. In most cases this will be in perimeter lots;*
- 2. Advise how to schedule convenient shuttles to bring participants from the designated event lot to the event location;*
- 3. Coordinate event parking permits;*
- 4. Coordinate placement of appropriate lot signs; and*
- 5. Assist in assignment and training of lot attendant, if needed.*

*C. Parking Services hopes that the use of Special Event Parking will lead to a reduction in the rate of conflict between the needs of parking customers on campus.*

## **8 VAC 105-10-260. Residence hall move-in/move-out.**

A. Special parking arrangements are in effect for these periods. ~~One hour~~ *Thirty minutes* is the maximum time allowed for move-in/move-out. Unless otherwise directed, there will be no parking on the grass or on sidewalks. Call the Parking Services Office for more information.

B. Faculty/staff areas affected by move-in and move-out are Washington Street, Kent Street, Owens Dining Hall Lot, Dietrick Dining Hall Lot, Shultz Dining Hall Lot, Aggie Quad Lot, Engel Lot, Coliseum Lot, Tennis Court Lot, and the south side of the Drillfield (War Memorial Gym area). Faculty/staff are asked to find alternative parking in C-Lot (Wallace/Litton Reaves), Stanger Lot, B-Lot (behind Whittemore and Derring) and the gravel overflow lot beyond the golf course at the end of the Duck Pond. Faculty/staff should watch for additional information on signs posted in parking lots and in campus publications.



## 8 VAC 105-10-270. Enforcement authority.

A. Only designated Parking Services and University Police Department employees shall have the authority to enforce the parking rules and regulations herein established.

B. The university reserves the right to prohibit or restrict parking on university-owned or university-leased property for special circumstances. Any individual who accumulates 10 or more unpaid citations in an academic year is considered to be abusing parking privileges and may lose parking privileges on campus for the remainder of that period. Parking Services reserves the right to confiscate the parking permit attached to such a vehicle, and there will be no refund to the owner of that permit. In addition, the vehicle may be towed from campus at the owner's expense.

*C. If the vehicle is parked illegally in the same space over 24 hours or on consecutive days, it may receive additional citations. Vehicles parked illegally and then moved to another illegal space may also receive additional citations.*

## 8 VAC 105-10-280. Expired meter.

A. Virginia Tech has parking meters available to meet short-term parking needs of visitors, faculty, staff, and students. Most meters take nickels, dimes, and quarters. ~~The 10 meters nearest the War Memorial Gym are reserved for faculty, staff and visitors only.~~ Parking permits (including visitor permits) never allow free parking at meters.

B. Any parking meter covered with a white cover indicates "general parking," a yellow cover indicates "no parking," and a red cover indicates "reserved parking only." A parking space that has a post with no meter head may be used by anyone authorized to park in that area.

C. Meters are enforced from 7 a.m. to 5 p.m., Monday through Friday with the exception of the meters in the Bookstore lot which are enforced from 7 a.m. to 5:30 p.m., seven days a week. Vehicles parking at meters for an excessive amount of time can be ticketed more than once.

D. Please notify the Parking Services Office before moving a vehicle from a defective meter so that the meter may be checked immediately. ~~Additionally, failure to completely turn the handle on a meter after inserting coins also constitutes an expired meter violation.~~

## 8 VAC 105-10-290. Parking in an unauthorized area.

A. Resident, commuter, and graduate student permit parking is prohibited on campus streets and in faculty/staff parking areas (except where signs designate otherwise) from 7 a.m. to 5 p.m., Monday through Friday. Parking at other times may also be prohibited as announced and/or posted in all parking areas.

B. Overnight parking (2 a.m. to 6 a.m.) on campus is prohibited ~~unless~~ *except for university business. Residents displaying a resident parking permit are allowed to park in resident parking lots overnight. Nonresidents may park overnight if they have made prior arrangements have been made* with Parking Services (7:30 a.m. to 5 p.m., Monday through Friday), or the University Police Department all other

times. Faculty, staff and students cannot use campus parking as residence *and/or* nonuniversity business parking.

C. The policy for loading and unloading vehicles is outlined in 8 VAC 105-10-230. *Long-term parking in service vehicle spaces is also prohibited.*

D. The parking lot across from the Donaldson Brown Hotel and Conference Center (DBH) and in front of Squires Student Center is divided into two sections. The left side (closest to Squires) is reserved for faculty/staff from 7 a.m. to 5 p.m., Monday through Friday. Students may park on this side after hours and on weekends, unless otherwise signed. The right side of the DBH lot is reserved for DBH guests (nonstudents or nonfaculty/staff) 24 hours a day, seven days a week. ~~Only visitors and DBH guests (nonstudents or nonfaculty/staff) are allowed to park in this half of the lot and must display a DBH parking permit.~~

*Only vehicles displaying a faculty/staff permit are allowed to park in the Owens and Dietrick Dining Hall Lots. These lots are reserved for faculty/staff 24 hours a day, seven days a week.*

*The drillfield is reserved for only faculty/staff from 7 a.m. to 5 p.m., Monday through Friday. From 5 p.m. to 8 p.m., Monday through Friday, the drillfield is reserved for only faculty/staff and graduate students.*

*The gravel Tennis Court Lot (between the Coliseum and the tennis courts) is reserved for faculty/staff only. There is no parking in this lot after 5 p.m. or on weekends.*

E. Persons registered with Parking Services who receive an "Unauthorized Area" citation ~~because of not displaying a hangtag and parked in an authorized area for failing to display a permit~~ may request that their citation be voided. ~~To~~ *Persons must make this request a void form must be completed to Parking Services within 10 calendar days of citation issuance. Forms are available at the Parking Services Office and are to be filled out in person. These forms are necessary to comply with audit procedures.* This request may be made a maximum of three times within an academic year.

F. Parking in designated service vehicle spaces (between white-painted control lines) is allowed after hours (5 p.m. to 7 a.m.) and on weekends unless signed otherwise. ~~Some~~ *All* service vehicle ~~areas~~ *drives* are ~~considered to be fire lanes with no parking zones 24 hours a day, seven days a week. These areas include, but are not limited to, the Field House, Cochrane, Ambler, Johnston, Cowgill, Miles, Pritchard Pritchard, Litton Reaves, and Saunders. Service drives and loading docks are also restricted 24 hours a day, seven days a week. Regular service spaces are available for use after normal business hours (between 5 p.m. and 7 a.m., Monday through Friday) and on weekends, unless signed otherwise.~~

G. Note: If you forget your ~~hangtag permit~~ on any given day, stop by the Parking Services Office to verify your registration and obtain a temporary one-day permit before parking on campus. ~~There is no charge for this permit. The first daily permit is free and additional permits are \$1.00 per day.~~

H. Vehicles not registered with Parking Services prior to parking on campus will receive an "Unauthorized Area" citation.

---

# Proposed Regulations

---

## **8 VAC 105-10-300. ~~Parking on a yellow curb. (Repealed.)~~**

~~Yellow painted curbs, poles, and lines including those inside the parking lots and at loading docks, indicate no parking. Yellow curbs designate safety zones established by traffic engineers to facilitate free and safe movement of emergency vehicles and other traffic moving into and out of the area.~~

## **8 VAC 105-10-310. Parking in a no parking zone.**

Parking is *only* permitted in authorized, clearly identified parking spaces ~~only~~. Parking is not allowed in or on lawns, grass, loading zones, pedestrian crosswalks, handicap spaces, handicap access ramps, yellow lines or curbs, service drives, service vehicle spaces, and unmarked areas without specific authorization. Parking on any sidewalk is prohibited at all times. Bagged or covered signs indicate special purpose or no parking. *Note that handicap access ramps are the striped spaces next to handicap spaces and are considered part of the handicap zone. Refer to University Policy 5000, Section 2.9.12, points 1-6, on the internet ([www.vt.edu/admin/policies/5000/5000.html](http://www.vt.edu/admin/policies/5000/5000.html)) for more details.*

## **8 VAC 105-10-315. Parking in a roadway.**

Parking is *only* permitted ~~only~~ between white-painted control lines. ~~If no control lines exist, Do not park there in areas outside the white-painted control lines since these are considered to be roadways.~~ Roadways designate safety zones established by traffic engineers to facilitate free and safe movement of emergency vehicles and other traffic moving into and out of the area. This applies to all areas whether they are painted yellow or not.

## **8 VAC 105-10-320. Other (miscellaneous no parking situations).**

A. Vehicles are not permitted to occupy multiple spaces (double parking), park facing in the wrong direction, etc. This violation may also include any of the no parking zones mentioned in 8 VAC 105-10-310 and 8 VAC 105-10-315.

B. Motorcycles are allowed to park in designated motorcycle areas denoted by "P" signs (~~"P" means "any university parking permit"~~). If parked in a regular vehicle space, the motorcycle must display the permit type required in that lot (~~e.g., a faculty/staff permit is necessary in any non-motorcycle space within a faculty/staff lot~~). *Other types of vehicles are not to be parked in areas designated for motorcycles.*

## **8 VAC 105-10-325. Emergency snow route policy.**

When there is ~~an any~~ accumulation of ~~three or more inches of~~ snow, ~~emergency snow routes (Washington Street, Kent Street, Drillfield, and most other campus all streets)~~ and parking lots will have to be cleared of parked vehicles for the process of snow removal. Parking on emergency snow routes and most other areas of campus will be prohibited until the snow has been removed. Any vehicle parked so that it obstructs or interferes with the process of snow removal may be ticketed and towed at the vehicle owner's expense. *Please adhere to media broadcasts as well as posted signs.* During time of inclement weather, please call (540) 231-3200 for specific information on available campus parking. *When Virginia Tech is closed, only emergency personnel should park on campus.*

## **8 VAC 105-10-330. Overtime parking.**

Timed parking areas (e.g., in front of Burruss, drop-off spaces by the library, ATM spaces at the bookstore, etc.) are strictly enforced to provide limited, short-term parking for the purposes of brief business in certain areas by ~~faculty, staff and students~~ *all university users*. Vehicles parked in excess of time restrictions indicated on courtesy permits will also be in violation of overtime parking.

## **8 VAC 105-10-340. Parking in a handicap zone.**

Handicap parking spaces on campus are exclusively for those persons displaying *valid* state-authorized DMV handicap license plates or permits. Unauthorized vehicles parked in a handicap space will be ticketed and towed at the owner's expense. *It is also a violation to park in handicap access ramps, which are the striped spaces next to handicap spaces.*

## **8 VAC 105-10-345. Parking in a fire lane, bus lane or air intake.**

Vehicles parked in fire lanes (~~usually designated by yellow curbs, striping or signs~~), bus lanes (designated by BT signs), or air intake areas (~~behind Pamplin, Southgate, by the Power House, or as designated by air intake signs~~) will be ticketed or towed, or both, at the owner's expense.

## **8 VAC 105-10-350. Unauthorized use of permit.**

A. The misuse, resale, fabrication, alteration, or unauthorized transfer of a Virginia Tech parking permit is illegal. Permits are ~~to be used only by the original purchaser, and are required to be purchased from the Parking Services Office. Permits are to be used only by the original purchaser, and only on vehicle(s) registered with Parking Services.~~ Vehicles displaying lost, stolen, or fraudulent Virginia Tech parking permits will be ticketed, immobilized and/or towed immediately. Campus police will be notified.

B. "Unauthorized Use of Permit" violations will be assessed against the person who purchased the permit or the person to whom the vehicle is registered with the DMV. An "Unauthorized Use of Permit" citation carries a \$100 \$110 fine and may carry a judicial referral and/or criminal charge. ~~Vehicles may also be towed or immobilized.~~

## **8 VAC 105-10-390. Football and basketball parking restrictions.**

A. Parking in the Coliseum Lot, C-Lot (Wallace/Litton Reaves), ~~Cochrane/Engle Stadium Lot, Tennis Court Lot, Maintenance Lot, Jamerson Lot, the Track/Soccer Lot,~~ and along Spring and Stadium Roads Road is strictly forbidden when posted by signs at the following times:

1. After ~~7~~ 5 p.m. on the ~~day~~ Friday before a Saturday home varsity football game or weekend home varsity basketball game until the game has started.
2. After 5:15 p.m. on the day of a weekday home varsity For three hours before a men's or women's home basketball game until the game has started.
3. ~~The Lane Stadium lot is also restricted from parking after 11 p.m. the night before all home football games until the game has started.~~

~~4. Parking in the lots mentioned above is restricted during any other special event when prior notice is given by the posting of signs the morning of the event. Failure to comply with these restrictions will result in the vehicle being ticketed or towed, or both, at the owner's expense.~~

*B. Failure to observe these regulations may result in towing. Visit the Parking Services web site before each game for specific regulations ([www.parking.vt.edu](http://www.parking.vt.edu)) or call Parking Services at (540) 231-3200.*

*C. Parking in the lots mentioned above is restricted during any other special event when prior notice is given by the posting of signs the morning of the event. Failure to comply with these restrictions will result in the vehicle being ticketed or towed, or both, at the owner's expense. Special parking arrangements can be made by calling Parking Services 7:30 a.m. to 5 p.m. and the University Police Department after hours.*

*D. There will be a per game charge to park in designated public lots and Hokie Club lots located on the Virginia Tech campus. Virginia Tech faculty/staff and students who have purchased a Virginia Tech parking permit are exempt from this charge. For more information call 1 (800) VA TECH 4 or visit the athletic web site at [www.HokieSports.com](http://www.HokieSports.com).*

#### **8 VAC 105-10-400. ~~Special Purpose and Graduate Housing parking. (Repealed.)~~**

~~A. All residents of Special Purpose Housing, Hillcrest Graduate Housing, and Main Campbell Graduate Housing qualify for commuter or graduate parking permits. Special permits are required to be used in conjunction with the Virginia Tech commuter or graduate parking permits. These permits will be issued to students designated by the Housing Office.~~

~~B. Residents of Special Purpose Housing are only allowed to park overnight in the Special Purpose Housing Lot. They must display both a Virginia Tech parking permit and the white Special Purpose Housing permit issued by the Housing Office. Visitors to the complex should park in the gravel overflow lot adjacent to the Duck Pond on Oak Lane.~~

~~C. Residents of Main Campbell and Hillcrest are only allowed to park overnight in the Litton Reaves/Wallace Lot (C-Lot). They must display both a student parking permit and the blue RPKG permit issued by the Housing Office.~~

#### **8 VAC 105-10-401. Oak Lane Community and graduate housing parking.**

*A. Undergraduate residents of the Oak Lane Community (Special Purpose Housing) qualify for a commuter permit and graduate residents qualify for a graduate permit.*

*B. Residents of the Oak Lane Community (OLC) are only allowed to park overnight in the Oak Lane Community Lot. When parking from 7 a.m. to 5 p.m., residents of Oak Lane Community must display both a Virginia Tech parking permit and the Oak Lane Community permit issued by Parking Services.*

*C. Visitors to the Oak Lane Community should park in the Overflow Lot adjacent to the Duck Pond on Oak Lane. Visitors*

*need to make prior arrangements for transportation from the Overflow Lot to the Oak Lane Community. Residents of the Oak Lane Community and the Blacksburg Transit are convenient sources for such transportation. The faculty/staff spaces at Oak Lane are enforced 24 hours a day, seven days a week.*

*D. Students displaying an Oak Lane decal and a Virginia Tech Commuter parking permit together will be allowed to park in the following faculty/staff spaces, Monday through Friday, at the following times:*

- 1. Owens Lot, 4:30 p.m. to 9:30 p.m.; and*
- 2. Dietrick Lot, 4:30 p.m. to 12:30 a.m.*

*This permit does not allow parking in areas restricted by signs, handicap spaces, yellow curbed areas, loading zones, service vehicle zones, timed areas, sidewalks, grass, admission areas, or the right side of the Donaldson Brown Hotel Lot. This permit does not allow free parking in metered spaces.*

*E. Oak Lane Community permits are available through Parking Services and they are only available to Oak Lane residents.*

*F. Graduate students residing in Main Campbell are only allowed to park overnight in the Litton Reaves/Wallace Lot (C-Lot). They must display both a Virginia Tech parking permit and the RPKG permit issued by the Housing Office. This only applies to graduate students living in Main Campbell. Undergraduate students living in Main Campbell are only eligible for a Resident permit.*

#### **8 VAC 105-10-405. McComas Health Center.**

*The signed parking spaces closest to McComas Hall are restricted to emergency vehicles, medical personnel, and patients using the Student Health Center. Patients using the facility need to sign in on a log sheet located in the medical records office and display a valid Virginia Tech parking permit when parked in these spaces.*

#### **8 VAC 105-10-410. Golf Course, Tennis Pavilion, and Rec Field, and Field House Parking.**

*A. Individuals may park in the specially designated parking areas at the Golf Course only while registered at the clubhouse and playing golf. A Virginia Tech parking permit is required to park in this area.*

*B. While playing tennis, players must be registered at the Tennis Pavilion. A Virginia Tech parking permit is required to park in the area adjacent to the pavilion.*

*C. Parking behind the Field House is only permitted for handicapped patrons and service vehicles 24 hours a day, seven days a week. Handicap and service vehicle permits are required to park there.*

*D. Additional parking for participants at the Tennis Pavilion, Rec Field, and Field House is available in the ~~general parking Stadium D~~-lot below Lane Stadium. A Virginia Tech parking permit is required to park in this lot.*

# Proposed Regulations

## 8 VAC 105-10-415. Carpool permits.

A. Two or more commuter/graduate students who choose to ride together can register to be in a carpool. Each carpool applicant must provide proof of separate vehicle ownership.

B. If approved for a carpool permit, participants will receive:

1. One carpool permit -- \$40/year, \$20/semester;
2. Reserved carpool spaces in the front student areas of B-Lot, the Coliseum Lot, and C-Lot;
3. Four free daily permits/semester (for days when riding in a carpool is not feasible);
4. Emergency Ride Home (available through Parking Services, this service provides carpoolers with a ride to their vehicle or local residence in case of an emergency). This service is available Monday through Friday, from 7:30 a.m. to 5 p.m.

C. Individuals may visit the Carpool Rideboard web page ([www.transportation.vt.edu](http://www.transportation.vt.edu)) for assistance in locating carpool participants.

## 8 VAC 105-10-416. Motorist Assist Program.

The Parking Enforcement Officers are now available to assist motorists in repairs such as jump starting vehicles and tire inflation. They also can assist motorists who have been locked out of their vehicles or run out of gas. The Motorist Assist Program (MAP) service is available Monday through Friday, 8 a.m. to 9 p.m. by calling (540) 231-3200. These services can only be provided in areas where a university parking permit is required.

## 8 VAC 105-10-430. Fines and violations.

A. All citations need to be paid or appealed within 10 calendar days. Failure to pay the citation and formally appeal or pay a citation negates any right to further address the violation citation. Paying a ticket is not an admission of guilt. If the ticket is overturned after review, a refund will be mailed to the appellant.

B. Fines for parking violations citations are as follows:

1. Most parking violations are \$10 each.
2. Expired meter and bicycle violations are \$10.
3. Parking in a handicap space, handicap access, fire lane, bus lane or air intake area is a \$50 violation.
4. Unauthorized or fraudulent use of a Virginia Tech parking permit is a \$100 violation.

| CITATION DESCRIPTION             | CITATION FINE |
|----------------------------------|---------------|
| Warning                          | \$0           |
| Bicycle                          | \$20          |
| Expired Meter                    | \$25          |
| Parking in an Unauthorized Area  | \$30          |
| Parking on a Yellow Line or Curb | \$30          |
| Parking in a No Parking Zone     | \$30          |
| Parking in a Roadway             | \$30          |
| Other or Service Vehicle Only    | \$30          |
| Overtime Parking                 | \$30          |

|                               |       |
|-------------------------------|-------|
| Fire, Bus, or Air Intake Lane | \$60  |
| Parking in a Handicap Zone    | \$110 |
| Unauthorized Use of a Permit  | \$110 |

C. Parking fines not received at the Office of the University Bursar or Parking Services within 10 days from the date of citation issuance, or postmarked within seven days of issuance shall result in an additional \$10 late fee unless the citation is under appeal. Payments sent through the U.S. mail must be postmarked within seven days of citation issuance. Payments sent through campus mail must be received by the 10th day of citation issuance. Lost, stolen, or misplaced citations do not excuse the late fee.

All student accounts with citations 30 days past due will be blocked regardless of amount. All accounts that are over \$100 will be blocked immediately. Accounts must be paid in full for the block to be removed. In addition to blocking accounts, grade transcripts may be withheld until the account is paid in full.

D. Faculty and staff fines may be handled as a payroll deduction, as an offset against Commonwealth of Virginia Vendor Debt Setoff Program, or assessed against any other money due from the university, or both. Nonpayment of fines may result in blocked class registration and/or withheld grade transcripts, or both. Outstanding fines may also be given to a collection agency. Accounts sent to collections will be assessed an additional collection cost.

E. When a vehicle is found to be in violation, fines are assessed to:

1. The person who purchased the university permit displayed on the vehicle.
2. (If no parking permit has been issued for the vehicle) the person, company, corporation, or firm in whose name the vehicle is registered with the Virginia Department of Motor Vehicles or the corresponding agency of another state or nation;
3. The son, daughter, spouse, or ward of the registered owner enrolled in or employed at Virginia Tech.

## 8 VAC 105-10-440. Payment of parking fines.

A. Parking fines may be paid by:

1. Paying in person at Burruss Hall:
  - a. If the citation is less than 10 days old, pay at Burruss Hall, second floor, window 8 4.
  - b. If the citation is over 10 days old, go to Burruss Hall, second floor, window 7. Pick up a remittance form and pay at this window four or five. If you already have a remittance form, you can go directly to window four or five.
2. Mailing citation and payment through U.S. mail. Payment envelope must be postmarked no later than seven days from the date of citation issuance to avoid a late fee. Mail to:

Office of the University Bursar  
233 Burruss Hall  
Virginia Tech (0143)

Blacksburg, VA 24061-0143

3. Depositing the citation and payment in the lock box outside the ~~Visitor Information Center on Southgate Drive~~ *Parking Services Office*. Payment must be received in *Burruss Hall* by the 10th day of citation issuance to avoid a late fee. *Payments dropped off in the lock box outside the Visitor Information Center will be taken to Burruss on the next business day.*

4. Mailing citation and payment through campus mail to the Office of the University Bursar, campus mail code 0143. Payment must be received by the 10th day of citation issuance to avoid a late fee.

B. Checks should be made payable to: Treasurer, Virginia Tech.

C. Do not send cash through the mail or deposit cash in lock box.

PART XI.  
~~IMMOBILIZATION~~ TOWING AND BOOTING POLICY  
(TOWING).

**8 VAC 105-10-450. Vehicle towing.**

A. Vehicles may be ticketed, ~~immobilized~~ or towed, or ~~any combination of these both~~, at the owner's expense *whenever a vehicle is illegally parked or under the following circumstances:*

1. ~~For vehicles~~ *When a vehicle is displaying a lost, stolen, or fraudulent Virginia Tech parking permits permit.*

2. When a vehicle is illegally parked in a handicap area, handicap access, or fire lane (such towing is required by state law).

3. When a vehicle is illegally parked, restricting traffic, or creating a traffic hazard (*i.e., roadways, curbs, bus lanes, etc.*).

4. When ~~three \$200 or more in unpaid citations and late fees have accumulated in Accounts Receivable. Please note: any individual who accumulates 10 or more unpaid citations in an academic year is considered to be abusing parking privileges and may lose parking privileges on campus for the remainder of that period. Parking Services reserves the right to confiscate the parking permit attached to such a vehicle and there will be no refund to the owner of that permit.~~

5. When vehicles are parked on designated emergency snow routes. (~~Washington Street, Kent Street, Drillfield and most campus streets and parking lots.~~ For more details see 8 VAC 105-10-325.)

6. When vehicles are parked in violation of ~~football and basketball game restrictions~~ *an athletic event restriction.*

7. If notified by the Parking Services Office or the University Police Department to move a vehicle, and the owner ~~or user~~ does not accomplish this move within the specified time.

8. When a vehicle is parked illegally at a loading dock, air intake area, or bus lane.

9. *When a vehicle is parked in any manner deemed unsafe by Parking Enforcement officers or when parked in violation of signs or verbal orders given by Parking Enforcement or police officers.*

10. *When a vehicle is considered by Parking Enforcement or police officers to be abandoned (i.e., not displaying a state license plate or state inspection sticker, or when a vehicle has been parked on campus for more than 48 hours with no contact by the owner to Parking Services or the Police Department).*

B. According to state law, if the tow truck is called and the vehicle owner arrives on the scene to move the vehicle, the tow order may be canceled. If the tow truck has already left the towing company premises, the person responsible for the vehicle may still be required to pay towing costs before being permitted to move the vehicle. A citation for illegal parking will also be issued.

C. The Parking Services Office and University Police Department are not responsible for damage resulting from towing or immobilization of vehicles.

**8 VAC 105-10-460. Vehicle recovery.**

If a vehicle is towed or *immobilized*, the owner or person responsible must report to the *Parking Services Office* or University Police Department to arrange to recover the vehicle. Any fines ~~and~~, towing costs, or *booting costs* must be paid before the towing company will release the ~~car~~ vehicle. *Proof of payment must be produced before the towing company will release the vehicle or remove the boot.*

**8 VAC 105-10-465. Booting policy.**

A. *In an effort to discourage habitual offenders of the parking regulations at Virginia Tech, Parking Services will place a wheel boot on vehicles associated with accounts that have received five or more tickets in any one semester. Vehicle ticket totals will start at \$.00 at the beginning of each new semester.*

B. *The procedure for booting will be as follows:*

1. *The fourth citation will contain a warning notice that in the event of the issuance of a 5th citation, the vehicle will be booted.*

2. *Upon issuance of a 5th citation, and with each citation thereafter, a boot will be placed on the vehicle. Citations accompanying a wheel boot will contain a booting information sheet explaining how to get the boot removed.*

3. *A boot removal instruction sheet will be placed on the vehicle's windshield and a notification sticker on the driver's side window glass stating, "YOUR VEHICLE HAS BEEN IMMOBILIZED. DO NOT TRY TO MOVE YOUR VEHICLE WITH THE BOOT IN PLACE. INSTRUCTIONS ON HOW TO HAVE THE BOOT REMOVED CAN BE FOUND WITH YOUR TICKET."*

C. *The procedure for boot removal will be as follows:*

1. *The registered driver will need to pay a boot removal fee of \$25. This fee can be paid at Parking Services.*

---

# Proposed Regulations

---

2. Upon payment of the boot removal fee, the registered driver will notify Parking Services who will dispatch an officer to the vehicle location. After verification of the payment of the boot removal fee, the boot will be removed.

D. If arrangements have not been made by the registered driver of the vehicle to remove the boot within 48 hours of placing the boot on the vehicle, the vehicle is subject to towing. Parking Services may have the vehicle towed and impounded and the registered driver will be responsible for all fees incurred (including boot removal fee).

## 8 VAC 105-10-470. Abandoned vehicles.

Abandoned ~~cars~~ motor vehicles (as defined in § 46.2-1200 of the Code of Virginia) will be disposed of in accordance with Virginia state law. Any vehicle that does not have current license plates or has not moved in ~~72~~ 48 hours, or both, will be presumed to be abandoned.

## 8 VAC 105-10-480. Moving violations.

A. The University Police Department is charged with the enforcement of all state laws, including the Motor Vehicle Code of Virginia. Traffic citations for moving violations are issued by the University Police Department and are referred to local courts for disposition. Campus speed limits are radar enforced.

B. The speed limit on campus is 25 MPH unless otherwise posted.

C. The speed limit around the Drillfield is 15 MPH.

D. Every person shall obey the instructions of any traffic control device, sign, or notice, unless otherwise directed by a traffic control officer.

E. All university police officers have the authority to enforce the laws of the Commonwealth and the university pertaining to the operation of motor vehicles on campus property.

## 8 VAC 105-10-490. Appealing a violation.

A. The appeals hearing officer for the university will review all written appeals involving nonmoving traffic violations. ~~Traffic citations for moving violations are issued by the University Police Department on campus and referred to the local courts for a decision.~~

B. Citations received for parking in fire lanes, on a yellow line or curb, in roadways, handicap ~~area~~ areas, handicap access, bus lanes, air intake areas, or metered ~~space~~ spaces will not be viewed favorably in the appeals process except in genuine emergency situations as determined by the appeals hearing officer.

C. If a person wishes to appeal a parking or bicycle citation, the procedure below should be followed:

1. All appeals must be filed within 10 calendar days of issuance of the citation. All rights to appeal a citation are waived after this 10-day period. Failure to formally appeal or pay a citation negates any right to further address the violation.

2. Tickets must be paid in full before being placed in appeals. If after review the ticket is overturned, a refund will be mailed to the appellant.

~~2-~~ 3. The appeal must be ~~written~~ made in writing on an official appeals form available in the Parking Services Office or the Bursar's Office (located on the second floor of Burruss Hall). This is necessary to ensure the Parking Services Office has all the necessary information to process the appeal and satisfy audit procedures.

~~3-~~ Please make sure the address and phone numbers listed are complete, accurate, and legible. The Parking Services Office cannot be responsible for failure to receive an appeal notice under these circumstances. Remember to notify the Parking Services Office of any address changes.

4. The issue ~~on~~ of an appeal is whether or not the cited rule was violated. It is no defense to "not mean" to violate a rule, to "see others" violate it, to "not realize" it was violated, or to have "violated it in the past without penalty."

5. All appeals should be finalized by the last day of classes.

6. If a person disagrees with the decision made on an appeal, a request may be made for review by the Appeals Hearing Committee. The second appeal must be requested within 10 days of the postmark date on the first appeal. For a second appeal, a person may appear before the Appeals Hearing Committee or a written statement (usually the first appeal) may be read by the committee during the appeals hearing meeting. The decision of the Appeals Hearing ~~officer~~ Committee is final.

## 8 VAC 105-10-510. Registration.

All bicycles and mopeds are to be registered with the Parking Services Office prior to parking on campus. Registration is yearly unless the bicycle is already registered with a permit that expires August ~~45, 1997~~ 31, 2005. ~~However, the user of Cyclists parking a non-registered bicycle on campus will be subject to a \$40 \$20 fine and impoundment or immobilization of the bicycle or moped. Impounded or immobilized bicycles may be retrieved after the owner presents proof of ownership to the Parking Services Office.~~

## 8 VAC 105-10-520. Parking enforcement.

A. Bicycles may be parked only at bicycle racks, except when permission has been granted to keep a bicycle inside a campus building. (Bicycles may be kept in a residence hall room with the agreement of the roommate. Bicycles may not be kept in any other areas of a residence hall. A department head must grant permission to keep a bike in a faculty office.)

B. Mopeds may be parked only at bicycle parking racks.

C. No person is allowed to park a bicycle or moped as follows:

1. On a sidewalk, at a tree or post, on a lawn, next to a building, in a roadway, at a utility pole, light post, banister, parking meter, or other available structure. Always use a bicycle rack.

2. So that it blocks or obstructs any entrance, exit, ramp or breezeway.

3. In any campus building (except as permitted in dormitory rooms and faculty offices).
4. In a parking area designated for motor vehicles.
5. In other than an upright position.

D. Bicycles or mopeds found parked and/or locked in areas other than those allowed may be impounded or immobilized by the Parking Services Office or the University Police Department. The person responsible for the bike will receive a bicycle parking citation.

E. Motorcycles may not be parked in bicycle racks. ~~Students'~~ Motorcycles are to be parked in designated ~~student~~ motorcycle areas *or in a legal space of an appropriate parking lot based on permit type.*

### **8 VAC 105-10-530. Operation enforcement.**

A. Bicycles are useful means of transportation when used properly. By taking a few precautions, bicycling can be a safe, enjoyable and theft-free experience.

B. Every person operating a bicycle on university property is to comply with all ~~traffic control devices~~, applicable Virginia state statutes regarding bicycle operation, ~~and~~ these regulations, *and all traffic control devices.*

C. Persons riding bicycles on campus are to practice courteous, defensive ~~riding cycling~~. ~~They will consider~~ *Cyclists must travel at safe speeds while considering pedestrians and roadway conditions that require traveling at safe speeds.* At all times, ~~they cyclists~~ are to be in proper control ~~over~~ of their bicycles.

D. ~~Please remember the following~~ *Operational tips:*

1. Persons may not operate a bicycle on any campus sidewalk, lawn, or designated pedestrian plaza, such as the Library Plaza, Cowgill Plaza, etc., *unless otherwise signed as a shared pathway.*
2. It is illegal to ride in the wrong direction on a one-way street or against the regular flow of vehicular traffic, including the Drillfield.
3. Persons operating a bicycle will yield to pedestrians in situations of conflicting bicycle/pedestrian traffic.
4. Ride single file, with traffic, and to the right of the roadway.
5. Use bike paths when available.
6. Use proper turn signals.
7. Keep bicycle in proper mechanical condition.
8. Watch for people exiting parked vehicles.
9. Watch for the unexpected from motorists. (The number one statement of vehicle operators involved in accidents with cyclists is, "I didn't see him!")
10. Virginia law requires a rear reflector and a headlight when riding at night.
11. In crosswalks, always walk; *your bicycle since you are considered a pedestrian.*

12. If involved in an accident, report it to the University Police Department immediately.

E. Moving violations will result in a traffic citation being issued by the University Police Department. Repeated violations may result in suspension or revocation of bicycle operation privileges on campus.

### **8 VAC 105-10-540. Theft prevention.**

Bicycles are an easy target for theft. Some helpful hints are as follows:

1. Use bike racks, and secure bikes with bar-type locks.
2. Secure frame and front wheel.
3. ~~Chain fences and~~ Chain-type locks *and bikes chained to chain-linked fences* can be quickly and easily cut.
4. Check bicycle frequently so it doesn't appear abandoned.
5. Park in high visibility areas.
6. Personalize your bicycle to make it easy to recognize.
7. Engrave your bike in several locations.
8. Register your bicycle. If it is stolen and then located, you can be easily found and ownership readily determined.
9. Write down the make, model, and serial number of your equipment. Keep this information in a safe place with the receipt of purchase.
10. Have your bicycle insured.

If your bicycle is stolen on campus, report the theft to the University Police Department.

### **8 VAC 105-10-550. Abandoned bicycles.**

Bicycles left on the university grounds more than five days following graduation will be considered abandoned. These bikes will be impounded and disposed of in accordance with university policy regarding such property. *Contact Parking Services if your bicycle is impounded. See University Policy 5000, Section 2.9.12, point 5, on the university's website ([www.vt.edu/admin/policies/5000/5000.html](http://www.vt.edu/admin/policies/5000/5000.html)) for more details.*

### **PART XV. MISCELLANEOUS.**

### **8 VAC 105-10-560. How to avoid parking citations and towing charges.**

A. *Properly display a Virginia Tech parking permit from 7 a.m. to 5 p.m., Monday through Friday. Remember that the parking rules and regulations are in effect whenever the university is open, including when classes are not in session and during semester breaks.*

B. *Park in a clearly identified parking space appropriate for your permit.*

C. *Do not loan your permit to others. Shared permits may result in a \$110 "Unauthorized Use of Permit" citation assessed against the permit owner.*

---

# Proposed Regulations

---

D. Have visiting family and friends obtain a visitor parking permit before parking on campus.

E. Observe special parking restrictions such as:

1. Parking lots at Owens Dining Hall and Dietrick Dining Hall are reserved for faculty and staff members, 24 hours a day, seven days a week, as is the gravel Tennis Court (East Coliseum) Lot. The right side of the Donaldson Brown Hotel and Conference Center (DBH) is reserved for DBH visitors (nonstudents or nonfaculty/staff) 24 hours a day, seven days a week. The Bookstore Lot parking meters are enforced from 7 a.m. to 5 p.m., seven days a week.

2. Parking is prohibited at loading docks except for the purpose of loading.

3. Parking is prohibited in the Coliseum Lot and along Spring Road after 5 p.m. on the Friday before a Saturday home football game or three hours before a men's or women's home basketball game, until the game has started.

4. Parking is prohibited in the parking lot below Lane Stadium from 11 p.m. the night before any home football game, until the game has started.

5. Other special restrictions, as posted.

F. Be familiar with the Parking Rules and Regulations. Individuals with parking-related questions or who need special parking arrangements should call Parking Services before parking on campus.

## **8 VAC 105-10-570. If you are ticketed.**

Avoid a \$10 late fee per citation by making sure payment is made to the Office of the University Bursar or Parking Services within 10 calendar days of citation issuance. If payment is sent through U.S. Mail, the payment envelope must be postmarked within seven days of citation issuance. Payments sent through campus mail must be received by the 10th day of citation issuance. Do not send cash through the mail or deposit cash in the payment box at Parking Services. Checks should be made payable to Treasurer, Virginia Tech.

## **8 VAC 105-10-580. If your vehicle was towed.**

Contact Parking Services at (540) 231-3200 to arrange for vehicle recovery during regular hours (7:30 a.m. to 5 p.m.). After hours, contact the University Police at (540) 231-6411.

## **8 VAC 105-10-590. If you have questions.**

Contact Parking Services at (540) 231-3200 or stop by the Parking Services Office at 455 Tech Center Drive, Monday through Friday, 7:30 a.m. to 5 p.m., or visit the Parking Services web site at [www.parking.vt.edu](http://www.parking.vt.edu).

VA.R. Doc. No. R02-72; Filed November 15, 2001, 10:07 p.m.

## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Extension of Public Comment Period

Title of Regulations: 9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area (REPEALING).

9 VAC 25-430. Roanoke River Basin Water Quality Management Plan (REPEALING).

9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan (REPEALING).

9 VAC 25-450. Upper James River Basin Water Quality Management Plan (REPEALING).

9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan (REPEALING).

9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17) (REPEALING).

9 VAC 25-470. York River Basin Water Quality Management Plan. (REPEALING).

9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan (REPEALING).

9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan (REPEALING).

9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District (REPEALING).

9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area (REPEALING).

9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District (REPEALING).

9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21) (REPEALING).

9 VAC 25-540. Water Quality Management Plan for the New River Basin (REPEALING).

9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan (REPEALING).

9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan (REPEALING).

9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan (REPEALING).

9 VAC 25-572. Water Quality Management Plans (REPEALING).



**9 VAC 25-720. Virginia Water Quality Management Planning Public Participation Guidelines.**

The State Water Control Board noticed a public comment period on the proposed Virginia Water Quality Management Planning Public Participation Guidelines Regulation (9 VAC 20-720) and on the proposed repeal of 18 water quality management plans in the November 5, 2001, issue of the *Virginia Register of Regulations* (18:4 VA.R. 518-523 November 5, 2001). The board is extending the public comment period on the proposal until February 1, 2002.

Agency Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136 or e-mail [chmartin@deq.state.va.us](mailto:chmartin@deq.state.va.us).

VA.R. Doc. No. R01-27; Filed November 28, 2001, 12:37 p.m.



**TITLE 13. HOUSING**

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

**REGISTRAR'S NOTICE:** The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

Title of Regulation: **13 VAC 10-10. Rules and Regulations -- General Provisions for Programs of the Virginia Housing Development Authority (amending 13 VAC 10-10-10 and 13 VAC 10-10-20).**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

Summary:

*The proposed amendments (i) provide that one person or multiple persons are eligible to be a borrower or borrowers of a single family loan if such person or all such persons satisfy the criteria and requirements in such rules and regulations and (ii) delete the requirement that multiple borrowers be related by blood, marriage or adoption or by legal custodial relationship. The proposed amendments to the authority's rules and regulations, which are general provisions for programs of the Virginia Housing Development Authority, will make conforming changes to reflect such proposed amendments to the authority's rules and regulations for single family mortgages to persons and families of low and moderate income.*

**13 VAC 10-10-10. Definitions.**

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

"Act" means the Virginia Housing Development Authority Act, being Chapter 1.2 (§ 36-55.24 et seq.) of Title 36 of the Code of Virginia.

"Adjusted family income" means the total annual income of a person or all members of a family residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings, less the total of the credits applicable to such person or family, computed in accordance with the following: (i) a credit in an amount equal to \$1,000 for each dependent family member other than such a family member qualifying under (vi) below; (ii) a credit in an amount equal to the lesser of \$1,000 or 10% of such total annual income; (iii) a credit in an amount equal to all income of such person or any such family member of an unusual or temporary nature and not related to such person's or family member's regular employment, to the extent approved by the executive director; (iv) a credit in an amount equal to all earnings of any family member who is a minor under 18 years of age or who is physically or mentally handicapped, as determined on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director; (v) a credit in an amount equal to such person or family's medical expenses, not compensated for or covered by insurance, in excess of 3.0% of such total annual income; and (vi) a credit in an amount equal to 1/2 of the total annual income of all family members over 18 years of age who are secondary wage earners in the family, provided, however, that such credit shall not exceed the amount of \$2,500. If federal law or rules and regulations impose limitations on the incomes of the persons or families who may own or occupy a single family dwelling unit or multi-family residential housing development, the authority may provide in its rules and regulations that the adjusted family income shall be computed, for the purpose of determining eligibility for ownership or occupancy of such single family dwelling unit or the dwelling units in such multi-family residential housing development (or, if so provided in the applicable rules and regulations of the authority, only those dwelling units in such development which are subject to such federal income limitations), in the manner specified by such federal law or rules and regulations (subject to such modifications as may be provided in or authorized by the applicable rules and regulations of the authority) rather than in the manner provided in the preceding sentence.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making application to receive an authority mortgage loan or other assistance under the Act.

"Application" means a request for an authority mortgage loan or other assistance under the Act.

"Authority" means the Virginia Housing Development Authority.

"Authority mortgage loan" or "mortgage loan" means a loan ~~which~~ that is made or financed or is to be made or financed, in whole or in part, by the authority pursuant to these rules and regulations and is secured or is to be secured by a mortgage.

---

# Proposed Regulations

---

"Board" means the Board of Commissioners of the authority.

"Dwelling unit" or "unit" means a unit of living accommodations intended for occupancy by one ~~person~~ or more persons or by a family.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the board.

"Family" means, in the context of the financing of a single family dwelling unit, two or more individuals related by blood, marriage or adoption or by legal custodial relationship, living together on the premises as a single nonprofit-housekeeping unit. In all contexts other than the financing of a single family dwelling unit, "family" means two or more individuals living together in accordance with law.

"FHA" means the Federal Housing Administration and any successor entity.

"For-profit housing sponsor" means a housing sponsor which is organized for profit and may be required by the authority to agree to limit its profit in connection with the sponsorship of authority financed housing in accordance with the terms and conditions of the Act and these rules and regulations and subject to the regulatory powers of the authority.

"Gross family income" or "gross income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. Gross monthly income is the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

"Legal custodial relationship" means (i) a parent or other person having, or in the process of securing, legal custody of any individual or individuals with whom such parent or other person is domiciled and who have not attained the age of 18 years, or (ii) the designee of such parent or other person having, or in the process of securing, legal custody with the written permission of such parent or other person. For the purpose of this definition, the phrase "in the process of securing" means having filed an appropriate petition to obtain legal custody in a court of competent jurisdiction.

"Multi-family dwelling unit" means a dwelling unit in multi-family residential housing.

"Nonprofit housing sponsor" means a housing sponsor which is organized not for profit and may be required by the authority to agree not to receive any limited dividend distributions from the ownership and operation of a housing development.

"Person" means:

1. An individual who is 62 or more years of age;

2. An individual who is handicapped or disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director; or

3. An individual who is neither handicapped nor disabled nor 62 or more years of age; provided that the board may from time to time by resolution (i) limit the number of, fix the maximum number of bedrooms contained in, or otherwise impose restrictions and limitations with respect to single family dwelling units that may be financed by the authority for occupancy by such individuals and (ii) limit the percentage of multi-family dwelling units within a multi-family residential housing development that may be made available for occupancy by such individuals or otherwise impose restrictions and limitations with respect to multi-family dwelling units intended for occupancy by such individuals.

"Rent" means the rent or other occupancy charge applicable to a dwelling unit within a housing development operated on a rental basis or owned and operated on a cooperative basis.

"Reservation" means the official action, as evidenced in writing, taken by the authority to designate a specified amount of funds for the financing of a mortgage loan on a single family dwelling unit.

"Single family dwelling unit" means a dwelling unit in single family residential housing.

The foregoing words and terms, when used in any other rules and regulations of the authority, shall have the same meaning as set forth above, unless otherwise defined in such rules and regulations. Terms defined in the Act and used and not otherwise defined herein shall have the same meaning ascribed to them in the Act.

## 13 VAC 10-10-20. Eligibility for occupancy.

A. The board shall from time to time establish, by resolution or by rules and regulations, income limitations with respect to single family dwelling units financed or to be financed by the authority. Such income limits may vary based upon the area of the state, type of program, the size and circumstances of the ~~person or family household~~, the type and characteristics of the single-family dwelling unit, and any other factors determined by the board to be necessary or appropriate for the administration of its programs. Such resolution or rules and regulations shall specify whether the ~~person's applicant's~~ or ~~family's applicants'~~ income shall be calculated as adjusted family income or gross income. To be considered eligible for the financing of a single family dwelling unit, ~~a person the applicant or family applicants~~ shall not have an adjusted family income or gross income, as applicable, which exceeds the applicable limitation established by the board. It shall be the responsibility of each applicant for the financing of a single family dwelling unit to report accurately and completely his adjusted family income or gross income, as applicable, household composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the authority with verification thereof.

\*\*\*\*\*

B. To be considered eligible for occupancy of a multi-family dwelling unit financed by an authority mortgage loan, a person or family shall not have an adjusted family income greater than the applicable income limit established by or pursuant to rules and regulations of the authority.

C. It shall be the responsibility of the housing sponsor to examine and determine the income and eligibility of applicants for occupancy of multi-family dwelling units, report such determinations to the authority in such form as the executive director may require, reexamine and redetermine the income and eligibility of all occupants of such dwelling units every three years or at more frequent intervals if required by the executive director, and report such redeterminations to the authority in such form as the executive director may require. It shall be the responsibility of each applicant for occupancy of a multi-family dwelling unit, and of each occupant of such dwelling units, to report accurately and completely his adjusted family's income, family composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the housing sponsor and the authority with verification thereof at the times of examination and reexamination of income and eligibility as aforesaid.

D. With respect to a person or family occupying a multi-family dwelling unit, if a periodic reexamination and redetermination of the adjusted family's income and eligibility as provided in subsection C of this section establishes that such person's or family's adjusted family income then exceeds the maximum limit for occupancy of such dwelling unit applicable at the time of such reexamination and redetermination, such person or family shall be permitted to continue to occupy such dwelling unit; provided, however, that during the period that such person's or family's adjusted family income exceeds such maximum limit, such person or family may be required by the executive director to pay such rent, carrying charges or surcharge as determined by the executive director in accordance with a schedule prescribed or approved by him. If such person's or family's adjusted family income shall exceed such maximum limit for a period of six months or more, the executive director may direct or permit the housing sponsor to terminate the tenancy or interest by giving written notice of termination to such person or family specifying the reason for such termination and giving such person or family not less than 90 days (or such longer period of time as the authority shall determine to be necessary to find suitable alternative housing) within which to vacate such dwelling unit. If any person or family residing in a housing development which is a cooperative is so required to be removed from the housing development, such person or family shall be discharged from any liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed for all sums paid by such person or family to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy in such cooperative and any additional sums payable to such person or family in accordance with a schedule prescribed or approved by the authority, subject however to the terms of any instrument or agreement relating to such cooperative or the occupancy thereof.

VA.R. Doc. No. R02-90; Filed November 28, 2001, 9:56 a.m.

**REGISTRAR'S NOTICE:** The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

**Title of Regulation:** 13 VAC 10-40. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-10, 13 VAC 10-40-30 through 13 VAC 10-40-70, 13 VAC 10-40-90, 13 VAC 10-40-100, 13 VAC 10-40-120, 13 VAC 10-40-130, 13 VAC 10-40-140, 13 VAC 10-40-160, 13 VAC 10-40-170, and 13 VAC 10-40-190 through 13 VAC 10-40-230).

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

**Agency Contact:** J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701 or e-mail judson.mckellar@vhda.com.

**Summary:**

*The proposed amendments (i) provide that one person or multiple persons are eligible to be a borrower or borrowers of a single family loan if such person or all such persons satisfy the criteria and requirements in the rules and regulations; (ii) delete the requirement that multiple borrowers be related by blood, marriage or adoption or by legal custodial relationship; and (iii) make conforming changes throughout the rules and regulations to reflect the preceding revisions to the authority's eligibility guidelines.*

**13 VAC 10-40-10. General.**

The following rules and regulations will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) the applicant or applicants must have a "gross income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation set forth in Part II (13 VAC 10-40-30 et seq.) hereof. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit set forth in Part II (13 VAC 10-40-30 et seq.) hereof. The term "sales price," with respect to a mortgage loan for the combined acquisition and rehabilitation of a single family dwelling unit, shall include the cost of acquisition, plus the cost of rehabilitation and debt service for such period of rehabilitation, not to exceed three months, as the executive director shall determine that such dwelling unit will not be available for occupancy. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds as set forth in Part II (13 VAC 10-40-30 et seq.) hereof.

---

# Proposed Regulations

---

Mortgage loans may be made or financed pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor. Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the originating and administration of mortgage loans under the authority's single family housing program. These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

### **13 VAC 10-40-30. Eligible persons and families and citizenship.**

~~A. A one-person household is eligible.~~

~~B. A single family loan can be made to more than one person only if all such persons to whom the loan is to be made are related by blood, marriage or adoption or by legal custodial relationship and are living together in the dwelling as a single nonprofit housekeeping unit. Pursuant to authorization set forth in 13 VAC 10-40-90 and 13 VAC 10-40-10, the executive director may waive the requirement that such persons be related by blood, marriage or adoption or by legal custodial relationship, as set forth above and in 13 VAC 10-40-10, in cases of personal or financial hardship in which one of the persons is elderly (62 years or older) or is physically or mentally disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director. In the case of any such waiver, the eligibility of such persons under 13 VAC 10-40-10 and 13 VAC 10-40-140 shall be determined in the same manner as is determined for a family, notwithstanding any provision therein to the contrary.~~

~~A. One person or multiple persons are eligible to be a borrower or borrowers of a single family loan if such person or all such persons satisfy the criteria and requirements in these rules and regulations. All references in these rules and regulations to an applicant or borrower shall, in the case of multiple applicants or borrowers, be deemed to refer to each applicant or borrower individually, unless the provision containing such reference expressly refers to the applicants or borrowers collectively.~~

~~G. B. Each applicant for an authority mortgage loan must either be a United States citizen, a lawful permanent resident~~

alien as determined by the U.S. Department of Immigration and Naturalization Service or a nonpermanent resident alien provided the applicant has a social security number and is eligible to work in the United States.

### **13 VAC 10-40-40. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended ("the tax code").**

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the originating agent in order to determine such eligibility. The eligibility requirements for the borrower *or the borrowers* and the dwelling are described below as well as the procedures to be performed. The originating agent will perform these procedures and evaluate a borrower's *or borrowers'* eligibility prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this originating guide.

### **13 VAC 10-40-50. Eligible borrowers.**

A. In order to be considered ~~an~~ eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

- ~~1. May~~ Each applicant must not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See subsection B of this section);
- Each applicant must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as described in 13 VAC 10-40-200) after the date of the closing of the mortgage loan. (See subsection C of this section);
- Each applicant must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See subsection D of this section);
- Each applicant must have contracted to purchase an eligible dwelling. (See 13 VAC 10-40-60, Eligible dwellings);
- Each applicant must execute an affidavit of borrower (Exhibit E) at the time of loan application;
- The applicant *or applicants* must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code. (See 13 VAC 10-40-100, Maximum gross income);
- Each applicant must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See 13 VAC 10-40-140, Loan assumptions); and

8. *Each applicant* must be over the age of 18 years or have been declared emancipated by order or decree of a court having jurisdiction.

B. An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see 13 VAC 10-40-70, Targeted areas); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in subdivision 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a present ownership interest include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence during the previous three years.

2. This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. To verify that ~~the~~ *each* eligible borrower meets the three-year requirement, the originating agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or

certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The originating agent shall examine the tax returns particularly for any evidence that ~~the~~ *an* eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. The originating agent must, with due diligence, verify the representations in the affidavit of borrower (Exhibit E) regarding ~~the applicant's~~ *each eligible borrower's* prior residency by reviewing any information including the credit report and the tax returns furnished by ~~the~~ *each* eligible borrower for consistency, and make a determination that on the basis of its review each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. ~~An~~ *Each* eligible borrower must intend at the time of closing to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of ~~the~~ *each* eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. ~~An~~ *Each* eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower (to be updated by the verification and update of information form) and as part of the attachment to the deed of trust.

1. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where more than 15% of the total living area is to be used primarily in a trade or business.

2. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to ~~the~~ *an* eligible borrower. ~~The~~ *Each* eligible borrower must indicate on the affidavit of borrower that, among other things:

- a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

---

# Proposed Regulations

---

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

3. Only such land as is reasonably necessary to maintain the basic liveability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres, even in rural areas. However, exceptions may be made to permit lots larger than two acres, but in no event in excess of five acres: (i) if the land is owned free and clear and is not being financed by the loan, the lot may be as large as five acres, (ii) if difficulty is encountered locating a well or septic field, the lot may include the additional acreage needed, (iii) local city and county ordinances which require more acreage will be taken into consideration, or (iv) if the lot size is determined by the authority, based upon objective information provided by the borrower, to be usual and customary in the area for comparably priced homes.

4. The affidavit of borrower (Exhibit E) must be reviewed by the originating agent for consistency with ~~the~~ *each* eligible borrower's federal income tax returns and the credit report, and the originating agent must, based on such review, make a determination that ~~the~~ *each* borrower has not used any previous residence or any portion thereof primarily in any trade or business.

5. The originating agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower *or borrowers* during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower *or borrowers* are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the originating agent may establish different procedures to verify compliance with this requirement.

D. Mortgage loans may be made only to ~~persons~~ *an eligible borrower* who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which ~~the~~ *an eligible borrower* is liable or which was incurred on behalf of ~~the~~ *an eligible borrower*, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the

construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Prior to closing the mortgage loan, the originating agent must examine the affidavit of borrower (Exhibit E), the affidavit of seller (Exhibit F), and related submissions, including (i) ~~the~~ *each* eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Based upon such review, the originating agent shall make a determination that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of ~~the~~ *any* borrower and that ~~the~~ *each* borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Any eligible borrower may not have more than one outstanding authority first mortgage loan.

### 13 VAC 10-40-60. Eligible dwellings.

A. In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in 13 VAC 10-40-80. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling.

1. To determine if the acquisition cost is at or below the federal limits for assumptions, the originating agent or, if applicable, the servicing agent must in all cases contact the authority (see 13 VAC 10-40-140 below).
2. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of ~~the~~ *an eligible borrower*) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost.

(3) The cost of land on which the eligible dwelling is located and which has been owned by ~~the~~ *an* eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by ~~the~~ *an* eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by ~~the~~ *an* eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

3. The originating agent is required to obtain from each eligible borrower a completed affidavit of borrower which shall include a calculation of the acquisition cost of the eligible dwelling in accordance with this subsection B. The originating agent shall assist ~~the~~ *each* eligible borrower in the correct calculation of such acquisition cost. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling.

4. The originating agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in 13 VAC 10-40-80. If the acquisition cost exceeds such limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the originating agent or, if applicable, the servicing agent must contact the authority for this determination in all cases, see 13 VAC 10-40-140). Also, as part of its review, the originating agent must review the affidavit of borrower submitted by each mortgage loan applicant and must make a determination that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the

originating agent must compare the information contained in the affidavit of borrower with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

5. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

**13 VAC 10-40-70. Targeted areas.**

A. In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising originating agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to an originating agent exclusively for targeted areas will be specified in a forward commitment agreement between the originating agent and the authority.

B. Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in 13 VAC 10-40-40 and elsewhere in this guide for all mortgage loans, except for the three-year requirement described in 13 VAC 10-40-50 B. Notwithstanding this exception, ~~the~~ *each* applicant must still submit certain federal income tax records. However, they will be used to verify income and to verify that previously owned residences have not been primarily used in a trade or business (and not to verify nonhomeownership), and only those records for the most recent year preceding execution of the mortgage documents (rather than the three most recent years) are required. See that section for the specific type of records to be submitted.

The following definitions are applicable to targeted areas.

1. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

2. A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

3. An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

**13 VAC 10-40-90. Net worth.**

To be eligible for authority financing, ~~an~~ *the* applicant or applicants cannot have a net worth exceeding 50% of the sales price of the eligible dwelling. (The value of life insurance policies, retirement plans, furniture and household goods shall

# Proposed Regulations

not be included in determining net worth.) In addition, the portion of the applicant's *or applicants'* liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's *or applicants'* net worth for the purpose of determining whether this net worth limitation has been violated.

### 13 VAC 10-40-100. Maximum gross income.

A. As provided in 13 VAC 10-40-50 A 6, the gross income of ~~an~~ the applicant *or applicants* for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this section apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of 13 VAC 10-40-50 A 6 are automatically met if ~~an~~ the applicant's *or applicants'* gross income does not exceed the applicable limits set forth in this section.

For the purposes hereof, the term "gross income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

B. For all loans, except loans to be guaranteed by the Rural Development, the maximum gross income shall be a percentage (based on the number of persons expected to occupy the dwelling upon financing of the mortgage loan) of the applicable median family income (as defined in § 143(f)(4) of the Internal Revenue Code of 1986, as amended) (the "median family income") as follows:

| Number of Persons to Occupy Dwelling | Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated) |
|--------------------------------------|--|
| 2 or fewer persons                   | 85%  |
| 3 or more persons                    | 100%   |

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate on which the interest rate has been reduced due to financial support by the authority:

| Number of Persons to Occupy Dwelling | Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated) |
|--------------------------------------|--|
| 2 or fewer persons                   | 65%  |
| 3 or more persons                    | 80%  |

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate if he determines that such maximum gross family incomes will enable the authority to assist the state in achieving its economic and housing goals and policies:

| Number of Persons to Occupy Dwelling | Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated) |
|--------------------------------------|--|
| 2 or fewer persons                   | 95%  |
| 3 or more persons                    | 110%   |

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross income limits under this subsection B expressed in dollar amounts for each area of the state, as established by the executive director, and the number of persons to occupy the dwelling. Any changes to the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

C. With respect to a loan to be guaranteed by Rural Development, the maximum income shall be the lesser of the maximum gross income determined in accordance with subsection B of this section or Rural Development income limits in effect at the time of the application.

### 13 VAC 10-40-120. Mortgage insurance requirements.

Unless the loan is an FHA, VA or Rural Development loan, the borrower ~~is~~ *or borrowers are* required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on each loan the amount of which exceeds 80% of the lesser of sales price or appraised value of the property to be financed. Such insurance shall be issued by a company acceptable to the authority. The originating agent is required to escrow for annual payment of mortgage insurance, unless an alternative payment plan is approved by the authority. If the authority requires FHA, VA or Rural Development insurance or guarantee, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the originating agent's name and purchased by the authority once the FHA Certificate of Insurance, VA Guaranty or Rural



Development Guarantee has been obtained or subject to the condition that such FHA Certificate of Insurance, VA Guaranty or Rural Development Guarantee be obtained. In the event that the authority purchases an FHA, VA or Rural Development loan, the originating agent must enter into a purchase and sale agreement on such form as shall be provided by the authority. For assumptions of conventional loans (i.e., loans other than FHA, VA or Rural Development loans), full private mortgage insurance as described above is required unless waived by the authority.

### 13 VAC 10-40-130. Underwriting.

A. In general, to be eligible for authority financing, an applicant *or applicants* must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the mortgage debt and adequately maintain the financed property.

1. ~~A~~ *The applicant or applicants* must document the receipt of a stable current income which indicates that the applicant *or applicants* will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.

2. ~~A~~ *The applicant or, in the case of multiple applicants, the applicants individually and collectively* must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.

3. An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.

4. ~~A~~ *The applicant or applicants* must document that sufficient funds will be available for required down payment and closing costs.

a. The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.

b. Sweat equity, the imputed value of services performed by ~~the~~ *an* eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.

5. Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there

is a substantial increase in such expenses, the applicant *or applicants* must demonstrate his ability to pay the additional expenses.

6. All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.

B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in order to satisfy the authority's underwriting requirements for conventional loans. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. The following rules apply to the authority's employment and income requirement.

a. Employment for the preceding two-year period must be documented. Education or training for employment during this two-year period shall be considered in satisfaction of this requirement if such education or training is related to *an* applicant's current line of work and adequate future income can be anticipated because such education and training will expand the applicant's job opportunities. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See 13 VAC 10-40-50 C.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. The following rules apply to income derived from sources other than primary employment.

(1) When considering alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant *or applicants* for a loan.

(2) When considering social security and other retirement benefits. Social Security Form No. SSA

---

## Proposed Regulations

---

2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant *or applicants* for a loan.

(3) All part-time employment must be continuous for a minimum of 24 months, except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months if such part-time employment is of a stable nature and is likely to continue after closing of the mortgage loan.

(4) Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. The following rules apply to ~~an~~ *each* applicant's credit:

a. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

4. ~~An~~ *The applicant satisfies or applicants satisfy* the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's *or applicants'* ability to make mortgage loan payments in the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans

on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.

5. Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit ~~the~~ *an* applicant to borrow funds for this purpose unless approved in advance by the authority. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

6. A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of ~~the borrower~~ *an applicant* to repay the funds at any time. The party making the gift must submit proof that the funds are available.

C. The following rules are applicable to FHA loans only.

1. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, the applicant *or applicants* must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 hereof remain in effect due to treasury restrictions or authority policy.

2. *The applicant's or applicants'* mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

D. The following rules are applicable to VA loans only.

1. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, the applicant *or applicants* must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements (including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100) remain in effect due to treasury restrictions or authority policy.

2. The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. VA certificates of reasonable value (CRV's) are acceptable in lieu of an appraisal.

E. The following rules are applicable to Rural Development loans only.

1. The authority will normally accept Rural Development underwriting requirements and property standards for Rural Development loans. However, the applicant *or applicants* must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 remain in effect due to treasury restrictions or authority policy.

2. The Rural Development guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

F. With respect to FHA, VA, RD and conventional loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's *or borrowers'* monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see 13 VAC 10-40-180 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain insurer or guarantor requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on insurer or guarantor guidelines then in effect (see also subsection C, D or E of this section, as applicable).

G. Unlike the program described in subsection E of this section which permits a direct buydown of the borrower's *or borrowers'* monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

**13 VAC 10-40-140. Loan assumptions.**

A. VHDA currently permits assumptions of all of its single family mortgage loans provided that certain requirements are met. For all loans closed prior to January 1, 1991, except FHA loans which were closed during calendar year 1990, the maximum gross income for the person or ~~family~~ *persons* assuming a loan shall be 100% of the applicable median family income. For such FHA loans closed during 1990, if assumed by a household of three or more persons, the maximum gross income shall be 115% of the applicable median family income (140% for a residence in a targeted area) and if assumed by a ~~person or a family~~ *household* of ~~less~~ *fewer* than three persons, the maximum gross income shall be 100% of the applicable median family income (120% for a residence in a targeted area). For all loans closed after January 1, 1991, the maximum gross income for the person or ~~family~~ *persons* assuming loans shall be the highest percentage, as then in effect under 13 VAC 10-40-100 A, of applicable median family income for the number or persons to occupy the dwelling upon assumption of the mortgage loan, unless otherwise provided in the deed of trust. The

requirements for each of the two different categories of mortgage loans listed below (and the subcategories within each) are as follows:

1. The following rules apply to assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

- (1) Maximum gross income requirement in 13 VAC 10-40-140 A
- (2) 13 VAC 10-40-50 C (Principal residence requirement)
- (3) 13 VAC 10-40-130 (Authority underwriting requirements)
- (4) 13 VAC 10-40-50 B (Three-year requirement)
- (5) 13 VAC 10-40-60 B (Acquisition cost requirements)
- (6) 13 VAC 10-40-120 (Mortgage insurance requirements).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) Maximum gross income requirement in 13 VAC 10-40-140 A
- (2) 13 VAC 10-40-50 C (Principal residence requirements)
- (3) 13 VAC 10-40-130 (Authority underwriting requirements)
- (4) 13 VAC 10-40-120 (Mortgage insurance requirements).

2. The following rules apply to assumptions of FHA, VA or Rural Development loans.

a. For assumptions of FHA, VA or Rural Development loans financed by the proceeds of bonds issued on or after December 17, 1981, the following conditions must be met:

- (1) Maximum gross income requirement in this 13 VAC 10-40-140 A
- (2) 13 VAC 10-40-50 C (Principal residence requirement)
- (3) 13 VAC 10-40-50 B (Three-year requirement)
- (4) 13 VAC 10-40-60 B (Acquisition cost requirements).

In addition, all applicable FHA, VA or Rural Development underwriting requirements, if any, must be met.

b. For assumptions of FHA, VA or Rural Development loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA, VA or

---

# Proposed Regulations

---

Rural Development underwriting requirements, if any, must be met.

B. Upon receipt from an originating agent or servicing agent of an application package for an assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the originating agent or servicing agent of such determination in writing. The authority will further advise the originating agent or servicing agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance, submission of an escrow transfer letter and execution of a Recapture Requirement Notice (VHDA Doc. R-1).

### 13 VAC 10-40-160. Reservations/fees.

A. The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents or field originators with respect to specific applicants and properties. No substitutions are permitted. Similarly, locked-in interest rates are also nontransferable. Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline. Locked-in interest rates on all loans, including those on which there may be a VA Guaranty, cannot be reduced under any circumstances.

B. ~~A~~ *The applicant or applicants*, including an applicant or *applicants* for a loan to be guaranteed by VA, may request a second reservation if the first has expired or has been cancelled. If the second reservation is made within 12 months of the date of the original reservation, the interest rate will be the greater of (i) the locked-in rate or (ii) the current rate offered by the authority at the time of the second reservation.

C. The originating agent or field originator shall collect a nonrefundable reservation fee in such amount and according to such procedures as the authority may require from time to time. Under no circumstances is this fee refundable. A second reservation fee must be collected for a second reservation. No substitutions of applicants or properties are permitted.

D. The following other fees shall be collected.

1. In connection with the origination and closing of the loan, the originating agent shall collect at closing or, at the authority's option, simultaneously with the acceptance of the authority's commitment, an amount equal to 1.0% of the loan amount (please note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only); provided, however, that the executive director may require the payment of an additional fee not in excess of 1.0% of the loan amount in the case of a step loan (i.e., a loan on which the initial interest rate is to be increased to a new interest rate after a fixed period of time). If the loan does not close, then the origination fee shall be waived.

2. The originating agent shall collect at the time of closing an amount equal to 1.0% of the loan amount.

### 13 VAC 10-40-170. Commitment (Exhibit J).

A. Upon approval of the applicant *or applicants*, the authority will send a mortgage loan commitment to the borrower *or borrowers* in care of the originating agent. The originating agent shall ask the borrower *or borrowers* to indicate his acceptance of the mortgage loan commitment by signing and returning it to the originating agent within 15 days after the date of the commitment or prior to settlement, whichever occurs first.

A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant *or applicants* before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant *or applicants* and approved by the authority. If an additional commitment is issued to an applicant *or applicants*, the interest rate may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant *or applicants* must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

### 13 VAC 10-40-190. Property guidelines.

A. For each application the authority must make the determination that the property will constitute adequate security for the loan. That determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property. Such appraisal must be performed by an appraiser licensed in the Commonwealth of Virginia.

All properties must be structurally sound and in adequate condition to preserve the continued marketability of the property and to protect the health and safety of the occupants. Eligible properties must possess features which are acceptable to typical purchasers in the subject market area and provide adequate amenities. Eligible properties must meet FNMA and FHLMC property guidelines unless otherwise approved by the authority.

In addition, manufactured housing (mobile homes), both new construction and certain existing, may be financed only if the loan is insured 100% by FHA (see subsection C of this section).

B. The following rules apply to conventional loans.

1. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road; provided, however, that the authority may, on a case-by-case basis, approve financing of property located on a private road acceptable to the

authority if the right to use such private road is granted to the owner of the residence pursuant to a recorded right-of-way agreement providing for the use of such private road and a recorded maintenance agreement provides for the maintenance of such private road on terms and conditions acceptable to the authority (any other easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements, covenants or restrictions which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements, covenants or restrictions will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority, provided further that cisterns will be considered on a case-by-case basis to determine whether the cistern will be adequate to serve the property.

2. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. The following rules apply to FHA, VA or Rural Development loans.

1. Both new construction and existing housing financed by an FHA, VA or Rural Development loan must meet all applicable requirements imposed by FHA, VA or Rural Development.

2. Manufactured housing (mobile homes) being financed by FHA loans must also meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the *borrower or borrowers* and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

### 13 VAC 10-40-200. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially

rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to an eligible *borrower or borrowers* who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in 13 VAC 10-40-50 D. The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower ~~is~~ *or borrowers are* acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower ~~is~~ *or borrowers are* acquiring an unrehabilitated residence from the seller and the eligible borrower ~~contracts~~ *or borrowers contract* with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

### 13 VAC 10-40-210. Condominium requirements.

A. For conventional loans, the originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's *or borrowers'* application is submitted to the authority for approval.

B. For FHA, VA or Rural Development loans, the authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, by VA, in the case of a VA loan or be Rural Development, in the case of a Rural Development loan.

C. The executive director may waive any requirements in subsections A and B of this section if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant *or applicants*.

### 13 VAC 10-40-220. FHA plus program.

A. Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to an eligible *borrower or borrowers* who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower *or borrowers* if the FHA loan is being made under the FHA buydown program or is subject to a step adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

---

## Proposed Regulations

---

B. The second loans shall not be insured by mortgage insurance; accordingly, the requirements of 13 VAC 10-40-120 regarding mortgage insurance shall not be applicable to the second loan.

C. The requirements of 13 VAC 10-40-110 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower *or borrowers* must obtain an FHA loan for the maximum loan amount permitted by FHA. The principal amount of the second loan shall not exceed 3.0% of the lesser of the sales price or appraised value.

In no event shall the combined FHA loan and the second loan amount exceed (i) the sum of the lesser of the sales price or appraised value plus closing costs and fees or (ii) the authority's maximum allowable sales price.

Verified liquid funds (funds other than gifts, loans or retirement accounts) in an amount not less than 1.0% of the sales price must be: (i) contributed by the borrower *or borrowers* towards closing costs or prepaid items; (ii) retained by the borrower *or borrowers* as cash reserves after closing; or (iii) contributed and retained by the borrower *or borrowers* for the purposes of clauses (i) and (ii), respectively. At the closing, the borrower *or borrowers* may not receive any loan proceeds in excess of the amount of funds paid by the borrower *or borrowers* prior to closing.

D. With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

E. The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. No origination fee or discount point shall be collected on the second loan.

G. Upon approval of the applicant *or applicants*, the authority will issue a mortgage loan commitment pursuant to 13 VAC 10-40-170. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second loan.

### **13 VAC 10-40-230. Flexible alternative mortgage loan programs.**

The executive director may establish flexible alternative mortgage loan programs. 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to such flexible alternative mortgage loan programs, with the following modifications:

1. The following requirements shall not apply: (i) the new mortgage requirement; (ii) the requirements as to the use of the property in a trade or business; (iii) the requirements as to acquisition cost and sales price of the property to be financed; (iv) the requirement that ~~the~~ *each* applicant shall not have had a present ownership interest in his principal residence within the preceding three years; (v) the net worth requirement; (vi) the requirements for the payment by the seller of an amount equal to 1.0% of the loan in 13 VAC

10-40-160 D 2; and (vii) the lot size restriction in 13 VAC 10-40-50 C 3.

2. The gross income of the applicant or applicants shall not exceed 120% of the applicable median family income without regard to household size.

3. At the time of closing, ~~the~~ *each* applicant must occupy or intend to occupy within 60 days (90 days in the case of new construction) the property to be financed as his principal residence.

4. The property to be financed must be one of the following types: (i) a single family residence (attached or detached); (ii) a unit in a condominium or PUD which is approved for financing by FNMA or FHLMC or satisfies the requirements for such financing, except that the executive director may waive any of such requirements if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant *or applicants*; or (iii) a doublewide manufactured home permanently affixed to the land.

5. The land, residence and all other improvements on the property to be financed must be expected to be used by the borrower *or borrowers* primarily for residential purposes.

6. Personal property which is related to the use and occupancy of the property as the principal residence of the borrower *or borrowers* and is customarily transferred with single family residences may be included in the real estate contract, transferred with the residence and financed by the loan; however, the value of such personal property shall not be considered in the appraised value.

7. The principal amount of the mortgage loan shall not exceed the limits established by FNMA or FHLMC for single family residences.

8. Loan proceeds may be used to refinance ~~the~~ *an* applicant's *or the applicants'* existing mortgage loan or loans on the property only if (i) the applicant ~~receives~~ *or applicants receive* no proceeds of the authority's loan; (ii) such loan proceeds are not used to refinance any authority mortgage loan or to refinance any bridge loan which refinanced any authority mortgage loan; and (iii) the existing mortgage loan was closed more than one year prior to submission of the application for the authority mortgage loan, and no advances on such existing mortgage loan have been made within the 12 months preceding the submission of such application. Clause (iii) shall not apply to existing mortgage loans which financed ~~the~~ *an* applicant's *or the applicants'* acquisition of the property if the authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value.

9. Mortgage insurance shall not be required, except that in the case of manufactured homes mortgage insurance shall be required in accordance with this chapter.

10. The maximum combined loan amount (including any other loans, such as existing mortgage loans to be subordinated to the authority loan, to be secured by the property at the time of closing) shall be 100% of the lesser

of appraised value or sales price. The executive director may approve the disbursement of additional amounts to finance closing costs and fees and costs of rehabilitation and improvements to be completed subsequent to the closing. Except for loans financed under the program described in subdivision 24 of this section, these additional amounts may not exceed 5.0% of the lesser of sales price or appraised value; provided however, that in addition to such 5.0%, amounts not to exceed 5.0% of the lesser of sales price or appraised value may be funded for the costs of rehabilitation and improvements to retrofit the residence or add accessibility features to accommodate the needs of a disabled occupant.

11. The applicant or applicants must have a history of receiving stable income from employment or other sources with a reasonable expectation that the income will continue in the foreseeable future; typically, verification of two years' stable income will be required; and education or training in a field related to the employment of the applicant or applicants may be considered to meet no more than one year of this requirement.

12. The applicant or applicants must possess a credit history as of the date of loan application satisfactory to the authority and, in particular, must satisfy the following: (i) for each applicant, no bankruptcy or foreclosure within the preceding three years; for each applicant, no housing payment past due for 30 days in the preceding 24 months; for a single applicant individually or all multiple applicants collectively, no more than one payment past due for 30 days or more on any other debt or obligation within the preceding 12 months; for each applicant, no outstanding collection, judgment, charge off, repossession or 30-day past due account; and a minimum credit score of 620 if the loan-to-value ratio is 95% or less or 660 if the loan-to-value ratio exceeds 95% (credit scores as referenced in these regulations shall be determined by obtaining credit scores for each applicant from a minimum of three repositories and using the middle score in the case of a single applicant and the lowest middle score in the case of multiple applicants); or (ii) for each applicant, no previous bankruptcy or foreclosure; for a single applicant individually or all multiple applicants collectively, no outstanding collection, judgment, charge off or repossession within the past 12 months or more than one 30-day past due account within the past 12 months and no more than four 30-day past due accounts within the past 24 months; for each applicant, no previous housing payment past due for 30 days; for a single applicant individually or all multiple applicants collectively, minimum of three sources of credit with satisfactory payment histories for the most recent 24-month period; for a single applicant individually or all multiple applicants collectively, no more than nine accounts currently open; and for a single applicant individually or all multiple applicants collectively, no more than three new accounts opened in the past 12 months (in establishing guidelines to implement the flexible alternative mortgage loan programs, the authority may refer to the credit requirements in clause (i) of this subdivision as the "alternative" credit requirements and the requirements in clause (ii) of this subdivision as the "standard" credit requirements).

If the executive director determines it is necessary to protect the financial integrity of the flexible alternative program, the executive director may require that applicant or applicants for loans having loan-to-value ratios in excess of 97% meet the alternative credit requirements in clause (i) of this subdivision.

13. Homeownership education approved by the authority shall be required for any borrower who is a first time homeowner if the loan-to-value ratio exceeds 95%. This requirement shall be waived if the applicant has or applicants have a credit score of 660 or greater (see subdivision 12 of this section for the manner of determining credit scores).

14. Seller contributions for closing costs and other amounts payable by the borrower or borrowers in connection with the purchase or financing of the property shall not exceed 4.0% of the contract price.

15. Sources of funds for the down payment and closing costs payable by the borrower shall be limited to the borrower's or borrowers' funds, gifts or unsecured loans from relatives, grants from employers or nonprofit entities not involved in the transfer or financing of the property, and unsecured loans on terms acceptable to the authority (payments on any unsecured loans permitted under this subdivision shall be included in the calculation of the debt/income ratios described below), and documentation of such sources of funds shall be in form and substance acceptable to the authority.

16. The maximum debt ratios shall be 35% and 43% in lieu of the ratios of 32% and 40%, respectively, set forth in 13 VAC 10-40-130 B 4.

17. Cash reserves at least equal to two months' loan payments must be held by the applicant or applicants if the loan-to-value ratio exceeds 95%; cash reserves at least equal to one month's loan payment must be held by the applicant or applicants if the loan-to-value ratio is greater than 90% and is less than or equal to 95%; and no cash reserves shall be required if the loan-to-value ratio is 90% or less.

18. The payment of points (a point being equal to 1.0% of the loan amount) in addition to the origination fee shall be charged as follows: if the loan-to-value ratio is 90% or less, one-half of one point shall be charged; if the loan-to-value ratio is greater than 90% and is less than or equal to 95%, one point shall be charged; and if the loan-to-value ratio exceeds 95%, one and one-half point shall be charged.

In addition to the above, a reduction of one-half of one point will be made to the applicant or applicants meeting the credit requirements in clause 12 (i) above with a credit score of 700 or greater (see subdivision 12 of this section for the manner of determining credit scores).

19. The interest rate which would otherwise be applicable to the loan shall be reduced by .25% if the loan-to-value ratio is 80% or less.

20. The documents relating to requirements of the federal tax code governing tax-exempt bonds shall not be required.

---

## Proposed Regulations

---

21. For assumptions of loans, the above requirements for occupancy of the property as the borrower's *or borrowers'* principal residence, the above income limit, and the underwriting criteria in the regulations as modified by this section must be satisfied.

22. The authority may require that any or all loans financed under such alternative mortgage programs be serviced by the authority.

23. The authority may accept an approval of an automated underwriting system in lieu of satisfaction of the foregoing requirements for the flexible alternative program if the executive director determines that such delegated underwriting system is designed so as to adequately protect the financial integrity of the flexible alternative program.

24. The executive director may establish a flexible alternative rehabilitation mortgage loan program. The regulations set forth in subdivisions 1 through 23 of this section shall apply to such flexible alternative rehabilitation mortgage loan program, with the following modifications:

a. At the time of closing, ~~the~~ *each* applicant must occupy or intend to occupy within 180 days the property to be financed as his principal residence;

b. The provision of clause (iii) of subdivision 4 of this section permitting the financing of a doublewide manufactured home permanently affixed to the land shall not apply.

c. The maximum loan amount for a purchase shall be 100% of the lesser of (i) the sum of purchase price plus rehabilitation costs; or (ii) the as completed appraised value. The maximum loan amount for a refinance shall be 100% of the lesser of (i) the outstanding principal balance plus rehabilitation costs; or (ii) the as completed appraised value.

d. The rehabilitation costs to be financed may not exceed an amount equal to 50% of the as completed appraised value.

e. Loan proceeds may be used to finance the purchase and installation of eligible improvements. Improvements that are eligible for financing are structural alterations, repairs, additions to the residence itself, or other improvements (including appliances) upon or in connection with the residence. In order to be eligible, such improvements must substantially protect or improve the basic livability or utility of the residence. Improvements that are physically removed from the residence but that are located on the property occupied by the residence may be eligible for financing if these improvements substantially protect or improve the basic livability or utility of the residence (i.e., installation of a septic tank or the drilling of a well). Luxury items (such as swimming pools and spas) shall not be eligible for financing hereunder.

f. Loan proceeds may not be used to finance any improvements that have been completed at the time the application is submitted to the authority.

g. All work financed with the loan proceeds shall be performed by a contractor duly licensed in Virginia to perform such work and be performed pursuant to a validly issued building permit, if required, and shall comply with all applicable state and local health, housing, building, fire prevention and housing maintenance codes and other applicable standards and requirements. Compliance with the foregoing shall be evidenced by such documents and certifications as shall be prescribed by the executive director.

h. The executive director may require the applicant *or applicants* to establish a contingency fund for the mortgage loan in an amount adequate to ensure sufficient reserve funds for the proper completion of the proposed improvements in the event of cost over runs. The executive director may also require a holdback from each disbursement of loan proceeds until completion of the residence.

i. The executive director may approve originating agents to originate the acquisition/rehabilitation loans. To be so approved, the originating agent must have a staff with demonstrated ability and experience in acquisition/rehabilitation mortgage loan origination, processing and administration.

j. In addition to the payment of points set forth in subdivision 18 of this section, the originating agent may collect an escrow administration fee and an inspection fee in an amount determined by the executive director to compensate the originating agent for administering the disbursement of the mortgage loan during the rehabilitation of the residence.

Except as modified hereby, all of the requirements, terms and conditions set forth in 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to the flexible alternative mortgage loan programs.

VA.R. Doc. No. R02-91; Filed November 28, 2001, 10 a.m.





TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Appendices A through F referenced in the following order are not being published. However, these appendices are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

Title of Regulation: 20 VAC 5-300. Energy Regulation; In General (amending 20 VAC 5-300-90).

Statutory Authority: §§ 12.1-13 and 56-265.16:1 of the Code of Virginia.

Agency Contact: Massoud Tahamtani, Assistant Director of the Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9264.

Summary:

The 2001 Session of the General Assembly amended § 56-265.16:1 of the Code of Virginia and expanded the factors the commission must consider when certifying or revoking or modifying a certificate that it has granted to a notification center.

The proposed revisions address the information to be included in an application for a certificate to become a notification center as well as performance standards to ensure an acceptable level of performance by a notification center once it has been granted a certificate by the State Corporation Commission. Among other things, the proposed rules require a notification center to: (i) provide callers with a ticket number and names of operators who will be notified for each locate request; (ii) have a comprehensive and documented operating plan; (iii) have the capability to time and date stamp responses to the Ticket Information Exchange (TIE) system; (iv) have the capability of interactive data communication to permit remote data entry for member operators and excavators; (v) have a formal and effective training program for its employees; (vi) have procedures to reduce over-notification; (vii) have a disaster recovery plan; (viii) have a plan detailing the center's performance standards; and (ix) have procedures to verify with operators the data received from operators that will allow proper notification. The proposed rules also require notification centers to devise an effective public education/awareness plan. They also require a certificated notification center to notify the commission in writing when it proposes to change an agent or vendor that provides the primary notification function.

The commission is inviting interested persons to file comments or requests for hearing on the revisions to the rules proposed by the Commission Staff on or before December 28, 2001.

AT RICHMOND, NOVEMBER 14, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE010422

Ex Parte: In the matter concerning the Rules Governing Certification and Maintenance of Notification Centers

ORDER PRESCRIBING NOTICE AND INVITING COMMENTS

On July 30, 2001, the State Corporation Commission ("Commission") entered an Order establishing an investigation into the appropriate policies and rules governing the certification of notification centers and maintenance of acceptable levels of performance by such centers once they are certificated by the Commission.<sup>1</sup> The July 30, 2001, Order invited interested parties to file written comments on or before September 28, 2001, on the issues identified in Attachment A to the Order. Interested parties were encouraged to offer proposed rules corresponding to the issues set forth in Attachment A to the Order. Additionally, the Commission's Order directed the Staff to file a report, summarizing and responding to the comments filed in the docket, and proposing revisions, where appropriate, to the present Rules Governing Certification of Notification Centers, 20 VAC 5-300-90 ("Rules") that were adopted in 1990.<sup>2</sup>

On November 9, 2001, the Staff filed its Report in which it summarized the filed comments, discussed the development of rules governing the certification of notification centers in Virginia, reviewed national "best practices" relative to certification and measuring the performance of a notification center after certification, proposed specific revisions and additions to the existing Rules Governing the Certification of Notification Centers, and discussed the proposed rules.

NOW UPON consideration of the comments, the Staff Report, the proposed rules, and the Underground Utility Damage Prevention Act ("the Act"), the Commission is of the opinion and finds that public notice should be given of the rules proposed by the Staff in its November 9, 2001, Report; that interested persons should be afforded an opportunity to file written comments or request a hearing on the proposed rules

<sup>1</sup> Section 56-265.15 of the Underground Utility Damage Prevent Act ("Act") defines "notification center" as "an organization whose membership is open to all operators of underground facilities located within the notification center's designated service area, which maintains a data base, provided by its member operators, that includes the geographic areas in which its member operators desire transmissions of notices of proposed excavation, and which has the capability to transmit, within one hour of receipt, notices of proposed excavation to member operators by teletype, telecopy, personal computer, or telephone."

<sup>2</sup> See Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of adopting Rules Governing the Certification of Notification Centers Pursuant to § 56-265.16:1 of the Code of Virginia, Case No. PUE900033, 1990 S.C.C. Ann. Rept. 344.

---

# Proposed Regulations

---

appended hereto as Appendix 1;<sup>3</sup> that the notice of the proposed rulemaking should be published in newspapers of general circulation throughout the Commonwealth; and that this Order and proposed rules should be forwarded to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

Accordingly, IT IS ORDERED THAT:

(1) A copy of this Order, the proposed rules, and the November 9, 2001, Staff Report shall be made available for public review in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, during the Commission's regular hours of operation, Monday through Friday, from 8:15 a.m. to 5:00 p.m. Interested persons may also review a copy of the Order and Appendix 1 thereto on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(2) Interested persons may obtain a copy of this Order, together with a copy of the Staff report and the proposed rules upon which comment is sought (Appendix 1 hereto), by directing a request in writing for the same on or before December 20, 2001, to Massoud Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218. Such requests shall refer to Case No. PUE010422.

(3) On or before December 28, 2001, any interested person desiring to comment upon the proposed "Rules Governing the Certification and Maintenance of Notification Centers", set out in Appendix 1 hereto, shall file an original and fifteen (15) copies of such comments in writing with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUE010422. The comments shall set forth the person's interest in the proceeding, his comments on the rules, and if such person objects to certain provisions of the proposed rules, shall propose alternative language for the rules to which an objection is made.

(4) Any interested person desiring a hearing in this matter shall file an original and fifteen (15) copies of a written request for hearing on or before December 28, 2001, with the Clerk of the Commission and shall state in detail why a hearing is necessary. Such request shall identify the factual issues likely to be in dispute upon which the interested person seeks a hearing, together with the evidence expected to be introduced at any hearing convened by the Commission. Requests for hearing shall refer to Case No. PUE010422, and shall be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUE010422. If no sufficient request for a hearing is received, the Commission may enter an Order promulgating rules based upon the written pleadings and comments filed herein.

(5) On or before December 1, 2001, the Commission's Division of Information Resources shall cause the following notice to be published as classified advertising on one occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF PROPOSED  
REVISIONS TO THE RULES FOR CERTIFICATION  
AND MAINTENANCE OF NOTIFICATION  
CENTERS - CASE NO. PUE010422

Section 56-265.16:1 of the Code of Virginia was amended effective July 1, 2001, by the 2001 General Assembly. As amended, § 56-265.16:1 of the Code of Virginia, among other things, directs the Commission in approving or revoking a notification center certification to: (i) ensure protection for the public from the hazards that the Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia ("the Act") is intended to prevent or mitigate; (ii) ensure that all persons served by the notification center receive an acceptable level of performance, which level of performance shall be maintained throughout the period of the notification center's certification; and (iii) require the notification center and its agents to demonstrate financial responsibility for any damages that may result from the violation of any provision of the Act. According to § 56-265.16:1, such requirement may be met by purchasing and maintaining liability insurance on such terms and in such amounts as the Commission deems appropriate.

A notification center is an organization whose membership is open to all utility operators ("operators") of underground utility lines located within the notification center's designated service area. The notification center maintains a data base, provided by its member operators, that includes the geographic areas in which its member operators desire transmissions of notices of proposed excavation. The notification center notifies the operators when proposed excavations are planned in locations where operators have underground utility facilities.

The Commission's present Rules Governing Certification of Notification Centers, 20 VAC 5-300-90 ("Rules"), were adopted in 1990, before the amendment of § 56-265.16:1 of the Code of Virginia. The Commission's July 30, 2001, Order Establishing Investigation and Inviting Comments directed the Commission Staff to file a report proposing revisions to these Rules, where appropriate. On November 9, 2001, the Commission Staff filed its Report, setting forth its recommended revisions to the Rules ("proposed rules"). The Rules proposed by the Staff affect the certification of notification centers and maintenance of acceptable levels of performance by a notification center once a center is certificated and thus impact operators, excavators, notification centers, and other members of the public who may

---

<sup>3</sup> The rules appearing in Appendix 1 to this Order have been revised to reflect minor changes and corrections and removal of a duplication of Rule 20 VAC 5-300-90 F 15 in the Staff Report in contemplation of publication in the *Virginia Register of Regulations*.

be expected to utilize the services of the notification center. Therefore, the Commission is inviting comments and requests for hearing on the Rules proposed by the Commission Staff.

A copy of the Order Prescribing Notice and Inviting Comments, the November 9, 2001, Staff Report, together with the proposed rules upon which comment is sought, may be reviewed from 8:15 a.m. to 5:00 p.m., Monday through Friday, in the State Corporation Commission's Document Control Center, at 1300 East Main Street, Tyler Building, First Floor, Richmond, Virginia 23219. Interested persons may obtain a copy of the Commission's Order and the proposed rules under consideration, together with the Staff Report, by directing a written request for the same on or before December 20, 2001, to Massoud Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218. Such requests shall refer to Case No. PUE010422. Interested persons may also obtain a copy of the Order and proposed rules attached thereto from the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

Any interested person who wishes to comment upon the proposed rules (Appendix 1 to the Commission's Order Prescribing Notice and Inviting Comments) shall file on or before December 28, 2001, an original and fifteen (15) copies of such comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE010422. The comments should set forth the person's interest in this proceeding, any comments on the rules, and if the comments object to certain provisions in the proposed rules, recommend alternative language for those rules to which an objection is made.

Any interested person desiring to request a hearing in this matter shall file an original and fifteen (15) copies of a written request for hearing with the Clerk of the Commission at the address set forth above on or before December 28, 2001, and shall state in detail why a hearing is necessary. Any request for hearing should identify the factual issues upon which the interested person seeks hearing, together with the evidence expected to be introduced if a hearing is convened. If no sufficient request for hearing is received, the Commission may enter an Order promulgating rules based upon the comments and the written pleadings filed in this proceeding.

All communications to the Commission regarding this proceeding should be directed to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and should refer to Case No. PUE010422.

## THE DIVISION OF ENERGY REGULATION OF THE STATE CORPORATION COMMISSION

(6) The Commission's Division of Information Resources shall forthwith cause this Order, together with the proposed rules to be forwarded to the Registrar for publication in the *Virginia Register of Regulations*.

(7) The Commission's Division of Information Resources shall promptly file with the Clerk of the Commission the proof of the newspaper publication required in Ordering Paragraph (5) herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all of the certificated electric utilities regulated by the Commission as set out in Appendix A hereto; all of the certificated electric cooperatives regulated by the Commission as set out in Appendix B hereto; all of the certificated water and sewer utilities subject to the Commission's regulation as set out in Appendix C hereto; all of the telephone companies and telephone cooperatives regulated by the Commission as set out in Appendix D hereto; all of Virginia's certificated interexchange carriers as set out in Appendix E hereto; all of the certificated natural gas companies regulated by the Commission as set out in Appendix F hereto; John F. Dudley, Senior Assistant Attorney General and Chief, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Mark Singer, Legislative Representative, Virginia Utility & Heavy Contractors Council, 1108 East Main Street, Suite 904, Richmond, Virginia 23219; Cynthia I. Oakey, Dominion Resources Services, Inc., 100 Tredegar Street, Richmond, Virginia 23219; Kodwo Ghartey-Tagoe, Esquire, and M. Renae Carter, Esquire, McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; David W. Ogburn, Jr., Assistant General Counsel, Verizon, 600 East Main Street, Suite 1100, Richmond, Virginia 23219-2441; Kenneth W. Christman, General Counsel, and James S. Copenhaver, Senior Attorney, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Anita Lester, Esquire, Virginia, Maryland & Delaware Association of Electric Cooperatives, P.O. Box 2340, Glen Allen, Virginia 23058; Thomas J. Russell, Chief, Gravity Sewers Branch, Fairfax County Public Works, Wastewater Collection Division, The Robert P. McMath Facility, 6000 Freds Oak Road, Burke, Virginia 22015; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Charles M. Allen, Esquire, Goodman, West & Filetti, PLLC, 4501 Highwoods Parkway, Suite 210, Glen Allen, Virginia 23060; James M. Hoffman, Esquire, Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 11921 Rockville Pike, Rockville, Maryland 20852-2743; Marty J. Reinert, Regulatory Analyst II, Regulatory Compliance, LG&E Energy Corp., P.O. Box 32010, Louisville, Kentucky 40232; Charlie C. Crowder, Jr., General Manager, Fairfax County Water Authority, P.O. Box 1500, Merrifield, Virginia 22116-0815; Christopher J. Dolena, Engineer II, City of Virginia Beach, Department of Public Utilities - Operations Division, 3500 Dam Neck Road, Virginia Beach, Virginia 23456; Kenneth E. Tawney, Jackson & Kelly PLLC, P.O. Box 553, Charleston, West Virginia 25322; Colleen E. Hicks, Esquire, Law Department, Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E.,

---

# Proposed Regulations

---

Charleston, West Virginia 25314; H. Allen Glover, Jr., Esquire, and Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Robert B. Evans, Esquire, Washington Gas Light Company, 12th Floor, 1100 H Street, N.W., Washington, D.C. 20080; Jack Combs, President, Virginia Underground Utility Protection Service, Inc., P.O. Box 28477, Richmond, Virginia 23228; Phil Thompson, General Manager, One Number Information Systems, Inc., 204 Rivers Bend Boulevard, Chester, Virginia 23831; Jim Holzer, One Call Concepts, Inc., 7223 Parkway Drive, Hanover, Maryland 21076; Roddy Mowe, Chairman, Northern Virginia Utility Protection Service, Inc., P.O. Box 1849, Frederick, Maryland 21702-0849; Gray Pruitt, 2415 Grenoble Road, Richmond, Virginia 23294; Thomas A. Dick, 1108 East Main Street, Suite 904, Richmond, Virginia 23219; Theodore F. Adams, III, Esquire, and Matthew B. Kirsner, Esquire, Mays Valentine Troutman & Sanders, L.L.P., P.O. Box 1122, Richmond, Virginia 23218; and the Commission's Office of General Counsel and Division of Energy Regulation.

## **20 VAC 5-300-90. Rules governing certification and maintenance of notification center or centers.**

A. The purpose of this section is to facilitate the filing of applications by those desiring to serve as a notification center pursuant to § 56-265.16:1 of the Code of Virginia as amended by ~~House Bill No. 720~~ of the ~~1989~~ 2001 Session of the General Assembly, effective July 1, ~~1990~~ 2001. *These rules further detail certain standards and requirements for operation and maintenance of the notification center or centers.*

B. An original and 15 copies of an application for certification shall be filed with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118 Richmond, Virginia ~~23216~~ 23218 and shall contain all the information and exhibits required herein.

C. Notice of the application shall be given to *the public*, governmental officials and to utility operators within the applicant's proposed area as required by the Commission in its initial order docketing the case for consideration.

D. An applicant shall submit information which identifies itself, including (i) its name, address and telephone number (ii) its corporate ownership (iii) the name, address and telephone number of its corporate parent or parents, if any, (iv) a list of its officers and directors, or if the applicant is not a corporation, a list of its principals and their directors if said principals are corporations, and (v) the names, addresses and telephone numbers of its legal counsel.

E. Each application shall be accompanied by maps depicting the areas of the Commonwealth in which the applicant proposes to act as a notification center. These maps and certificates for notification centers, when granted, will be retained on file in the Commission's Division of Energy Regulation.

F. Each application shall demonstrate that the applicant fully qualifies as a notification center. *At a minimum*, a notification center is one that:

1. ~~May be~~ *Is capable of being* contacted by means of a toll-free telephone call, *teletype, telecopy or personal computer* from any point within the Commonwealth;

2. Is open to participation by any operator of underground ~~facilities~~ *utility lines* within the service area sought as set out in § 56-265.15 of the Code of Virginia;

3. Is capable of making the filings required by § 56-265.16:1 of the Code of Virginia;

4. Is capable of providing emergency service 365 days a year, 24 hours per day and capable of providing regular service Monday through Friday 7:00 a.m. through 5:00 p.m., excluding ~~designated~~ *legal state and national* holidays;

5. Shall maintain such telecommunications equipment necessary to insure a minimum level of ~~response acceptable to the participating operators and to users of the service~~ *performance as detailed in this section*;

6. Has the capability to transmit, within one hour of receipt, notices of proposed excavation to member operators by teletype, telecopy, personal computer, or telephone;

7. *Has the capability to transmit, within five minutes of receipt, notice of emergency excavation to member operators by teletype, telephone, facsimile, personal computer, or telephone;*

~~7-~~ 8. Is capable of maintaining equipment adequate to voice record all incoming calls and retain such records for a minimum of six years and is capable of recording all transmissions (*tickets or notices*) of proposed excavations to member operators and retaining those records for a minimum of six years;

~~8-~~ 9. Shall maintain ~~an adequate level of~~ *an adequate level of* liability insurance coverage of *such terms and amounts deemed appropriate by the commission*;

9- 10. Shall maintain detailed maps *and other electronic means* depicting areas with underground utility ~~facilities~~ *lines* and shall be able to pass on to operators the specific site address of a proposed excavation using *multiple types of points of reference such as* street addresses where those exist or, where addresses do not exist, the distance and direction to the nearest intersection of named or numbered public roads, *latitude/longitude, and highway/railroad/pipeline mile markers, etc.; and*

~~10-~~ 11. Shall notify those calling about proposed excavations of the time frame within which an operator must respond and mark its facilities-;

12. *Shall provide the caller with the ticket number, and the names of operators who will be notified for each locate request;*

13. *Has a comprehensive and documented operating plan. Such plan shall detail the center's organizational structures, corporate form, the center's governing structure, personnel qualification criteria, operating budget and financial resources, description of physical facilities, description of computer hardware and software systems, description of the communication facilities, description of the center's*

security and protection components, and procedures designed to ensure compliance with this section;

14. Has the capability to time and date stamp responses to the Ticket Information Exchange (TIE) system provided by operators and contract locators;

15. Has the capability of interactive data communication to permit remote data entry for member operators and excavators;

16. Has a formal and effective training program for its employees;

17. Has procedures and practices designed to reduce over-notification;

18. Has a detailed disaster recovery plan which, when implemented, enables the center to continue acceptable operation during a disaster;

19. Has a plan detailing the center's performance standards for the purpose of promoting accuracy, cost effectiveness, operational efficiency, and customer satisfaction. This plan shall detail key indices used to measure the center's performance. These measures shall include: Average Speed of Answer, Abandoned Call Rate, Busy Signal Rate, Customer Satisfaction Rate and Locate Request Delivery criteria. The performance level recommended by "Best Practices" shall be achieved by the center. The center shall provide to the commission periodic reports no less frequently than once a quarter detailing the various performance measures achieved by the center; and

20. Has procedures to regularly verify with the operators the data received from the operators that will allow proper notification.

G. ~~Except as provided in Subsection I,~~ Only one notification center will be granted a certificate for a given geographic area.

H. No certificated notification center shall abandon or discontinue service to the public or any part thereof except with the approval of the commission and upon such terms and conditions as prescribed. The relationships between centers and operators of underground facilities are governed by their own agreements and not by this section or by the commission.

~~I. An application for a certificate may be submitted for any geographic area (i) for which a certificate has been previously granted by the Commission, or (ii) in which a notification center exempt from the requirements of § 56-265.16:1 of the Code of Virginia is currently operating, if such application is supported by the operators of the underground facilities responsible for more than half of the ticket volume applicable to Virginia of the existing notification center during the most recent 12-month period preceding the filing of the application for which data is available. If the Commission determines that a certificate should be granted to the applicant hereunder, the certificate previously issued for the same geographic area shall terminate as of the effective date of the new certificate.~~

I. Only one toll-free number shall be used across the Commonwealth to contact the notification center or centers regarding proposed excavation.

J. Excessive complaints against a certificated notification center or violations of this section shall be grounds for suspension or revocation of the notification center's certificate. In all proceedings pursuant to this section, the commission shall give notice to the notification center of the allegation against it and shall provide the center with an opportunity to be heard concerning those allegations prior to the suspension or revocation of the center's certificate.

K. The certificated notification center or centers devise an effective public education/awareness plan regarding underground utility damage prevention as required by §§ 56-265.16:1 E and 56-265.32 B of the Code of Virginia.

L. The certificated notification center shall notify the commission in writing when it proposes to change its agent or vendor that provides the primary notification function. This notification shall be provided 60 days prior to the planned change.

M. The plans, procedures, and information required by subdivisions F 13 and F 16 through F 20 of this section shall be filed with the commission with an application for certification of a notification center or upon a request from the commission. Thereafter, updates to these plans shall be filed with the commission within 30 days of any substantial change to the plans, procedures, and information required by this section.

N. The certificated notification center shall file with the commission information required by subdivisions F 13 and F 16 through F 20 of this section, and any other information (experience, financial capability, insurance coverage, etc.) that demonstrates the center's agent or vendor providing the primary notification service is fully qualified.

O. The codes and subcodes used for the operation of the TIE system shall be reviewed and approved by the commission's Damage Prevention Advisory Committee.

P. The center's governing body shall be made up of representatives of all stakeholders including various utility types, excavators, locators, local governments and the Virginia Department of Transportation. Persons serving on the center's governing body shall be knowledgeable of the operation of the center and be committed to Virginia's damage prevention program.

~~K.~~ Q. The commission may conduct hearings as necessary to grant, amend, suspend, or revoke certificates and as necessary to enforce this section or the provisions of Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia.

VA.R. Doc. No. R02-71; Filed November 16, 2001, 9:46 a.m.

◆ ————— ◆

---

# FINAL REGULATIONS

---

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

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Documents Incorporated by Reference -- Rev. B00).**

**9 VAC 5-10. General Definitions (amending 9 VAC 5-10-20).**

**9 VAC 5-20. General Provisions (amending 9 VAC 5-20-21).**

**9 VAC 5-40. Existing Stationary Sources (amending 9 VAC 5-40-460, 9 VAC 5-40-2930, 9 VAC 5-40-5210, 9 VAC 5-40-5230, 9 VAC 5-40-8130, and 9 VAC 5-40-8150).**

**9 VAC 5-80. Permits for Stationary Sources (amending 9 VAC 5-80-10, 9 VAC 5-80-370, 9 VAC 5-80-390, 9 VAC 5-80-1710, and 9 VAC 5-80-2010).**

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

Effective Date: February 1, 2002.

#### Summary:

*The amendments incorporate the latest editions of referenced technical documents. The amendments are needed because the agency's regulations must be current and timely, which means that documents incorporated by reference must be the most recent editions. Minor editorial changes were made to the proposed regulations.*

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published 17:21 VA.R. 2973-3016 July 2, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

#### 9 VAC 5-10-20. Terms defined.

*"Actual emissions rate"* means the actual rate of emissions of a pollutant from an emissions unit. In general actual emissions shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the most recent two-year period or some other two-year period which is representative of normal source operation. If the board determines that no two-year period is representative of normal source operation, the board shall allow the use of an alternative period of time upon a determination by the board that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials

processed, stored, or combusted during the selected time period.

*"Administrator"* means the administrator of the U.S. Environmental Protection Agency (EPA) or his authorized representative.

*"Affected facility"* means, with reference to a stationary source, any part, equipment, facility, installation, apparatus, process or operation to which an emission standard is applicable or any other facility so designated.

*"Air pollution"* means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety; to animal or plant life; or to property; or which unreasonably interfere with the enjoyment by the people of life or property.

*"Air quality"* means the specific measurement in the ambient air of a particular air pollutant at any given time.

*"Air quality control region"* means any area designated as such in 9 VAC 5-20-200.

*"Air quality maintenance area"* means any area which, due to current air quality or projected growth rate or both, may have the potential for exceeding any ambient air quality standard set forth in 9 VAC 5 Chapter 30 (9 VAC 5-30-10 et seq.) within a subsequent 10-year period and designated as such in 9 VAC 5-20-203.

*"Alternative method"* means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the board, in specific cases, to produce results adequate for its determination of compliance.

*"Ambient air"* means that portion of the atmosphere, external to buildings, to which the general public has access.

*"Ambient air quality standard"* means any primary or secondary standard designated as such in 9 VAC 5 Chapter 30 (9 VAC 5-30-10 et seq.).

*"Board"* means the State Air Pollution Control Board or its designated representative.

*"Class I area"* means any prevention of significant deterioration area (i) in which virtually any deterioration of existing air quality is considered significant and (ii) designated as such in 9 VAC 5-20-205.

*"Class II area"* means any prevention of significant deterioration area (i) in which any deterioration of existing air quality beyond that normally accompanying well-controlled growth is considered significant and (ii) designated as such in 9 VAC 5-20-205.

*"Class III area"* means any prevention of significant deterioration area (i) in which deterioration of existing air

quality to the levels of the ambient air quality standards is permitted and (ii) designated as such in 9 VAC 5-20-205.

*"Continuous monitoring system"* means the total equipment used to sample and condition (if applicable), to analyze, and to provide a permanent continuous record of emissions or process parameters.

*"Control program"* means a plan formulated by the owner of a stationary source to establish pollution abatement goals, including a compliance schedule to achieve such goals. The plan may be submitted voluntarily, or upon request or by order of the board, to ensure compliance by the owner with standards, policies and regulations adopted by the board. The plan shall include system and equipment information and operating performance projections as required by the board for evaluating the probability of achievement. A control program shall contain the following increments of progress:

1. The date by which contracts for emission control system or process modifications are to be awarded, or the date by which orders are to be issued for the purchase of component parts to accomplish emission control or process modification.
2. The date by which the on-site construction or installation of emission control equipment or process change is to be initiated.
3. The date by which the on-site construction or installation of emission control equipment or process modification is to be completed.
4. The date by which final compliance is to be achieved.

*"Criteria pollutant"* means any pollutant for which an ambient air quality standard is established under 9 VAC 5 Chapter 30 (9 VAC 5-30-10 et seq.)

*"Day"* means a 24-hour period beginning at midnight.

*"Delayed compliance order"* means any order of the board issued after an appropriate hearing to an owner which postpones the date by which a stationary source is required to comply with any requirement contained in the applicable State Implementation Plan.

*"Department"* means any employee or other representative of the Virginia Department of Environmental Quality, as designated by the director.

*"Director"* or *"executive director"* means the director of the Virginia Department of Environmental Quality or a designated representative.

*"Dispersion technique"*

1. Means any technique which attempts to affect the concentration of a pollutant in the ambient air by:
  - a. Using that portion of a stack which exceeds good engineering practice stack height;
  - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

- c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

2. The preceding sentence does not include:

- a. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

- b. The merging of exhaust gas streams where:

- (1) The owner demonstrates that the facility was originally designed and constructed with such merged gas streams;

- (2) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

- (3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the board shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the owner that merging was not significantly motivated by such intent, the board shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

- c. Smoke management in agricultural or silvicultural prescribed burning programs;

- d. Episodic restrictions on residential woodburning and open burning; or

- e. Techniques under subdivision 1 c of this definition which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

*"Emergency"* means a situation that immediately and unreasonably affects, or has the potential to immediately and unreasonably affect, public health, safety or welfare; the health of animal or plant life; or property, whether used for recreational, commercial, industrial, agricultural or other reasonable use.

*"Emission limitation"* means any requirement established by the board which limits the quantity, rate, or concentration of continuous emissions of air pollutants, including any

---

# Final Regulations

---

requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures to assure continuous emission reduction.

*"Emission standard"* means any provision of 9 VAC 5 Chapter 40 (9 VAC 5-40-10 et seq.), 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) or 9 VAC 5 Chapter 60 (9 VAC 5-60-10 et seq.) which prescribes an emission limitation, or other requirements that control air pollution emissions.

*"Emissions unit"* means any part of a stationary source which emits or would have the potential to emit any air pollutant.

*"Equivalent method"* means any method of sampling and analyzing for an air pollutant which has been demonstrated to the satisfaction of the board to have a consistent and quantitative relationship to the reference method under specified conditions.

*"Excess emissions"* means emissions of air pollutant in excess of an emission standard.

*"Excessive concentration"* is defined for the purpose of determining good engineering practice (GEP) stack height under subdivision 3 of the GEP definition and means:

1. For sources seeking credit for stack height exceeding that established under subdivision 2 of the GEP definition, a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the provisions of 9 VAC 5-80-20, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this provision shall be prescribed by the new source performance standard that is applicable to the source category unless the owner demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the board, an alternative emission rate shall be established in consultation with the owner;

2. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subdivision 2 of the GEP definition, either (i) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in subdivision 1 of this definition, except that the emission rate specified by any applicable state implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or (ii) the actual

presence of a local nuisance caused by the existing stack, as determined by the board; and

3. For sources seeking credit after January 12, 1979, for a stack height determined under subdivision 2 of the GEP definition where the board requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subdivision 2 of the GEP definition, a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

*"Existing source"* means any stationary source other than a new source or modified source.

*"Facility"* means something that is built, installed or established to serve a particular purpose; includes, but is not limited to, buildings, installations, public works, businesses, commercial and industrial plants, shops and stores, heating and power plants, apparatus, processes, operations, structures, and equipment of all types.

*"Federal Clean Air Act"* means 42 USC § 7401 et seq., 91 Stat 685.

*"Federally enforceable"* means all limitations and conditions which are enforceable by the administrator, including the following:

1. Any requirement approved by the administrator pursuant to the provisions of § 111 or § 112 of the federal Clean Air Act;
2. Any applicable source-specific or source-category emission limit or requirement in an implementation plan;
3. Any permit requirements established pursuant to 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.), with the exception of terms and conditions established to address applicable state requirements; and
4. Any other applicable federal requirement.

*"Good engineering practice"* or *"GEP,"* with reference to the height of the stack, means the greater of:

1. 65 meters, measured from the ground-level elevation at the base of the stack;
2. a. For stacks in existence on January 12, 1979, and for which the owner had obtained all applicable permits or approvals required under 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.),

$$H_g = 2.5H,$$

provided the owner produces evidence that this equation was actually relied on in establishing an emission limitation;

- b. For all other stacks,



$$H_g = H + 1.5L,$$

where:

$H_g$  = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

$H$  = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

$L$  = lesser dimension, height or projected width, of nearby structure(s) provided that the board may require the use of a field study or fluid model to verify GEP stack height for the source; or

3. The height demonstrated by a fluid model or a field study approved by the board, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

"*Hazardous air pollutant*" means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the administrator causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

"*Implementation plan*" means the portion or portions of the state implementation plan, or the most recent revision thereof, which has been approved under § 110 of the federal Clean Air Act, or promulgated under § 110(c) of the federal Clean Air Act, or promulgated or approved pursuant to regulations promulgated under § 301(d) of the federal Clean Air Act and which implements the relevant requirements of the federal Clean Air Act.

"*Isokinetic sampling*" means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

"*Locality*" means a city, town, county or other public body created by or pursuant to state law.

"*Malfunction*" means any sudden failure of air pollution control equipment, of process equipment, or of a process to operate in a normal or usual manner, which failure is not due to intentional misconduct or negligent conduct on the part of the owner or other person.

"*Metropolitan statistical area*" means any area designated as such in 9 VAC 5-20-202.

"*Monitoring device*" means the total equipment used to measure and record (if applicable) process parameters.

"*Nearby*" as used in the definition of good engineering practice (GEP) is defined for a specific structure or terrain feature and

1. For purposes of applying the formulae provided in subdivision 2 of the GEP definition means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (1/2 mile), and

2. For conducting demonstrations under subdivision 3 of the GEP definition means not greater than 0.8 km (1/2 mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height ( $H_t$ ) of the feature, not to exceed 2 miles if such feature achieves a height ( $H_t$ ) 0.8 km from the stack that is at least 40% of the GEP stack height determined by the formulae provided in subdivision 2 b of the GEP definition or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

"*Nitrogen oxides*" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in 40 CFR Part 60.

"*Nonattainment area*" means any area which is shown by air quality monitoring data or, where such data are not available, which is calculated by air quality modeling (or other methods determined by the board to be reliable) to exceed the levels allowed by the ambient air quality standard for a given pollutant including, but not limited to, areas designated as such in 9 VAC 5-20-204.

"*One hour*" means any period of 60 consecutive minutes.

"*One-hour period*" means any period of 60 consecutive minutes commencing on the hour.

"*Organic compound*" means any chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic disulfide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

"*Owner*" means any person, including bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals, who owns, leases, operates, controls or supervises a source.

"*Particulate matter*" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

"*Particulate matter emissions*" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the applicable reference method, or an equivalent or alternative method.

"*PM<sub>10</sub>*" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by the applicable reference method or an equivalent method.

"*PM<sub>10</sub> emissions*" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by the applicable reference method, or an equivalent or alternative method.

"*Performance test*" means a test for determining emissions from new or modified sources.

---

# Final Regulations

---

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

"Pollutant" means any substance the presence of which in the outdoor atmosphere is or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interferes with the enjoyment by the people of life or property.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or its effect on emissions is state and federally enforceable.

"Prevention of significant deterioration area" means any area not designated as a nonattainment area in 9 VAC 5-20-204 for a particular pollutant and designated as such in 9 VAC 5-20-205.

"Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

"Public hearing" means, unless indicated otherwise, an informal proceeding, similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held to afford persons an opportunity to submit views and data relative to a matter on which a decision of the board is pending.

"Reference method" means any method of sampling and analyzing for an air pollutant as described in the following EPA regulations:

1. For ambient air quality standards in 9 VAC 5 Chapter 30 (9 VAC 5-30-10 et seq.): The applicable appendix of 40 CFR Part 50 or any method that has been designated as a reference method in accordance with 40 CFR Part 53, except that it does not include a method for which a reference designation has been canceled in accordance with 40 CFR 53.11 or 40 CFR 53.16.
2. For emission standards in 9 VAC 5 Chapter 40 (9 VAC 5-40-10 et seq.) and 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.): Appendix A of 40 CFR Part 60.
3. For emission standards in 9 VAC 5 Chapter 60 (9 VAC 5-60-10 et seq.): Appendix B of 40 CFR Part 61.

"Regional director" means the regional director of an administrative region of the Department of Environmental Quality or a designated representative.

"Regulation of the board" means any regulation adopted by the State Air Pollution Control Board under any provision of the Code of Virginia.

"Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 Chapters 10 (9 VAC 5-10-10 et seq.) through 80 (9 VAC 5-80-10 et seq.).

"Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquefied petroleum gases as determined by American Society for Testing and Materials publication, ~~Standard D323-82~~, "Test Method for Vapor Pressure of Petroleum Products (Reid Method)" (see ~~9 VAC 5-10-21~~ 9 VAC 5-20-21).

"Run" means the net period of time during which an emission sampling is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

"Shutdown" means the cessation of operation of an affected facility for any purpose.

"Source" means any one or combination of the following: buildings, structures, facilities, installations, articles, machines, equipment, landcraft, watercraft, aircraft or other contrivances which contribute, or may contribute, either directly or indirectly to air pollution. Any activity by any person that contributes, or may contribute, either directly or indirectly to air pollution, including, but not limited to, open burning, generation of fugitive dust or emissions, and cleaning with abrasives or chemicals.

"Stack" means any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct, but not including flares.

"Stack in existence" means that the owner had:

1. Begun, or caused to begin, a continuous program of physical on site construction of the stack; or
2. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner, to undertake a program of construction of the stack to be completed in a reasonable time.

"Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm of H subg (29.92 inches of H<sub>g</sub>).

"Standard of performance" means any provision of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) which prescribes an emission limitation or other requirements that control air pollution emissions.

"Startup" means the setting in operation of an affected facility for any purpose.

"State enforceable" means all limitations and conditions which are enforceable by the board or department, including, but not limited to, those requirements developed pursuant to 9 VAC 5-20-110; requirements within any applicable regulation, order, consent agreement or variance; and any permit requirements established pursuant to 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.)

"State Implementation Plan" means the plan, including the most recent revision thereof, which has been approved or promulgated by the administrator, U.S. Environmental Protection Agency, under § 110 of the federal Clean Air Act, and which implements the requirements of § 110.

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant. A

stationary source shall include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual (see 9 VAC 5-10-21).

"These regulations" means 9 VAC 5 Chapters 10 (9 VAC 5-10-10 et seq.) through 80 (9 VAC 5-80-10 et seq.).

"Total suspended particulate (TSP)" means particulate matter as measured by the reference method described in Appendix B of 40 CFR Part 50.

"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute (API) publication 2547, "[~~Evaporation~~ *Evaporative*] Loss from External Floating-Roof Tanks" (see ~~9 VAC 5-10-21~~ 9 VAC 5-20-21). The API procedure may not be applicable to some high viscosity or high pour crudes. Available estimates of true vapor pressure may be used in special cases such as these.

"Urban area" means any area consisting of a core city with a population of 50,000 or more plus any surrounding localities with a population density of 80 persons per square mile and designated as such in 9 VAC 5-20-201.

"Vapor pressure," except where specific test methods are specified, means true vapor pressure, whether measured directly, or determined from Reid vapor pressure by use of the applicable nomograph in API American Petroleum Institute publication 2547, "[~~Evaporation~~ *Evaporative*] Loss from External Floating-Roof Tanks" (see ~~9 VAC 5-10-21~~ 9 VAC 5-20-21).

"Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia.

"Volatile organic compound" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

1. This includes any such organic compounds which have been determined to have negligible photochemical reactivity other than the following:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (HFC-22);

- i. Trifluoromethane (HFC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a);
- u. Parachlorobenzotrifluoride (PCBTF);
- v. Cyclic, branched, or linear completely methylated siloxanes;
- w. Acetone;
- x. Perchloroethylene (tetrachloroethylene); and
- y. Perfluorocarbon compounds which fall into these classes:
  - (1) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

2. For purposes of determining compliance with emissions standards, volatile organic compounds shall be measured by the appropriate reference method in accordance with the provisions of 9 VAC 5-40-30 or 9 VAC 5-50-30, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as a volatile organic compound if the amount of such compounds is accurately quantified, and such exclusion is approved by the board.

3. As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the board may require an owner to provide monitoring or testing methods and results demonstrating, to the satisfaction of the board, the amount of negligibly-reactive compounds in the emissions of the source.

4. Exclusion of the above compounds in this definition in effect exempts such compounds from the provisions of emission standards for volatile organic compounds. The compounds are exempted on the basis of being so inactive

---

# Final Regulations

---

that they will not contribute significantly to the formation of ozone in the troposphere. However, this exemption does not extend to other properties of the exempted compounds which, at some future date, may require regulation and limitation of their use in accordance with requirements of the federal Clean Air Act.

"Welfare" means that language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.

DOCUMENTS INCORPORATED BY REFERENCE [ No change from proposed. ]

## 9 VAC 5-20-21. Documents incorporated by reference.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and nonstatutory documents incorporated by reference and their availability may be found in subsection E of this section.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR (~~4999~~ [ ~~2000~~ 2001 ] ) in effect July 1, ~~4999~~ [ ~~2000~~ 2001 ]. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this section any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this section may be examined by the public at the ~~headquarters~~ *central* office of the Department of Environmental Quality, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Information on federal regulations and nonstatutory documents incorporated by reference and their availability may be found below in this subsection.

1. Code of Federal Regulations.
  - a. The provisions specified below from the Code of Federal Regulations (CFR) are incorporated herein by reference.

(1) 40 CFR Part 50-National Primary and Secondary Ambient Air Quality Standards.

(a) Appendix A--Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(b) Appendix B--Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(c) Appendix C--Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(d) Appendix D--Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(e) Appendix E--Reference Method for Determination of Hydrocarbons Corrected for Methane.

(f) Appendix F--Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(g) Appendix G--Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(h) Appendix H--Interpretation of the National Ambient Air Quality Standards for Ozone.

(i) Appendix I--Reserved.

(j) Appendix J--Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere.

(k) Appendix K--Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

(2) 40 CFR Part 51--Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

Appendix M--Recommended Test Methods for State Implementation Plans.

Appendix S--Emission Offset Interpretive Ruling.

Appendix W--Guideline on Air Quality Models (Revised).

(3) 40 CFR Part 58--Ambient Air Quality Surveillance.

Appendix B--Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

(4) 40 CFR Part 60--Standards of Performance for New Stationary Sources.

The specific provisions of 40 CFR Part 60 incorporated by reference are found in Article 5 (9 VAC 5-50-400 et seq.) of Part II of Chapter 50, Rule 5-5, Environmental Protection Agency

Standards of Performance for New Stationary Sources.

(5) 40 CFR Part 61--National Emission Standards for Hazardous Air Pollutants.

The specific provisions of 40 CFR Part 61 incorporated by reference are found in Article 1 (9 VAC 5-60-60 et seq.) of Part II of Chapter 60, Rule 6-1, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants.

(6) 40 CFR Part 63--National Emission Standards for Hazardous Air Pollutants for Source Categories.

The specific provisions of 40 CFR Part 63 incorporated by reference are found in Article 2 (9 VAC 5-60-90 et seq.) of Part II of Chapter 60, Rule 6-2, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants for Source Categories.

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954; phone (202) 783-3238.

## 2. U.S. Environmental Protection Agency.

a. The following documents from the U.S. Environmental Protection Agency are incorporated herein by reference:

(1) Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. PB82250721, 1980.

(2) Compilation of Air Pollutant Emission Factors (AP-42). Volume I: Stationary and Area Sources, Publication No. PB95196028, 1995; Volume II: Supplement A, Publication No. PB96192497, 1996 stock number 055-000-00500-1, 1995; Supplement A, stock number 055-000-00551-6, 1996; Supplement B, stock number 055-000-00565, 1997; Supplement C, stock number 055-000-00587-7, 1997; Supplement D, 1998; Supplement E, 1999.

b. Copies of Volume I and Supplements A through C may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650 1-800-553-6847. Copies of Supplements D and E may be obtained online from EPA's Technology Transfer Network at <http://www.epa.gov/ttn/chief/ap42/index.html>.

## 3. U.S. government.

a. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1987 (U.S. Government Printing Office stock number 041-001-00-314-2).

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954; phone (202) 512-1800.

## 4. American Society for Testing and Materials (ASTM).

a. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

(1) D323-94 99a, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)." ~~from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.~~

(2) D97-93 96a, "Standard Test Method for Pour Point of Petroleum ~~Oils Products.~~" ~~from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.~~

(3) D129-94 00, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)," 1994."

(4) D388-95 99, "Standard Classification of Coals by Rank," 1995."

(5) D396-92 98, "Standard Specification for Fuel Oils," 1992."

(6) D975-94 98b, "Standard Specification for Diesel Fuel Oils," 1994."

(7) D1072-90(1999), "Standard Test Method for Total Sulfur in Fuel Gases," 1990, reapproved 1994."

(8) D1265-92 97, "Standard Practice for Sampling Liquefied Petroleum (LP) Gases (Manual Method)," 1992."

(9) D2622-94 98, "Standard Test Method for Sulfur in Petroleum Products by *Wavelength Dispersive X-Ray Fluorescence Spectrometry*," 1994."

(10) D4057-88 95(2000), "Standard Practice for Manual Sampling of Petroleum and Petroleum Products," 1988."

(11) D4294-90 98, "Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy," 1990."

b. Copies may be obtained from: American Society for Testing Materials, ~~1916 Race Street, Philadelphia 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19103~~ 19428-2959; phone (610) 832-9585.

## 5. American Petroleum Institute (API).

a. The following document from the American Petroleum Institute is incorporated herein by reference: ~~API Publication 2517, Evaporation Evaporative Loss from External Floating Roof Tanks, Third Edition, 1989 API MPMS Chapter 19, April 1, 1997.~~

b. Copies may be obtained from: American Petroleum Institute, ~~2404~~ 1220 L Street, Northwest, Washington, D.C. ~~20037~~ 20005; phone (202) 682-8000.

## 6. American Conference of Governmental Industrial Hygienists (ACGIH).

a. The following document from the ACGIH is incorporated herein by reference: Threshold Limit Values for Chemical Substances 1991-1992 and Physical

---

# Final Regulations

---

Agents and Biological Exposure Indices (ACGIH Handbook).

b. Copies may be obtained from: ACGIH, ~~6500 Glenway Avenue, Building D-Z~~ 1330 Kemper Meadow Drive, Suite 600, Cincinnati, Ohio ~~45211-4438~~ 45240; phone (513) 742-2020.

## 7. National Fire Prevention Association (NFPA).

a. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

(1) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, ~~1999~~ 2000 Edition.

(2) NFPA 30, Flammable and Combustible Liquids Code, ~~1993~~ 2000 Edition.

(3) NFPA 30A, ~~Automotive and Marine Service Station~~ Code [ for Motor Fuel Dispensing Facilities and Repair Garages ], [ ~~1993~~ 2000 ] Edition.

b. Copies may be obtained from the National Fire Prevention Association, One Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101; phone (617) 770-3000.

## 8. American Society of Mechanical Engineers (ASME).

a. The documents specified below from the American Society of Mechanical Engineers are incorporated herein by reference.

(1) ASME Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1-1964 (R1991).

(2) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters [ , 6th edition (1971 ~~1972~~ ) ].

(3) Standard for the Qualification and Certification of Resource Recovery Facility Operators, ASME QRO-1-1994.

b. Copies may be obtained from the American Society of Mechanical Engineers, ~~22 Law Drive, Fairfield, New Jersey 07004~~ Three Park Avenue, New York, New York 10016; phone (800) 843-2763.

## 9. American Hospital Association (AHA).

a. The following document from the American Hospital Association is incorporated herein by reference: An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities, AHA Catalog no. W5-057007, 1993.

b. Copies may be obtained from: American Hospital Association, ~~P.O. Box 92683~~ One North Franklin, Chicago, IL ~~60675-2683~~ 60606; phone (800) 242-2626.

**9 VAC 5-40-460. [ No change from proposed. ]**

**9 VAC 5-40-2930. [ No change from proposed. ]**

**9 VAC 5-40-5210. [ No change from proposed. ]**

**9 VAC 5-40-5230. [ No change from proposed. ]**

**9 VAC 5-40-8130. [ No change from proposed. ]**

**9 VAC 5-40-8150. [ No change from proposed. ]**

**9 VAC 5-80-10. [ No change from proposed. ]**

**9 VAC 5-80-370. [ No change from proposed. ]**

**9 VAC 5-80-390. [ No change from proposed. ]**

**9 VAC 5-80-1710. [ No change from proposed. ]**

**9 VAC 5-80-2010. [ No change from proposed. ]**

DOCUMENTS INCORPORATED BY REFERENCE [ No change from proposed. ]

VA.R. Doc. No. R00-223; Filed November 28, 2001, 8:41 a.m.

\* \* \* \* \*

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State 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: **Regulations for the Control and Abatement of Air Pollution (Rev. B01).**

**9 VAC 5-50. New and Modified Stationary Sources (amending 9 VAC 5-50-400, 9 VAC 5-50-410, and 9 VAC 5-50-420).**

**9 VAC 5-60. Hazardous Air Pollutant Sources (amending 9 VAC 5-60-60, 9 VAC 5-60-80, 9 VAC 5-60-90, 9 VAC 5-60-100, and 9 VAC 5-60-110).**

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

Effective Date: February 1, 2002.

Summary:

*The amendments incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2001.*

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

**9 VAC 5-50-400. General.**

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in 9 VAC 5-50-410 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-50-420. The complete text of the subparts in 9 VAC 5-50-410 incorporated herein by reference is contained in 40 CFR Part 60. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-50-410 identify the

specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(2000)~~ (2001) in effect July 1, ~~2000~~ 2001. In making reference to the Code of Federal Regulations, 40 CFR Part 60 means Part 60 of Title 40 of the Code of Federal Regulations; 40 CFR 60.1 means § 60.1 in Part 60 of Title 40 of the Code of Federal Regulations.

## **9 VAC 5-50-410. Designated standards of performance.**

Subpart A--General Provisions.

40 CFR 60.1 through 40 CFR 60.3, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11 through 40 CFR 60.15, 40 CFR 60.18 through 40 CFR 60.19

(applicability, definitions, units and abbreviations, notification and recordkeeping, performance tests, compliance, circumvention, monitoring requirements, modification, reconstruction, general control device requirements, and general notification and reporting requirements)

Subpart B--Not applicable.

Subpart C--Not applicable.

Subpart D--Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46

(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate, and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da--Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a

(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db--Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40b through 40 CFR 60.49b

(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart Dc--Small Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40c through 40 CFR 60.48c

(industrial-commercial-institutional steam generating units which have a heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour)

Subpart E--Incinerators.

40 CFR 60.50 through 40 CFR 60.54

(incinerator units of more than 50 tons per day charging rate)

Subpart Ea--Municipal Waste Combustors.

40 CFR 60.50a through 40 CFR 60.59a

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart Ec--Hospital/Medical/Infectious Waste Incinerators.

40 CFR 60.50c through 40 CFR 60.58c

(hospital/medical/infectious waste incinerators that combust any amount of hospital waste and medical/infectious waste or both)

Subpart F--Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64

(kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G--Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74

(nitric acid production units)

Subpart H--Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85

(sulfuric acid production units)

Subpart I--Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93

(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt; and the loading, transfer and storage systems associated with emission control systems)

Subpart J--Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106

(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

40 CFR 60.110a through 40 CFR 60.115a

(storage vessels with a capacity greater than 40,000 gallons)

---

# Final Regulations

---

Subpart Kb--Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b

(storage vessels with capacity greater than or equal to 10,566 gallons)

Subpart L--Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123

(pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M--Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133

(reverberatory and electric furnaces of 2205 pound or greater production capacity and blast (cupola) furnaces of 550 pounds per hour or greater production capacity)

Subpart N--Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.

40 CFR 60.140 through 40 CFR 60.144

(basic oxygen process furnaces)

Subpart Na--Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.

40 CFR 60.140a through 40 CFR 60.145a

(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs)

Subpart O--Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154

(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2205 pounds per day municipal sewage sludge (dry basis))

Subpart P--Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166

(dryers, roasters, smelting furnaces, and copper converters)

Subpart Q--Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176

(roasters and sintering machines)

Subpart R--Primary Lead Smelters

40 CFR 60.180 through 40 CFR 60.186

(sintering machines, sintering machine discharge ends, blast furnaces, dross reverberatory furnaces, electric smelting furnaces and converters)

Subpart S--Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195

(potroom groups and anode bake plants)

Subpart T--Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204

(reactors, filters, evaporators, and hot wells)

Subpart U--Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214

(evaporators, hot wells, acid sumps, and cooling tanks)

Subpart V--Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224

(reactors, granulators, dryers, coolers, screens, and mills)

Subpart W--Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate)

Subpart X--Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244

(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y--Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254

(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems)

Subpart Z--Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266

(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA--Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276

(electric arc furnaces and dust-handling systems that produce carbon, alloy or specialty steels)



Subpart AAa--Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a

(electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems that produce carbon, alloy, or specialty steels)

Subpart BB--Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285

(digester systems, brown stock washer systems, multiple effect evaporator systems, black liquor oxidation systems, recovery furnaces, smelt dissolving tanks, lime kilns, condensate strippers and kraft pulping operations)

Subpart CC--Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296

(glass melting furnaces)

Subpart DD--Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304

(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers, and all grain handling operations)

Subpart EE--Surface Coating of Metal Furniture.

40 CFR 60.310 through 40 CFR 60.316

(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF--(Reserved)

Subpart GG--Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335

(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH--Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344

(each rotary lime kiln)

Subparts II through JJ--(Reserved)

Subpart KK--Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374

(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL--Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386

(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM--Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397

(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN--Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404

(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO--(Reserved)

Subpart PP--Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424

(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ--Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435

(publication rotogravure printing presses, except proof presses)

Subpart RR--Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447

(pressure sensitive tape and label material coating lines)

Subpart SS--Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456

(surface coating operations in large appliance coating lines)

Subpart TT--Metal Coil Surface Coating.

40 CFR 60.460 through 40 CFR 60.466

---

# Final Regulations

---

(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU--Asphalt Processing and Asphalt Roofing Manufacture.

40 CFR 60.470 through 40 CFR 60.474

(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

Subpart VV--Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489

(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW--Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496

(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX--Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506

(total of all loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks)

Subparts YY through ZZ--(Reserved)

Subpart AAA--New Residential Wood Heaters.

40 CFR 60.530 through 40 CFR 60.539b

(wood heaters)

Subpart BBB--Rubber Tire Manufacturing Industry.

40 CFR 60.540 through 40 CFR 60.548

(each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subpart CCC--(Reserved)

Subpart DDD--Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

40 CFR 60.560 through 40 CFR 60.566

(for polypropylene and polyethylene manufacturing using a continuous process that emits continuously or intermittently: all equipment used in the manufacture of these polymers. For polystyrene manufacturing using a continuous process that emits continuously: each material recovery section. For poly(ethylene terephthalate) manufacturing using a

continuous process that emits continuously: each polymerization reaction section; if dimethyl terephthalate is used in the process, each material recovery section is also an affected facility; if terephthalic acid is used in the process, each raw materials preparation section is also an affected facility. For VOC emissions from equipment leaks: each group of fugitive emissions equipment within any process unit, excluding poly(ethylene terephthalate) manufacture.)

Subpart EEE--(Reserved)

Subpart FFF--Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585

(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG--Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593

(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH--Synthetic Fiber Production Facilities.

40 CFR 60.600 through 40 CFR 60.604

(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III--Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

40 CFR 60.610 through 40 CFR 60.618

(each air oxidation reactor not discharging its vent stream into a recovery system and each combination of an air oxidation reactor or two or more air oxidation reactors and the recovery system into which the vent streams are discharged)

Subpart JJJ--Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks)

Subpart KKK--Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636

(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

Subpart LLL--Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648

(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM--(Reserved)

Subpart NNN--Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

40 CFR 60.660 through 40 CFR 60.668

(each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged)

Subpart OOO--Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676

(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP--Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685

(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ--VOC Emissions from Petroleum Refinery Wastewater Systems.

40 CFR 60.690 through 40 CFR 60.699

(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries)

Subpart RRR--Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

40 CFR 60.700 through 40 CFR 60.708

(each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, and each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged)

Subpart SSS--Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718

(each coating operation and each piece of coating mix preparation equipment)

Subpart TTT--Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726

(each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats)

Subpart UUU--Calciners and Dryers in Mineral Industries.

40 CFR 60.730 through 40 CFR 60.737

(each calciner and dryer at a mineral processing plant)

Subpart VVV--Polymeric Coating of Supporting Substrates Facilities.

40 CFR 60.740 through 40 CFR 60.748

(each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates)

Subpart WWW--Municipal Solid Waste Landfills.

40 CFR 60.750 through 40 CFR 60.759

(municipal solid waste landfills for the containment of household and RCRA Subtitle D wastes)

*Subpart AAAA--Small Municipal Waste Combustors.*

*40 CFR 60.1000 through 40 CFR 60.1465*

*(municipal waste combustor units with a capacity less than 250 tons per day and greater than 35 tons per day of municipal solid waste or refuse-derived fuel)*

*Subpart BBBB--Reserved.*

*Subpart CCCC--Commercial/Industrial Solid Waste Incinerators.*

*40 CFR 60.2000 through 40 CFR 60.2265*

*(an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility, or an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility)*

*Subpart DDDD--Reserved.*

Appendix A--Test methods.

Appendix B--Performance specifications.

Appendix C--Determination of Emission Rate Change.

Appendix D--Required Emission Inventory Information.

Appendix E--(Reserved)

Appendix F--Quality Assurance Procedures.

Appendix G--(Not applicable)

Appendix H--(Reserved)

Appendix I--Removable label and owner's manual.

## **9 VAC 5-50-420. Word or phrase substitutions.**

In all the standards designated in 9 VAC 5-50-410 substitute:

~~1.~~ "Owner" or "other person" for owner or operator.

~~2.~~ 1. "Board" for administrator.

~~3.~~ 2. "Board" for U.S. Environmental Protection Agency (except in references).

---

# Final Regulations

---

## 9 VAC 5-60-60. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in 9 VAC 5-60-70 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-60-80. The complete text of the subparts in 9 VAC 5-60-70 incorporated herein by reference is contained in 40 CFR Part 61. The 40 CFR section numbers appearing under each Subpart in 9 VAC 5-60-70 identify the specific provisions of the Subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(2000)~~ (2001) in effect July 1, 2000 2001. In making reference to the Code of Federal Regulations, 40 CFR Part 61 means Part 61 of Title 40 of the Code of Federal Regulations; 40 CFR 61.01 means § 61.01 in Part 61 of Title 40 of the Code of Federal Regulations.

## 9 VAC 5-60-80. Word or phrase substitutions.

In all of the standards designated in 9 VAC 5-60-70 substitute:

- ~~1. "Owner" or "other person" for owner or operator;~~
- ~~2. "Board" for Administrator; and~~
- ~~3. 2. "Board" for U.S. Environmental Protection Agency (except in references).~~

## 9 VAC 5-60-90. General.

The Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63) designated in 9 VAC 5-60-100 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-60-110. The complete text of the subparts in 9 VAC 5-60-100 incorporated herein by reference is contained in 40 CFR Part 63. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-100 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(2000)~~ (2001) in effect July 1, 2000 2001. In making reference to the Code of Federal Regulations, 40 CFR Part 63 means Part 63 of Title 40 of the Code of Federal Regulations; 40 CFR 63.1 means Section 63.1 in Part 63 of Title 40 of the Code of Federal Regulations.

## 9 VAC 5-60-100. Designated emission standards.

Subpart A--General Provisions.

40 CFR 63.1 through 40 CFR 63.11

(applicability, definitions, units and abbreviations, prohibited activities and circumvention, construction and reconstruction, compliance with standards and maintenance requirements, performance testing requirements, monitoring requirements, notification requirements, recordkeeping and reporting requirements, control device requirements)

Subpart B--Not applicable.

Subpart C--Not applicable.

Subpart D--Not applicable.

Subpart E--Not applicable.

Subpart F--Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry.

40 CFR 63.100 through 40 CFR 63.106

(chemical manufacturing process units that manufacture as a primary product one or more of a listed chemical; use as a reactant or manufacture as a product, by-product, or co-product, one or more of a listed organic hazardous air pollutant; and are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart G--Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

40 CFR 63.110 through 40 CFR 63.152

(all process vents, storage vessels, transfer operations, and wastewater streams within a source subject to Subpart F, 40 CFR 63.100 through 40 CFR 63.106)

Subpart H--Organic Hazardous Air Pollutants for Equipment Leaks.

40 CFR 63.160 through 40 CFR 63.182

(pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or systems that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63)

Subpart I--Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

40 CFR 63.190 through 40 CFR 63.192

(emissions of designated organic hazardous air pollutants from processes specified in this subpart that are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart J--Reserved.

Subpart K--Reserved.

Subpart L--Coke Oven Batteries.

40 CFR 63.300 through 40 CFR 63.313

(existing by-product coke oven batteries at a coke plant, and existing nonrecovery coke oven batteries located at a coke plant)

Subpart M--Perchloroethylene Dry Cleaning Facilities.

40 CFR 63.320 through 40 CFR 63.325

(each dry cleaning facility that uses perchloroethylene)

Subpart N--Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

40 CFR 63.340 through 40 CFR 63.347

(each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing)

Subpart O--Ethylene Oxide Commercial Sterilization and Fumigation Operations.

40 CFR 63.360 through 40 CFR 63.367

(sterilization sources using ethylene oxide in sterilization or fumigation operations)

Subpart P--Reserved.

Subpart Q--Industrial Process Cooling Towers.

40 CFR 63.400 through 40 CFR 63.406

(industrial process cooling towers that are operated with chromium-based water treatment chemicals)

Subpart R--Gasoline Distribution Facilities.

40 CFR 63.420 through 40 CFR 63.429

(bulk gasoline terminals and pipeline breakout stations)

Subpart S--Pulp and Paper Industry.

40 CFR 63.440 through 40 CFR 63.458

(processes that produce pulp, paper, or paperboard, and use the following processes and materials: kraft, soda, sulfite, or semi-chemical pulping processes using wood; or mechanical pulping processes using wood; or any process using secondary or nonwood fibers)

Subpart T--Halogenated Solvent Cleaning.

40 CFR 63.460 through 40 CFR 63.469

(each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride, perchlorethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, or chloroform)

Subpart U--Group I Polymers and Resins.

40 CFR 63.480 through 40 CFR 63.506

(elastomer product process units that produce butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon<sup>TM</sup>, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion)

Subpart V--Reserved.

Subpart W--Epoxy Resins Production and Non-Nylon Polyamides Production.

40 CFR 63.520 through 40 CFR 63.527

(manufacturers of basic liquid epoxy resins and wet strength resins)

Subpart X--Secondary Lead Smelting.

40 CFR 63.541 through 40 CFR 63.550

(at all secondary lead smelters: blast, reveratory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources)

Subpart Y--Marine Tank Vessel Tank Loading Operations.

40 CFR 63.560 through 40 CFR 63.567

(marine tank vessel unloading operations at petroleum refineries)

Subpart Z--Reserved.

Subpart AA--Phosphoric Acid Manufacturing Plants.

40 CFR 63.600 through 40 CFR 63.610

(wet-process phosphoric acid process lines, evaporative cooling towers, rock dryers, rock calciners, superphosphoric acid process lines, purified acid process lines)

Subpart BB--Phosphate Fertilizers Production Plants.

40 CFR 63.620 through 40 CFR 63.631

(diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings)

Subpart CC--Petroleum Refineries.

40 CFR 63.640 through 40 CFR 63.654

(storage tanks, equipment leaks, process vents, and wastewater collection and treatment systems at petroleum refineries)

Subpart DD--Off-Site Waste and Recovery Operations.

40 CFR 63.680 through 40 CFR 63.697

(operations that treat, store, recycle, and dispose of waste received from other operations that produce waste or recoverable materials as part of their manufacturing processes)

Subpart EE--Magnetic Tape Manufacturing Operations.

40 CFR 63.701 through 40 CFR 63.708

(manufacturers of magnetic tape)

Subpart FF--Reserved.

Subpart GG--Aerospace Manufacturing and Rework Facilities.

40 CFR ~~63.740~~ 63.741 through 40 CFR 63.752

(facilities engaged in the manufacture or rework of commercial, civil, or military aerospace vehicles or components)

Subpart HH--Oil and Natural Gas Production Facilities.

40 CFR 63.760 through 40 CFR 63.779

---

# Final Regulations

---

(facilities that process, upgrade, or store hydrocarbon liquids or natural gas; ancillary equipment and compressors intended to operate in volatile hazardous air pollutant service)

Subpart II--Shipbuilding and Ship Repair (Surface Coating).

40 CFR 63.780 through 40 CFR 63.788

(shipbuilding and ship repair operations)

Subpart JJ--Wood Furniture Manufacturing Operations.

40 CFR 63.800 through 40 CFR 63.819

(finishing materials, adhesives, and strippable spray booth coatings; storage, transfer, and application of coatings and solvents)

Subpart KK--Printing and Publishing Industry.

40 CFR 63.820 through 40 CFR 63.831

(publication rotogravure, product and packaging rotogravure, and wide-web printing processes)

Subpart LL--Primary Aluminum Reduction Plants.

40 CFR 63.840 through 40 CFR 63.859

(each pitch storage tank, potline, paste production plant, or anode bulk furnace associated with primary aluminum production)

Subpart MM--~~Reserved~~. *Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills.*

40 CFR 63.860 through 40 CFR 63.868.

*(chemical recovery systems, direct and nondirect contact evaporator recovery furnace systems, lime kilns, sulfite combustion units, semichemical combustion units).*

Subpart NN--Reserved.

Subpart OO--Tanks--Level 1.

40 CFR 63.900 through 40 CFR 63.907

(for off-site waste and recovery operations, fixed-roof tanks)

Subpart PP--Containers.

40 CFR 63.920 through 40 CFR 63.928

(for off-site waste and recovery operations, containers)

Subpart QQ--Surface Impoundments.

40 CFR 63.940 through 40 CFR 63.948

(for off-site waste and recovery operations, surface impoundment covers and vents)

Subpart RR--Individual Drain Systems.

40 CFR 63.960 through 40 CFR 63.966

(for off-site waste and recovery operations, inspection and maintenance of individual drain systems)

Subpart SS--Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

40 CFR 63.980 through 40 CFR 63.999

(closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process, when associated with facilities subject to a referencing subpart)

Subpart TT--Equipment Leaks--Control Level 1.

40 CFR 63.1000 through 40 CFR 63.1018

(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart)

Subpart UU--Equipment Leaks--Control Level 2.

40 CFR 63.1019 through 40 CFR 63.1039

(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, closed vent systems and control devices)

Subpart VV--Oil-Water Separators and Organic-Water Separators.

40 CFR 63.1040 through 40 CFR 63.1049

(for off-site waste and recovery operations, oil-water separators and organic-water separator roofs and vents)

Subpart WW--Storage Vessels (Tanks)--Control Level 2.

40 CFR 63.1060 through 40 CFR 63.1066

(storage vessels associated with facilities subject to a referencing subpart)

Subpart XX--Reserved.

Subpart YY--Generic Maximum Achievable Control Technology Standards.

40 CFR 63.1100 through 40 CFR 63.1113

(acetal resins production, acrylic and modacrylic fibers production, hydrogen fluoride production, polycarbonate production)

Subpart ZZ--Reserved.

Subpart AAA--Reserved.

Subpart BBB--Reserved.

Subpart CCC--Steel Pickling--Hydrogen Chloride Process Facilities and Hydrochloric Acid Regeneration Plants.

40 CFR 63.1155 through 40 CFR 63.1174

(steel pickling facilities that pickle carbon steel using hydrochloric acid solution, hydrochloric acid regeneration plants)

Subpart DDD--Mineral Wool Production.

40 CFR 63.1175 through 40 CFR 63.1199

(cupolas and curing ovens at mineral wool manufacturing facilities)

Subpart EEE--Hazardous Waste Combustors.

40 CFR 63.1200 through 40 CFR 63.1213

(hazardous waste combustors)

Subpart FFF--Reserved.

Subpart GGG--Pharmaceutical Production.

40 CFR 63.1250 through 40 CFR 63.1261

(pharmaceutical manufacturing operations)

Subpart HHH--Natural Gas Transmission and Storage Facilities.

40 CFR 63.1270 through 40 CFR 63.1289

(natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user)

Subpart III--Flexible Polyurethane Foam Production.

40 CFR 63.1290 through 40 CFR 63.1309

(flexible polyurethane foam or rebond processes)

Subpart JJJ--Group IV Polymers and Resins.

40 CFR 63.1310 through 40 CFR 63.1335

(facilities which manufacture acrylonitrile butadiene styrene resin, styrene acrylonitrile resin, methyl methacrylate butadiene styrene resin, polystyrene resin, poly(ethylene terephthalate) resin, or nitrile resin)

Subpart KKK--Reserved.

Subpart LLL--Portland Cement Manufacturing.

40 CFR 63.1340 through 40 CFR 63.1359

(kilns; in-line kilns/raw mills; clinker coolers; raw mills; finish mills; raw material dryers; raw material, clinker, or finished product storage bins; conveying system transfer points; bagging systems; bulk loading or unloading systems)

Subpart MMM--Pesticide Active Ingredient Production.

40 CFR 63.1360 through 40 CFR 63.1369

(pesticide active ingredient manufacturing process units, waste management units, heat exchange systems, and cooling towers)

Subpart NNN--Wool Fiberglass Manufacturing.

40 CFR 63.1380 through 40 CFR 63.1399

(glass melting furnaces, rotary spin wool fiberglass manufacturing lines producing bonded wool fiberglass building insulation or bonded heavy-density product)

Subpart OOO--Amino/Phenolic Resins Production.

40 CFR 63.1400 through 40 CFR 63.1419

(unit operations, process vents, storage vessels, equipment subject to leak provisions)

Subpart PPP--Polyether Polyols Production.

40 CFR 63.1420 through 40 CFR 63.1439

(polyether polyol manufacturing process units)

Subpart QQQ--Reserved.

Subpart RRR--Secondary Aluminum Production.

40 CFR 63.1500 through 40 CFR 63.1520

(scrap shredders; thermal chip dryers; scrap dryers/delacquering kilns/decoating kilns; group 2, sweat, dross-only furnaces; rotary dross coolers; processing units)

Subpart SSS--Reserved.

Subpart TTT--Primary Lead Smelting.

40 CFR 63.1541 through 40 CFR 63.1550

(sinter machines, blast furnaces, dross furnaces, process fugitive sources, fugitive dust sources)

Subpart UUU--Reserved.

Subpart VVV--Publicly Owned Treatment Works.

40 CFR 63.1580 through 40 CFR 63.1595

(intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment)

Subpart WWW--Reserved.

Subpart XXX--Ferroalloys Production: Ferromanganese and Silicomanganese.

40 CFR 63.1620 through 40 CFR 63.1679

(submerged arc furnaces, metal oxygen refining processes, crushing and screening operations, fugitive dust sources)

Subpart YYY--Reserved.

Subpart ZZZ--Reserved.

*Subpart AAAA--Reserved.*

*Subpart BBBB--Reserved.*

*Subpart CCCC--Manufacturing of Nutritional Yeast.*

*40 CFR 63.2130 through 40 CFR 63.2192*

*(fermentation vessels)*

*Subpart DDDD--Reserved.*

*Subpart EEEE--Reserved.*

*Subpart FFFF--Reserved.*

*Subpart GGGG--Solvent Extraction for Vegetable Oil Production.*

*40 CFR 63.2830 through 40 CFR 63.2872*

*(vegetable oil production processes)*

Appendix A--Test Methods.

Appendix B--Sources Defined for Early Reduction Provisions.

Appendix C--Determination of the Fraction Biodegraded ( $F_{bio}$ ) in a Biological Treatment Unit.

---

# Final Regulations

---

Appendix D--Alternative Validation Procedure for EPA Waste and Wastewater Methods.

## 9 VAC 5-60-110. Word or phrase substitutions.

In all of the standards designated in 9 VAC 5-60-100 substitute:

1. "Owner" or "other person" for owner or operator.
2. 1. "Board" for administrator.
3. 2. "Board" for U.S. Environmental Protection Agency (except in references).

VA.R. Doc. No. R02-89; Filed November 28, 2001, 8:42 a.m.

---

## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**REGISTRAR'S NOTICE:** The Department of Medical Assistance Services is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A (3) 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 and (ii) § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **2001 Technical (9 Part) Amendment.**

**12 VAC 30-10. State Plan Under Title XIX of the Social Security Act Medical Assistance (amending 12 VAC 30-10-640; adding 12 VAC 30-10-631).**

**12 VAC 30-30. Groups Covered and Agencies Responsible for Eligibility Determination (amending 12 VAC 30-30-10).**

**12 VAC 30-40. Eligibility Conditions and Requirements (amending 12 VAC 30-40-220).**

**12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-20, 12 VAC 30-50-30, 12 VAC 30-50-60, 12 VAC 30-50-70, 12 VAC 30-50-100, 12 VAC 30-50-105, 12 VAC 30-50-140, 12 VAC 30-50-229.1, and 12 VAC 30-50-260).**

**12 VAC 30-60. Standards Established and Methods Used to Assure High Quality Care (amending 12 VAC 30-60-170).**

**12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-201, 12 VAC 30-70-420, and 12 VAC 30-70-435).**

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Date: January 16, 2002.

#### Summary:

*The amendments (i) restore language concerning the enforcement of provider requirements for nursing facilities and intermediate care facilities for the mentally retarded (ICFs/MR) that was inadvertently deleted; (ii) show protected SSI children as a mandatory covered group and provide for the annual increase to the Medically Needy income levels, as respectively required by the Center for Medicare and Medicaid Services (CMS) and are necessary to correct an inadvertent omission in previously promulgated regulations; (iii) change references to Christian Science nurses and sanatoria, as required by CMS in Program Memorandum Transmittal 01-02; (iv) move the regulatory language providing for the reimbursement of organ transplant services as a result of a CMS requirement; and (v) comply with federally required changes made during the state plan amendment approval process.*

Agency Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959.

**12 VAC 30-10-631. Standards for payment for nursing facility and intermediate care facility for the mentally retarded services.**

*With respect to nursing facilities and intermediate care facilities for the mentally retarded, all applicable requirements of 42 CFR Part 442, Subparts B and C are met.*

**12 VAC 30-10-640. Program for licensing administrators of nursing homes.**

The state has a program that, except with respect to ~~Christian Science~~ *sanatoria religious nonmedical health care institutions*, meets the requirements of 42 CFR Part 431, Subpart N, for the licensing of nursing home administrators.

**12 VAC 30-30-10. Mandatory coverage: Categorically needy and other required special groups.**

The Title IV-A agency or the Department of Medical Assistance Services Central Processing Unit determines eligibility for Title XIX services.

1. Recipients of AFDC.

a. The approved state AFDC plan includes:

(1) Families with an unemployed parent for the mandatory six-month period and an optional extension of 0 months.

(2) AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

b. The standards for AFDC payments are listed in 12 VAC 30-40-220.

2. Deemed recipients of AFDC.



- a. Individuals denied a Title IV-A cash payment solely because the amount would be less than \$10.
  - b. Effective October 1, 1990, participants in a work supplementation program under Title IV-A and any child or relative of such individual (or other individual living in the same household as such individuals) who would be eligible for AFDC if there were no work supplementation program, in accordance with § 482(e)(6) of the Act.
  - c. Individuals whose AFDC payments are reduced to zero by reason of recovery of overpayment of AFDC funds.
  - d. An assistance unit deemed to be receiving AFDC for a period of four calendar months because the family becomes ineligible for AFDC as a result of collection or increased collection of support and meets the requirements of § 406(h) of the Act.
  - e. Individuals deemed to be receiving AFDC who meet the requirements of § 473(b)(1) or (2) for whom an adoption of assistance agreement is in effect or foster care maintenance payments are being made under Title IV-E of the Act.
3. Effective October 1, 1990, qualified family members who would be eligible to receive AFDC under § 407 of the Act because the principal wage earner is unemployed.
  4. Families terminated from AFDC solely because of earnings, hours of employment, or loss of earned income disregards entitled up to 12 months of extended benefits in accordance with § 1925 of the Act.
  5. Individuals who are ineligible for AFDC solely because of eligibility requirements that are specifically prohibited under Medicaid. Included are:
    - a. Families denied AFDC solely because of income and resources deemed to be available from:
      - (1) Stepparents who are not legally liable for support of stepchildren under a state law of general applicability;
      - (2) Grandparents;
      - (3) Legal guardians; and
      - (4) Individual alien sponsors (who are not spouses of the individual or the individual's parent);
    - b. Families denied AFDC solely because of the involuntary inclusion of siblings who have income and resources of their own in the filing unit.
    - c. Families denied AFDC because the family transferred a resource without receiving adequate compensation.
  6. Individuals who would be eligible for AFDC except for the increases in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August 1972 and who were receiving cash assistance in August 1972.
    - a. Includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in the state's August 1972 plan).
    - b. Includes persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this state's August 1972 plan).
7. Qualified pregnant women and children.
    - a. A pregnant woman whose pregnancy has been medically verified who:
      - (1) Would be eligible for an AFDC cash payment if the child had been born and was living with her;
      - (2) Is a member of a family that would be eligible for aid to families with dependent children of unemployed parents if the state had an AFDC-unemployed parents program; or
      - (3) Would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.
    - b. Children born after September 30, 1973 (specify optional earlier date), who are under age 19 and who would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

12 VAC 30-40-280 and 12 VAC 30-40-290 describe the more liberal methods of treating income and resources under § 1902(r)(2) of the Act.
  8. Pregnant women and infants under one year of age with family incomes up to 133% of the federal poverty level who are described in §§ 1902(a) (10)(A)(i)(IV) and 1902(l)(A) and (B) of the Act. The income level for this group is specified in 12 VAC 30-40-220.
  9. Children:
    - a. Who have attained one year of age but have not attained six years of age, with family incomes at or below 133% of the federal poverty levels.
    - b. Born after September 30, 1983, who have attained six years of age but have not attained 19 years of age, with family incomes at or below 100% of the federal poverty levels.

Income levels for these groups are specified in 12 VAC 30-40-220.
  10. Individuals other than qualified pregnant women and children under subdivision 7 of this section who are members of a family that would be receiving AFDC under § 407 of the Act if the state had not exercised the option under § 407(b)(2)(B)(i) of the Act to limit the number of months for which a family may receive AFDC.
  11. a. A woman who, while pregnant, was eligible for, applied for, and receives Medicaid under the approved state plan on the day her pregnancy ends. The woman continues to be eligible, as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan for a 60-day period (beginning on the last day of her pregnancy) and for any remaining days in the month in which the 60th day falls.

---

# Final Regulations

---

b. A pregnant women who would otherwise lose eligibility because of an increase in income (of the family in which she is a member) during the pregnancy or the postpartum period which extends through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends.

12. A child born to a woman who is eligible for and receiving Medicaid as categorically needy on the date of the child's birth. The child is deemed eligible for one year from birth as long as the mother remains eligible or would remain eligible if still pregnant and the child remains in the same household as the mother.

13. Aged, blind and disabled individuals receiving cash assistance.

a. Individuals who meet more restrictive requirements for Medicaid than the SSI requirements. (This includes persons who qualify for benefits under § 1619(a) of the Act or who meet the eligibility requirements for SSI status under § 1619(b)(1) of the Act and who met the state's more restrictive requirements for Medicaid in the month before the month they qualified for SSI under § 1619(a) or met the requirements under § 1619(b)(1) of the Act. Medicaid eligibility for these individuals continues as long as they continue to meet the § 1619(a) eligibility standard or the requirements of § 1619(b) of the Act.)

b. These persons include the aged, the blind, and the disabled.

c. *Protected SSI children (pursuant to § 1902 (a)(10)(A)(i)(II) of the Act) (P.L. 105-33 § 4913). Children who meet the pre-welfare reform definition of childhood disability who lost their SSI coverage solely as a result of the change in the definition of childhood disability, and who also meet the more restrictive requirements for Medicaid than the SSI requirements.*

e- d. The more restrictive categorical eligibility criteria are described below:

(1) See 12 VAC 30-30-40.

(2) Financial criteria are described in 12 VAC 30-40-10.

14. Qualified severely impaired blind and disabled individuals under age 65 who:

a. For the month preceding the first month of eligibility under the requirements of § 1905(q)(2) of the Act, received SSI, a state supplemental payment under § 1616 of the Act or under § 212 of P.L. 93-66 or benefits under § 1619(a) of the Act and were eligible for Medicaid; or

b. For the month of June 1987, were considered to be receiving SSI under § 1619(b) of the Act and were eligible for Medicaid. These individuals must:

(1) Continue to meet the criteria for blindness or have the disabling physical or mental impairment under which the individual was found to be disabled;

(2) Except for earnings, continue to meet all nondisability-related requirements for eligibility for SSI benefits;

(3) Have unearned income in amounts that would not cause them to be ineligible for a payment under § 1611(b) of the Act;

(4) Be seriously inhibited by the lack of Medicaid coverage in their ability to continue to work or obtain employment; and

(5) Have earnings that are not sufficient to provide for himself or herself a reasonable equivalent of the Medicaid, SSI (including any federally administered SSP), or public funded attendant care services that would be available if he or she did have such earnings.

The state applies more restrictive eligibility requirements for Medicaid than under SSI and under 42 CFR 435.121. Individuals who qualify for benefits under § 1619(a) of the Act or individuals described above who meet the eligibility requirements for SSI benefits under § 1619(b)(1) of the Act and who met the state's more restrictive requirements in the month before the month they qualified for SSI under § 1619(a) or met the requirements of § 1619(b)(1) of the Act are covered. Eligibility for these individuals continues as long as they continue to qualify for benefits under § 1619(a) of the Act or meet the SSI requirements under § 1619(b)(1) of the Act.

15. Except in states that apply more restrictive requirements for Medicaid than under SSI, blind or disabled individuals who:

a. Are at least 18 years of age;

b. Lose SSI eligibility because they become entitled to OASDI child's benefits under § 202(d) of the Act or an increase in these benefits based on their disability. Medicaid eligibility for these individuals continues for as long as they would be eligible for SSI, absent their OASDI eligibility.

c. The state does not apply more restrictive income eligibility requirements than those under SSI.

16. Except in states that apply more restrictive eligibility requirements for Medicaid than under SSI, individuals who are ineligible for SSI or optional state supplements (if the agency provides Medicaid under § 435.230 of the Act), because of requirements that do not apply under Title XIX of the Act.

17. Individuals receiving mandatory state supplements.

18. Individuals who in December 1973 were eligible for Medicaid as an essential spouse and who have continued, as spouse, to live with and be essential to the well-being of a recipient of cash assistance. The recipient with whom the essential spouse is living continues to meet the December 1973 eligibility requirements of the state's approved plan for OAA, AB, APTD, or AABD and the spouse continues to meet the December 1973 requirements for have his or her needs included in computing the cash payment.

In December 1973, Medicaid coverage of the essential spouse was limited to: the aged; the blind; and the disabled.

19. Institutionalized individuals who were eligible for Medicaid in December 1973 as inpatients of Title XIX medical institutions or residents of Title XIX intermediate care facilities, if, for each consecutive month after December 1973, they:

- a. Continue to meet the December 1973 Medicaid State Plan eligibility requirements;
- b. Remain institutionalized; and
- c. Continue to need institutional care.

20. Blind and disabled individuals who:

- a. Meet all current requirements for Medicaid eligibility except the blindness or disability criteria; and
- b. Were eligible for Medicaid in December 1973 as blind or disabled; and
- c. For each consecutive month after December 1973 continue to meet December 1973 eligibility criteria.

21. Individuals who would be SSI/SSP eligible except for the increase in OASDI benefits under P.L. 92-336 (July 1, 1972), who were entitled to OASDI in August 1972, and who were receiving cash assistance in August 1972.

This includes persons who would have been eligible for cash assistance but had not applied in August 1972 (this group was included in this state's August 1972 plan), and persons who would have been eligible for cash assistance in August 1972 if not in a medical institution or intermediate care facility (this group was included in this state's August 1972 plan).

22. Individuals who:

- a. Are receiving OASDI and were receiving SSI/SSP but became ineligible for SSI/SSP after April 1977; and
- b. Would still be eligible for SSI or SSP if cost-of-living increases in OASDI paid under § 215(i) of the Act received after the last month for which the individual was eligible for and received SSI/SSP and OASDI, concurrently, were deducted from income.

The state applies more restrictive eligibility requirements than those under SSI and the amount of increase that caused SSI/SSP ineligibility and subsequent increases are deducted when determining the amount of countable income for categorically needy eligibility.

23. Disabled widows and widowers who would be eligible for SSI or SSP except for the increase in their OASDI benefits as a result of the elimination of the reduction factor required by § 134 of P.L. 98-21 and who are deemed, for purposes of Title XIX, to be SSI beneficiaries or SSP beneficiaries for individuals who would be eligible for SSP only, under § 1634(b) of the Act.

The state does not apply more restrictive income eligibility standards than those under SSI.

24. Disabled widows, disabled widowers, and disabled unmarried divorced spouses who had been married to the insured individual for a period of at least 10 years before the divorce became effective, who have attained the age of 50, who are receiving Title II payments, and who because of the receipt of Title II income lost eligibility for SSI or SSP which they received in the month prior to the month in which they began to receive Title II payments, who would be eligible for SSI or SSP if the amount of the Title II benefit were not counted as income, and who are not entitled to Medicare Part A.

The state applies more restrictive eligibility requirements for its blind or disabled than those of the SSI program.

25. Qualified Medicare beneficiaries:

- a. Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under § 1818 of the Act);
- b. Whose income does not exceed 100% of the federal level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.

(Medical assistance for this group is limited to Medicare cost sharing as defined in item 3.2 of this plan.)

26. Qualified disabled and working individuals:

- a. Who are entitled to hospital insurance benefits under Medicare Part A under § 1818A of the Act;
- b. Whose income does not exceed 200% of the federal poverty level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.
- d. Who are not otherwise eligible for medical assistance under Title XIX of the Act.

(Medical assistance for this group is limited to Medicare Part A premiums under §§ 1818 and 1818A of the Act.)

27. Specified low-income Medicare beneficiaries:

- a. Who are entitled to hospital insurance benefits under Medicare Part A (but not pursuant to an enrollment under § 1818A of the Act);
- b. Whose income for calendar years 1993 and 1994 exceeds the income level in subdivision 25 b of this section, but is less than 110% of the federal poverty level, and whose income for calendar years beginning 1995 is less than 120% of the federal poverty level; and
- c. Whose resources do not exceed twice the maximum standard under SSI.

(Medical assistance for this group is limited to Medicare Part B premiums under § 1839 of the Act.)

28. a. Each person to whom SSI benefits by reason of disability are not payable for any month solely by reason of clause (i) or (v) of § 1611(e)(3)(A) shall be treated, for

# Final Regulations

purposes of Title XIX, as receiving SSI benefits for the month.

b. The state applies more restrictive eligibility standards than those under SSI.

Individuals whose eligibility for SSI benefits are based solely on disability who are not payable for any months solely by reason of clause (i) or (v) of § 1611(e)(3)(A) and who continue to meet the more restrictive requirements for Medicaid eligibility under the state plan, are eligible for Medicaid as categorically needy.

## 12 VAC 30-40-220. Income eligibility levels.

### A. Mandatory Categorically Needy

1. AFDC-related groups other than poverty level pregnant women and infants.

| Family Size | Need Standard | Payment Standard | Maximum Payment Amounts |
|-------------|---------------|------------------|-------------------------|
|             | See Table 1   | See Table 2      |                         |

STANDARDS OF ASSISTANCE *(adjusted to reflect increases in the medically needy income limits at 12 VAC 30-40-220 E)*

#### GROUP I

| Size of Assistance Unit | Table 1(100%) | Table 2(90%) |
|-------------------------|---------------|--------------|
| 1                       | \$151.11      | \$135.58     |
| 2                       | 237.01        | 214.24       |
| 3                       | 305.32        | 274.27       |
| 4                       | 370.53        | 333.27       |
| 5                       | 436.77        | 393.30       |
| 6                       | 489.55        | 441.94       |
| 7                       | 553.72        | 498.87       |
| 8                       | 623.07        | 559.93       |
| 9                       | 679.99        | 611.68       |
| 10                      | 743.13        | 669.64       |
| Each person above 10    | 63.13         | 57.96        |

#### MAXIMUM REIMBURSABLE PAYMENT \$403

| Size of Assistance Unit | Table 1(100%) | Table 2(90%) |
|-------------------------|---------------|--------------|
| 1                       | \$180.09      | \$162.49     |
| 2                       | 265.99        | 239.08       |
| 3                       | 333.27        | 301.18       |
| 4                       | 399.51        | 359.14       |
| 5                       | 472.99        | 423.35       |
| 6                       | 526.81        | 474.03       |
| 7                       | 589.95        | 529.92       |
| 8                       | 658.26        | 592.02       |
| 9                       | 716.22        | 644.80       |
| 10                      | 780.39        | 701.73       |
| Each person above 10    | 63.13         | 57.96        |

#### MAXIMUM REIMBURSABLE PAYMENT \$435

#### GROUP III

| Size of Assistance Unit | Table 1(100%) | Table 2(90%) |
|-------------------------|---------------|--------------|
| 1                       | \$251.50      | \$227.70     |
| 2                       | 338.44        | 304.29       |
| 3                       | 406.75        | 366.39       |
| 4                       | 472.99        | 424.35       |
| 5                       | 560.97        | 505.08       |
| 6                       | 613.75        | 552.69       |
| 7                       | 677.92        | 610.65       |
| 8                       | 745.23        | 672.75       |
| 9                       | 806.26        | 725.53       |

|                      |        |        |
|----------------------|--------|--------|
| 10                   | 868.33 | 781.42 |
| Each person above 10 | 63.13  | 57.96  |

**MAXIMUM REIMBURSABLE PAYMENT \$518**

2. Pregnant women and infants under 1902(a)(10)(i)(IV) of the Act:

Effective April 1, 1990, based on 133% of the official federal income poverty level.

3. Children under § 1902(a)(10)(i)(VI) of the Act (children who have attained age 1 but have not attained age 6), the income eligibility level is 133% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

4. For children under § 1902(a)(10)(i)(VII) of the Act (children who were born after September 30, 1983, and have attained age 6 but have not attained age 19), the income eligibility level is 100% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

B. Treatment of COLA for groups with income related to federal poverty level.

1. If an individual receives a Title II benefit, any amount attributable to the most recent increase in the monthly insurance benefit as a result of a Title II COLA is not counted as income during a "transition period" beginning with January, when the Title II benefit for December is received, and ending with the last day of the month following the month of publication of the revised annual federal poverty level.

2. For individuals with Title II income, the revised poverty levels are not effective until the first day of the month following the end of the transition period.

3. For individuals not receiving Title II income, the revised poverty levels are effective no later than the beginning of the month following the date of publication.

C. Qualified Medicare beneficiaries with incomes related to federal poverty level.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

Section 1902(f) states which as of January 1, 1987, used income standards more restrictive than SSI. (VA did not apply a more restrictive income standard as of January 1, 1987.)

Based on the following percentage of the official federal income poverty level:

Effective Jan. 1, 1989: 85%

Effective Jan. 1, 1990: 90% (no more than 100)

Effective Jan. 1, 1991: 100% (no more than 100)

Effective Jan. 1, 1992: 100%

D. Aged and disabled individuals described in § 1902(m)(1) of the Act; Level for determining income eligibility for aged and disabled persons described in § 1902(m)(1) of the Act is 80% of the official federal income poverty level (as revised annually in the Federal Register) for the size family involved.

E. Income levels - medically needy.

1. The following income levels (as adjusted annually by the increase in the CPI) are applicable to all groups, urban and rural.

2. The agency has methods for excluding from its claim for FFP payments made on behalf of individuals whose income exceeds these limits.

| (1)                              | (2)  |            |            | (3)   |
|----------------------------------|--|------------|------------|---|
| Family Size                      | Net income level protected for maintenance for 12 months |            |            | Amount by which Column 2 exceeds limits specified in 42 CFR 435.1007 <sup>1</sup> |
|                                  | Group I  | Group II   | Group III  |   |
| 1                                | \$2,691.00   | \$3,105.00 | \$4,036.50 | \$0   |
| 2                                | \$3,519.00   | \$3,824.00 | \$4,867.00 | \$0   |
| 3                                | \$4,036.50   | \$4,450.50 | \$5,485.50 | \$0   |
| 4                                | \$4,554.00   | \$4,968.00 | \$6,003.00 | \$0   |
| 5                                | \$5,071.50   | \$5,485.50 | \$6,520.50 | \$0   |
| 6                                | \$5,589.00   | \$6,003.00 | \$7,038.00 | \$0   |
| 7                                | \$6,106.50   | \$6,520.50 | \$7,555.50 | \$0   |
| 8                                | \$6,727.50   | \$7,141.50 | \$8,073.00 | \$0   |
| 9                                | \$7,348.50   | \$7,762.50 | \$8,797.50 | \$0   |
| 10                               | \$8,073.00   | \$8,487.00 | \$9,418.50 | \$0   |
| For each additional person, add: | \$ 695.52  | \$ 695.52  | \$ 695.52  | \$0   |

# Final Regulations

<sup>1</sup> As authorized in § 4718 of OBRA '90.

## Grouping of Localities

### GROUP I

#### Counties

|               |                |
|---------------|----------------|
| Accomack      | King George    |
| Alleghany     | King and Queen |
| Amelia        | King William   |
| Amherst       | Lancaster      |
| Appomattox    | Lee            |
| Bath          | Louisa         |
| Bedford       | Lunenburg      |
| Bland         | Madison        |
| Botetourt     | Mathews        |
| Brunswick     | Mecklenburg    |
| Buchanan      | Middlesex      |
| Buckingham    | Nelson         |
| Campbell      | New Kent       |
| Caroline      | Northampton    |
| Carroll       | Northumberland |
| Charles City  | Nottoway       |
| Charlotte     | Orange         |
| Clarke        | Page           |
| Craig         | Patrick        |
| Culpeper      | Pittsylvania   |
| Cumberland    | Powhatan       |
| Dickenson     | Prince Edward  |
| Dinwiddie     | Prince George  |
| Essex         | Pulaski        |
| Fauquier      | Rappahannock   |
| Floyd         | Richmond       |
| Fluvanna      | Rockbridge     |
| Franklin      | Russell        |
| Frederick     | Scott          |
| Giles         | Shenandoah     |
| Gloucester    | Smyth          |
| Goochland     | Southampton    |
| Grayson       | Spotsylvania   |
| Greene        | Stafford       |
| Greensville   | Surry          |
| Halifax       | Sussex         |
| Hanover       | Tazewell       |
| Henry         | Washington     |
| Highland      | Westmoreland   |
| Isle of Wight | Wise           |
| James City    | Wythe          |
|               | York           |

#### Cities

|               |          |
|---------------|----------|
| Bristol       | Franklin |
| Buena Vista   | Galax    |
| Clifton Forge | Norton   |
| Danville      | Poquoson |
| Emporia       | Suffolk  |

### GROUP II

#### Counties

|              |            |
|--------------|------------|
| Albemarle    | Loudoun    |
| Augusta      | Roanoke    |
| Chesterfield | Rockingham |
| Henrico      | Warren     |

#### Cities

|              |                |
|--------------|----------------|
| Chesapeake   | Portsmouth     |
| Covington    | Radford        |
| Harrisonburg | Richmond       |
| Hopewell     | Roanoke        |
| Lexington    | Salem          |
| Lynchburg    | Staunton       |
| Martinsville | Virginia Beach |
| Newport News | Williamsburg   |
| Norfolk      | Winchester     |
| Petersburg   |                |

### GROUP III

#### Counties

|           |                |
|-----------|----------------|
| Arlington | Montgomery     |
| Fairfax   | Prince William |

#### Cities

|                  |                |
|------------------|----------------|
| Alexandria       | Fredericksburg |
| Charlottesville  | Hampton        |
| Colonial Heights | Manassas       |
| Fairfax          | Manassas Park  |
| Falls Church     | Waynesboro     |

### **12 VAC 30-50-20. Services provided to the categorically needy without limitation.**

The following services are provided to the categorically needy without limitation:

1. Other laboratory and x-ray services.
2. Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
3. Services for individuals age 65 or over in institutions for mental diseases: inpatient hospital services; skilled nursing facility services; and services in an intermediate care facility.
4. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined, in accordance with § 1902(a)(31)(A) of the Act, to be in need of such care, including such services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions.
5. Hospice care (in accordance with § 1905(o) of the Act).
6. Any other medical care and any type of remedial care recognized under state law, specified by the Secretary: care and services provided in ~~Christian Science sanatoria~~ *religious nonmedical health care institutions*; nursing facility services for patients under 21 years of age; emergency hospital services.
7. Private health insurance premiums, coinsurance and deductibles when cost effective (pursuant to P.L. 101-508 § 4402).

## **12 VAC 30-50-30. Services not provided to the categorically needy.**

The following services and devices are not provided to the categorically needy:

1. Chiropractors' services.
2. Private duty nursing services.
3. Dentures.
4. Other diagnostic and preventive services other than those provided elsewhere in this plan: diagnostic services (see 12 VAC 30-50-95 et seq.).
5. Inpatient psychiatric facility services for individuals under 21 years of age, other than those covered under early and periodic screening, diagnosis, and treatment (at 12 VAC 30-50-130).
6. Special tuberculosis (TB) related services under § 1902(z)(2)(F) of the Act.
7. Respiratory care services (in accordance with § 1920(e)(9)(A) through (C) of the Act).
8. Ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider (in accordance with § 1920 of the Act).
9. Any other medical care and any type of remedial care recognized under state law specified by the Secretary: ~~services of Christian Science Nurses~~; personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

## **12 VAC 30-50-60. Services provided to all medically needy groups without limitations.**

1. Other laboratory and x-ray services.
2. Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
3. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.
4. Reserved.
5. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined in accordance with § 1905(a)(4)(A) of the Act to be in need of such care.
6. Hospice care (in accordance with § 1905(o) of the Act).
7. Any other medical care or any other type of remedial care recognized under state law, specified by the secretary, including: care and services provided in ~~Christian Science sanatoria~~ *religious nonmedical health care institutions*; skilled nursing facility services for patients under 21 years of age; and emergency hospital services.
8. Private health insurance premiums, coinsurance and deductibles when cost effective (pursuant to P.L. 101-508 § 4402).

## **12 VAC 30-50-70. Services or devices not provided to the medically needy.**

1. Chiropractors' services.
  2. Private duty nursing services.
  3. Dentures.
  4. Diagnostic or preventive services other than those provided elsewhere in the State Plan.
  5. Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals age 65 or older in institutions for mental disease(s).
  6. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined in accordance with § 1905(a)(4)(A) of the Act, to be in need of such care in a public institution, or a distinct part thereof, for the mentally retarded or persons with related conditions.
  7. Inpatient psychiatric facility services for individuals under 21 years of age, other than those covered under early and periodic screening, diagnosis, and treatment (at 12 VAC 30-50-130).
  8. Special tuberculosis (TB) services under § 1902(z)(2)(F) of the Act.
  9. Respiratory care services (in accordance with § 1920(e)(9)(A) through (C) of the Act).
  10. Ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider (in accordance with § 1920 of the Act).
  11. ~~Services of Christian Science nurses.~~
  - ~~11.~~ 11. Personal care services in a recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.
  - ~~12.~~ 12. Home and community care for functionally disabled elderly individuals, as defined, described and limited in 12 VAC 30-50-460 and 12 VAC 30-50-470.
  - ~~13.~~ 13. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for the mentally retarded, or institution for mental disease that are (i) authorized for the individual by a physician in accordance with a plan of treatment, (ii) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (iii) furnished in a home.
- ## **12 VAC 30-50-100. Inpatient hospital services provided at general acute care hospitals and freestanding psychiatric hospitals; enrolled providers.**

A. Preauthorization of all inpatient hospital services will be performed. This applies to both general acute care hospitals and freestanding psychiatric hospitals. Nonauthorized inpatient services will not be covered or reimbursed by the Department of Medical Assistance Services (DMAS).

---

# Final Regulations

---

Preauthorization shall be based on criteria specified by DMAS. In conjunction with preauthorization, an appropriate length of stay will be assigned using the HCIA, Inc., Length of Stay by Diagnosis and Operation, Southern Region, 1996, as guidelines.

## 1. Admission review.

a. Planned/scheduled admissions. Review shall be done prior to admission to determine that inpatient hospitalization is medically justified. An initial length of stay shall be assigned at the time of this review. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

b. Unplanned/urgent admissions. Review shall be performed within one working day to determine that inpatient hospitalization is medically justified. An initial length of stay shall be assigned for those admissions which have been determined to be appropriate. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

2. Concurrent review shall end for nonpsychiatric claims with dates of admission and services on or after July 1, 1998, with the full implementation of the DRG reimbursement methodology. Concurrent review shall be done to determine that inpatient hospitalization continues to be medically necessary. Prior to the expiration of the previously assigned initial length of stay, the provider shall be responsible for obtaining authorization for continued inpatient hospitalization. If continued inpatient hospitalization is determined necessary, an additional length of stay shall be assigned. Concurrent review shall continue in the same manner until the discharge of the patient from acute inpatient hospital care. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

3. Retrospective review shall be performed when a provider is notified of a patient's retroactive eligibility for Medicaid coverage. It shall be the provider's responsibility to obtain authorization for covered days prior to billing DMAS for these services. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

## 4. Reconsideration process.

a. Providers requesting reconsideration must do so upon verbal notification of denial.

b. This process is available to providers when the nurse reviewers advise the providers by telephone that the medical information provided does not meet DMAS specified criteria. At this point, the provider must request by telephone a higher level of review if he disagrees with the nurse reviewer's findings. If higher level review is not requested, the case will be denied and a denial letter generated to both the provider and recipient identifying appeal rights.

c. If higher level review is requested, the authorization request will be held in suspense and referred to the Utilization Management Supervisor (UMS). The UMS shall have one working day to render a decision. If the UMS upholds the adverse decision, the provider may accept that decision and the case will be denied and a denial letter identifying appeal rights will be generated to both the provider and the recipient. If the provider continues to disagree with the UMS' adverse decision, he must request physician review by DMAS medical support. If higher level review is requested, the authorization request will be held in suspense and referred to DMAS medical support for the last step of reconsideration.

d. DMAS medical support will review all case specific medical information. Medical support shall have two working days to render a decision. If medical support upholds the adverse decision, the request for authorization will then be denied and a letter identifying appeal rights will be generated to both the provider and the recipient. The entire reconsideration process must be completed within three working days.

## 5. Appeals process.

a. Recipient appeals. Upon receipt of a denial letter, the recipient shall have the right to appeal the adverse decision. Under the Client Appeals regulations, Part I (12 VAC 30-110-10 et seq.) of 12 VAC 30-110, the recipient shall have 30 days from the date of the denial letter to file an appeal.

b. Provider appeals. If the reconsideration steps are exhausted and the provider continues to disagree, upon receipt of the denial letter, the provider shall have 30 days from the date of the denial letter to file an appeal if the issue is whether DMAS will reimburse the provider for services already rendered. The appeal shall be held in accordance with the Administrative Process Act (§ 9-6-14:4 2.2-4000 et seq. of the Code of Virginia).

B. Cosmetic surgical procedures shall not be covered unless performed for physiological reasons and require DMAS prior approval.

C. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus were carried to term.

D. Coverage of inpatient hospitalization shall be limited to a total of 21 days per admission in a 60-day period for the same or similar diagnosis or treatment plan. The 60-day period would begin on the first hospitalization (if there are multiple admissions) admission date. There may be multiple admissions during this 60-day period. Claims which exceed 21 days per admission within 60 days for the same or similar diagnosis or treatment plan will not be authorized for payment. Claims which exceed 21 days per admission within 60 days with a different diagnosis or treatment plan will be considered for reimbursement if medically indicated. Except as previously noted, regardless of authorization for the hospitalization, the claims will be processed in accordance



with the limit for 21 days in a 60-day period. Claims for stays exceeding 21 days in a 60-day period shall be suspended and processed manually by DMAS staff for appropriate reimbursement. The limit for coverage of 21 days for nonpsychiatric admissions shall cease with dates of service on or after July 1, 1998.

**EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE:** Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in general hospitals and freestanding psychiatric hospitals in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical or psychological, as appropriate, examination. The admission and length of stay must be medically justified and preauthorized via the admission and concurrent or retrospective review processes described in subsection A of this section. Medically unjustified days in such hospitalizations shall not be authorized for payment.

#### E. Mandatory lengths of stay.

1. Coverage for a normal, uncomplicated vaginal delivery shall be limited to the day of delivery plus an additional two days unless additional days are medically justified. Coverage for cesarean births shall be limited to the day of delivery plus an additional four days unless additional days are medically justified.

2. Coverage for a radical or modified radical mastectomy for treatment of disease or trauma of the breast shall be provided for a minimum of 48 hours. Coverage for a total or partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast shall be provided for a minimum of 24 hours. Additional days beyond the specified minimums for either radical, modified, total, or partial mastectomies may be covered if medically justified and prior authorized until the diagnosis related grouping methodology is fully implemented. Nothing in this chapter shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

F. Coverage in freestanding psychiatric hospitals shall not be available for individuals aged 21 through 64. Medically necessary inpatient psychiatric care rendered in a psychiatric unit of a general acute care hospital shall be covered for all Medicaid eligible individuals, regardless of age, within the limits of coverage prescribed in this section and 12 VAC 30-50-105.

G. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver,

heart, and bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS medical support. Inpatient hospitalization related to kidney transplantation will require preauthorization at the time of admission and, concurrently, for length of stay. Cornea transplants do not require preauthorization of the procedure, but inpatient hospitalization related to such transplants will require preauthorization for admission and, concurrently, for length of stay. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. ~~Reimbursement for covered liver, heart, and bone marrow transplant/stem cell services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570 12 VAC 30-50-580.~~

H. In compliance with federal regulations at 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were performed shall be subject to review. Hospitals must submit the required DMAS forms corresponding to the procedures. Regardless of authorization for the hospitalization during which these procedures were performed, the claims shall suspend for manual review by DMAS. If the forms are not properly completed or not attached to the bill, the claim will be denied or reduced according to DMAS policy.

#### **12 VAC 30-50-105. Inpatient hospital services provided at general acute care hospitals and freestanding psychiatric hospitals; nonenrolled providers (nonparticipating/out of state).**

A. The full DRG inpatient reimbursement methodology shall become effective July 1, 1998, for general acute care hospitals and freestanding psychiatric hospitals which are nonenrolled providers (nonparticipating/out of state) and the same reviews, criteria, and requirements shall apply as are applied to enrolled, in-state, participating hospitals in 12 VAC 30-50-100.

---

# Final Regulations

---

B. Inpatient hospital services rendered by nonenrolled providers shall not require preauthorization with the exception of transplants as described in subsection K of this section. However, these inpatient hospital services claims will be suspended from payment and manually reviewed for medical necessity as described in subsections C through K of this section using criteria specified by DMAS.

C. Medicaid inpatient hospital admissions (lengths-of-stay) are limited to the 75th percentile of PAS (Professional Activity Study of the Commission on Professional and Hospital Activities) diagnostic/procedure limits. For admissions under four days that exceed the 75th percentile, the hospital must attach medical justification records to the billing invoice to be considered for additional coverage when medically justified. For all admissions that exceed three days up to a maximum of 21 days, the hospital must attach medical justification records to the billing invoice. (See the exception to subsection H of this section.)

D. Cosmetic surgical procedures shall not be covered unless performed for physiological reasons and require DMAS prior approval.

E. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus was carried to term.

F. Hospital claims with an admission date prior to the first surgical date, regardless of the number of days prior to surgery, must be medically justified. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for all pre-operative days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

G. Reimbursement will not be provided for weekend (Saturday/Sunday) admissions, unless medically justified. Hospital claims with admission dates on Saturday or Sunday will be pended for review by medical staff to determine appropriate medical justification for these days. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement coverage for these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admission will be denied.

H. Coverage of inpatient hospitalization shall be limited to a total of 21 days per admission in a 60-day period for the same or similar diagnosis or treatment plan. The 60-day period would begin on the first hospitalization (if there are multiple admissions) admission date. There may be multiple admissions during this 60-day period. Claims which exceed 21 days per admission within 60 days for the same or similar diagnosis or treatment plan will not be reimbursed. Claims which exceed 21 days per admission within 60 days with a different diagnosis or treatment plan will be considered for reimbursement if medically justified. The admission and length of stay must be medically justified and preauthorized via the admission and concurrent review processes described

in subsection A of 12 VAC 30-50-100. Claims for stays exceeding 21 days in a 60-day period shall be suspended and processed manually by DMAS staff for appropriate reimbursement. The limit for coverage of 21 days shall cease with dates of service on or after July 1, 1998. Medically unjustified days in such hospitalizations shall not be reimbursed by DMAS.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age who are Medicaid eligible for medically necessary stays in general hospitals and freestanding psychiatric facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical or psychological, as appropriate, examination.

## I. Mandatory lengths of stay.

1. Coverage for a normal, uncomplicated vaginal delivery shall be limited to the day of delivery plus an additional two days unless additional days are medically justified. Coverage for cesarean births shall be limited to the day of delivery plus an additional four days unless additional days are medically necessary.

2. Coverage for a radical or modified radical mastectomy for treatment of disease or trauma of the breast shall be provided for a minimum of 48 hours. Coverage for a total or partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast shall be provided for a minimum of 24 hours. Additional days beyond the specified minimums for either radical, modified, total, or partial mastectomies may be covered if medically justified and prior authorized until the diagnosis related grouping methodology is fully implemented. Nothing in this chapter shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

J. Reimbursement will not be provided for inpatient hospitalization for those surgical and diagnostic procedures listed on the DMAS outpatient surgery list unless the inpatient stay is medically justified or meets one of the exceptions.

K. For purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and

transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. ~~Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure specific flat fee determined by the agency or a prospectively determined procedure specific percentage of usual and customary charges. The flat fee reimbursement will cover: procurement costs; all hospital costs from admission to discharge for the transplant procedure; total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 42 VAC 30-50-570 12 VAC 30-50-580.~~

**12 VAC 30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.**

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments.

D. Outpatient psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to DMAS' approval) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by DMAS. Psychiatric services are further restricted to no more than three sessions in any given seven-day period. Consistent with § 6403 of the Omnibus Budget Reconciliation Act of 1989, medically necessary psychiatric services shall be covered when prior authorized by DMAS for individuals younger than 21 years of age when the need for such services has been identified in an EPSDT screening.

2. Psychiatric services can be provided by psychiatrists or by a licensed clinical social worker, licensed professional

counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.\*

3. Psychological and psychiatric services shall be medically prescribed treatment which is directly and specifically related to an active written plan designed and signature-dated by either a psychiatrist or by a licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.\*

4. Psychological or psychiatric services shall be considered appropriate when an individual meets the following criteria:

a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels which have been impaired;

b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;

c. Is at risk for developing or requires treatment for maladaptive coping strategies; and

d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.

5. Psychological or psychiatric services may be provided in an office or a mental health clinic.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus was carried to term.

G. Physician visits to inpatient hospital patients over the age of 21 are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses or treatment plan and is further restricted to medically necessary authorized (for enrolled providers)/approved (for nonenrolled providers) inpatient hospital days as determined by the Program.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in general hospitals and freestanding psychiatric facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days shall be limited to medically necessary inpatient hospital days.

H. (Reserved.)

I. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.

---

# Final Regulations

---

J. (Reserved.)

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. ~~Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre and post hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate.~~ Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through ~~12 VAC 30-50-570~~ 12 VAC 30-50-580.

L. Breast reconstruction/prostheses following mastectomy and breast reduction.

1. If prior authorized, breast reconstruction surgery and prostheses may be covered following the medically necessary complete or partial removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorized, for all medically necessary indications. Such procedures shall be considered noncosmetic.

2. Breast reconstruction or enhancements for cosmetic reasons shall not be covered. Cosmetic reasons shall be defined as those which are not medically indicated or are intended solely to preserve, restore, confer, or enhance the aesthetic appearance of the breast.

\*Licensed clinical social workers, licensed professional counselors, and licensed clinical nurse specialists-psychiatric

may also directly enroll or be supervised by psychologists as provided for in 12 VAC 30-50-150.

L. In compliance with 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were performed shall be subject to review of the required DMAS forms corresponding to the procedures. The claims shall suspend for manual review by DMAS. If the forms are not properly completed or not attached to the bill, the claim will be denied or reduced according to DMAS policy.

## 12 VAC 30-50-229.1. School health services.

A. School health services shall require parental consent and shall be defined as those therapy services, nursing services, psychiatric/psychological screenings, and well-child screenings rendered by employees of school divisions that are enrolled with DMAS to serve children who:

1. Qualify to receive special education services as described under and consistent with all of the requirements of Part B of the federal Individuals with Disabilities Education Act, as amended (20 USC § 1400 et seq.). Children qualifying for special education services pursuant to Part B of the federal Individuals with Disabilities Education Act, as amended, shall not be restricted in their choice of enrolled providers of medical care services as described in the State Plan for Medical Assistance; or

2. Qualify to receive routine screening services under the State Plan. Diagnostic and treatment services, that are otherwise covered under early and periodic screening, diagnosis and treatment services, shall not be covered for participating school divisions. Participating school divisions must receive parental consent before conducting screening services.

B. Physical therapy and related services.

1. The services covered under this subsection shall include physical therapy, occupational therapy, and speech/language pathology services. All of the requirements, with the exception of the 24-visit limit, of 12 VAC 30-50-200 and 42 CFR 440.110 applicable to these services shall continue to apply with regard to, but not necessarily limited to, necessary authorizations, documentation requirements, and provider qualifications. Consistent with the child's Individualized Education Program (IEP), 35 therapy visits will be covered per year per discipline without DMAS prior authorization.

~~2. Consultation by physical therapy, occupational therapy, or speech pathology providers in meetings for the development, evaluation, or reevaluation of the IEP for specific children shall be covered when the IEP with the physical therapy, occupational therapy, or speech pathology services is implemented (based on the date of services billed to DMAS) as soon as possible after the IEP meeting, not to exceed 60 days, except where there are extenuating circumstances. This consultation is to be billed to DMAS no earlier than the date such services are implemented. No more than two consultations (across all three areas of therapies, nursing, and psychiatric/psychological disciplines) may be billed for each~~

~~child annually. This annual limitation includes consultations billed to DMAS attended by either registered nurses, licensed practical nurses, therapists, or psychiatrists/psychologists. If an IEP eligibility meeting is billed to DMAS, then the subsequent IEP plan meeting must also be billed for any DMAS reimbursement to occur.~~

~~3. Extenuating circumstances are recognized regarding the coverage of the IEP consultation when the physical therapy, occupational therapy, or speech pathology services cannot be implemented as soon as possible following the effective date of the IEP. Such extenuating circumstances may include, but shall not be limited to, arrangements for transportation, hospitalization of the child, or summer or vacation periods. DMAS or its contractor must approve other extenuating circumstances.~~

~~4- 2. Consistent with § 32.1-326.3 of the Code of Virginia, speech-language services must be rendered either by:~~

~~a. A speech-language pathologist who meets the qualifications under 42 CFR 440.110(c): (i) has a certificate of clinical competence from the American Speech and Hearing Association; (ii) has completed the equivalent educational requirements and work experience necessary for the certificate; or (iii) has completed the academic program and is acquiring supervised work experience to qualify for the certificate;~~

~~b. A speech-language pathologist with a current license in speech pathology issued by the Board of Audiology and Speech-Language Pathology;~~

~~c. A speech-language pathologist licensed by the Board of Education with an endorsement in speech-language disorders preK-12 and a master's degree in speech-language pathology. These persons also have a license without examination from the Board of Audiology and Speech-Language Pathology; or~~

~~d. A speech-language pathologist who does not meet the criteria for subdivisions a, b, or c above and is directly supervised by a speech-language pathologist who meets the criteria of clause a (i) or a (ii) or subdivision b or c above. The speech-language pathologist must be licensed by the Board of Education with an endorsement in speech-language disorders preK-12 but does not hold a master's degree in speech-language pathology. Direct supervision must take place on site at least every 30 calendar days for a minimum of two hours and must be documented accordingly. The speech-language pathologist who meets the criteria for clause a (i) or a (ii) or subdivision b or c above is readily available to offer needed supervision when speech-language services are provided.~~

#### C. Skilled nursing services.

1. These services must be medically necessary skilled nursing services that are required by a child in order to benefit from an educational program, as described under Part B of the federal Individuals with Disabilities Education Act, as amended (20 USC § 1400 et seq.). These services shall be limited to a maximum of 26 units a day of medically necessary services. Services not deemed to be medically

necessary, upon utilization review, shall not be covered. A unit, for the purposes of this school-based health service, shall be defined as 15 minutes of skilled nursing care.

2. These services must be performed by a Virginia-licensed registered nurse (RN), or licensed practical nurse (LPN) under the supervision of a licensed RN. The service provider shall be either employed by the school division or under contract to the school division. The skilled nursing services shall be rendered in accordance with the licensing standards and criteria of the Virginia Board of Nursing. Supervision of LPNs shall be provided consistent with the regulatory standards of the Board of Nursing at 18 VAC 90-20-270.

~~3. Consultation by skilled nursing providers in meetings for the development, evaluation, or reevaluation of the IEP for specific children shall be covered when the IEP with the skilled nursing services is implemented (based on the dates of services billed to DMAS) as soon as possible after the IEP meeting, not to exceed 60 days, except where there are extenuating circumstances. This consultation is to be billed to DMAS no earlier than the date such services are implemented. No more than two consultations (across all three areas of therapies, nursing, and psychiatric/psychological disciplines) may be billed for each child annually. This annual limitation includes consultations billed to DMAS attended by physical therapists, occupational therapists, speech therapists, nurses, and psychiatrists/psychologists. If an IEP eligibility meeting is billed to DMAS, then the subsequent IEP plan meeting must also be billed for any DMAS reimbursement to occur.~~

~~4. Extenuating circumstances are recognized regarding the coverage of the IEP consultation when the skilled nursing services cannot be implemented as soon as possible following the effective date of the IEP. Such extenuating circumstances may include, but shall not be limited to, arrangements for transportation, hospitalization of the child, or summer or vacation periods. DMAS or its contractor must approve other extenuating circumstances.~~

5- 3. The coverage of skilled nursing services shall be of a level of complexity and sophistication (based on assessment, planning, implementation and evaluation) that is consistent with skilled nursing services when performed by a registered nurse or a licensed practical nurse. These skilled nursing services shall include, but not necessarily be limited to, dressing changes, maintaining patent airways, medication administration/monitoring and urinary catheterizations. Skilled nursing services shall be consistent with the medical necessity criteria in the school services manual.

6- 4. Skilled nursing services shall be directly and specifically related to an active, written plan of care that is based on a physician's or nurse practitioner's written order for skilled nursing services. The registered nurse shall establish, sign, and date the plan of care. The plan of care shall be periodically reviewed by a physician or nurse practitioner after any needed consultation with skilled nursing staff. The services shall be specific and provide effective treatment for the child's condition in accordance

---

# Final Regulations

---

with accepted standards of skilled nursing practice. The plan of care is further described in subdivision 7 5 of this subsection. Skilled nursing services rendered that exceed the physician's or nurse practitioner's written order for skilled nursing services shall not be reimbursed by DMAS. A copy of the plan of care shall be given to the child's Medicaid primary care provider.

7. 5. Documentation of services shall include a written plan of care that identifies the medical condition or conditions to be addressed by skilled nursing services, goals for skilled nursing services, time tables for accomplishing such stated goals, actual skilled nursing services to be delivered and whether the services will be delivered by an RN or LPN. Services that have been delivered and for which reimbursement from Medicaid is to be claimed must be supported with like documentation. Documentation of school-based skilled nursing services shall include the dates and times of services entered by the responsible licensed nurse; the actual nursing services rendered; the identification of the child on each page of the medical record; the current diagnosis and elements of the history and exam that form the basis of the diagnosis; any prescribed drugs that are part of the treatment including the quantities, dosage, and frequency; and notes to indicate progress made by the child, changes to the diagnosis, or treatment and response to treatment. The plan of care is to be part of the child's medical record. Actions related to the skilled nursing services such as notifying parents, calling the physician, or notifying emergency medical services shall also be documented. All documentation shall be signed and dated by the person performing the service. Lengthier skilled nursing services shall have more extensive documentation. The documentation shall be written immediately, or as soon thereafter as possible, after the procedure or treatment was implemented with the date and time specified, unless otherwise instructed in writing by Medicaid. Documentation is further described in the Medicaid school services manual. Skilled nursing services documentation shall otherwise be in accordance with the Virginia Board of Nursing, Department of Health, and Department of Education statutes, regulations, and standards relating to school health. Documentation shall also be in accordance with school division standards.

8. 6. Service limitations. The following general conditions shall apply to reimbursable skilled nursing services in school divisions:

a. Patient must be under the care of a physician or nurse practitioner who is legally authorized to practice and who is acting within the scope of his license.

b. A recertification by a physician or nurse practitioner of the skilled nursing services shall be conducted at least once each school year. The recertification statement must be signed and dated by the physician or nurse practitioner who reviews the plan of care, and may be obtained when the plan of care is reviewed. The physician or nurse practitioner recertification statement must indicate the continuing need for services and should estimate how long rehabilitative services will be needed.

c. Physician or nurse practitioner orders for nursing services shall be required.

d. Utilization review shall be performed to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate. Services not specifically documented in the child's school medical record as having been rendered shall be deemed not to have been rendered and no payment shall be provided.

e. Skilled nursing services are to be terminated when further progress toward the treatment goals are unlikely or when they are not benefiting the child or when the services can be provided by someone other than the skilled nursing professional.

D. Psychiatric and psychological services. Evaluations and therapy services shall be covered when rendered by individuals who are licensed by the Board of Medicine and practice as psychiatrists or by psychologists licensed by the Board of Psychology as clinical psychologists or by school psychologists-limited licensed by the Board of Psychology. Services by these practitioners shall be subject to coverage at 12 VAC 30-50-140 D.

~~1. Consultation by psychiatric/psychologist providers in meetings for the development, evaluation, or reevaluation of the IEP for specific children shall be covered when the IEP with the psychiatric/psychological services is implemented (based on the dates of services billed to DMAS) as soon as possible after the IEP meeting, not to exceed 60 days, except where there are extenuating circumstances. This consultation is to be billed to DMAS no earlier than the date such services are implemented. No more than two consultations (across all three therapies, nursing, and psychiatric/psychological disciplines) may be billed for each child annually. This annual limitation includes consultations billed to DMAS attended by physical therapists, occupational therapists, speech therapists, and nurses. If an IEP eligibility meeting is billed to DMAS, then the subsequent IEP plan meeting must also be billed for any DMAS reimbursement to occur.~~

~~2. Extenuating circumstances are recognized regarding the coverage of the IEP consultation when the psychological services cannot be implemented as soon as possible following the effective date of the IEP. Such extenuating circumstances may include, but shall not be limited to, arrangements for transportation, hospitalization of the child, or summer or vacation periods. DMAS or its contractor must approve other extenuating circumstances.~~

E. Early and periodic screening, diagnosis, and treatment (EPSDT) services. Routine screening services shall be covered for school divisions when rendered by either physicians or nurse practitioners. Diagnostic and treatment services also covered under EPSDT shall not be covered for school divisions. School divisions shall be required to refer children who are identified through health assessment screenings as having potential abnormalities to their primary care physician for further diagnostic and treatment procedures.

F. Specific exclusions from school health services. All services encompassing and related to family planning, pregnancy, and abortion services shall be specifically excluded from Medicaid reimbursement if rendered in the school district setting.

## 12 VAC 30-50-260. Nurse-midwife services.

Covered services for nurse midwives are defined as those services allowed under the licensure requirements of the state statute and as specified in ~~the Social Security Act, 42 CFR 440.165.~~

## 12 VAC 30-60-170. Utilization review of treatment foster care (TFC) case management services.

A. Service description and provider qualifications. TFC case management is a community-based program where treatment services are designed to address the special needs of children. TFC case management focuses on a continuity of services, is goal directed, and results oriented, ~~and emphasizes permanency planning for the child in care.~~ Services shall not include room and board. Child-placing agencies licensed or certified by the Virginia Department of Social Services and that meet the provider qualifications for treatment foster care set forth in Part XV (12 VAC 30-130-900 et seq.) of this chapter shall provide these services.

### B. Utilization control.

1. Assessment. Each child referred for TFC case management must be assessed by a Family Assessment and Planning Team (FAPT) under the Comprehensive Services Act or by an interdisciplinary team approved by the State Executive Council. *For purposes of high quality case management services*, the team must (i) assess the child's immediate and long-range therapeutic needs, developmental priorities, and personal strengths and liabilities; (ii) assess the potential for reunification of the child's family; (iii) set treatment objectives; and (iv) prescribe therapeutic modalities to achieve the plan's objectives.

2. Qualified assessors. A qualified assessor is a Family Assessment and Planning Team as authorized under §§ 2.1-753, 2.1-754, and 2.1-755 of the Code of Virginia.

3. Preauthorization. Preauthorization shall be required for Medicaid payment of TFC case management services for each admission to this service and will be conducted by DMAS or its utilization management contractor. When service is authorized, an initial length of stay will be assigned. The provider must request authorization for continued stay. Failure to obtain authorization of Medicaid reimbursement for this service within 10 days of admission will result in denial of payments or recovery of expenditures.

4. Medical necessity criteria. Children whose conditions meet this medical necessity criteria will be eligible for Medicaid payment for TFC case management. TFC case management will serve children under age 21 in treatment foster care who are seriously emotionally disturbed (SED) or children with behavioral disorders who in the absence of such programs would be at risk for placement into more

restrictive residential settings such as psychiatric hospitals, correctional facilities, residential treatment programs or group homes. The child must have a documented moderate to severe impairment and moderate to severe risk factors as recorded on a state-designated uniform assessment instrument. The child's condition must meet one of the three levels described below.

a. Level I: Moderate impairment with one or more of the following moderate risk factors as documented on the state-designated uniform assessment instrument:

- (1) Needs intensive supervision to prevent harmful consequences;
- (2) Moderate/frequent disruptive or noncompliant behaviors in home setting that increase the risk to self or others;
- (3) Needs assistance of trained professionals as caregivers.

b. Level II: Child must display a significant impairment with problems with authority, impulsivity and caregiver issues as documented on the state-designated uniform assessment instrument. For example, the child must:

- (1) Be unable to handle the emotional demands of family living;
- (2) Need 24-hour immediate response to crisis behaviors; or
- (3) Have severe disruptive peer and authority interactions that increase risk and impede growth.

c. Level III: Child must display a significant impairment with severe risk factors as documented on the state-designated uniform assessment instrument. Child must demonstrate risk behaviors that create significant risk of harm to self or others.

5. TFC case management admission documentation required. Before Medicaid preauthorization will be granted, the referring entity must submit the following documentation. The documentation will be evaluated by DMAS or its designee to determine whether the child's condition meets the department's medical necessity criteria.

- a. A completed state-designated uniform assessment instrument;
- b. Diagnosis (Diagnostic Statistical Manual, Fourth Revision (DSM IV), including Axis I (Clinical Disorders); Axis II (Personality Disorders/Mental Retardation); Axis III (General Medical Conditions); Axis IV (Psychosocial and Environmental Problems); and Axis V (Global Assessment of Functioning));
- c. A description of the child's immediate behavior prior to admission;
- d. A description of alternative placements tried or explored;
- e. The child's functional level;
- f. Clinical stability;

---

# Final Regulations

---

- g. The level of family support available;
  - h. Initial plan of care; and
  - i. One of the following:
    - (1) Written documentation that the Community Planning and Management Team (CPMT) has approved the admission to treatment foster care; or
    - (2) Certification by the FAPT that TFC case management is medically necessary.
6. Penalty for failure to obtain preauthorization or to prepare and maintain the previously described documentation. The failure to obtain authorization for this service within 10 days of admission or to develop and maintain the documentation enumerated above will result in denial of payments or recovery of expenditures.

*B. Noncovered services. Permanency planning and other activities performed by foster care workers shall not be considered covered services and shall not be reimbursed.*

## **12 VAC 30-70-201. Application of payment methodologies.**

A. The state agency will pay for inpatient hospital services in general acute care hospitals, rehabilitation hospitals, and freestanding psychiatric facilities licensed as hospitals under a prospective payment methodology. This methodology uses both per case and per diem payment methods. Article 2 (12 VAC 30-70-221 et seq.) describes the prospective payment methodology, including both the per case and the per diem methods.

B. Article 3 (12 VAC 30-70-400 et seq.) describes a per diem methodology that applied to a portion of payment to general acute care hospitals during state fiscal years 1997 and 1998, and that will continue to apply to patient stays with admission dates prior to July 1, 1996. Inpatient hospital services that are provided in long stay hospitals and state-owned rehabilitation hospitals shall be subject to the provisions of Supplement 3 (12 VAC 30-70-10 through 12 VAC 30-70-130).

C. Transplant services shall not be subject to the provisions of this part. ~~These services shall continue to be subject to 12 VAC 30-50-100 through 12 VAC 30-50-310 and 12 VAC 30-50-540. Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse the actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as~~

*reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC30-50-580.*

## **12 VAC 30-70-420. Reimbursement of noncost-reporting general acute care hospital providers.**

Effective ~~January 1, 2000~~, July 1, 2000, noncost-reporting (general acute care hospitals that are not required to file cost reports) shall be paid based on DRG rates unadjusted for geographic variation increased by the average capital percentage among hospitals filing cost reports in a recent year. General acute care hospitals shall not file cost reports if they have less than 1,000 days per year (in the most recent provider fiscal year) of inpatient utilization by Virginia Medicaid recipients, inclusive of patients in managed care capitation programs.

Prior approval must be received from DMAS when a referral has been made for treatment to be received from a nonenrolled acute care facility (in-state or out-of-state), except in the case of an emergency or because medical resources or supplementary resources are more readily available in another state.

## **12 VAC 30-70-435. Lump sum payment.**

~~A. Effective July 1, 2000, the Department of Medical Assistance Services (DMAS) In addition to the DRG payment, DMAS shall make a one-time, lump sum payment of \$12,243,204 to eligible Virginia hospitals participating in the Medicaid program to mitigate the estimated impact of the rebased Diagnosis Related Groupings rates effective July 1, 1998, on each individual hospital for services provided between July 1, 1998, through December 31, 1999. The This payment shall be made in two equal, semi-annual amounts during fiscal year 2001. For purposes of distribution, each hospital's share of the total amount shall be determined as follows:~~

1. DMAS shall determine the total operating payments due each hospital for inpatient hospital services provided from January 1, 2000, through June 30, 2000, using hospital claims data from discharges in that period.
2. DMAS shall determine the total operating payments that would have been due each hospital for the same services had the inpatient hospital rates and weights applicable in fiscal year 1998 been continued with inflation for fiscal years 1999 and 2000.
3. The difference between the two values calculated in subdivisions 1 and 2 of this subsection, summed across all hospitals, is the statewide difference. Each hospital-specific difference divided by the statewide difference is the hospital-specific percent share of the statewide difference.
4. The hospital-specific percent share of the statewide difference, times the total funds provided by this appropriation, is the hospital-specific lump sum payment to be paid in two equal semi-annual payments during fiscal year 2001. *This payment shall be made as an increase to reimbursement for services provided to Medicaid recipients*



during state fiscal year 2001. For each hospital, the hospital-specific lump sum payment amount shall be divided by the number of DRG cases in the hospital discharged from July 1, 2000, through December 31, 2000, on or before April 30, 2001. This per case amount shall be paid to each hospital for each of the cases discharged by the hospital during this specified time period, as determined by DMAS.

B. The Department of Medical Assistance Services shall provide the data used, specific calculation, and mechanics of the payment adjustment to the Virginia Medicaid Hospital Policy Advisory Council.

VA.R. Doc. No. R02-86; Filed November 20, 2001, 3:32 p.m.

**TITLE 13. HOUSING**

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**REGISTRAR'S NOTICE:** The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

**Title of Regulation:** 13 VAC 5-175. Rules and Regulations for the Virginia Low-Income Housing Tax Credit (amending 13 VAC 5-175-10, 13 VAC 5-175-20, 13 VAC 5-175-30 and 13 VAC 5-175-40).

**Statutory Authority:** § 36-55.63 of the Code of Virginia.

**Effective Date:** January 1, 2002.

**Summary:**

The amended regulations double the amount of the state credit an applicant may receive from 10% to 20% of the federal credit used during a five-year period. Additionally, the amended regulation establishes a scoring system for projects to compete for the limited tax credit authority available, currently limited by statute to \$500,000 per calendar year. Hard-to-develop projects and projects that reserve units for very low-income residents will receive additional points to qualify for a state tax credit allocation. The Department of Housing and Community Development will be allowed to provide the full five-year state low-income housing tax credit allocation to qualified applicants during the first year.

**Agency Contact:** Steve Calhoun, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219-1321, telephone (804) 371-7015.

**13 VAC 5-175-10. General requirements and application.**

A. To qualify for the Virginia low-income housing tax credit, the applicant must qualify for and claim the federal low-income housing tax credit in accordance with 13 VAC 10-180-

~~40 et seq.~~, Rules and Regulations for Allocation of Low-Income Housing Tax Credits. The Virginia Housing Development Authority allocates the federal low-income housing tax credit in Virginia.

B. The Department of Housing and Community Development (the department) is designated to approve, allocate, and certify the use of the Virginia low-income housing tax credit. An application for certification to use the state tax credit must be filed with the department, on a form prescribed by the department. The application shall provide taxpayer identification, information regarding the housing unit or units for which a tax credit is sought, and information confirming the ~~use~~ allocation of the federal low-income housing tax credit during the taxable year. The department may require that any additional information and documentation ~~be provided with the application.~~ After reviewing the ~~application~~ applications, the department shall notify ~~the~~ each applicant of the total Virginia low-income housing tax credit allocated for use by the applicant. The department shall ~~also~~ certify the total Virginia low-income housing tax credit allocated for use by ~~the~~ each approved applicant to the Department of Taxation or the State Corporation Commission.

**13 VAC 5-175-20. Availability of Virginia low-income housing tax credit.**

The Virginia low-income housing tax credit is available for qualified housing units placed in service on or after January 1, 1998, in accordance with § 36-55.63 of the Code of Virginia. ~~A credit is available for up to five consecutive taxable years provided a federal low-income housing tax credit is allowed and claimed during each of the five years for housing units located in Virginia. Because the state tax credit is a percentage of the federal tax credit claimed in any taxable year, no state tax credit amount will be allocated if a federal tax credit is not claimed by the applicant. The initial use of the state tax credit may be claimed on state income tax returns filed for calendar year 1999 or any fiscal taxable year ending on or after July 1, 1999. The state tax credit for each project is based on a percentage of the federal tax credit allowed and claimed for the project. Any portion of the amount allocated may be used during the first year of the allocation, if feasible, or may be carried forward and used in subsequent years in accordance with § 58.1-435 of the Code of Virginia. The amount of a state low-income housing tax credit that may be used for any project during any tax year shall not exceed the amount certified as feasible by the Virginia Housing Development Authority.~~

**13 VAC 5-175-30. Amount and allocation of the Virginia low-income housing tax credit.**

The department shall allocate the Virginia low-income housing tax credit up to the maximum amount allowed during any calendar year as specified by § 36-55.63 of the Code of Virginia. The department shall review each application and, based on the application and other information available to the department, shall assign points to each project as follows:

1. Any project that qualifies as a "hard-to-develop" project as defined by the Virginia Housing Development Authority in the federal low-income housing tax credit application manual. (40 points)

---

# Final Regulations

---

2. Any project that is located within, or that if awarded a state low-income housing credit will locate within, a Virginia Enterprise Zone, a Virginia Housing Revitalization Zone or a "revitalization area" as defined by the Virginia Housing Development Authority, provided the development of low-income housing within such zones or areas was included as part of the application under the above-referenced community development programs. (40 points)

3. All other qualified low-income housing projects not qualifying for points in subdivision 1 or 2 of this section. (20 points)

4. One bonus point for each residential unit reserved for households at or below 40% of area median income, as determined by the application for federal low-income housing tax credits (up to a maximum of 40 bonus points).

The state credit allocated may be used any time during the five-consecutive-year period beginning with the first year the federal low-income housing tax credit is claimed for the project. The allowable amount of the Virginia low-income housing tax credit for any qualified applicant shall be the lesser of (i) 20% of the amount of the federal low-income housing tax credit allowed during the five-year period or (ii) the amount certified as feasible by the Virginia Housing Development Authority. Upon assignment of points to all applications, the department shall rank the applications based on the number of points assigned. Those applications assigned more points will be ranked higher than those applications assigned fewer points. Applications with the highest rankings shall receive allocations up to the allowable amount prior to any allocations to lower ranking applicants.

Allocations will be made to projects up to the statutory maximum amount of tax credits allowed during the calendar year.

~~The allowable amount of the Virginia low income housing tax credit for any qualified applicant shall be the lesser of (i) 10% of the amount claimed by the applicant on the federal tax return for the federal low income housing tax credit applicable to low income housing units placed in service in Virginia or (ii) the amount certified feasible by the Virginia Housing Development Authority. If applications for tax credit use exceed the maximum tax credit amount authorized during any year. In the event of a tie in the number of points assigned to two or more projects where a full allocation to each applicant with that point total would exceed the maximum tax credit amount authorized by statute during any calendar year, the department shall calculate a pro rata reduction of the amount of tax credit to be allocated to each approved applicant. This reduction shall be made to assure that the established maximum tax credit allocation is not exceeded. The pro rata reduction will not apply to or affect allocations to projects with a higher point total.~~

## 13 VAC 5-175-40. Recapture of Virginia low-income housing tax credit.

~~A. If any person qualifies for the Virginia low income housing tax credit and is subject to the credit recapture provisions for federal income tax purposes in a subsequent taxable year, the applicant shall, similarly, be subject to a credit recapture~~

~~of the state tax credit amount on the Virginia income tax return.~~

~~B. The Virginia low-income housing tax credit is a percentage of the federal low-income housing tax credit allowed and claimed, in most cases 10%. In certain circumstances the state tax credit will be less than 10%, such as when a reduction is required because applications for tax credits statewide exceed the maximum allowable use of. If any person claims the Virginia low-income housing tax credit or when certified feasible for less than 10% by the Virginia Housing Development Authority and is subject to the credit recapture provisions for federal income tax purposes in a subsequent taxable year, the applicant shall, similarly, be subject to a recapture of the state tax credit amount claimed on the Virginia income tax return. The amount of the state tax credit to be recaptured shall be 10% percentage of the federal tax credit recaptured for Virginia low-income housing units, or the percentage of the federal tax credit will be used in the calculation to calculate the amount of the state tax credit for the taxable year in which the to be recaptured tax credit applies, whichever is less. The total recaptured amount of the state tax credit shall be payable to the Virginia Department of Taxation or the State Corporation Commission during the taxable year in which the federal recapture is required.~~

VA.R. Doc. No. R02-87; Filed November 27, 2001, 2:53 p.m.

---

## TITLE 14. INSURANCE

### STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

**Title of Regulation:** 14 VAC 5-210. Rules Governing Health Maintenance Organizations (amending 14 VAC 5-210-70).

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

**Effective Date:** December 1, 2001.

**Summary:**

*The amendments exclude certain Family Access to Medical Insurance Security Plans that are underwritten by health maintenance organizations from the copayment provisions set forth in 14 VAC 5-210-70 C.*

**Agency Contact:** Jacqueline Cunningham, Bureau of Insurance, State Corporation Commission, 1300 E. Main Street, 5<sup>th</sup> Floor, Richmond, VA 23219 (mailing address: P.O. Box 1157, Richmond, VA 23218), telephone (804) 371-9074 or e-mail jcunningham@scc.state.va.us.

AT RICHMOND, NOVEMBER 27, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010270

Ex Parte: In the matter of  
Adopting Revisions to the Rules  
Governing Health Maintenance  
Organizations

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 18:5 VA.R. 723-725 November 19, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R02-68; Filed November 28, 2001, 11:04 a.m.

ORDER ADOPTING REVISION TO RULES

WHEREAS, by order entered herein October 26, 2001, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to November 26, 2001, adopting a revision proposed by the Bureau of Insurance to the Commission's Rules Governing Health Maintenance Organizations, unless on or before November 26, 2001, any person objecting to the adoption of the proposed revision filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the October 26, 2001, Order also required all interested persons to file their comments in support of or in opposition to the proposed revision on or before November 26, 2001;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, as of the date of this Order, no comments have been filed with the Clerk of the Commission;

WHEREAS, the Bureau has recommended that the proposed revision be adopted; and

THE COMMISSION, having considered the proposed revision and the Bureau's recommendation, is of the opinion that the proposed revision should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revision to Chapter 210 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations," which amends the rule at 14 VAC 5-210-70, and which is attached hereto and made a part hereof, should be, and it is hereby, ADOPTED to be effective December 1, 2001;

(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 revision to the rules by mailing a copy of this Order, together with a clean copy of the revised rule, to all persons licensed by the Commission to transact the business of a health maintenance organization in the Commonwealth of Virginia; and by forwarding a copy of this Order, including a copy of the attached revised rule, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirement of paragraph (2) above.

**TITLE 18. PROFESSIONAL AND  
OCCUPATIONAL LICENSING**

**BOARD OF ACCOUNTANCY**

**REGISTRAR'S NOTICE:** The Board of Accountancy is claiming an exemption from the Administrative Process Act in accordance with § 54.1-4422 A of the Code of Virginia, which provides that a regulation adopted by the Board of Accountancy as an independent board and approved by the Governor regarding the fee for licenses and certificates shall not be subject to the Administrative Process Act during the 24-month transition period beginning July 1, 2001.

Title of Regulation: **18 VAC 5-21. Board of Accountancy Rules and Regulations (amending 18 VAC 5-21-20).**

Statutory Authority: § 54.1-4403 of the Code of Virginia.

Effective Date: January 1, 2002.

Summary:

*The amendment adds a noninteractive processing fee of \$5.00 on regulants who fail to renew for licensure through the board's new Internet option. This fee was deemed necessary by the board to implement its transition to a more efficient and cost-effective renewal procedure for licensees.*

Agency Contact: Jean Grant, Office Manager, Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505.

**18 VAC 5-21-20. Fees.**

A. All fees are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether it is on time.

B. The following fees shall apply:

|  |            |
|--|------------|
| Original CPA certificate application       | \$24       |
| CPA certificate by endorsement application | \$24       |
| Registration certificate application       | \$24       |
| CPA certificate renewal                    | \$24       |
| Registration certificate renewal           | \$24       |
| CPA certificate late renewal               | \$25       |
| Registration certificate late renewal      | \$25       |
| CPA certificate reinstatement              | \$60       |
| Registration certificate reinstatement     | \$60       |
| <i>Noninteractive processing fee</i>       | <i>\$5</i> |

---

# Final Regulations

---

If the renewal fee is not received by the board within 30 days after the expiration date printed on the CPA certificate or the registration certificate, the regulant shall pay the renewal and the late renewal fees. Regulants applying for reinstatement shall pay all unpaid renewal fees in addition to the late renewal and the reinstatement fees.

C. The late filing fee for CPA certificate holders who fail to complete or report their CPE as required by this chapter shall be:

1. If received by the board up to four months late, \$25.
2. If received by the board more than four months late but not more than six months late, \$50.
3. If received by the board more than six months late, \$75.

D. The fee for a replacement wall certificate shall be \$25.

E. A fee of \$25 will be charged in addition to the fees established in this section for submitting a check to the board which is dishonored by the institution upon which it is drawn.

F. A noninteractive processing fee will be assessed when the online payment option is not chosen by the applicant or regulant.

F. G. The fee for the examination provided for in 18 VAC 5-21-30 C shall consist of the contract charges. Examination service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 44-35 2.2-4300 et seq. of the Code of Virginia). The examination fee shall not exceed \$1,000.

VA.R. Doc. No. R02-92; Filed November 28, 2001, 9:53 a.m.

\*\*\*\*\*

**REGISTRAR'S NOTICE:** The following regulatory action filed by the Board of Accountancy is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors.

**Title of Regulation:** 18 VAC 5-21. Board of Accountancy Rules and Regulations (amending 18 VAC 5-21-10, 18 VAC 5-21-30 through 18 VAC 5-21-70, 18 VAC 5-21-90, 18 VAC 5-21-120 and 18 VAC 5-21-170).

**Statutory Authority:** § 54.1-4403 of the Code of Virginia.

**Effective Date:** January 16, 2002.

**Summary:**

Chapter 832 of the 2001 Acts of Assembly established the Board of Accountancy as an independent board of the Commonwealth. With the separation of the board operationally from the Department of Professional and Occupational Regulation, Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia was repealed. Chapter 44 (§ 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia establishes the new independent board. The amendments incorporate the new statutory citations into the regulations.

## 18 VAC 5-21-10. Definitions.

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

"Accredited institution" means any degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges.

"Assurance" means any act or action, whether written or oral, expressing an opinion or conclusion about the reliability of a financial statement or about its conformity with any financial accounting principles or standards.

"Audit" means expressing an opinion about the fairness of presentation of financial statements in accordance with prescribed criteria.

"Board" means the Board of Accountancy.

"Certify," "audit," "examine," "review," or "express or disclaim an opinion," when referenced to financial information or the practice of public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles, generally accepted auditing standards, and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of services by a CPA certificate holder or registration certificate holder subject to Chapter 20 44 (§ 54.1-2000 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Commission" means compensation generated from the purchase or sale of a product or service and which would not be generated but for the purchase or sale of the product or service.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Contingent fee" means a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is obtained, or in which the amount of the fee is dependent upon the finding or result obtained. Fees shall not be considered contingent if fixed by courts or other public authorities, or in tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A CPA certificate holder's fees may vary depending on the complexity of services rendered, and such variation shall not be considered a contingent fee.

"Continuing Professional Education (CPE)" means an integral part of the lifelong learning required to provide competent

service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

"CPA certificate" means a certificate as a certified public accountant (CPA) issued by the board pursuant to Chapter ~~20 44~~ (§ ~~54.1-2000 54.1-4400~~ et seq.) of Title 54.1 of the Code of Virginia and this chapter, which shall function as a license, or a corresponding certificate as a certified public accountant issued after meeting examination and other requirements under the laws of any other state.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board to an individual meeting the requirements for a CPA certificate set forth in 18 VAC 5-21-30.

"CPE reporting year" means for the purposes of this chapter a calendar year.

"CPE reporting cycle" means the three CPE reporting years immediately preceding the year the CPA certificate is renewed pursuant to 18 VAC 5-21-80.

"Credit hour" means successful completion of a course of study measured in a contact hour.

"Examination" means, when used in the context of services provided by CPAs, expressing an opinion about the fairness of presentation of financial information in accordance with prescribed criteria.

"Financial statement" means writing or other presentation, including accompanying notes, which presents, in whole or in part, historical or prospective financial position, results of operations or changes in financial position of any person, corporation, partnership or other entity.

"Firm" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Good character" means a lack of a history of dishonest or felonious acts.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Interactive self-study program" means a program using interactive learning methodologies simulating a classroom learning process by employing software, other courseware, or administrative systems and providing significant ongoing, interactive feedback to the learner regarding his learning process. Substantial written or electronic evidence of satisfactory completion of each program segment by the learner is required. Interactive self-study programs must clearly define lesson objectives and manage students through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities must, based on student response, provide appropriate ongoing written or electronic format feedback to the student regarding his learning progress through the program.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Original CPA certificate" means a CPA certificate issued by the board other than a CPA certificate by endorsement.

"Peer review" means a study, appraisal, or review, by a CPA certificate holder who is not affiliated with the firm being reviewed, of one or more aspects of the professional work of a firm that engages in the practice of public accounting or compiles financial statements in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Accounting and Review Services (SSARS).

"Practice of public accountancy" or "public accounting" means the giving of an assurance, in a report or otherwise, whether expressly or implicitly, unless this assurance is given by an employee to his employer.

"Practice of taxation" means the providing of tax compliance and tax advice services.

"Registration" means the process through which a firm obtains a registration certificate from the board.

"Registration certificate" means a certificate issued to a firm that has met all of the requirements for registration under this chapter.

"Regulant" means any CPA certificate holder or registration certificate holder who is subject to Chapter ~~20 44~~ (§ ~~54.1-2000 54.1-4400~~ et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Renewal month" means the month of the calendar year in which a firm is required to renew its registration certificate.

"Report" or "reports," when used with reference to financial statements, means an opinion or disclaimer of opinion or other form of language or representation that states or implies any form of assurance or denial of assurance.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"SSARS" means Statements on Standards for Accounting and Review Services established by the American Institute of Certified Public Accountants.

"Standards of conduct" means the standards set forth in 18 VAC 5-21-120.

"Standards of practice for CPA certificate holders" means the standards set forth in 18 VAC 5-21-130, 18 VAC 5-21-140 and 18 VAC 5-21-150.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam.

"Substantial equivalency" means a determination by the board or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, examination and experience requirements contained in this chapter, or that an individual

---

# Final Regulations

---

CPA from another jurisdiction has met education, examination and experience requirements that are comparable to, or exceed, the education, examination, and experience requirements contained in Chapter 20 44 (§ 54.1-2000 54.1-4400 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

## 18 VAC 5-21-30. Qualifications for CPA certificate.

A. Each applicant must be a person of good character as defined in 18 VAC 5-21-10.

B. Education prior to taking the examination.

1. Each applicant whose application to sit for an examination administered prior to July 1, 2006, shall have received a baccalaureate degree or its equivalent conferred by an accredited college or university as required by § 54.1-2003 54.1-4409 B 1 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 54.1-4409 B 1 of the Code of Virginia:

- a. At least 24 semester hours of accounting including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 18 semester hours in business courses (other than the courses described in subdivision 1 a of this subsection).

An applicant whose application is received under the requirements of this subdivision may take the examination so long as the requirements of subsection C of this section are met.

2. Each applicant whose application to sit for an examination administered on or after July 1, 2006, shall meet the requirements of § 54.1-2003 54.1-4409 B 2 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 54.1-4409 B 2 of the Code of Virginia:

- a. At least 30 semester hours of accounting, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 24 semester hours in business courses (other than the courses described in subdivision 2 a of this subsection).

3. A quarter hour of coursework shall be considered the equivalent of two-thirds of a semester hour of coursework.

4. Each applicant with a degree or coursework earned at a nonaccredited college or university shall, if credit for such degree or coursework is to be considered by the board, (i) have his educational credentials evaluated by an academic credentials service approved by the board or an accredited institution, as defined in 18 VAC 5-21-10, to determine the extent to which such credentials are equivalent to the education requirements set forth in subdivisions 1 and 2 of this subsection and (ii) submit such evaluations to the

board, which may accept or reject the evaluator's recommendations in whole or in part.

5. Evidence of having obtained the required education shall be submitted in the form of official transcripts transmitted in a manner determined by the board. In unusual circumstances, the board may accept other evidence it deems to be substantially equivalent.

C. Examination.

1. Each applicant shall pass (i) a national uniform examination, as approved by the board, in auditing, business law and professional responsibilities, accounting and reporting (taxation, managerial, governmental and not-for-profit organizations), financial accounting and reporting, and other such related subject areas as deemed appropriate by the board and (ii) an ethics examination approved by the board. Each part of the examination must be passed with a minimum grade established by the board based upon the recommendation of a psychometrician who has determined the valid passing grade by conducting a scientific analysis of the examination.

2. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that the applicant has passed and need not sit for reexamination in those sections provided the following conditions are met:

- a. At that sitting, the applicant wrote all sections of the examination for which the applicant did not have credit;
- b. The applicant attained a minimum grade of 50 on each section taken at that sitting when the first two sections were passed and in each subsequent sitting attains a minimum grade of 50 on all sections taken at that sitting;
- c. The applicant passes the remaining sections of the examination within six consecutive examinations (irrespective of the date on which the examination credit was earned) given after the one at which the first sections were passed; and
- d. At each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections for which the applicant does not have credit.

3. The board may, at its discretion, waive any of the above requirements for carryover examination credits, if such waiver is in the public interest.

4. Each applicant shall follow all rules and regulations established by the board with regard to conduct at the examination. Such rules shall include instructions communicated prior to the examination date and instructions communicated at the examination site on the date of the examination.

5. Failure to comply with the rules and regulations governing conduct in the examination may result in the loss of established eligibility to sit for the examination or credit for examination parts passed.

6. An applicant to sit for the examination shall obtain an application form from the board or its designee, complete the application in accordance with the instructions on the application, and submit the application together with all required documents to the board or its designee by the date determined by the board or its designee.

7. An applicant who fails to appear for the examination or reexamination shall forfeit the fees charged for that examination or reexamination unless excused by the board.

8. The fee to sit for the examination is established in 18 VAC 5-21-20 F, whether paid directly to the board or to a designee under contract to the board.

#### D. Experience.

1. Each applicant for initial issuance of a CPA certificate under this section shall provide documentation of having met the experience requirements established by ~~§ 54.1-2003 54.1-4409~~ C of the Code of Virginia, which requires at least one year of acceptable experience in accounting or a related field. The experience may include providing any type of service or advice involving the use of accounting, management, financial, tax, or consulting advisory skills or services. Acceptable experience shall include employment in government, industry, academia or public accounting or related services. The applicant's experience may be supervised by a non-CPA certificate holder, although, when completing the application for the CPA certificate, the experience must be verified by a CPA certificate holder.

2. One year of experience shall consist of full- or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in subdivision 1 of this subsection.

#### **18 VAC 5-21-40. Issuance of original CPA certificate; CPA certificate by endorsement; and substantial equivalency.**

A. Practicing as a CPA in the Commonwealth of Virginia. Only an individual who (i) holds a valid CPA certificate or (ii) meets the substantial equivalency requirements in this section may practice as a CPA in the Commonwealth of Virginia.

#### B. Original CPA certificate.

1. Each individual who desires to use the CPA designation shall first obtain a CPA certificate.

2. Each applicant for an original CPA certificate shall submit an application, on a form provided by the board, which shall document that the requirements of 18 VAC 5-21-30 have been met. If the application is received by the board three or more years after the successful completion of the CPA examination by the applicant, the applicant shall, in addition, submit evidence of having met the CPE requirements set forth in 18 VAC 5-21-170 A 3 or B 3. Each applicant shall agree to comply with the statutes and regulations of any other state in which he is authorized to practice.

3. Each application for an original CPA certificate shall be accompanied by the fee established in 18 VAC 5-21-20.

#### C. CPA certificate by endorsement.

1. Each individual who holds a CPA certificate in a state other than Virginia and either (i) has moved his principal place of business to Virginia or (ii) does not meet the substantial equivalency provision outlined in subsection G of this section must obtain a CPA certificate by endorsement prior to practicing as a CPA in Virginia.

2. Each applicant for a CPA certificate by endorsement shall submit an application, on a form provided by the board, which shall document that the applicant holds a corresponding CPA certificate as a certified public accountant issued after meeting examination and other requirements under laws of the state(s) from which the applicant is seeking a CPA certificate by endorsement. The application shall include the following:

a. From each state from which the applicant has received a CPA certificate (or from the applicant directly if the state is unable to provide the information), a written statement from the board of each state confirming that the applicant (i) is in good standing in that state; (ii) has not been found guilty of violating that state's standards of conduct or practice; (iii) has no pending actions alleging violations of that state's standards of conduct or practice; (iv) has met the education requirements in effect in that state when the applicant passed the national uniform examination described in 18 VAC 5-21-30 C; and (v) has met the experience requirement for a CPA certificate in effect in Virginia when the CPA certificate by endorsement application is received by the board. An applicant who holds a CPA certificate from a state that the board has determined meets the substantial equivalency provision set forth in ~~§ 54.1-2004.4 54.1-4411~~ of the Code of Virginia shall be considered to have met the requirements of clauses (iv) and (v) of this paragraph.

b. A written statement from the applicant affirming that the applicant has (i) not violated the board's standards of conduct or standards of practice and (ii) met the board's continuing education requirements.

The board may deny the application for a CPA certificate by endorsement if the applicant is not in good standing in the other states which have issued CPA certificates to the applicant or if any information from the applicant indicates a failure to comply with the aforementioned standards.

3. Each application for a CPA certificate by endorsement shall be accompanied by the fee established in 18 VAC 5-21-20.

D. Each CPA certificate holder shall have the privilege of using the CPA designation provided the CPA certificate holder complies with the (i) standards of conduct, (ii) standards of practice, and (iii) the renewal requirements established by the board. Upon expiration of the CPA certificate, the CPA certificate holder shall cease displaying the CPA certificate and the wall certificate, and shall cease affixing and using the CPA designation in any manner.

E. All CPA certificate holders who supervise services involving the practice of public accountancy and who sign or

---

# Final Regulations

---

authorize another to sign the report on the financial statements on behalf of the firm shall meet the experience requirement established in 18 VAC 5-21-50.

F. CPA certificates issued under the provisions of this chapter shall expire one year from the last day of the month wherein the initial CPA certificate was issued and shall be renewed in compliance with 18 VAC 5-21-80.

G. Privilege to practice without a CPA certificate by endorsement, substantial equivalency.

1. A holder of a CPA certificate from a state other than Virginia and with a principal place of business in a state other than Virginia shall either obtain a CPA certificate by endorsement as outlined in subsection C of this section or meet the substantial equivalency requirements of this subsection before beginning CPA practice in Virginia.

2. To implement the provisions of ~~§ 54.1-2004.1~~ **54.1-4411** A of the Code of Virginia, the privilege to practice under substantial equivalency shall be evidenced by the following:

a. If the individual's CPA certificate is issued by a state that the board has determined is substantially equivalent, the CPA certificate issued by that state shall constitute evidence of the privilege to practice.

b. If the individual's CPA certificate is issued by a state that the board has determined is not substantially equivalent, the CPA certificate holder shall notify the board in writing that he intends to practice in the Commonwealth and shall provide documentation acceptable to the board that he has personally satisfied the requirements for substantial equivalency. An approval letter from the board shall constitute evidence of the privilege to practice.

c. A CPA certificate by endorsement shall be obtained if the CPA exercising the privilege to practice under substantial equivalency moves his principal place of business to Virginia or ceases to have an office in any other state.

3. For the purposes of implementing ~~§ 54.1-2004.1~~ **54.1-4411** B 2 of the Code of Virginia relating to the privilege of practicing public accounting extended to nonresident CPA certificate holders, the board shall determine the state to be served based on whose statutes and regulations most closely correspond to those of the Commonwealth of Virginia.

4. The board shall determine whether a state meets the substantial equivalency provisions for nonresident CPA certificate holders by periodically obtaining, reviewing and approving a list of states, which in the opinion of the board, meet the substantial equivalency provisions for nonresident CPA certificate holders.

**18 VAC 5-21-50. Additional requirements for CPAs who supervise services involving the practice of public accountancy and who sign or authorize another to sign reports on financial statements.**

A. To implement the provisions of ~~§ 54.1-2005~~ **54.1-4412** C 7 of the Code of Virginia, any individual CPA certificate holder

who is responsible for supervising services involving the practice of public accounting, and who signs or authorizes another person to sign on behalf of the firm the financial statement resulting from the practice of public accounting, shall meet the requirements set forth in subsection B of this section.

Nothing in this section is intended to proscribe an individual who does not have a CPA certificate from affixing his signature to any statement or report for his employer's internal or management use and designating his position, title or office.

B. Requirements.

1. CPA certificate. Any individual desiring to supervise public accountancy services as described in subsection A of this section shall hold a currently valid CPA certificate issued by this board or shall be in compliance with the substantial equivalency requirements in 18 VAC 5-21-40 G.

2. Experience. In addition to the one year of experience required to receive a CPA certificate, such individual shall have completed one year of additional experience in the practice of public accounting, as defined in 18 VAC 5-21-10, with not less than 600 of these hours in the performance of audits if the services involve an audit or not less than 600 of these hours in the performance of reviews or audits if the services involve a review but not an audit. One year of experience shall consist of no fewer than 2,000 hours of full- or part-time employment that extends over a period of no less than one year and no more than three years. The experience must have been gained under the direct supervision of a CPA licensed in any state. Persons who held a license, as defined in the board's regulations effective on April 1, 1997, issued by the board and in effect on October 4, 1999, shall be deemed to have met this experience requirement.

**18 VAC 5-21-60. Registration of firms.**

A. To implement the provisions of ~~§ 54.1-2005~~ **54.1-4412** B of the Code of Virginia, any firm with one or more offices in the Commonwealth that practices, directly or indirectly, public accounting or that uses the term "Certified Public Accountant(s)" or the designation "CPA" in the name of the firm shall register with the board.

B. To implement the provisions of ~~§ 54.1-2005~~ **54.1-4412** C of the Code of Virginia, any firm with an office in the Commonwealth providing or offering to provide services involving the practice of public accounting shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with ~~§ 54.1-2005~~ **54.1-4412** C of the Code of Virginia.

1. Each firm shall submit an application on forms provided by the board, which shall contain the following:

a. A statement that the applicant is registering pursuant to ~~§ 54.1-2005~~ **54.1-4412** B of the Code of Virginia and has complied with each of the requirements of ~~§ 54.1-2005~~ **54.1-4412** C of the Code of Virginia.

b. An affirmation of the peer review as required by 18 VAC 5-21-70.



c. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § ~~54.1-2005~~ 54.1-4412 C 3 of the Code of Virginia, all non-CPA owners shall work in the firm. "Work in the firm" means that the non-CPA owner works full time for the firm (at least 1,000 hours a year), and that retirees and owners no longer working full time shall have 12 months from the last day of their full-time involvement with the firm to dispose of their interest. Heirs shall have 24 months from the time they receive their bequest or inheritance in which to dispose of the ownership interest.

C. To implement § ~~54.1-2005~~ 54.1-4412 D of the Code of Virginia, any firm with an office in the Commonwealth that is not engaged in the practice of public accounting but uses the term "Certified Public Accountant" or the "CPA" designation in its name shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with § ~~54.1-2005~~ 54.1-4412 C 1, 2, 3, and 8 of the Code of Virginia.

1. Such firm shall submit an application provided by the board that shall contain the following:

a. A statement that the applicant is registering pursuant to § ~~54.1-2005~~ 54.1-4412 D of the Code of Virginia and has complied with each of the requirements set forth in § ~~54.1-2005~~ 54.1-4412 D of the Code of Virginia.

b. A statement that the firm has or has not compiled financial statements, which, as required by SSARS and § ~~54.1-2006~~ 54.1-4413 of the Code of Virginia, shall be prepared in compliance with SSARS.

c. If the firm has compiled financial statements in accordance with SSARS, an affirmation of the peer review as required by 18 VAC 5-21-70.

d. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § ~~54.1-2005~~ 54.1-4412 C 3 of the Code of Virginia, all non-CPA owners shall work in the firm. "Work in the firm" means that the non-CPA owner works full time for the firm (at least 1,000 hours a year), and that retirees and owners no longer working full time shall have 12 months from the last day of their full-time involvement with the firm to dispose of their interest. Heirs shall have 24 months from the time they receive their bequest or inheritance in which to dispose of the ownership interest.

D. The fee for a registration certificate is set forth in 18 VAC 5-21-20.

E. Pursuant to § ~~54.1-2005~~ 54.1-4412 C 6 of the Code of Virginia, all firms required to obtain registration certificates shall meet the standards set forth in 18 VAC 5-21-160.

F. Each registration certificate shall expire two years from the last day of the month wherein issued and shall be renewed in compliance with 18 VAC 5-21-80.

## 18 VAC 5-21-70. Peer review.

A. To implement the provisions of § ~~54.1-2005~~ 54.1-4412 C 5 and D 2 of the Code of Virginia, firms meeting the requirements set forth in this section shall provide the board with evidence, as described in subsection E of this section, that the firm has undergone, no less frequently than every three years, a peer review. Each peer review shall be performed and reported in accordance with standards that are no less stringent than the peer review program of the American Institute of Certified Public Accountants. Prior to its use by a registrant's reviewer, the board must approve a peer review program other than the peer review program of the American Institute of Certified Public Accountants. Firms not required to register with the board are not required to comply with the peer review requirement.

B. If a firm performs the services described in subsection D of this section, a peer review is required and the firm shall provide an affirmation of such peer review to the board in accordance with the dates set forth in subsection C of this section. The nature of the review will be determined based on the peer review selection criteria, which criteria shall consider the highest level of service provided and shall be no less stringent than the criteria of the peer review program of the American Institute of Certified Public Accountants (Standards for Performing and Reporting on Peer Reviews, effective January 1999, American Institute of Certified Public Accountants). The date of the year-end used for the peer review shall not be more than 48 months prior to the month of the initial registration or the renewal month for a renewal registration.

C. Applicable dates.

1. An affirmation of a peer review is not required for an initial or renewal application for a registration certificate filed prior to July 1, 2002.

2. Initial or renewal applications due after June 30, 2002, are required to include an affirmation of a peer review except that a firm first initiating services requiring a peer review after July 1, 1999, shall comply with the peer review requirement within three years after first initiating services requiring a peer review. Affirmation of a timely peer review shall be provided with the initial or first renewal application immediately following the aforementioned three-year period.

D. The nature of the services requiring a peer review and the nature of such reviews are set forth in this subsection.

1. System review. This review applies to firms that perform engagements governed by the Statements on Auditing Standards (SASs) or examinations of prospective financial information under the Statements on Standards for Attestation Engagements (SSAEs), as established by the American Institute of Certified Public Accountants, or the Government Auditing Standards (the Yellow Book) issued by the U.S. General Accounting Office (GAO).

2. Engagement review. This review is required for firms that are not required to have a system review and who are not eligible to have a report review as described in subdivision 3 of this subsection. It applies to registered firms that do not

---

# Final Regulations

---

perform engagements in accordance with SASs or examinations of prospective financial statements under the SSAEs but do perform engagements in accordance with the Statements on Standards for Accounting and Review Services (SSARs) or review engagements in accordance with the SSAEs, both as established by the American Institute of Certified Public Accountants.

3. Report review. This review applies to firms that only perform compilations, as described in the SSARs, that omit substantially all disclosures.

E. Required affirmation of peer review. The applicant for an initial or a renewal registration certificate shall include an affirmation with the application that the firm (i) has complied with the peer review provisions in § ~~54-1-2005~~ 54.1-4412 C of the Code of Virginia and with the provisions of this section; (ii) has received a final acceptance letter from the entity administering the peer review program; and (iii) will maintain its peer review documents until the later of the date of the final acceptance letter for its next peer review or four years. The board reserves the right to request a copy of the peer review report or any other document relating to the peer review program.

F. Final acceptance letter not available. If an applicant for registration cannot provide a final letter of acceptance indicating that the peer review is complete, then the applicant shall file the application with (i) a copy of the "subject to" acceptance letter and other relevant documents that explain the reasons why a final acceptance letter was not issued and (ii) a statement setting forth the registrant's plan of action that will enable the registrant to receive a final acceptance letter.

## **18 VAC 5-21-90. Requirement for reinstatement.**

A. In addition to meeting the requirements for renewal set forth in 18 VAC 5-21-80, a regulant shall comply with the following requirements if the regulant fails to renew within 12 months after the expiration of the applicable certificate:

1. If the regulant fails to renew his CPA certificate or registration certificate within 12 months following its expiration or voluntary termination by the holder of a CPA certificate or registration certificate, he will be required to present reasons for reinstatement.

2. No application for reinstatement shall be considered while the petitioner is under sentence for criminal offense related to the practice of accountancy, including any period during which the petitioner is on probation or parole for such offense.

3. Reinstatement fees, which are nonrefundable and shall not be prorated, are established in 18 VAC 5-21-20.

4. Applicants for reinstatement of the CPA certificate shall affirm on a form provided by the board that they continue to meet the standards for entry as set forth in 18 VAC 5-21-30, and for renewal as set forth in 18 VAC 5-21-80. Applicants for reinstatement of the registration certificate shall affirm on a form provided by the board that they continue to meet the standards of conduct and applicable standards of practice, and the renewal requirements set forth in 18 VAC 5-21-80.

5. If the regulant has failed to renew his CPA certificate or registration certificate for a period of 12 months or longer, a reinstatement fee as set forth in 18 VAC 5-21-20 shall be due in addition to the renewal fee and late renewal fee established in 18 VAC 5-21-20.

6. The renewal fee and late renewal fee for each renewal period in which the regulant failed to renew his CPA certificate or registration certificate shall be paid as set forth in 18 VAC 5-21-20.

B. If the requirements set forth in subsection A are not met, the board shall advise the applicant that reinstatement has been denied and the reasons for the denial. The reinstatement request may be resubmitted when the applicant believes the matters affecting the reinstatement application have been satisfactorily resolved. The reinstatement applicant may request a proceeding in accordance with the provisions of the Administrative Process Act (§ ~~9-6-14:4.1~~ 2.2-4000 et seq. of the Code of Virginia).

## **18 VAC 5-21-120. Standards of conduct for all regulants.**

A. Responsibilities. A regulant shall exercise sensitive professional and moral judgment in all activities.

B. Public interest. A regulant shall act in a way that serves the public interest, honors the public trust, and demonstrates commitment to professionalism.

C. Integrity and objectivity. A regulant shall perform all professional responsibilities with the highest sense of integrity, maintain objectivity and freedom from conflicts of interest in discharging professional responsibilities, and avoid knowingly misrepresenting facts or inappropriately subordinating his judgment to others.

D. Independence. A CPA certificate holder and registration certificate holder shall be independent in fact and appearance when offering to provide or providing services pursuant to the standards listed in the definition of "standards of practice for CPA certificate holders."

E. Professional competence. A regulant shall undertake only those professional services that can reasonably be expected to be completed with professional competence.

F. Due professional care. A regulant shall exercise due professional care in the performance of professional services.

G. Planning and supervision. A regulant shall adequately plan and supervise the performance of professional services.

H. Sufficient relevant data. A regulant shall obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

I. Accounting principles. A CPA certificate holder shall not express an opinion or state affirmatively that financial statements or other financial data of any entity are presented in conformity with generally accepted accounting principles or state that the CPA certificate holder is not aware of any material modifications that should be made to such statements or data in order for them to be in conformity with generally accepted accounting principles, if such statements

or data contain any departure from any of the standards described in the definition of the "standards of practice for CPA certificate holders" that has a material effect on the statements or data taken as a whole with the following exception: the CPA certificate holder can demonstrate that, due to unusual circumstances, the financial statements or data would otherwise have been misleading without the departure, and the approximate effects of the departure, if practicable, and the reasons why compliance with the principle would result in a misleading statement are provided in the statements or data.

J. Confidential client information. A regulant shall not disclose any confidential client information without the specific consent of the client. This rule shall not be construed to (i) affect in any way the regulant's obligation to comply with a validly issued and enforceable subpoena or summons, or to prohibit a regulant's compliance with applicable laws and government regulations, (ii) prohibit review of a regulant's professional practice by this board, (iii) prohibit a review in conjunction with a prospective purchase, sale or merger of all or part of a regulant's practice so long as the regulant takes appropriate precautions (e.g., through a written confidentiality agreement) so that the prospective purchaser does not disclose any information obtained in the course of the review, or (iv) prohibit a review in conjunction with a peer review of a firm as provided in 18 VAC 5-21-70. The reviewers of such information shall not use to their advantage nor disclose any regulant's confidential client information that comes to their attention.

K. Contingent fees. As provided in § ~~54.1-2007~~ 54.1-4414 D 2 and 3 of the Code of Virginia, a CPA certificate holder shall not perform for a contingent fee: (i) any services for, or receive such a fee from, a client for whom the CPA certificate holder or the CPA certificate holder's firm performs services which involve the practice of public accounting, during the period when such services are being provided and during the period covered by the financial statements; or (ii) prepare an original tax return or claim for a tax refund for a contingent fee for any client.

1. Preparation of an original tax return or claim for a tax refund includes giving advice on events that have occurred at the time the advice is given if such advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return or claim for refund.

2. A fee is considered determined based on the findings of governmental agencies if the regulant can demonstrate a reasonable expectation, at the time of a fee arrangement, of substantive consideration by an agency with respect to the regulant's client. Such an expectation is deemed not reasonable in the case of preparation of original tax returns.

L. Commissions and referral fees.

1. Prohibited commissions. As provided in § ~~54.1-2007~~ 54.1-4414 D 1 of the Code of Virginia, a CPA certificate holder shall not recommend to a client any product or services for a commission, or, for a commission, recommend or refer any product or service to be supplied by a client, or receive a commission when the CPA

certificate holder also performs for that client any service which involves the practice of public accounting. This prohibition applies during the period in which the CPA certificate holder is providing services which involve the giving of an assurance or during the period covered by any financial statements that were prepared by the CPA certificate holder as a part of such services.

2. Disclosure of permitted commissions. As provided in § ~~54.1-2007~~ 54.1-4414 E of the Code of Virginia, a CPA certificate holder who is not prohibited from accepting a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the CPA certificate holder recommends or refers a product or service to which the commission applies.

3. Disclosure of referral fees. As provided in § ~~54.1-2007~~ 54.1-4414 F of the Code of Virginia, a CPA certificate holder who accepts a referral fee for recommending or referring any service of a CPA certificate holder shall disclose such payment to the client.

M. Acts discreditable. A regulant shall not commit acts discreditable to the profession, as listed in § ~~54.1-2006~~ 54.1-4413 of the Code of Virginia and this chapter.

N. Advertising and other forms of solicitation. A regulant shall not seek to obtain clients by advertising or other forms of solicitation in a manner that is false, misleading, or deceptive, or by coercion, overreaching or harassing conduct.

O. Form of organization and name. A regulant shall not practice under a firm name that is false, misleading or deceptive.

**18 VAC 5-21-170. Continuing professional education requirements for CPA certificate applicants and for CPA certificate holders.**

A. Use of CPA designation and performing services for the public.

1. As provided in § ~~54.1-2004~~ 54.1-4410 B of the Code of Virginia, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA wall certificate, and who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for the public, shall obtain 120 hours of CPE during each CPE reporting cycle with a minimum of 20 hours per CPE reporting year. The CPA certificate holder may choose the areas of study and courses.

2. Any person covered by this provision who, prior to implementation of § ~~54.1-2004~~ 54.1-4410 B of the Code of Virginia on October 4, 1999, provided one or more of the services described in subdivision 1 of this subsection, but was not required to obtain CPE, shall obtain at least 20 hours of CPE in each of the CPE reporting years 2000, 2001 and 2002 and meet the 120-hour requirement for the CPE reporting cycle ending December 31, 2002.

---

# Final Regulations

---

3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA examination who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the 120-hour CPE requirement in subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three calendar years prior to the date of his application.

4. Any CPA certificate holder whose original CPA certification application was received by the board fewer than three years after his successful completion of the CPA examination who commences the services described in subdivision 1 of this subsection after December 31, 2000, shall have obtained 40 hours of CPE within the 12 months preceding the date such services are first offered to the public and obtain the remaining 80 hours of CPE by the end of the second CPE reporting year following the date of commencing such services with no less than 20 hours in each of these two CPE reporting years.

## B. Use of CPA designation and performing services other than for the public.

1. As provided in ~~§ 54.1-2004~~ 54.1-4410 C of the Code of Virginia, effective July 1, 2002, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA wall certificate, who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for an employer or other organization and not for the public, or who is employed as an educator in the field of accounting, shall meet the following CPE requirements as a condition of renewal of the person's CPA certificate: (i) for the three-year reporting period beginning July 1, 2002, a minimum of 45 credit hours with a minimum of 10 hours per year, (ii) for the three-year reporting period beginning July 1, 2005, a minimum of 90 credit hours with a minimum of 15 hours per year, and (iii) for the three-year reporting periods beginning on or after July 1, 2008, a minimum of 120 credit hours with a minimum of 20 hours per year. The CPA certificate holder may choose the areas of study and courses.

2. Individuals failing to meet the CPE requirements may be subject to requalification, including possible re-examination and submission of experience qualifications. The board may, at its discretion, waive or defer CPE requirements so long as such waiver or deferral is in the public interest.

3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA examination who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the CPE requirement of subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three calendar years prior to the date of his application. Furthermore, if such person obtained his

CPA certificate at a time when he did not intend to provide services for the public and subsequently decides to provide for the public the services described in subdivision A 1 of this section, then such regulant shall, prior to performing such services, meet the 120-hour requirement of subdivision A 1 of this section.

## C. Use of CPA designation and not performing services

1. Any CPA certificate holder who is not performing or offering to perform any of the services described in subdivision A 1 or B 1 of this section is not required to meet CPE requirements.

2. Any CPA certificate holder who ceases to perform services for the public shall meet the CPE requirements described in subdivision A 1 of this section for any reporting year in which he performed those services. Any CPA certificate holder who performs services for the public for less than a complete reporting cycle shall complete at least 20 hours in each reporting year that he did perform services for the public during the reporting cycle.

## D. Requirements for retaining records.

1. It is the responsibility of the CPA certificate holder to retain evidence of satisfactory completion of CPE credit hours for a period of three years from the anniversary date of renewal. Such documentation shall be in the form of the certificate of completion provided by the sponsor, verification from the institution offering the course, written statement from the course provider verifying the regulant's attendance, or any other documentation deemed agreeable by the board.

2. The CPA certificate holder shall provide such documentation to the board or its authorized agent upon request.

## E. Continuing professional education credit.

1. One credit hour shall be given for each 50-minute period of instruction. One semester hour of college credit is 15 CPE credit hours and one quarter hour of college credit is 10 CPE credit hours.

2. A CPA certificate holder who instructs courses that qualify for CPE credit for participants will be awarded two additional hours of CPE for each credit hour of instruction. The instructor shall retain evidence to support the request for credit. The instructor shall be given no credit for subsequent sessions involving substantially identical subject matter. The credit given for instructing shall not exceed 30 credit hours per CPE reporting cycle.

3. CPE credit hours for successful completion of a self-study course shall be established by the sponsor according to the type of CPE self-study program and pre-tests to determine average completion time. Interactive self-study programs shall receive CPE credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. For example, an interactive self-study program that takes an average of two contact hours to complete shall receive two CPE credit hours, and a noninteractive self-study program that takes an average of

two contact hours to complete shall receive one CPE credit hour.

VA.R. Doc. No. R02-93; Filed November 28, 2001, 9:54 a.m.

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

**Title of Regulation:** 18 VAC 10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations (amending 18 VAC 10-20-10, 18 VAC 10-20-20, 18 VAC 10-20-30, [ 18 VAC 10-20-40, ] 18 VAC 10-20-110 through 18 VAC 10-20-160, [ 18 VAC 10-20-170, ] 18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220, 18 VAC 10-20-240, 18 VAC 10-20-260, 18 VAC 10-20-270, [ 18 VAC 10-20-280, ] 18 VAC 10-20-300, 18 VAC 10-20-310, 18 VAC 10-20-320, 18 VAC 10-20-340 through 18 VAC 10-20-380, 18 VAC 10-20-400, 18 VAC 10-20-420 through 18 VAC 10-20-450, 18 VAC 10-20-490, 18 VAC 10-20-505, 18 VAC 10-20-530 through 18 VAC 10-20-570, 18 VAC 10-20-590 through 18 VAC 10-20-620, 18 VAC 10-20-640, 18 VAC 10-20-650, 18 VAC 10-20-660, 18 VAC 10-20-680, 18 VAC 10-20-720, 18 VAC 10-20-740, 18 VAC 10-20-750, 18 VAC 10-20-760, and 18 VAC 10-20-780; adding [ 18 VAC 10-20-15, ] 18 VAC 10-20-55, 18 VAC 10-20-75, and 18 VAC 10-20-295; repealing 18 VAC 10-20-100, 18 VAC 10-20-180, 18 VAC 10-20-250, 18 VAC 10-20-290, 18 VAC 10-20-410, and 18 VAC 10-20-480).

**Statutory Authority:** §§ 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

**Effective Date:** March 1, 2002.

### Summary:

*The amendments clarify language, consolidate provisions, and modify wording to comply with the Code of Virginia. Substantive changes include (i) requiring a regulant to notify the board when he leaves as the responsible professional of a professional corporation; (ii) permitting the use of electronic seals, signatures and dates; (iii) adding various requirements and standards regarding land boundary surveying; and (iv) in this final action, requiring that a professional with a current Virginia certificate or license in the profession being offered be in residence and responsible charge at each place of business.*

**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:** Mark N. Courtney, Department of Professional and Occupational Regulation, 300 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:18 VA.R. 2506-2529 May 21, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

### PART I. GENERAL [ DEFINITIONS ].

#### 18 VAC 10-20-10. Definitions.

As used in this chapter, unless the context requires a different meaning:

*"Board"* means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

*"Comity"* means the recognition of licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as permitted by § 54.1-103 C of the Code of Virginia.

*"Department"* means the Department of Professional and Occupational Regulation.

*"Direct control and personal supervision"* shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision.

[ *"Full time"* means 60% or more of a Virginia licensed or certified individual's gainfully employed time. ]

*"Good moral character"* shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in this chapter.

*"Landscape architect"* means an individual who has been certified as a landscape architect pursuant to the provisions of this chapter and is in good standing with the board to practice in the Commonwealth.

*"Licensed"* means an individual [ ~~holding~~ who holds ] a valid license issued by the board, which has not been suspended or revoked, and [ who ] is currently registered with the board to practice in the Commonwealth in accordance with § 54.1-405 of the Code of Virginia.

*"Place of business"* means any location which offers to practice or practices through licensed or certified professionals the services of architecture, ~~professional~~ engineering, land surveying, *certified* landscape architecture and *certified* interior design. A temporary field office set up for project-specific services is not a place of business.

*"Professional"* means ~~licensed~~ [ an ] architect, ~~licensed~~ professional engineer, ~~licensed~~ land surveyor, *certified* landscape architect or certified interior designer.

*"Regulant"* means [ a ] licensee, certificate holder or registrant.

---

# Final Regulations

---

[ "Resident" means a professional who is in said place of business a majority of the operating hours of the place of business. ]

"Responsible charge" means ~~there shall be a professional in direct control and [ exercising ] personal supervision of the practice of architecture, professional engineering, land surveying and certified landscape architecture each professional service offered or practiced. [ Merely reviewing the work prepared by another person does not constitute Direct control and personal supervision requires more than reviewing the work prepared by another person ].~~

## [ 18 VAC 10-20-15. Board organization.

The board's organization shall be consistent with applicable provisions of the Code of Virginia. The board may have the following sections: Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. Each section may meet as necessary. ]

## 18 VAC 10-20-20. Application requirements.

A. All applicants must be of good moral character.

B. 1. Fully documented applications with the noted exception in subdivision 2 of this subsection shall be submitted by applicants seeking consideration for licensure, certification or registration with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than ~~420 days prior to the scheduled examination [ the date established by the board 120 days prior to the scheduled examination ]~~. Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination. The date the completely documented application and fee are received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should be completed according to the instructions contained herein. Applications are not considered complete until all required documents, including but not limited to references, employment verifications and verification of registration are received by the board. All applications, accompanying materials and references are the property of the board.

2. Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination.

~~B-~~ C. Applicants shall meet applicable entry requirements at the time application is made.

~~C-~~ D. Applicants who have been found ineligible for any reason may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure, certification or registration are met within a period of three years from the date the original

application is received by the board. After such period, a new application shall be required.

~~D-~~ E. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc., to confirm or amplify information supplied. The board may also require a personal interview with the applicant.

~~E-~~ F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

~~F-~~ G. Applicants shall be held to the same standards of practice and conduct as set forth in this chapter.

## 18 VAC 10-20-30. [ No change from proposed. ]

## [ 18 VAC 10-20-40. Good standing of comity applicants.

An applicant licensed, certified or registered to practice architecture, professional engineering, land surveying, landscape architecture or interior design in another jurisdiction shall be in good standing in every jurisdiction where licensed, certified or registered, and shall not have had a license, certificate or registration suspended, revoked or surrendered in connection with a disciplinary action or who has been the subject of discipline in another jurisdiction prior to applying for licensure, certification or registration in Virginia. ]

## 18 VAC 10-20-55. [ No change from proposed. ]

## 18 VAC 10-20-75. [ No change from proposed. ]

## 18 VAC 10-20-100. [ No change from proposed. ]

## 18 VAC 10-20-110. [ No change from proposed. ]

## 18 VAC 10-20-120. Experience.

A. The successful completion of the NCARB Intern Development Program (NCARB-IDP) shall be required of all applicants for ~~examination~~ original licensure. An applicant shall be enrolled in NCARB-IDP for a period of one year or more prior to submitting an application for ~~examination~~ original licensure in Virginia. IDP training requirements shall be in accordance with the National Council of Architectural Registration Boards' Handbook for Interns and Architects, ~~1998-1999 [ 2000-2004 2001-2002 ]~~ Edition.

B. All applicants must have a minimum of 36 months experience/training prior to submitting an application for examination. Any experience/training of less than 10 consecutive weeks will not be considered in satisfying this requirement.

C. All applicants must have a minimum of 12 months experience/training in architecture as an employee in the office of a licensed architect prior to submitting an application for examination. An organization will be considered to be an office of a licensed architect if:

1. The architectural practice of the organization in which the applicant works is under the charge of a person practicing

as a principal, where a principal is a licensed architect in charge of an organization's architectural practice either alone or with other licensed architects, and the applicant works under the direct supervision of a licensed architect; and

2. The practice of the organization encompasses the comprehensive practice of architecture, including the categories set forth in the IDP requirements.

[ D. Exceptions.

1. In the case of any individual certifying to the board that he had accrued sufficient experience/training credits under the requirements existing prior to December 1, 1999, so that 12 or fewer months of experience/training remained to be acquired, then the prior experience/training requirements in subsection E of this section shall continue in effect for such individual;

2. Any applicant who has accrued experience/training prior to December 1, 1999, may verify such experience/training to the best of his ability as if such experience/training had been acquired hereunder, and such verified experience/training shall, when accepted by the board, be considered for purposes of meeting the experience/training requirements of this chapter. Subsection E of this section is only applicable to those individuals specified in this subsection. Table I is only applicable to assist in verifying subdivisions 1 and 2 of this subsection.

E. Applicants to whom the exceptions in subsection D of this section apply shall have three years of diversified training in the essential areas of architectural practice as described in this subsection. Evidence shall be in the form of official records of a structured internship or incorporated in the candidate's application and verified by employers. Experience shall include:

1. A minimum of 18 months in the area of design and construction documents directly related to the practice of architecture;
2. A minimum of five months in the area of construction administration directly related to the practice of architecture; and
3. A minimum of three months in the area of office management directly related to the practice of architecture.

Training credits shall be calculated in accordance with Table I.

F. Applications to whom the exceptions in subsection D of this section apply shall have until January 1, 2001, to complete the experience/training credits existing prior to December 1, 1999, and have their completed application received in the board's office. After January 1, 2001, the exceptions in subsection D of this section will cease. ]

[ TABLE I.  
REQUIREMENTS FOR ARCHITECTURAL LICENSURE  
(APPLICABLE ONLY TO INDIVIDUALS SPECIFIED IN  
18 VAC 10-20-120 D).

| EDUCATION AND TRAINING REQUIREMENTS   | Education Credits | Training Credits  |                     |
|---|-------------------|---|---------------------|
|   |                   | Credit Allowed  | Max. Credit Allowed |
| First professional degree in architecture, where the degree program has been approved by the board not later than two years after graduation.   | 5 years           | No credit used as an education credit may be used as a training credit. |                     |
| A-1. Diversified experience in architecture as an employee in the offices of licensed architects.   | 0                 | 100%  | no limit            |
| A-2. Diversified experience in architecture as a principal practicing in the office of a licensed architect with a verified record of substantial practice.   | 0                 | 100%  | no limit            |
| A-3. Diversified experience in architecture as an employee of an organization (other than offices of licensed architects) when the experience is under the direct supervision of a licensed architect.                    | 0                 | 100%  | 2 years             |
| A-4. Experience directly related to architecture, when under the direct supervision of a licensed architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer. | 0                 | 50%   | 1 year              |
| A-5. Experience, other than A-1, A-2, A-3 or A-4 experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings.                                | 0                 | 50%   | 6 months            |
| A-6. Other training experience (see B-2.2).   |                   |   |                     |

---

# Final Regulations

---

## EXPLANATION OF REQUIREMENTS

~~B-1 Training Credits. Training credits shall be subject to the following conditions:~~

~~B-1.1 Every applicant must earn at least one year of training credit under A-1 or A-2 and must earn it after earning five years of education credits.~~

~~.2 No credit used as an education credit may be used as a training credit.~~

~~.3 Organizations will be considered to be 'offices of licensed architects': (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a licensed architect and (b) the organization is not engaged in construction and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.~~

~~.4 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:~~

~~(a) Providing labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation.~~

~~(b) Agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.~~

~~.5 A person practices as a 'principal' by being a licensed architect and the person in charge of the organization's architectural practice, either alone or with other licensed architects.~~

~~.6 In evaluating training credits the board may, prior to licensure, require the applicant to substantiate training experience by comparing this experience to the training requirements as indicated for the Intern Architect Development Program (IDP).~~

~~B-2 General Evaluation Criteria:~~

~~B-2.1 To earn full training credits under A-1, A-2, A-3, A-4 and A-5, an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks under A-1 or six consecutive months under A-2, A-3, A-4 or A-5. An applicant may earn one-half of the credit specified under A-1 for work of at least 20 hours per week in periods of six or more consecutive months; no credit will be given for part-time work in any category other than A-1.~~

~~.2 Other training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.~~

~~.3 In evaluating credits, the board may, prior to licensure, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the training requirements set forth above. ]~~

**18 VAC 10-20-130. [ No change from proposed. ]**

**18 VAC 10-20-140. [ No change from proposed. ]**

**18 VAC 10-20-150. [ No change from proposed. ]**

**18 VAC 10-20-160. Definitions.**

The following definitions shall apply in the regulations relating to the licensing of professional engineers:

"ABET" means the Accreditation Board for Engineering and Technology.

"Approved engineering curriculum" means an *undergraduate engineering curriculum* of four years or more, or a *graduate engineering curriculum*, approved by the board. ABET approved engineering curricula are approved by the board. [ *Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET approved.* ]

"Approved engineering experience" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.

"Approved engineering technology curriculum" means an ABET approved engineering technology curriculum of four years or more approved by the board. ABET approved engineering technology curricula of four years or more are approved by the board. [ *Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET approved.* ]

"Engineering examination" means an ~~eight-hour written~~ NCEES examination in the Fundamentals of Engineering and an ~~eight-hour written~~ NCEES examination in the Principles and Practice of Engineering where required.

"Engineer-in-training (EIT)" means an applicant who has completed any one of several combinations of education, or education and experience, and passed the Fundamentals of Engineering examination.

"Qualifying engineering experience" means a specific record of engineering experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.

**[ 18 VAC 10-20-170. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

|   |      |
|---|------|
| Fundamentals of Engineering Application | \$20 |
| Principles of Engineering Application   | \$40 |
| Renewal                                 | \$30 |
| Comity                                  | \$40 |
| PE Exam rescore                         | \$25 |
| FE/PE out-of-state proctor              | \$30 |
| Dishonored check                        | \$25 |

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service



contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 41-35 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$70 \$115 for the Fundamentals of Engineering and \$160 \$170 for the Principles of Engineering to the candidate. ]

**18 VAC 10-20-180. [ No change from proposed. ]**

**18 VAC 10-20-190. Requirements for the Fundamentals of Engineering (FE) exam.**

In order to be approved to sit for the FE examination, an applicant must satisfy one of the following:

| EDUCATIONAL REQUIREMENTS  | NUMBER OF REQUIRED YEARS OF PROGRESSIVE, QUALIFYING ENGINEERING EXPERIENCE |
|---|--|
| 1. Enrolled in an ABET accredited undergraduate curriculum and within 12 months of completion of degree requirements. Enrolled in an ABET accredited graduate curriculum, or enrolled in a graduate curriculum that is ABET accredited at the undergraduate level at the institution at which the graduate degree is being sought, and within six months of completion of graduate degree requirements. Applications must be accompanied by a certificate of good standing from the dean of the engineering school. | 0  |
| 2. Graduated from an approved engineering or an approved engineering technology curriculum of four years or more .  | 0  |
| 3. Obtained an undergraduate engineering degree [ of four years or more ] from an institution in a curriculum without ABET accreditation and a graduate level engineering degree from an institution in a curriculum that is ABET accredited at the undergraduate level.  | 0  |
| 4. Graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more.   | 2  |
| 5. Graduated from a nonapproved engineering technology curriculum or not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described by self study when compared to the ABET Course Requirements for Engineering Technology Programs by documented academic course work that   | 6  |

|   |  |
|---|--|
| <i>meets the requirements of ABET accreditation for the engineering technology curricula.</i> |  |
|---|--|

**18 VAC 10-20-200. [ No change from proposed. ]**

**18 VAC 10-20-210. [ No change from proposed. ]**

**18 VAC 10-20-220. [ No change from proposed. ]**

**18 VAC 10-20-240. [ No change from proposed. ]**

**18 VAC 10-20-250. [ No change from proposed. ]**

**18 VAC 10-20-260. Examinations.**

A. The Virginia board is a member board of the National Council of Examiners for Engineering and Surveying (NCEES) and as such is authorized to administer the NCEES examinations.

B. The Fundamentals of Engineering examination consists of a NCEES exam on the fundamentals of engineering and is given at times designated by the board.

C. The Principles and Practice of Engineering examination consists of a NCEES exam on applied engineering and is given at times designated by the board.

D. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

E. A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

~~F. Examinees will be given specific instructions as to the conduct of each examination at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.~~

~~G. F.~~ Grading of the examinations shall be in accordance with national grading procedures established by NCEES.

Each part of the written examination will have a value of 100. A passing score shall be 70 and above. Candidates will be notified of passing or failing and their actual scores.

~~H. G.~~ Should an applicant not pass an examination within three years after being approved to sit for an examination, the applicant must reapply and meet all current entry requirements.

~~I. H.~~ The [ Fundamentals of Engineering ] examination may not be reviewed by the candidates. Examination scores are final and are not subject to change.

~~[ Upon written request to the board within 20 days of the mailing of exam results, candidates for the Principles and Practice of Engineering examination will be permitted to review only their own failed examination. Score appeals will~~

---

# Final Regulations

---

~~only be accepted if the candidate received a score of 65 or above. Score reviews and appeals shall be accepted in accordance with board policy. ]~~

## **18 VAC 10-20-270. [ No change from proposed. ]**

### **[ 18 VAC 10-20-280. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

|   |      |
|---|------|
| Application for Fundamentals of Surveying | \$45 |
| Application for Principles of Surveying   | \$50 |
| Application for Land Surveyor B           | \$50 |
| Renewal                                   | \$80 |
| Comity                                    | \$50 |
| Out-of-state proctor                      | \$50 |
| Dishonored check                          | \$25 |

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 44-35 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of ~~\$150~~ \$175 for the Fundamentals of Land Surveying, \$150 for the Principles of Land Surveying, \$90 for the Virginia State Examination and \$55 for the Land Surveyor B examination to the candidate. ]

## **18 VAC 10-20-290. [ No change from proposed. ]**

### **18 VAC 10-20-295. [ No change from proposed. ]**

### **18 VAC 10-20-300. Requirements for land surveyor-in-training (LSIT) designation.**

The education or experience, or both, and examination requirements for ~~land surveyor-in-training (~~ the LSIT) designation are as follows:

1. An applicant who has graduated from, or is enrolled in, a board-approved surveying or surveying technology curriculum of four years or more approved by the board and is within 12 months of completion of degree requirements is eligible for the Fundamentals of Land Surveying examination. Upon passing such examination, and providing evidence of graduation, the applicant ~~shall be a land surveyor-in-training if the applicant is otherwise qualified~~ will receive the LSIT designation. Applications For those applicants who are within 12 months of completion of degree requirements, their application must be accompanied by a certificate of good standing from the dean of the school;
2. An applicant who has graduated from a curriculum of four years or more related to surveying as approved by the board and with a specific record of one year of approved land surveying experience shall be admitted to an examination in the Fundamentals of Land Surveying examination. Upon passing such examination, the applicant shall be a land surveyor-in-training if the applicant is otherwise qualified. receive the LSIT designation;
3. An applicant who has earned at least a four-year bachelor's degree in a field unrelated to surveying and with a specific record of ~~two~~ three years of approved

~~progressive land surveying experience that is progressive in complexity. The applicant shall be admitted to an examination in the Fundamentals of Land Surveying examination. Upon passing such examination, the applicant shall be a land surveyor-in-training if the applicant is otherwise qualified. receive the LSIT designation;~~

4. An applicant who has graduated from a surveying curriculum of two years or more approved by the board with a specific record of four years of approved progressive land surveying experience that is progressive in complexity shall be admitted to an examination in the Fundamentals of Land Surveying examination. Upon passing such examination, the applicant shall be a land surveyor-in-training if the applicant is otherwise qualified. receive the LSIT designation;

5. An applicant who has successfully completed a survey apprenticeship program approved by the board with at least 480 hours of surveying related classroom instruction with a specific record of six years of approved progressive land surveying experience that is progressive in complexity shall be admitted to an examination in the Fundamentals of Land Surveying examination. Upon passing such examination, the applicant shall be a land surveyor-in-training if the applicant is otherwise qualified. receive the LSIT designation; or

6. An applicant who has graduated from high school with and who has evidence of successful completion of courses in algebra, geometry and trigonometry with a specific record of eight years of approved progressive land surveying experience that is progressive in complexity shall be admitted to an examination in the Fundamentals of Land Surveying examination. [ Applicants who have accumulated college credits may apply credit hours approved by the board to help meet the experience requirement. One year of experience credit will be given for 40 semester hours of approved college credit ]. Upon passing such examination, the applicant shall be a land surveyor-in-training if the applicant is otherwise qualified receive the LSIT designation.

[ 7. Applicants who have accumulated college credits may apply credit hours approved by the board to help meet the experience requirement. One year of experience credit will be given for 40 semester hours approved college credit. ]

### **18 VAC 10-20-310. Requirements for a licensed land surveyor.**

~~A land surveyor-in-training~~ An LSIT [ with who, after meeting the requirements of 18 VAC 10-20-300, has ] a specific record of four years of approved land surveying experience of which a minimum of three years experience has been progressive in complexity and has been on land surveying projects under the supervision of a licensed land surveyor shall be admitted to an examination in the Principles and Practice of Land Surveying and a the Virginia state specific examination. Upon passing such examination, the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

### **18 VAC 10-20-320. [ No change from proposed. ]**

### **18 VAC 10-20-340. [ No change from proposed. ]**

## 18 VAC 10-20-350. Examinations; grading; reexamination.

A. The examination for land surveying under § 54.1-400 of the Code of Virginia shall consist of two parts. Part I shall consist of the Fundamentals of Land Surveying. Part II shall consist of an examination in the Principles and Practice of Land Surveying and a Virginia state *specific* examination. These examinations shall be given [ semiannually ] at times designated by the board.

B. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be given at times designated by the board.

C. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

D. Candidates shall be notified of passing or failing but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores and answer sheets. Examinations may not be reviewed.

E. ~~Upon payment of a reexamination fee, an applicant may retake parts of the written examination which the applicant may have failed.~~ Should the applicant not pass an examination within three years after being ~~approved~~ *authorized to take the examination*, the applicant must reapply and meet all current entry requirements.

## 18 VAC 10-20-360. [ No change from proposed. ]

## 18 VAC 10-20-370. Minimum standards and procedures for land boundary surveying practice.

A. The ~~following~~ minimum standards and procedures *set forth in this section* are to be used for *land* boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the *land* boundary survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures.

~~A.~~ B. Research procedure. The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field survey in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

~~B.~~ C. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or *land* boundary survey lines will be made by

using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned at a given station or corner will be the number which, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the *land* boundary survey shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. Field traverse and *land* boundary closure *and accuracy standards*.

a. The maximum permissible error of closure for a field traverse in connection with a *land* boundary survey located in a rural area shall be one part in 10,000 (1/10,000). The attendant angular closure shall be that which will sustain the one part in 10,000 (1/10,000) maximum error of closure. The maximum permissible error of closure for a traverse in connection with a *land* boundary survey located in an urban area shall be one part in 20,000 (1/20,000). The attendant angular closure shall be that which will sustain the one part in 20,000 (1/20,000) maximum error of closure.

b. *The maximum permissible positional uncertainty based on the 95% confidence level of any independent boundary corner or independent point located on a boundary that has been established by utilizing global positioning systems will not exceed the positional tolerance of [ 0.26 feet (or 80 mm + 200 ppm) for rural surveys and ] 0.07 feet (or 20 mm + 50 ppm) [ for urban surveys ].*

4. Monumentation. As a requisite for completion of the work product, each *land* boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the *land* boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive road rights-of-way; and each such monument, other than a natural monument, shall, when feasible, be identified by a temporary witness stake (which may be wooden). Where it is not feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the *land* boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this subdivision, when such monumentation is not regulated by the provisions of a local subdivision ordinance.

---

# Final Regulations

---

## ~~G~~. D. Office procedures.

1. Computations. The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final *land* boundary of the land involved.

2. Plats and maps. The following information shall be shown on all plats or maps, or both, used to depict the results of the *land* boundary survey:

a. The title of the *land* boundary plat identifying the land surveyed and showing the district and county or city in which the land is located and scale of drawing.

b. The name of owner of record and deed book referenced where the acquisition was recorded.

c. Names of all adjoining owners of record with deed book references, or subdivision lot designations.

d. Names of highways and roads with route number, and widths of right-of-way, or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the *land* boundary survey including but not limited to a distance to the nearest road intersection, or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.

e. Bearings of all property lines and meanders to nearest 10 seconds of arc, or metric equivalent.

f. Adequate curve data to accomplish mathematical closures.

~~f~~. g. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or metric equivalent.

~~g~~. h. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.

~~h~~. i. Area to the nearest square foot or thousandth (0.001) of an acre or metric equivalent for urban located surveys.

~~i~~. j. North arrow and source of meridian used for the survey.

~~j~~. k. On interior surveys, a reference bearing and distance to a property corner of an adjoining owner or other prominent object including, but not limited to, intersecting streets or roads.

~~k~~. l. Tax map designation [ ~~of parcel number~~ or *geographic parcel identification number* ] if available.

~~l~~. m. Description of each monument found and each monument set by the professional.

~~m~~. n. A statement that the *land* boundary survey shown is based on a current field survey. The application of the land surveyor's seal, signature and date shall constitute

compliance with all the current standards of a *land* boundary survey as of the date of the application of signature unless otherwise clearly stated in the title of the plat that the plat is to be construed otherwise.

~~n~~. o. If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, or based on a survey by others, that fact will be clearly stated and the title of the plat shall clearly depict that the plat does not represent a current *land* boundary survey.

~~o~~. p. Name and address of the land surveyor or the registered business.

3. Metes and bounds description. The professional shall prepare a metes and bounds description in narrative form, if requested by the client or their agent, for completion of any newly performed *land* boundary survey. The description shall reflect all metes and bounds, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoiners, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds shall be recited in a clockwise direction around the property. For subdivisions, the professional shall prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description shall be required for the verification or resetting of the corners of a lot or other parcel of land in accordance with a previously performed *land* boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

**18 VAC 10-20-380. [ No change from proposed. ]**

**18 VAC 10-20-400. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

|                      |      |
|----------------------|------|
| Application          | \$75 |
| Renewal              | \$75 |
| Out of state proctor | \$50 |
| Dishonored checks    | \$25 |

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ [ ~~44-35~~ 2.2-4300 ] et seq. of the Code of Virginia). The current examination shall not exceed a cost of [ ~~\$630~~ \$925 ] for the entire ~~Landscape Architect Registration~~ CLARB Examination (~~LARE~~) or [ ~~\$160~~ \$275 ] per division.

**18 VAC 10-20-410. [ No change from proposed. ]**

**18 VAC 10-20-420. [ No change from proposed. ]**

**18 VAC 10-20-430. [ No change from proposed. ]**

**18 VAC 10-20-440. Examination.**

A. All applicants for original certification in Virginia are required to pass the ~~Landscape Architect Registration~~ CLARB [ - ] prepared examination (~~LARE~~) or equivalent after meeting

the education and experience requirements as provided in these regulations.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and as such is authorized to administer the CLARB examinations.

C. The ~~Landscape Architect Registration~~ CLARB examination (~~LARE~~) will be offered at least once per year at a time designated by the board.

D. Grading of the examination shall be in accordance with the national grading procedures established by CLARB. The board shall adopt the scoring procedures recommended by CLARB.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office ~~no later than 75 days before the next administration of the examination~~ [ ~~at a time designated by the board no later than 75 days before the next administration of the examination~~ ]. Applicants not properly registered shall not be allowed into the examination site.

~~F. Examinees will be given specific instructions as to the conduct of each section of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate action.~~

~~G. F.~~ Examinees will be advised only of their passing or failing score and the CLARB minimum passing or failing score. Only the board and its staff shall have access to examination papers, scores and answer sheets.

~~H. G.~~ Upon written request to the board within 30 days of receiving examination results, examinees will be permitted to view individually their own performance problems for failed sections only. Examination appeals are permitted in accordance with the CLARB score verification process.

~~I. H.~~ Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

**18 VAC 10-20-450. [ No change from proposed. ]**

**18 VAC 10-20-480. [ No change from proposed. ]**

**18 VAC 10-20-490. [ No change from proposed. ]**

**18 VAC 10-20-505. [ No change from proposed. ]**

**18 VAC 10-20-530. Application requirements.**

A. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign professional corporation, shall have obtained a certificate of authority to do business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. *The corporation shall be in good standing with the State Corporation Commission at the time of application to the board office and at all times when the registration is in effect.*

B. Each application shall include certified true copies of the [ *certificate of incorporation issued by the State Corporation*

*Commission,* ] articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws. The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.

2. The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed to render the services of an architect, professional engineer or land surveyor, or duly certified to render the services of a landscape architect or *certified interior designer*. *For those corporations using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, the capital stock of the corporation shall be held by individuals in accordance with § 13.1-549 of the Code of Virginia.* The remainder of the stock may be issued only to and held by individuals who are employees of the corporation.

3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or considered professional practice, or both.

D. Board of directors. A corporation may elect to its board of directors not more than 1/3 of its members who are employees of the corporation and are not authorized to render professional services.

At least 2/3 of the board of directors shall be licensed to render the services of ~~architecture an architect~~, professional ~~engineering engineer~~ or land ~~surveying surveyor~~, or be *duly certified* to render the services of a landscape ~~architecture architect~~ or *certified interior designer*, or any combination thereof.

At least one director currently licensed or certified in each profession offered or practiced shall [ ~~devote substantially full time to be resident at~~ ] the business [ ~~of the corporation~~ ] to provide effective supervision and control of the final professional product.

E. Joint ownership of stock. Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

F. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

G. Branch offices. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office [ ~~located in Virginia~~ ]. Persons in responsible charge shall be designated in accordance with this chapter. *At least one currently licensed or certified individual in each profession offered or practiced at each branch office shall [ ~~devote substantially full time to the business of the corporation~~ ]*

---

# Final Regulations

---

*resident ] at each branch office to provide effective supervision and control of the final professional product.*

**18 VAC 10-20-540. [ No change from proposed. ]**

**18 VAC 10-20-550. Foreign corporations.**

~~[ In addition to these regulations, ]~~ The bylaws shall state that the corporation's activities in Virginia shall be limited to rendering the services of ~~architecture architects, professional engineering engineers, land surveying and surveyors, landscape architecture architects and certified interior designers, or any combination thereof. [ A foreign corporation is not required to comply with the provisions of 18 VAC 10-20-530 C 2. ]~~

The corporation shall provide the name and address of each stockholder [ *or employee* ] of the corporation who will be providing the professional service(s) in Virginia and ~~[ whether such stockholder is licensed or certified to perform the professional service(s) in Virginia the Virginia license or certificate number of each stockholder or employee ].~~

**18 VAC 10-20-560. [ No change from proposed. ]**

**18 VAC 10-20-570. [ No change from proposed. ]**

**18 VAC 10-20-590. Application requirements.**

A. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign professional limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-1105 of the Code of Virginia. *The company shall be in good standing with the State Corporation Commission at the time of application to the board office and at all times when the registration is in effect.*

B. Each application shall include a certified true copy of the certificate of organization or, if a foreign professional limited liability company, a certificate of registration issued by the State Corporation Commission. *[ Each application must also include certified true copies of the articles of organization, operating agreement, or both. ]*

C. Each application shall be accompanied by a written affirmative affidavit that attests to the following inclusions to the articles of organization or operating agreement.

1. The articles of organization or operating agreement shall state the specific purpose of the professional limited liability company.

2. The articles of organization or operating agreement shall attest that membership is composed of one or more individuals or professional business entities, and at least 2/3 of the membership interests are held by individuals or professional business entities which are duly licensed, *certified* or registered to render professional services within the Commonwealth of Virginia. *For those professional limited liability companies using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, the membership interests of the professional limited liability company shall be held by*

*individuals in accordance with § 13.1-1111 of the Code of Virginia.* The remaining membership interest may be held only by employees of the company whether or not they are licensed, *certified* or otherwise legally authorized to render professional services.

3. The articles of organization or operating agreement shall attest that all members, managers, employees and agents who render professional services of ~~architecture architects, professional engineering engineers, land surveying or surveyors, landscape architecture architects, or certified interior designers~~ are duly licensed or *certified* to provide those services.

4. The person executing the ~~document~~ *affidavit* shall sign it and state beneath his signature his name and the capacity in which he signs. *If the person signing the affidavit is not a manager of the limited liability company, the affidavit shall also state that the individual has been authorized by the members of the limited liability company to execute the affidavit for the benefit of the company.*

D. Unless the articles of organization or an operating agreement provides for management of a professional limited liability company by a manager or managers, management of a limited liability company shall be vested in its members, ~~all of which must be duly licensed or otherwise legally authorized to render the professional services within the Commonwealth for which the company was formed pursuant to § 13.1-1118 of the Code of Virginia.~~

*If the articles of organization or an operating agreement provides for management of the professional limited liability company by a manager or managers, the manager or managers must be an individual or professional business entity duly licensed or otherwise legally authorized to render the same professional services within the Commonwealth for which the company was formed. [ At least one member or manager currently licensed or certified in each profession offered or practiced shall be resident at the business to provide effective supervision and control of the final professional product. ]*

E. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

F. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office ~~[ located in Virginia ].~~ Persons in responsible charge shall be designated in accordance with this chapter. *At least one currently licensed or certified individual in each profession offered or practiced at each branch office shall [ ~~devote substantially full time to the business of the professional limited liability company be resident~~ ] at each branch office to provide effective supervision and control of the final professional product.*

**18 VAC 10-20-600. [ No change from proposed. ]**

**18 VAC 10-20-610. Foreign professional limited liability companies.**

~~In addition to the requirements of these regulations,~~ The articles of organization or operating agreement shall state that

the professional limited liability company's activities *in Virginia* shall be limited to rendering the professional services of ~~architecture architects, professional engineering engineers, land surveying and surveyors, landscape architecture architects, and certified interior designers~~, or any combination thereof. [ *A foreign company is not required to comply with the provisions of 18 VAC 10-20-590 C 2.* ]

The professional limited liability company shall provide the name and address of each manager or member who will be providing the professional service(s) in Virginia and [ ~~whether such manager or member is licensed or certified to perform the professional service(s) in Virginia~~ *the Virginia license or certificate number of each manager or member* ].

### **18 VAC 10-20-620. [ No change from proposed. ]**

### **18 VAC 10-20-640. Application requirements.**

A. In accordance with § 54.1-411 of the Code of Virginia, applicants shall register with the board on a form approved by the board.

B. If a partnership, a [ *certified true* ] copy of the partnership agreement shall be included with the application. *The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.*

C. If a corporation, the application shall include certified true copies of the [ *certificate of incorporation issued by the State Corporation Commission*] articles of incorporation, bylaws and charter, and if a foreign corporation, a certificate of authority issued by the State Corporation Commission.

D. If a limited liability company, the application shall include a certified true copy of the certificate of organization issued by the State Corporation Commission, and, if a foreign limited liability company, a certified true copy of the certificate of authority issued by the State Corporation Commission.

E. If professional services are offered or rendered in a branch office, a separate branch office designation form shall be completed for each branch office [ ~~located in Virginia~~ ]. Persons [ *resident and* ] in responsible charge shall be designated in accordance with this chapter.

F. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

### **18 VAC 10-20-650. Registration certification.**

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, limited liability company, or other entity unit that the practice of architecture, ~~professional engineering, land surveying or, certified landscape architecture or certified interior design~~ to be done by that entity shall be under the direct control and personal supervision of the licensed or certified full-time employees *or licensed or certified [ full-time resident ] principals* identified in the application as responsible for the practice. In addition, the licensed or certified employees *or principals* responsible for the practice shall sign their names indicating that they are [ ~~full-time resident~~ ] employees *or principals* and

in responsible charge, and that they understand and shall comply with all statutes and regulations of the board.

### **18 VAC 10-20-660. Change of status.**

Any changes of status, including but not limited to change in entity, name (including assumed names), address, place of business or persons in responsible charge of the professions practiced or offered at each place of business, shall be reported to the board *by the registered entity* within 30 days of such an occurrence. *In addition, any licensed or certified employee responsible for such practice shall notify the board in writing of any changes of his employment status within 10 days of such change.*

In the event there is a change in the licensed or certified employees in responsible charge, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining licensed or certified employees, or shall be automatically suspended until such time as the entity comes into compliance with these regulations.

### **18 VAC 10-20-680. Reinstatement.**

A. If the license, certificate or registration has expired for six months or more, but less than five years, the regulant shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a reinstatement fee equal to the regular renewal fee plus \$100 shall be required.

B. If the license, certificate or registration has expired for five years or more, the regulant will be required to submit a new application, ~~meet current entry requirements, [ , which shall be evaluated by the board to determine if the applicant meets the renewal requirements, ]~~ and submit a reinstatement fee equal to the regular renewal fee plus \$250. In addition, the board may require ~~the~~ *an individual* applicant to submit to an examination.

C. Board discretion to deny reinstatement. The board may deny reinstatement of a license, certificate or registration for the same reasons as it may refuse initial licensure, certification or registration or discipline a regulant.

D. The date the renewal application and fee are received in the office of the board shall determine whether a license, certificate or registration shall be renewed without late renewal or reinstatement, or shall be subject to reinstatement application procedures.

E. A license, certificate or registration that is reinstated shall be regarded as having been continuously licensed, *certified or registered* without interruption. Therefore, the license, certificate or registration holder who is not ~~already~~ subject to the *licensure for life* provisions of § 54.1-405 of the Code of Virginia shall remain under the disciplinary authority of the board during the entire period and shall be accountable for his activities during the period. A license, certificate or registration that is not reinstated and is not subject to the *licensure for life* provisions of § 54.1-405 of the Code of Virginia shall be regarded as unlicensed, *uncertified or unregistered* from the

---

# Final Regulations

---

expiration date forward. Nothing in this chapter shall divest the board of its authority to discipline a license, certificate or registration holder for a violation of the law or regulation during the period of time for which the regulant was licensed, *certified or registered*.

**18 VAC 10-20-720. [ No change from proposed. ]**

**18 VAC 10-20-740. [ No change from proposed. ]**

**18 VAC 10-20-750. [ No change from proposed. ]**

**18 VAC 10-20-760. [ No change from proposed. ]**

**18 VAC 10-20-780. Professional required at each place of business.**

[ ~~A. Corporations, partnerships, firms, sole proprietorships, other legal entities and the professional in responsible charge maintaining a place of business in the Commonwealth of Virginia for the purpose of offering to provide architectural, engineering, land surveying, or certified landscape architectural, or certified interior design services practiced at more than one location shall have an authorized full-time Virginia licensed architect, professional engineer, land surveyor, or certified landscape architect, or certified interior designer in responsible charge of the respective profession being offered in each place of business.~~

~~B. Corporations, partnerships, firms, sole proprietorships, other legal entities and the professional in responsible charge maintaining any place of business in the Commonwealth of Virginia for the purpose of practicing architecture, engineering, land surveying, or certified landscape architecture, or certified interior design at that location, shall have in responsible charge at each place of business a full-time Virginia licensed architect, professional engineer, land surveyor, or certified landscape architect, or certified interior designer in residence exercising supervision and control of work in each profession being practiced.~~

*Any legal entity or professional maintaining a place of business from which the offering to practice or practice of architecture, engineering, land surveying, certified landscape architecture, or certified interior design is to be performed in Virginia shall name for each profession offered or practiced at each place of business a Virginia professional resident at the place of business and in responsible charge. The named professional must hold a current Virginia license or certificate in the profession being offered or practiced.*

*Each named professional shall exercise supervision and control of the work being offered or practiced at the place of business for which he is named. Each named professional shall be in responsible charge of only one location at a time. A named professional may be in responsible charge of more than one location provided that he is resident at the place of business and is in responsible charge during a majority of the hours of operation at each location.*

**NOTICE:** The forms used in administering 18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations 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 for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

## FORMS

*Architect Information Sheet, 0401INFO ( [ 5/9/00 eff. 10/20/01 ] ).*

*Architect License Application, DPOR Form A-1 (rev. 10/1/99) 0401LIC ( [ 5/9/00 rev. 5/1/01 ] ).*

*Architect Verification of Registration Architect Examination and Licensure Form, DPOR Form A-2 (rev. 10/1/99) 0401ELVF ( [ rev. ] 11/13/00 ).*

*Architect Experience Verification Form, DPOR Form A-3 (rev. 10/1/99) 0401 EXP ( [ 8/8/00 rev. 10/23/00 ] ).*

*Architect Client Experience Verification Form, DPOR Form A-4 (eff. 10/1/99) 0401CEXP ( [ rev. ] 5/9/00 ).*

*Architect Degree Verification of Degree Form, [ DPOR Form A-5 (eff. 10/1/99) ] 0401DEG ( [ rev. ] 5/9/00 ).*

*Architect Reference Form, DPOR Form A-6 (rev. 10/1/99) 0401REF ( [ rev. ] 5/9/00 ).*

*[ Architect License Reinstatement Application, 0401REI (eff. 5/1/01). ]*

*Professional Engineer Information Sheet, 0402INFO ( [ eff. ] 3/29/01 ).*

*Professional Engineer License Application, 0402LIC (rev. 10/1/99 [ 3/29/04 3/30/01 ] ).*

*Professional Engineer and Engineer-in-Training Reference Form, 04REF (rev. 10/1/99) 0402REF ( [ 3/29/04 rev. 3/30/01 ] ).*

*Professional Engineer License Reinstatement Application, 0402REI ( [ eff. ] 3/30/01 ).*

*Professional Engineer and Engineer-in-Training Degree Verification Form, 04DEG (rev. 10/1/99) 04EDEG ( [ rev. ] 3/29/01 ).*

*Professional Engineer and Engineer-in-Training Experience Verification Form, 04EXP (rev. 10/1/99) 04EEXP ( [ rev. ] 3/29/01 ).*

*Supplemental Experience Verification Form, 04SUPEXP (rev. 8/1/99).*

*Engineer Verification of Examination and Licensure Form, 0402ELVF (rev. 10/1/99) 04EELVF ( [ 3/29/04 rev. 3/30/01 ] ).*



~~Engineer-in-Training Information Sheet, 0420INFO ( [ 3/29/01 eff. 9/17/01 ] ).~~

~~Engineer-in-Training Designation Application, 0420DES (rev. 10/1/99 [ 3/29/01 9/17/01 ] ).~~

~~Engineer-in-Training Reference Form, 0420REF ( [ eff. ] 3/29/01).~~

~~Professional Engineer and Engineer-in-Training Degree Verification Form, 04DEG (rev. 10/1/99).~~

~~Engineer Examination Scheduling Form, 9906VA-EngAppP65 (rev. 1999) 04EXAM ( [ 11/14/00 rev. 9/17/01 ] ).~~

~~Land Surveyor Information Sheet, 0403INFO ( [ 11/14/01 eff. 11/14/01 ] ).~~

~~Application for Land Surveyor A License Application, DPOR LSA Form 1 (eff. 10/1/99) 0403LIC ( [ 11/14/01 rev. 11/14/01 ] ).~~

~~[ Land Surveyor License Reinstatement Application, 0403REI (eff. 6/1/01). ]~~

~~Land Surveyor B Information Sheet, 0404INFO ( [ 6/1/01 eff. 6/1/01 ] ).~~

~~Application for Licensing as a Land Surveyor B License Application, DPOR Form LSB-2 (eff. 12/15/93) 0404LIC ( [ 6/1/01 rev. 6/1/01 ] ).~~

~~[ Land Surveyor B License Reinstatement Application, 0404REI (eff. 6/1/01). ]~~

~~Land Surveyor and Land Surveyor-in-Training Degree Verification Form, 04LSDEG ( [ 6/1/01 eff. 6/1/01 ] ).~~

~~Verification of Out of State Licensure Registration and/or Examination Land Surveyor Verification of Examination and Licensure Form, DPOR LSA Form 2 (eff. 2/21/95) 04LSELVF ( [ 6/1/01 rev. 6/1/01 ] ).~~

~~Report of Professional Experience (RPE) Land Surveyor & Land Surveyor-in-Training Experience Verification Form, DPOR LSA Form 3 (eff. 2/21/95) 04LSEXP ( [ 11/14/01 rev. 11/14/01 ] ).~~

~~Report of Professional Experience Continuation Sheet Land Surveyor & Land Surveyor-in-Training Supplemental Experience Verification Form, DPOR LSA Form 3C (eff. 2/21/95) 04SLSEXP ( [ 11/14/01 rev. 11/14/01 ] ).~~

~~Land Surveyor-in-Training Information Sheet, 0430INFO ( [ 6/1/01 eff. 6/1/01 ] ).~~

~~Application for Land Surveyor-In-Training Designation Application, DPOR LS In-Training Form 1 (eff. 10/1/99) 0430DES ( [ 6/1/01 rev. 6/1/01 ] ).~~

~~Surveyor Examination Scheduling Form, LSEXAM ( [ 11/14/00 eff. 11/14/01 ] ).~~

~~Landscape Architect Information Sheet, 0406INFO ( [ 8/21/01 eff. 8/21/01 ] ).~~

~~Landscape Architect License Certificate Application, DPOR Form LA-1 (rev. 10/1/99) 0406CERT ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~Landscape Architecture Review Summary Sheet (rev. 4/3/95).~~

~~Verification of Registration Landscape Architect Examination and Certification Form, DPOR Form LA-2 (rev. 10/1/99) 0406ELVF ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~Landscape Architect Experience Verification Form for Examination and Comity Applicants, DPOR Form LA-3 (rev. 10/1/97) 0406EXP ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~[ Landscape Architect Experience Verification Form for Grandfather Provision Applicants, 0406GEXP (7/1/00). ]~~

~~Landscape Architect Reference Form, DPOR Form LA-4 (rev. 10/1/99).~~

~~Landscape Architect Degree Verification of Degree Form, DPOR Form LA-5 (rev. 10/1/99) 0406DEG ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~[ Landscape Architect Certificate Reinstatement Application, 0406REI (eff. 8/21/01). ]~~

~~Interior Designer Information Sheet, 0412INFO ( [ 10/25/01 eff. 10/25/01 ] ).~~

~~Interior Design Certification Certificate Application, DPOR Form ID-1 (rev. 10/1/99) 0412CERT ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~Interior Design Verification of Registration Interior Designer Examination and Certification Form, DPOR Form ID-2 (rev. 10/1/99) 0412ELVF ( [ 10/25/01 rev. 10/25/01 ] ).~~

~~Interior Designer Degree Verification of Degree Form, DPOR Form ID-3 (rev. 10/1/99) 0412DEG ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~Interior Design Reference Form, DPOR Form ID-4 (rev. 10/1/99).~~

~~Interior Design Designer Experience Verification Form, DPOR Form ID-5 (rev. 10/1/99) 0412EXP ( [ 8/21/01 rev. 8/21/01 ] ).~~

~~[ Interior Designer Certificate Reinstatement Application, 0412REI (eff. 8/21/01). ]~~

~~Professional Corporation Registration Application (rev. 10/1/99 6/6/00).~~

~~Business Entity Registration Application (rev. [ 7/23/01 eff. 7/23/01 ] ).~~

~~Branch Office Application (rev. 10/1/99).~~

~~Professional Limited Liability Company Application Form (rev. 10/1/99).~~

## DOCUMENTS INCORPORATED BY REFERENCE

~~[ Handbook for Interns and Architects Intern Development Program Guidelines ], 1998-1999 [ 2000-2001 2001-2002 ] Edition, National Council of Architectural Registration Boards.~~

VA.R. Doc. No. R00-175; Filed November 19, 2001, 2:14 p.m.

---

# Final Regulations

---

## AUCTIONEERS BOARD

Title of Regulation: 18 VAC 25-21-10 et seq. Rules and Regulations of the Virginia Auctioneers Board (amending 18 VAC 25-21-10 through 18 VAC 25-21-60, [ 18 VAC 25-21-70, ] 18 VAC 25-21-90, 18 VAC 25-21-110, 18 VAC 25-21-180, and 18 VAC 25-21-200; adding 18 VAC 25-21-210 and 18 VAC 25-21-220).

Statutory Authority: §§ 54.1-201 and 54.1-602 of the Code of Virginia.

Effective Date: February 1, 2002.

Summary:

*The amendments clarify language, delete duplicate and unutilized definitions, remove unnecessary requirements, and modify certain requirements in this chapter. Substantive changes include: (i) clarifying that disciplinary action in another jurisdiction relating to auctioneering may prevent licensure in Virginia; (ii) removing the option allowing 25 auctions to substitute or be used in lieu of meeting the education requirements; (iii) modifying requirements for license reinstatement; and (iv) modifying compliance requirements for schools. The proposed action was amended to delete a bad check fee and to update a code reference due to recodification of Titles 2.1 and 9 of the Code of Virginia.*

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Mark N. Courtney, Assistant Director, Auctioneers Board, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:18 VA.R. 2563-2569 May 21, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

**18 VAC 25-21-10. [ No change from proposed. ]**

**18 VAC 25-21-20. [ No change from proposed. ]**

**18 VAC 25-21-30. [ No change from proposed. ]**

**18 VAC 25-21-40. [ No change from proposed. ]**

**18 VAC 25-21-50. [ No change from proposed. ]**

**18 VAC 25-21-60. [ No change from proposed. ]**

**[ 18 VAC 25-21-70. Fees.**

Fees are nonrefundable and shall not be prorated. The following fees shall apply:

- |  |      |
|--|------|
| 1. Individual auctioneer license               | \$40 |
| 2. Auctioneer firm license                     | \$70 |
| 3. Examination                                 | \$40 |
| 4. Reexamination fee                           | \$40 |
| 5. Renewal for individual auctioneer's license | \$70 |

- |  |                   |
|--|-------------------|
| 6. Renewal for firm or corporation license               | \$80              |
| 7. Late renewal for an individual auctioneer's license   | \$95              |
| 8. Late renewal for an auction firm or corporate license | \$105             |
| 9. Reinstatement of the individual auctioneer's license  | \$120             |
| 10. Reinstatement of the firm or corporate license       | \$130             |
| <del>11. Bad check fee</del>                             | <del>\$25 ]</del> |

**18 VAC 25-21-90. [ No change from proposed. ]**

**18 VAC 25-21-110. [ No change from proposed. ]**

**18 VAC 25-21-180. Discipline.**

A. The board has the power to fine any individual or firm licensee, or to suspend or revoke any license issued under the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board pursuant to the provisions of the Administrative Process Act (§ [ ~~9-6-14;4~~ 2.2-4000 ] et seq. of the Code of Virginia) if it finds that:

1. The license was obtained or renewed through fraud or misrepresentation;

2. The licensed auctioneer or firm has been found guilty by ~~the board~~ or by a court of any criminal offense or material misrepresentation in the course of performing his auctioneer duties. *A certified copy of a final order, decree or case decision by a court with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline;*

3. ~~The licensed auctioneer or firm has been found by any regulatory board or agency to have violated any applicable regulations or laws in the course of performing auctioneer duties. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline;~~

~~4. The licensed auctioneer or firm has not demonstrated reasonable care, judgment, or application of his knowledge and ability in the performance of his auctioneering duties;~~

~~5. The license auctioneer or firm violated or induced another person to violate any provisions of Chapters 1, 2, 3, and or 6 of Title 54.1 of the Code of Virginia, or any provisions provision of this chapter; or~~

~~6. The licensee, auction firm, or firm owner refuses or fails, upon request or demand, to produce to the board or any of its agents any document, book, or copy thereof in licensee's or owner's possession concerning the performance of auctioneering duties.~~

B. The board, in its discretion, may refuse to grant or renew a license of any person for any of the reasons specified in subsection A of this section.

**18 VAC 25-21-200. [ No change from proposed. ]**

**18 VAC 25-21-210. [ No change from proposed. ]**

**18 VAC 25-21-220. [ No change from proposed. ]**

**NOTICE:** The forms used in administering 18 VAC 25-21, Rules and Regulations of the Virginia Auctioneers Board 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 Auctioneers Board, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

**FORMS**

~~License Application, 29LIC (eff. 10/98).~~

*License By Examination Application, 29EXLIC (4/18/00).*

*License By Reciprocity & Reinstatement Application, 29R&RLIC (4/18/00).*

*Auctioneer Surety Bond Form, 29IBOND (eff. ~~7/98~~ rev. 4/18/00).*

*Firm License Application, 29FIRM (eff. ~~10/98~~ rev. 4/18/00).*

*Auction Firm Surety Bond Form, 29FBOND (eff. ~~7/98~~ rev. 4/18/00).*

*Application Supplement (States with Approved Reciprocal Agreements and Virginia Approved Auctioneering Schools), 29ST&SCL (eff. ~~7/99~~ rev. [ ~~4/19/01~~ 8/27/01 ] ).*

*Application for Training Course Approval, 29CRS (3/2/01).*

VA.R. Doc. No. R00-46; Filed November 16, 2001, 10 a.m.

**BOARD OF NURSING**

**Title of Regulation:** 18 VAC 90-20. Regulations Governing the Practice of Nursing (adding 18 VAC 90-20-36).

**Statutory Authority:** §§ 54.1-2400 and 54.1-3012.1 of the Code of Virginia.

**Effective Date:** January 16, 2002.

**Summary:**

*Pursuant to § 54.1-3012.1 of the Code of Virginia, the amendment specifies the procedures and the information for the purpose of collecting data on the nursing workforce.*

**Summary of Public Comments and Agency's Response:** No public comments were received by the promulgating agency.

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

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:23 VA.R. 3441-3442 July 30, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-17; Filed November 28, 2001, 12:03 p.m.

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS**

**Title of Regulation:** 18 VAC 145-20-10 et seq. Board for Professional Soil Scientists Regulations (amending 18 VAC 145-20-10, 18 VAC 145-20-70, 18 VAC 145-20-90, 18 VAC 145-20-100, 18 VAC 145-20-120, 18 VAC 145-20-130, 18 VAC 145-20-140, 18 VAC 145-20-160, and 18 VAC 145-20-170; adding 18 VAC 145-20-91, 18 VAC 145-20-111, and 18 VAC 145-20-151; repealing 18 VAC 145-20-20 through 18 VAC 145-20-50, 18 VAC 145-20-80, 18 VAC 145-20-110, and 18 VAC 145-20-150).

**Statutory Authority:** §§ 54.1-201 and 54.1-2200 et seq. of the Code of Virginia.

**Effective Date:** January 16, 2002.

**Summary:**

*In addition to reorganizing and revising the regulations for clarity and ease of use, the amendments (i) add research and teaching as a category for qualifying experience; (ii) eliminate the requirement that at least 50% of the qualifying experience be in one category; (iii) require that individuals who qualify to take the certification examination must pass it within one year of approval, instead of the current two-year period; and (iv) require the applicant to retake and pass only those parts of the exam that he fails.*

**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:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8537.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:24 VA.R. 3531-3538 August 13, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

**18 VAC 145-20-10 through 18 VAC 145-20-50. [ No change from proposed. ]**

**18 VAC 145-20-70. [ No change from proposed. ]**

**18 VAC 145-20-80. [ No change from proposed. ]**

**18 VAC 145-20-90. Qualifying experience in soil evaluation.**

**A.** An applicant ~~must shall~~ demonstrate ~~at least one half of the required~~ experience in ~~one two~~ or ~~all more~~ of the following areas:

1. Soil mapping. Compiling of soil maps *representing at least 5,000 acres* as a part of a soil survey or surveys with a formal mapping legend under the direct guidance of an experienced *technical* supervisor. Acceptable maps shall be maps in a published report, a report scheduled to be published or a *report* of a publishable quality; [ ~~or~~ ]

---

# Final Regulations

---

~~2. Soil evaluation. Conducting at least 20 soil [ evaluation evaluations ] usually from existing soil data for a specific land use, such as septic tank drain fields uses under the direct guidance of an experienced technical supervisor. Examples of such uses include, but are not limited to, on-site wastewater disposal, residential and commercial development, sanitary landfill sites, forestry production, or individual farm mapping for agriculture production, soil erosion and sediment control, shrink-swell or hydric soils. The experience shall be supervised by an individual with a minimum of a year's more experience than the applicant. The finished product shall have been submitted to a client or government agency (e.g., Health Department, Environmental Protection Agency, Environmental Impact Studies, Department of Environmental Quality, [ Department of Conservation and Recreation, ] local planning commission); [ or ]~~

~~3. Field/Laboratory studies. Conducting at least 10 detailed field or laboratory studies which have been done under the supervision direct guidance of an individual with a minimum of a year's more experience than the applicant experienced technical supervisor. The field or laboratory study shall have resulted in a soil evaluation report that was accepted by the client or government agency [ - ; ]~~

~~4. Research/Teaching. Conducting at least one research project as part of a thesis or publication or teaching at least one full time course in a soil science curriculum at an accredited institution of higher education the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist [ - ; ]~~

~~B. The remaining required experience may be fulfilled in one or more of the following areas:~~

~~4- 5. Consulting (public/private). Assembling or compiling soil information either with existing data or field studies, and evaluating data for a specific land use. The work may be either done independently done or done under supervision. The At least three written report reports shall have been submitted to the client or government agency [ - ; or ]~~

~~2- Soil mapping, soil evaluation, or field studies, as described above, which have been done independently or under supervision.~~

~~3- 6. Education. Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. With a passing grade, ~~32~~ 30 semester credit hours or ~~48~~ 45 quarter credit hours is considered to be one year. ~~No credit Credits used as to meet education credit requirements may also not be used as to meet experience credit requirements.~~~~

**18 VAC 145-20-91. [ No change from proposed. ]**

**18 VAC 145-20-100. Examination.**

A. A board-approved examination shall be administered at least ~~once~~ twice a year, at a time designated by the board department.

B. An applicant must meet all eligibility requirements as of the date the application is filed with the board department.

C. A candidate who is unable to take the examination at the time scheduled must notify the [ board department ] in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without additional fee. Failure to so notify the board department will result in forfeiture of the examination or reexamination fee.

~~D. A candidate who has not appeared for an examination after the first written notice regardless of reasons, will not be sent another examination notice until the candidate submits a written request to be rescheduled.~~

~~E. A candidate who does not appear for an examination within two years of approval will be ineligible to sit for an examination. Individuals wishing to sit for an examination will be required to submit a new application with fee in accordance with this chapter.~~

~~D. A candidate approved to take an examination shall do so within one year of the date of approval or submit a new application and fee in accordance with these regulations.~~

~~F. E. Candidates will be notified of passing or failing the examination. No scores will be reported to candidates. Only the board and its staff shall have access to examination papers, scores and answer sheets.~~

~~G. F. Upon payment of the reexamination fee, a candidate who is unsuccessful in passing an fails the examination will or any part thereof shall be allowed to retake any examination(s) given the failed examination or any part thereof within two years one year of the date of initial failure notification of initial unsuccessful examination results. After the two-year one-year period has elapsed, an applicant will shall be required to submit a new application with and fee in accordance with this chapter in order to take an the examination.~~

**18 VAC 145-20-110. [ No change from proposed. ]**

**18 VAC 145-20-111. [ No change from proposed. ]**

**18 VAC 145-20-120 through 18 VAC 145-20-150. [ No change from proposed. ]**

**18 VAC 145-20-151. [ No change from proposed. ]**

**18 VAC 145-20-160. [ No change from proposed. ]**

**18 VAC 145-20-170. [ No change from proposed. ]**

## FORMS

**[ No change from proposed. ]**

VA.R. Doc. No. R00-71; Filed November 26, 2001, 11:57 a.m.



---

# FORMS

---

## TITLE 22. SOCIAL SERVICES

### DEPARTMENT OF SOCIAL SERVICES

**EDITOR'S NOTICE:** The following form has been revised by the Department of Social Services. The form is available for public inspection at the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219. Copies of the form may be obtained from L. Richard Martin, Jr., Division of Legislative Affairs, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825.

Title of Regulation: **22 VAC 40-690. Virginia Child Care Provider Scholarship Program.**

#### FORMS

Virginia Child Care Provider Scholarship Program Application Form to Attend Virginia's Public and Private Colleges and Universities, Form # ~~032-05-032/4~~ 032-05-032/6 (rev. ~~2/04~~ 10/01).



---

# GOVERNOR

---

## **EXECUTIVE ORDER NUMBER EIGHTY-SIX (01)**

### **EMERGENCY ORDER TEMPORARILY INCREASING UNEMPLOYMENT INSURANCE BENEFITS AND ESTABLISHING THE GOVERNOR'S EMERGENCY OPPORTUNITY FUND**

By virtue of the authority vested in me by § 44-146.13 et seq. of the Code of Virginia and Item 45 of Chapter 1073 of the 2000 Acts of Assembly, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby order a temporary increase in weekly unemployment insurance benefits as further described herein. I also hereby establish the Emergency Job Creation Fund.

#### **Preamble**

The September 11, 2001 terrorist attacks on the World Trade Center in New York City and on the Pentagon in Arlington, Virginia, resulted in significant loss of life and property. President George W. Bush declared a state of emergency in the affected areas, and I declared a state of emergency to exist within the Commonwealth. In addition to the immediate physical attacks and damage at the Pentagon, citizens of the Commonwealth have been attacked by biological agents and continue to be threatened with additional explosive and biological attacks.

The actual and threatened attacks have significantly and directly disrupted the national and state economies. Financial, transportation, manufacturing, trade, and tourism activities have all been impacted to varying degrees. To respond to this crisis, I created the Post-Attack Economic Recovery Task Force established under Executive Order 84 (01).

As a direct result of the attacks, Virginia's economy has suffered a loss of over \$1.2 billion and almost 5,000 Virginians have filed for unemployment. In addition to the workers who have been directly affected by the September 11 attacks, another 35,000 Virginians have filed for unemployment across the state within the last month. Virginians who have lost their jobs need additional assistance to endure this man-made emergency and national crisis. The Post-Attack Economic Recovery Task Force recommended an immediate temporary increase in unemployment insurance benefits to provide this needed additional assistance.

This short-term economic stimulus will assist many aspects of Virginia's economy and preserve the lives and property and economic well-being of the people of the Commonwealth, as well as alleviate the loss and hardship visited by these unprecedented terrorist attacks and the continuing threat of further attacks.

#### **Temporary Increase of the Weekly Unemployment Insurance Benefit**

I hereby order the temporary increase in the maximum weekly benefit amount for unemployment insurance benefits from \$268 per week to \$368 per week, an increase of 37%. I further order that all other benefit amounts be increased by the same proportion. This will result in an increase of

approximately 37% in all benefit levels. These benefit amount increases shall apply to all persons receiving unemployment insurance benefits for benefit weeks beginning September 9, 2001, and continuing through March 9, 2002, unless otherwise provided by the General Assembly. The Virginia Employment Commission also shall institute "hold-harmless" provisions to ensure that any recalculation of monetary eligibility as a result of this order shall not decrease the maximum benefit amount for any benefit year already established.

I further direct the Virginia Employment Commission to take all appropriate administrative steps to implement the provisions of this order.

#### **Establishing the Governor's Emergency Opportunity Fund**

Additionally, I find that Virginia needs to encourage prompt creation of new jobs and capital investment in order to reinvigorate the Virginia economy and preserve the property and economic well-being of the people of Virginia, as well as to alleviate the damage, loss and hardship visited by the current emergency.

Therefore, I am ordering the designation of \$1 million from the Governor's Opportunity Fund (GOF) for use during the next 90 days as the Governor's Emergency Opportunity Fund. This fund will be used statewide to create jobs and investment throughout Virginia. These eligible projects will have to create jobs in the basic sector in Virginia within 90 days of the date of this order, so Virginians will be put back to work immediately. Localities where these eligible projects are located will apply for an Emergency Job Creation Grant, and will provide a dollar-for-dollar match in order to attract the new jobs to Virginia during the course of this emergency.

This Executive Order shall be effective beginning October 11, 2001, and shall remain in full force and effect until March 9, 2002, unless sooner amended or rescinded by further executive order or action by the General Assembly.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 14th day of November 2001.

/s/ James S. Gilmore, III  
Governor of Virginia

---

# GENERAL NOTICES/ERRATA

---

## STATE WATER CONTROL BOARD

### **Proposed Consent Special Order Goochland Mobile Home Sites**

The State Water Control Board proposes to issue a consent special order to Goochland Mobile Home Sites to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Goochland County, Virginia. The proposed order requires payment of a \$1,200 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, VA 23060-6295; or sent to the e-mail address of felupini@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 Henry County Public Service Authority Sanville Utilities Corporation**

The State Water Control Board (SWCB) proposes to issue a consent special order (CSO) to the Henry County Public Service Authority, as receiver for Sanville Utilities Corporation, regarding compliance with the Permit Regulation, 9 VAC 25-31, at the Fairway Acres Sewage Treatment Plant and the Westwood Lagoon. On behalf of the SWCB, the department will consider written comments relating to this order for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final order may be examined at the department during regular business hours. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

### **Proposed Consent Special Order Amendment Westvaco Corporation Westvaco Covington Mill**

The State Water Control Board (SWCB) proposes to issue a Consent Special Order Amendment (CSO-A) to Westvaco Corporation for the Westvaco Covington Mill regarding modification of a previously issued Consent Special Order related to compliance with the Permit Regulation, 9 VAC 25-31. On behalf of the SWCB, the department will consider written comments relating to this amendment for 30 days after the date of publication of this notice.

Reissuance of a VPDES Permit.

First Public Notice Issue Date: December 17, 2001.

The State Water Control Board has under consideration the reissuance of the following Permit and State Certificate:

Permit No.: VA0003646

Name and Address of Permittee: Westvaco Corporation,  
299 Park Avenue, New York, NY 10171

Name and Address of Facility: Westvaco Corporation, 104  
Riverside Street, Covington, VA 24426.

Discharge description: existing industrial discharge resulting from the operation of a bleached kraft paperboard manufacturing plant and an activated carbon manufacturing plant, outfall 003; existing storm water discharges associated with industrial activity, outfalls 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014 and 015; addition of internal monitoring of bleach plant effluents, outfalls 301, 302 and 303.

Receiving waters name: Jackson River; river mile: 24.64 (outfall 003); flow: 62.6 MGD; total outfalls: 12; basin: James River (Upper); subbasin: NA; section: 12; class: IV; special standards: none.

Receiving stream: Dunlap Creek; river mile: 0.20 (outfall 004); flow: 7.34 MGD; total outfalls: 1; basin: James River (Upper); subbasin: NA; section: 12; class: IV; special standards: none.

This proposed reissuance is tentative. On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the permit subject to certain conditions. This permit will maintain the Water Quality Standards adopted by the board.

The proposed permit action consists of limiting the following parameters from the wastewater treatment plant, outfall 003: pH (6.0-9.0 S.U., daily min. and max. resp.), 5-day Biological Oxygen Demand (8390 kg/day, daily max.), Total Suspended Solids (33200 kg/day, daily max.), Temperature (31.1°C, max. Jan. through Aug. and 28.3°C, max. Sept. through Dec.), Color (800 pcu, monthly avg.), Dioxin (14 pg/l, daily max.), Whole Effluent Toxicity (4.34 TUC) and Adsorbable Organic Halides (3618 kg/day daily max.). The proposed reissuance limits the total heat rejection to the Jackson River ( $6.3 \times 10^8$  BTU/hr, monthly avg.). The proposed reissuance also consists of monitoring of the storm water outfalls. New internal limitations are included on effluents from the bleach rooms, outfalls 301, 302 and 303.

The discharge is subject to thermal effluent limitations, as required under § 301 (or 306) of the Clean Water Act. A request for less stringent thermal effluent limitations has been made and is incorporated into the proposed permit, as allowed by the law and § 316(a) of the Act.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Susan K. Edwards via e-mail at skedwards@deq.state.va.us or in writing at Virginia Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019-2738, telephone (540) 562-6700.

Persons may comment in writing or via e-mail to DEQ on the proposed actions and may request a public hearing within 30

---

# General Notices/Errata

---

days from the date of the first notice. Address comments to the contact person listed above. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requester's interests would be directly and adversely affected by the proposed permit action.

Following the comment period, the board will make a determination regarding the proposed permit reissuance and consent order amendment. This determination will become effective, unless DEQ grants a public hearing. Due notice of any public hearing will be given.

## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (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

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**Title of Regulation:** 18 VAC 15-20. *Virginia Asbestos Licensing Regulations*.

**Publication:** 18:6 VA.R. 886-908 December 3, 2001.

**Correction to Final Regulation:**

Page 887, after agency contact information, insert:

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 17:18 VA.R. 2529-2563 May 21, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

### STATE CORPORATION COMMISSION

**Title of Regulation:** 20 VAC 5-312. *Rules Governing Retail Access to Competitive Energy Services*.

**Publication:** 18:4 VA.R. 609-617 November 5, 2001.

#### Correction to Final Regulation:

On Page 613, 20 VAC 5-312-10 B, in the definition of "billing party," line 3, delete ", aggregation services,"

On Page 613, 20 VAC 5-312-10 B, in the definition of "competitive energy service," line 2, insert "or" before "any"

On Page 614, 20 VAC 5-312-10 B, in the definition of "nonbilling party," line 1, change "party that" to "person who"

On Page 614, 20 VAC 5-312-70 B, line 2, change "in writing" to "by mail"

On Page 615, 20 VAC 5-312-80 A, line 8, change 20 VAC 5-312-20 subsection reference from "L" to "M"

On Page 615, 20 VAC 5-312-80 D, line 5, after "address" add "and is registered with the local distribution company"

On Page 615, 20 VAC 5-312-80 L, line 4, after "termination" add "to the"

### STATE BOARD OF SOCIAL SERVICES

**Title of Regulation:** 22 VAC 40-880. *Child Support Enforcement Program*.

**Publication:** 18:4 VA.R. 572-585 November 5, 2001.

#### Correction to Proposed Regulation:

Page 575, 22 VAC 40-880-10, definition of "Public assistance" strike "Medicaid-only" insert "Medicaid"

Page 575, 22 VAC 40-880-10, definition of "Service" or "Service of process," line 2 after "of" insert "a child support document"; line 2, after "statute," strike "an administrative or court order"

Page 576, 22 VAC 40-880-30 C 2, after "application" insert "from nonresident individuals"

### STATE WATER CONTROL BOARD

**Title of Regulation:** 9 VAC 25-650. *Closure Plans and Demonstration of Financial Capability*.

**Publication:** 18:4 VA.R. 590-604 November 5, 2001.

#### Correction to Final Regulation:

Page 593, 9 VAC 25-650-50 E, line 6, delete "[the effective date of this regulation]" and insert "November 5, 2001"





---

# 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](http://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

### COMMONWEALTH COUNCIL ON AGING

† **December 18, 2001 - 11 a.m.** -- Open Meeting  
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia  (Interpreter for the deaf provided upon request)

The Legislative Committee will meet by conference call to conduct its business meeting. Public comments are welcome.

**Contact:** Marsha Mucha, Commonwealth Council on Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


**March 14, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

**February 8, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-400. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed amendments is to ensure that: (i) regulated products are properly formulated and labeled; (ii) the manufacturer's recommendations for use of these regulated products are in accordance with methods and procedures that enhance the safety, quality and quantity of the food supply for both humans and animals; (iii) guidelines are established for the methods used to provide verification of labeling claims for regulated products; and (iv) assessments against the manufacturer of a product is deficient when compared to its guarantee, or that is not properly labeled and thus has caused a negative economic

impact on a consumer, are paid to the consumer when he may be identified. The amendments also include changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act.

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

**Contact:** J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476, FAX (804) 786-1571 or (804) 828-1120/TTY 


\*\*\*\*\*

**March 14, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

**February 8, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-610. Rules Governing the Solicitation of Contributions.** The purpose of the proposed regulatory action is to 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.

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

**Contact:** Andy Alvarez, Program Manager, Office of Consumer Affairs, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1381, FAX (804) 786-5112, toll-free 1-800-9963 or 1-800-828-1120/TTY 

---

# Calendar of Events

---

## Virginia Horse Industry Board

† **February 8, 2002 - 10 a.m.** -- Open Meeting  
Holiday Inn Select, The Convention Center, 2801 Plank Road,  
Fredericksburg, Virginia. ☎

A meeting to review the minutes of the last meeting; hear reports on current and past projects and budget updates; and discuss upcoming projects for 2002, including grants review. 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1004, Richmond, VA, telephone (804) 786-5842, FAX (804) 371-7786.

## Virginia Seed Potato Board

† **December 21, 2001 - 7:30 p.m.** -- Open Meeting  
Eastern Shore Agricultural Research and Extension Center,  
Research Drive, Painter, Virginia. ☎

A meeting to review regulations, plan for the 2001 seed season, and discuss other business that may come before the board. 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 J.W. Nottingham at least two days before the meeting date.

**Contact:** J.W. Nottingham, Program Director, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867, FAX (804) 787-5973.

## STATE AIR POLLUTION CONTROL BOARD

† **December 17, 2001 - 7 p.m.** -- Public Hearing  
Frances Redwood Center, Arvon, Virginia. ☎

A public briefing on the proposed draft permit for Tenaska Virginia II Partners, L.P. to construct and operate a combined cycle power plant 1.5 miles southeast of New Canton, near Route 670 in Buckingham County.

**Contact:** S. Margaret Key, State Air Pollution Control Board, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

\*\*\*\*\*

**December 21, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80. Permits for Stationary Sources (Rev. D00)**. The purpose of the proposed amendments is to (i) revise the emission reduction offset ratio, (ii) provide for state-only permit terms

and conditions, (iii) clarify the regulation's applicability, and (iv) make the regulation consistent with the other new source review regulations.

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

**Contact:** Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, 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 ☎

\*\*\*\*\*

**December 24, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (Rev. G00)**.

**9 VAC 5-40. Existing Stationary Sources (repealing 9 VAC 5-40-160 through 9 VAC 5-40-230).**

**9 VAC 5-50. New and Modified Stationary Sources (repealing 9 VAC 5-50-160 through 9 VAC 5-50-230).**

**9 VAC 5-60. Hazardous Air Pollutants (adding 9 VAC 5-60-200 through 9 VAC 5-60-270 and 9 VAC 5-60-300 through 9 VAC 5-60-370).**

The purpose of the proposed amendments is to (i) reduce the number of regulated pollutants to those regulated under the federal program, and (ii) exempt from applicability those sources that are subject to a federal hazardous air pollutant standard. This action will integrate the state's program more logically with the federal Clean Air Act and transfers the standards from 9 VAC 5-40 and 9 VAC 5-50 into 9 VAC 5-60.

Statutory Authority: § 10.1-1308 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 ☎

\*\*\*\*\*

**January 3, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia.

**January 21, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Air Pollution Control Board intends to adopt regulations entitled: **9 VAC 220. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility; 9 VAC 5-221. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility**. Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One

variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

Statutory Authority: § 10.1-1307 C of the Code of Virginia.

**Contact:** Dr. Kathleen R. 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 ☎

\*\*\*\*\*

**January 7, 2002** - Public comments may be submitted this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-91. Regulation for the Control of Motor Vehicle Emissions in Northern Virginia (Rev. MG)**. The purpose of the proposed amendments is to conform the regulation to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.

Statutory Authority: § 46.2-1180 of the Code of Virginia.

Public comments may be submitted until November 13, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Mary E. 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 ☎

NOTE: CHANGE IN HEARING DATE

† **January 24, 2002 - 7 p.m.** -- Public Hearing  
Frances Redwood Center, Arvonnia, Virginia. ♿

A public hearing to receive comments on the proposed draft permit for Tenaska Virginia II Partners, L.P. to construct and operate a combined cycle power plant 1.5 miles southeast of New Canton, near Route 670 in Buckingham County.

**Contact:** S. Margaret Key, State Air Pollution Control Board, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

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

† **January 24, 2002 - 8:30 a.m.** -- Open Meeting  
Renaissance Hotel, 425 Water Street, Portsmouth, Virginia. ♿

A meeting of the Land Surveyor Section and invited subject matter experts to conduct an exam workshop.

**Contact:** Sharon M. Sweet, Examination Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8572, FAX (804) 367-2475, (804) 367-9753/TTY ☎

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

### State Executive Council

**December 19, 2001 - 9 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. An agenda will be posted on the web (<http://www.csa.state.va.us>) 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 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail AGS992@central.dss.state.va.us.

## BOARD FOR THE BLIND AND VISION IMPAIRED

**January 15, 2002 - 1 p.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board for the Blind and Vision Impaired is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for the board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3145, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dbvi.state.va.us.

---

# Calendar of Events

---

## BOARD FOR BRANCH PILOTS

**February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-10. Public Participation Guidelines**. The proposed amendments allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes which may be necessary will be considered.

Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

**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](mailto:branchpilots@dpor.state.va.us).

## CEMETERY BOARD

**February 26, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [oneal@dpor.state.va.us](mailto:oneal@dpor.state.va.us).

## CHARITABLE GAMING COMMISSION

**December 18, 2001 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia. ♿

A commission meeting; agenda to be announced.

**Contact:** Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail [jones@cgcc.state.va.us](mailto:jones@cgcc.state.va.us).

## STATE CHILD FATALITY REVIEW TEAM

† **January 11, 2002 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson  
Street, Richmond, Virginia. ♿

The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

**Contact:** Virginia Powell, Coordinator, State Child Fatality Review Team, 400 East Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail [vpowell@vdh.state.va.us](mailto:vpowell@vdh.state.va.us).

## COMMONWEALTH COMPETITION COUNCIL

**January 2, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate  
Room A, Richmond, Virginia. ♿ (Interpreter for the deaf  
provided upon request)

A regular meeting.

**Contact:** Peggy R. Robertson, Executive Assistant,  
Commonwealth Competition Council, 1500 E. Franklin St.,  
Richmond, VA 23219, telephone (804) 786-0240, FAX (804)  
786-1594, e-mail [competition@state.va.us](mailto:competition@state.va.us).

## COMPENSATION BOARD

**December 18, 2001 - 11 a.m.** -- Open Meeting  
† **January 22, 2002 - 11 a.m.** -- Open Meeting  
Compensation Board, 202 North 9th Street, 10th Floor,  
Richmond, Virginia. ♿

A monthly board meeting.

**Contact:** Cindy P. 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](mailto:cwaddell@scb.state.va.us).

† **January 8, 2002 - 2 p.m.** -- Open Meeting  
Compensation Board, 202 North 9th Street, 10th Floor,  
Richmond, Virginia. ♿

A board meeting with constitutional officer associations  
regarding upcoming legislation.

**Contact:** Cindy P. 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](mailto:cwaddell@scb.state.va.us).

## DEPARTMENT OF CONSERVATION AND RECREATION

### Board on Conservation and Development of Public Beaches

NOTE: CHANGE IN MEETING DATE  
**January 15, 2002 - 10 a.m.** -- Open Meeting  
Hampton City Council Chambers, City Hall, 22 Lincoln Street,  
Hampton, Virginia. ♿ (Interpreter for the deaf provided upon  
request)

A regular business meeting. Requests for interpreter for the  
deaf should be made two weeks prior to 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](mailto:leonapp@dcr.state.va.us).

## BOARD OF DENTISTRY

† **December 19, 2001 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia ☎

The board will discuss its response to a proposal from the Joint Commission on Health Care, the issue of registration of trade names and any other matters that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra\_reen@dhp.state.va.us.

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**December 20, 2001 - 11 a.m.** -- Open Meeting  
Virginia War Memorial, 621 S. Belvidere Street, Auditorium, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design/build or construction management-type contracts. Please contact the Division of Engineering and Buildings to confirm the meeting.

**Contact:** Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

## BOARD OF EDUCATION

† **January 7, 2002 - 9 a.m.**  
**February 28, 2002 - 9 a.m.** -- Open Meeting  
Richmond area; location to be announced.

A regular business meeting. Public comment will be received. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 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.

**January 10, 2002 - 9 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Main Floor Conference Room, Richmond, Virginia.

**January 28, 2002 - 9:30 a.m.** -- Open Meeting  
Richmond area; location to be announced.

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be received. Persons requesting the services of an 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

**December 18, 2001 - 7 p.m.** -- Public Hearing  
Smyth-Bland Regional Library, 118 Sheffey Street, Public Meeting Room, Marion, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment to incorporate the groundwater monitoring plan into the Smyth County Landfill permit.

**Contact:** James Bernard, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4222, e-mail jbernard@deq.state.va.us.

## BOARD FOR GEOLOGY

† **January 16, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

## STATE BOARD OF HEALTH

**December 21, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-120. Regulations for Testing Children for Elevated Blood-Lead Levels.** The purpose of the proposed regulations is to establish a protocol, based on 1997 guidelines from the federal Centers for Disease Control and Prevention, for testing children for elevated blood-lead levels and reporting laboratory results to the department.

Statutory Authority: § 32.1-46.1 of the Code of Virginia.

**Contact:** Clayton Pape, Director, Lead Safe Program, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 225-4463, FAX (804) 371-6031 or toll-free 1-800-668-7987.

\* \* \* \* \*

---

# Calendar of Events

---

**December 21, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-475. Regulations Implementing the Virginia Organ and Tissue Donor Registry.** These regulations will create a statewide organ and tissue donor registry that will maintain limited information on Virginians who are willing to donate their organs, eyes and tissues for transplantation or research.

Statutory Authority: § 32.1-292.2 of the Code of Virginia.

**Contact:** Eileen Guertler, Director, Virginia Transplant Council, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-5589 or FAX (804) 786-0892.

\* \* \* \* \*

**December 21, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-520. Regulations Governing the Dental Scholarship and Loan Repayment Program.** The purpose of the proposed action is to provide for administration of the dentist loan repayment program, which was recently established as a complement to the existing scholarship program. The repayment program will provide incentives for dentists to practice in underserved areas of Virginia.

Statutory Authority: §§ 32.1-122.9 and 32.1-122.9:1 of the Code of Virginia.

**Contact:** Karen Day, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-4000 or (804) 371-4004.

\* \* \* \* \*

**January 18, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled: **12 VAC 5-65. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program,** and adopt regulations entitled: **12 VAC 5-66. Regulations Governing Durable Do Not Resuscitate Orders.** The proposed regulation establishes a Durable Do Not Resuscitate (DDNR) Order that follows the patient throughout the entire health care setting.

Statutory Authority: § 54.1-2987.1 of the Code of Virginia.

**Contact:** David E. Cullen, Jr., Regulation and Compliance Manager, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free 1-800-523-6019.

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**January 8, 2002 - 9 a.m.** -- Open Meeting

**February 5, 2002 - 9 a.m.** -- Open Meeting

**March 5, 2002 - 9 a.m.** -- Open Meeting

Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

**Contact:** Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA telephone (804) 541-2298.

## STATEWIDE INDEPENDENT LIVING COUNCIL

† **January 15, 2002 - 1 p.m.** -- Open Meeting

Comfort Suites Hotel at Innsbrook, 4051 Innslake Drive, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

**Contact:** Jim Rothrock, Staffperson, 1802 Marroit Road, Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7118.

## BOARD OF JUVENILE JUSTICE

**January 9, 2002 - 9 a.m.** -- Public Hearing

Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

**February 1, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-60. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.** The amendments implement legislative directions (i) to establish standards for offices on youth addressing goals, objectives, and measures for evaluating effectiveness; and (ii) to shift the focus of those offices from direct service to coordination, planning and evaluation of youth services.

Statutory Authority: §§ 66-10, 66-27 and 66-28 of the Code of Virginia.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

\* \* \* \* \*


**January 9, 2002 - 9 a.m.** -- Public Hearing  
Department of Juvenile Justice, 700 East Franklin Street,  
Richmond, Virginia.

**February 1, 2002** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the State Board of Juvenile Justice  
intends to amend regulations entitled: **6 VAC 35-150.  
Standards for Nonresidential Services Available to  
Juvenile and Domestic Relations District Courts.** The  
amendments set statewide policy for court service units;  
require court service units to adhere to standard operating  
procedure to ensure uniformity of services; and permit  
greater flexibility in tailoring the level of services to the  
degree of risk presented by each case.

Statutory Authority: §§ 16.1-233 C, 16.1-309.2 et seq., and  
66-10 of the Code of Virginia.

**Contact:** Donald R. Carignan, Regulatory Coordinator,  
Department of Juvenile Justice, P.O. Box 1110, 700 E.  
Franklin St., Richmond, VA 23208-1110, telephone (804) 371-  
0743 or FAX (804) 371-0773.

**January 9, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Juvenile Justice, 700 East Franklin Street, 4th  
Floor, Richmond, Virginia. 

The Secure Services Committee and Non-secure Services  
Committee will receive certification audit reports. Upon the  
conclusion of committee business the full board will meet to  
take certification action and receive public comment on  
proposed amendments to regulations.

**Contact:** Donald Carignan, Regulatory Coordinator, State  
Board of Juvenile Justice, P.O. Box 1110, Richmond, VA  
23208-1110, telephone (804) 371-0743, e-mail  
carigndr@djj.state.va.us.

## DEPARTMENT OF LABOR AND INDUSTRY


### Virginia Migrant and Seasonal Farmworkers Board

† **January 23, 2002 - 10 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, 2nd Floor, Court Room  
B, Richmond, Virginia.  (Interpreter for the deaf provided  
upon request)

A regular quarterly meeting of the board.

**Contact:** Betty B. Jenkins, Board Administrator, Department  
of Labor and Industry, 13 S. 13th St., Richmond, VA 23219,  
telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-  
2376/TTY , e-mail bbj@doli.state.va.us.

## THE LIBRARY OF VIRGINIA

**January 25, 2002 - 7:30 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond,  
Virginia. 


Meetings of the board to discuss matters pertaining to the  
Library of Virginia and the board. Committees of the board  
will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.


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. - Library Board, Conference Room 2M.

**Contact:** Jean H. Taylor, Executive Secretary to the  
Librarian, The Library of Virginia, 800 E. Broad St., Richmond,  
VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-  
3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.


## COMMISSION ON LOCAL GOVERNMENT

† **January 7, 2002 - 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 Bingham, Administrative Assistant,  
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

**December 18, 2001 - 9:30 a.m.** -- Open Meeting  
† **January 22, 2002 - 9:30 a.m.** -- Open Meeting  
† **February 26, 2002 - 9:30 a.m.** -- Open Meeting  
† **March 26, 2002 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue,  
4th Floor, Newport News, Virginia. 

A monthly meeting.

**Contact:** Stephanie Montgomery, Commission Secretary,  
Marine Resources Commission, 2600 Washington Ave.,  
Newport News, VA 23607, telephone (757) 247-8088, FAX  
(757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY  
, e-mail smont@mrc.state.va.us.

## BOARD OF MEDICINE

### Informal Conference Committee

**December 19, 2001 - 8:45 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, N.W. Roanoke, Virginia.

---

# Calendar of Events

---

**December 20, 2001 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,  
Virginia.

The informal conference committee will 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 the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 661-7197/TTY ☎, e-mail [peggy.sadler@dhp.state.va.us](mailto:peggy.sadler@dhp.state.va.us).

## STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**December 24, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled: **12 VAC 35-200. Regulations for Respite and Emergency Care Admission to Mental Retardation Facilities.** The purpose of the proposed action is to revise the maximum length of stay for respite and emergency care admissions, clarify the case management community services board's responsibility for assuring discharges, and update provisions consistent with current practice and statutory requirements.

Statutory Authority: §§ 37.1-10 and 37.1-65.2 of the Code of Virginia.

**Contact:** Cynthia Smith, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0946 or FAX (804) 692-0077

\* \* \* \* \*

**December 24, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Mental Health, Mental Retardation and Substance Abuse Services intends to repeal regulations entitled:

**12 VAC 35-20. Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Program.**

**12 VAC 35-140. Mandatory Standards for Community Mental Health Programs.**

**12 VAC 35-150. Mandatory Standards for Community Mental Retardation Programs.**

## 12 VAC 35-160. Mandatory Standards for Community Substance Abuse Programs.

The purpose of the proposed action is to repeal regulations that are outdated and duplicate the function and intent of the existing licensing regulations.

Statutory Authority: § 37.1-10 of the Code of Virginia.

**Contact:** Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

\* \* \* \* \*

**January 5, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-102. Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse;** repeal regulations entitled: **12 VAC 35-170. Regulations for the Certification of Case Management;** and adopt regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to repeal two regulations and replace them with a new regulation to provide specific standards governing the administration, clinical services, support functions and physical environment of a licensed provider organization that are designed to protect the health, safety and welfare of clients receiving services. The new regulation will update certain requirements to reflect current practice and technology, clarify provisions, and incorporate recent statutory changes.

Statutory Authority: §§ 37.1-179.1 and 37.1-182 of the Code of Virginia.

**Contact:** Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0077.

## MOTOR VEHICLE DEALER BOARD

† **January 14, 2002 - 8:30 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 - 8:30 a.m.

Franchise Law Committee - Five minutes after Dealer Practices Committee

Licensing Committee - 9:30 a.m. or five minutes after Franchise Law Committee

Advertising Committee - 10 a.m. or five minutes after Licensing Committee



Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee  
Personnel Committee - Five minutes after Advertising Committee  
Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 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](mailto:dboard@mvb.state.va.us).

## BOARD OF NURSING

**January 4, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners;** and **18 VAC 90-40. Regulations Governing Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to establish continuing competency requirements for renewal of a license or prescriptive authority for nurse practitioners and to authorize the Executive Director to grant extensions for compliance in accordance with regulations.

Statutory Authority: §§ 54.1-103, 54.1-2400, 54.1-2912.1 and 54.1-2957.01 of the Code of Virginia.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West 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](mailto:nursebd@dhp.state.va.us).

## Special Conference Committee

**December 18, 2001 - 8:30 a.m.** -- Open Meeting  
**February 7, 2002 - 8:30 a.m.** -- Open Meeting  
**February 11, 2002 - 8:30 a.m.** -- Open Meeting  
**February 12, 2002 - 8:30 a.m.** -- Open Meeting  
**February 19, 2002 - 8:30 a.m.** -- Open Meeting  
**February 21, 2002 - 8:30 a.m.** -- Open Meeting  
**February 26, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 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 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](mailto:nursebd@dhp.state.va.us).

## BOARD OF PHARMACY

**December 21, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The amendments are required in order to comply with Chapter 876 of the 2000 Acts of Assembly requiring the board to promulgate regulations for approval of innovative programs (pilot projects) in pharmacy for which some waiver of law or regulation would be necessary. The proposed regulations replace emergency regulations that became effective on January 10, 2000, and are identical to those regulations.

Statutory Authority: §§ 54.1-2400 and 54.1-3307.2 of the Code of Virginia.

**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.

## BOARD OF PHYSICAL THERAPY

**January 18, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A regular board meeting.

**Contact:** Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail [ann.artis@dhp.state.va.us](mailto:ann.artis@dhp.state.va.us).

**January 18, 2002 - Noon** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

An informal conference to be held before the Special Conference Committee.

**Contact:** Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail [ann.artis@dhp.state.va.us](mailto:ann.artis@dhp.state.va.us).

## VIRGINIA RACING COMMISSION

**December 19, 2001 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting with a segment for public participation. The commission will hear a report from Colonial Downs.

**Contact:** William H. Anderson, Policy Analyst Senior, 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](mailto:Anderson@vrc.state.va.us).

---

# Calendar of Events

---

## REAL ESTATE APPRAISER BOARD

**February 5, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

## REAL ESTATE BOARD

**February 13, 2002 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Continuing Education Committee.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

**February 14, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

**February 14, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

## VIRGINIA RESOURCES AUTHORITY

**January 8, 2002 - 9 a.m.** -- Open Meeting

**February 12, 2002 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 2nd Floor  
Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may

deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.


## DEPARTMENT OF SOCIAL SERVICES

**January 4, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-880. Child Support Enforcement Program.** The purpose of the proposed action is to update selected sections of the current child support enforcement regulation impacted by recent state and federal legislation.

Statutory Authority: § 63.1-25 of the Code of Virginia.


**Contact:** Bill Brownfield, Manager, Division of Child Support Enforcement, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2401.

**January 18, 2002 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. 


A regular meeting of the Family and Children's Trust Fund Board of Trustees. Contact the Office of the Family and Children's Trust Fund for more information.

**Contact:** Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.


## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **February 13, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8539, FAX (804) 367-2475, (804) 367-9735/TTY , e-mail oneal@dpor.state.va.us.

## COUNCIL ON TECHNOLOGY SERVICES


† **January 10, 2002 - 1:30 p.m.** -- Open Meeting  
Department of Information Technology, 110 South 7th Street,  
3rd Floor, Executive Conference Room, Richmond, Virginia. 

A regular monthly meeting of the Enterprise Architecture Workgroup.

**Contact:** Paul Lubic, Information Technology Manager, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA, telephone (804) 371-0004, FAX (804) 371-2795, e-mail [plubic@ntp.state.va.us](mailto:plubic@ntp.state.va.us).

## COMMONWEALTH TRANSPORTATION BOARD


NOTE: CHANGE IN MEETING DATE AND TIME

† **December 17, 2001 - 3 p.m.** -- Open Meeting  
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**Contact:** Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail [ghidotti\\_cm@vdot.state.va.us](mailto:ghidotti_cm@vdot.state.va.us).


NOTE: CHANGE IN MEETING DATE

† **December 18, 2001 - 10 a.m.** -- Open Meeting  
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A monthly meeting of the Commonwealth Transportation 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 public comment has not been afforded the public in another forum. Remarks will be limited to 5 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 VDOT 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, FAX (804) 786-6683, e-mail [ghidotti\\_cm@vdot.state.va.us](mailto:ghidotti_cm@vdot.state.va.us).


## TRANSPORTATION SAFETY BOARD

† **January 24, 2002 - 10 a.m.** -- Open Meeting  
Virginia Department of Transportation, 1221 East Broad Street, Front Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the board to discuss highway safety issues.

**Contact:** Angelisa Jennings, Policy Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23226, telephone (804) 367-2026.

## DEPARTMENT OF THE TREASURY

† **December 19, 2001 - 1:30 p.m.** -- Open Meeting  
Department of Treasury, James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A meeting of the Debt Capacity Advisory Committee to revise a draft of the final report to the Governor.

**Contact:** Tracy Clemons, Manager, VPBA, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 225-4929, FAX (804) 225-3187, e-mail [tracy.clemons@trs.state.us.va](mailto:tracy.clemons@trs.state.us.va).

## VIRGINIA VOLUNTARY FORMULARY BOARD

† **January 7, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia.

A public hearing to consider drug categories that have recently been deleted from the Virginia Voluntary Formulary and for the adoption and issuance of revisions to the Formulary. The proposed revisions to the Formulary add drugs to the Formulary that became effective April 9, 2001 and the most recent supplement to that revision. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, 101 North 14th Street, Richmond, VA 23219. Written comments sent to the above address and received prior to 5 p.m. on January 7, 2002, will be made a part of the hearing record and considered by the board.


**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., S-45, PO Box 2448, Richmond VA, 22318, telephone (804) 786-4326.

† **January 31, 2002 - 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 data submitted by pharmaceutical manufacturers for products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., Room S-45, PO Box 2448, Richmond, VA 23218, telephone (804) 786-4326.

## VIRGINIA WAR MEMORIAL FOUNDATION


**January 8, 2002 - Noon** -- Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

---

# Calendar of Events

---

A regular business meeting. Public comments will be heard.

**Contact:** Sandra H. Williams, Associate Director, Department of General Services, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY , e-mail swilliams@vawarmemorial.state.va.us.

## VIRGINIA WASTE MANAGEMENT BOARD

**December 27, 2001** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-160, Voluntary Remediation Regulations**. The purpose of the proposed action is the amendment of the Voluntary Remediation Regulations. Review of the regulations has indicated a need for updating to include current sampling and analysis methods and deletion of obsolete language.


Statutory Authority: § 10.1-1429.1 of the Code of Virginia

Public comments may be submitted until 5 p.m. on December 27, 2001.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone: 804-698-4238, or e-mail: mspporterfi@deq.state.va.us.

\*\*\*\*\*

**January 4, 2002 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.   
(Interpreter for the deaf provided upon request)

**January 7, 2002 - 1:30 p.m.** -- Public Hearing  
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia.   
(Interpreter for the deaf provided upon request)

**January 8, 2002 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-120, Regulated Medical Waste Management Regulations**. The purpose of the proposed action is to consider amendment of the regulation to include, but not be limited to, the issue of storage of separately accumulated objects for personal hygiene, the issue of temporary storage and such other issues which may result from public comment on the NOIRA or activities of the technical advisory committee established to assist in the development of any proposal.

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

Public comments may be submitted until 5 p.m. on January 23, 2002.

**Contact:** John E. Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4249, FAX (804) 698-4327, e-mail jeely@deq.state.va.us.

## STATE WATER CONTROL BOARD

**January 23, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 806 Westwood Office Park, Fredericksburg, Virginia. 

A meeting of the advisory committee assisting in the development of the reissuance of the General VPDES Permit for Discharges from Petroleum Contaminated Sites.

**Contact:** Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075, e-mail rwayers@deq.state.va.us.

\*\*\*\*\*

**January 8, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**January 9, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

**January 31, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260. Water Quality Standards**. The purpose of the proposed action is to update surface water criteria for ammonia in freshwater, provide new alternative indicators for assessing bacterial water quality, and update contact recreational use designations for primary and secondary or seasonal uses, etc.

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

**Contact:** Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, e-mail emdaub@deq.state.va.us.

\*\*\*\*\*

NOTE: CHANGE IN COMMENT DEADLINE

† **February 2, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to promulgate regulations entitled: **9 VAC 25-720. Water Quality Management Planning Public Participation Guidelines Regulation**, and repeal regulations entitled:

**9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area.**

**9 VAC 25-430. Roanoke River Basin Water Quality Management Plan.**

9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan .

9 VAC 25-450. Upper James River Basin Water Quality Management Plan.

9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan.

9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17).

9 VAC 25-470. York River Basin Water Quality Management Plan.

9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan

9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan.

9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District.

9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area.

9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District.

9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21).

9 VAC 25-540. Water Quality Management Plan for the New River Basin.

9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan.

9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan.

9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan.

9 VAC 25-572. Water Quality Management Plans.


The purpose of the proposed action is to establish, among other planning items, the procedures for public participation during TMDL development, submittal of proposed TMDLs to EPA and inclusion of approved TMDLs and TMDL implementation plans in the water quality management plans. The action will also include repeal of existing water quality management plans.

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


**Contact:** Charles 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](mailto:chmartin@deq.state.va.us).


## INDEPENDENT

### VIRGINIA RETIREMENT SYSTEM


**December 19, 2001 - 3 p.m.** -- Open Meeting  
VRS 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 [dglazier@vrs.state.va.us](mailto:dglazier@vrs.state.va.us).


**December 20, 2001 - 9 a.m.** -- Open Meeting  
VRS 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](mailto:dkestner@vrs.state.va.us).

## LEGISLATIVE


### DISABILITY COMMISSION

† **January 8, 2002- 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 


A regular meeting. Questions about the agenda should be addressed to Brian Parsons, Virginia Board for People with Disabilities, (804) 786-0016.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

### DR. MARTIN LUTHER KING, JR. MEMORIAL COMMISSION

† **December 19, 2001- 11:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. Questions about the agenda should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591.


**Contact:** Dawn B. Smith, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

---

# Calendar of Events

---


## VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **January 7, 2002 - 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.

**Contact:** Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE


**December 18, 2001 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting to finalize the legislative agenda.


**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol St., Richmond, VA, telephone (804) 786-3591, e-mail jcots@state.va.us.

## U.S. ROUTE 460 COMMUNICATIONS COMMITTEE

NOTE: CHANGE IN MEETING DATE

† **December 20, 2001 - 1 p.m.** -- Open Meeting  
Hampton Roads District VDOT Office, 1700 North Main Street, Suffolk, Virginia. 

A regular meeting. Questions about the agenda should be addressed to Alan Wambold, Division of Legislative Services, (804) 786-3591.

**Contact:** Hudaidah F. Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### December 17, 2001

Air Pollution Control Board, State  
† Transportation Board, Commonwealth

#### December 18

† Aging, Commonwealth Council on  
- Legislative Committee  
Charitable Gaming Commission  
Compensation Board  
Marine Resources Commission  
Nursing, Board of  
- Special Conference Committee  
Technology and Science, Joint Commission on

#### December 19

At-Risk Youth and Families, Comprehensive Services for  
- State Executive Council

† Dentistry, Board of  
† Dr. Martin Luther King, Jr. Memorial Commission  
Medicine, Board of  
- Informal Conference Committee  
Racing Commission, Virginia  
Retirement System, Virginia  
- Investment Advisory Committee  
† Transportation Board, Commonwealth  
† Treasury, Department of the  
- Debt Capacity Advisory Committee

#### December 20

Design-Build/Construction Management Review Board  
Medicine, Board of  
- Informal Conference Committee  
Retirement System, Virginia  
- Board of Trustees  
† U.S. Route 460 Communications Committee

#### December 21

† Agriculture and Consumer Services, Department of  
- Virginia Seed Potato Board

#### January 2, 2002

Competition Council, Commonwealth

#### January 7

† Education, Board of  
† Freedom of Information Advisory Council, Virginia  
† Local Government, Commission on

#### January 8

† Compensation Board  
† Disability Commission  
Hopewell Industrial Safety Council  
Resources Authority, Virginia  
- Board of Directors  
War Memorial Foundation, Virginia  
- Board of Trustees

#### January 9

Juvenile Justice, State Board of

#### January 10

Education, Board of  
† Technology Services, Council on  
- Enterprise Architecture Workgroup

#### January 11

† Child Fatality Review Team, State

#### January 14

† Motor Vehicle Dealer Board  
- Advertising Committee  
- Dealer Practices Committee  
- Finance Committee  
- Franchise Law Committee  
- Licensing Committee  
- Transaction Recovery Fund Committee

#### January 15

Blind and Vision Impaired, Department for the  
Conservation and Recreation, Department of  
- Board on Conservation and Development of Public  
Beaches  
† Statewide Independent Living Council

#### January 16

† Geology, Board for

#### January 18

Physical Therapy, Board of  
- Special Conference Committee  
Social Services, State Board of

- Family and Children's Trust Fund Board of Trustees

**January 22**

† Compensation Board  
† Marine Resources Commission

**January 23**

† Labor and Industry, Department of  
- Migrant and Seasonal Farmworkers Board, Virginia  
Water Control Board, State

**January 24**

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Land Surveyor Section  
† Transportation Safety Board

**January 25**

Library of Virginia  
- Archival and Information Services Committee  
- Collection Management Services Committee  
- Executive Committee  
- Legislative and Finance Committee  
- Publications and Educational Services Committee  
- Public Library Development Committee  
- Records Management Committee

**January 28**

Education, Board of  
- Advisory Board for Teacher Education and Licensure

**January 31**

† Voluntary Formulary Board, Virginia

**February 5**

Hopewell Industrial Safety Council  
Real Estate Appraiser Board

**February 7**

Nursing, Board of  
- Special Conference Committee

**February 8**

† Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board

**February 11**

Nursing, Board of  
- Special Conference Committee

**February 12**

Nursing, Board of  
- Special Conference Committee  
Resources Authority, Virginia  
- Board of Directors

**February 13**

Real Estate Board  
- Continuing Education Committee  
† Soil Scientists, Board for Professional

**February 14**

Real Estate Board  
- Fair Housing Committee

**February 19**

Nursing, Board of  
- Special Conference Committee

**February 21**

Nursing, Board of  
- Special Conference Committee

**February 26**

Cemetery Board  
† Marine Resources Commission  
Nursing, Board of

- Special Conference Committee

**February 28**

Education, Board of

**March 5**

Hopewell Industrial Safety Council

**March 26**

† Marine Resources Commission

## PUBLIC HEARINGS

**December 17, 2001**

† Air Pollution Control Board, State

**December 18, 2001**

Environmental Quality, Department of

**January 3, 2002**

Air Pollution Control Board, State

**January 4**

Waste Management Board, Virginia

**January 7**

† Voluntary Formulary Board, Virginia  
Waste Management Board, Virginia

**January 8**

Waste Management Board, Virginia  
Water Control Board, State

**January 9**

Juvenile Justice, Board of  
Water Control Board, State

**January 24**

† Air Pollution Control Board, State

**March 14**

Agriculture and Consumer Services, Department of