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The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2003 VAC Supplement includes final regulations published through *Virginia Register* Volume 19, Issue 24, dated August 11, 2003). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|--------------------|-----------------|
| Title 1. Administration | | | |
| 1 VAC 55-10-10 | Amended | 20:5 VA.R. 454 | 12/17/03 |
| 1 VAC 55-10-20 | Amended | 20:5 VA.R. 454 | 12/17/03 |
| 1 VAC 55-10-30 | Amended | 20:5 VA.R. 454 | 12/17/03 |
| 1 VAC 55-20-320 emer | Amended | 19:25 VA.R. 3829 | 10/1/03-9/30/04 |
| Title 2. Agriculture | | | |
| 2 VAC 5-320-10 | Amended | 20:10 VA.R. 1010 | 2/26/04 |
| 2 VAC 5-325-10 through 2 VAC 5-325-120 | Added | 20:9 VA.R. 886 | 12/15/03 |
| 2 VAC 5-360-10 through 2 VAC 5-360-100 | Amended | 20:9 VA.R. 889 | 2/11/04 |
| 2 VAC 5-360-110 through 2 VAC 5-360-140 | Repealed | 20:9 VA.R. 889 | 2/11/04 |
| 2 VAC 20-30 | Erratum | 20:1 VA.R. 39 | -- |
| Title 4. Conservation and Natural Resources | | | |
| 4 VAC 15-30-40 | Amended | 19:25 VA.R. 3780 | 7/30/03 |
| 4 VAC 20-252-50 | Amended | 20:10 VA.R. 1011 | 1/5/04 |
| 4 VAC 20-252-55 | Amended | 20:10 VA.R. 1011 | 1/5/04 |
| 4 VAC 20-252-60 | Amended | 20:10 VA.R. 1011 | 1/5/04 |
| 4 VAC 20-252-70 | Amended | 20:10 VA.R. 1012 | 1/5/04 |
| 4 VAC 20-252-90 | Amended | 20:10 VA.R. 1012 | 1/5/04 |
| 4 VAC 20-252-100 | Amended | 20:10 VA.R. 1012 | 1/5/04 |
| 4 VAC 20-252-130 | Amended | 20:10 VA.R. 1012 | 1/5/04 |
| 4 VAC 20-252-150 | Amended | 20:10 VA.R. 1013 | 1/5/04 |
| 4 VAC 20-252-160 | Amended | 20:10 VA.R. 1014 | 1/5/04 |
| 4 VAC 20-490-35 | Added | 20:6 VA.R. 584 | 11/1/03 |
| 4 VAC 20-490-40 | Amended | 20:6 VA.R. 584 | 11/1/03 |
| 4 VAC 20-490-45 | Added | 20:6 VA.R. 584 | 11/1/03 |
| 4 VAC 20-620-30 | Amended | 20:4 VA.R. 342 | 10/15/03 |
| 4 VAC 20-620-40 | Amended | 20:4 VA.R. 342 | 10/15/03 |
| 4 VAC 20-650-10 through 4 VAC 20-650-40 | Amended | 20:6 VA.R. 585 | 11/1/03 |
| 4 VAC 20-720-20 | Amended | 20:6 VA.R. 585 | 11/1/03 |
| 4 VAC 20-720-40 | Amended | 20:6 VA.R. 586 | 11/1/03 |
| 4 VAC 20-720-40 through 4 VAC 20-720-80 | Amended | 20:4 VA.R. 344-346 | 10/8/03 |
| 4 VAC 20-720-50 through 4 VAC 20-720-90 | Amended | 20:6 VA.R. 587-588 | 11/1/03 |
| 4 VAC 20-720-40 | Amended | 20:10 VA.R. 1014 | 1/1/04 |
| 4 VAC 20-720-50 | Amended | 20:10 VA.R. 1015 | 1/1/04 |
| 4 VAC 20-720-60 | Amended | 20:10 VA.R. 1015 | 1/1/04 |
| 4 VAC 20-720-80 | Amended | 20:10 VA.R. 1016 | 1/1/04 |
| 4 VAC 20-752-20 | Amended | 19:25 VA.R. 3780 | 7/23/03 |
| 4 VAC 20-950-46 | Amended | 20:6 VA.R. 589 | 11/1/03 |
| 4 VAC 20-950-47 | Amended | 20:6 VA.R. 589 | 11/1/03 |
| 4 VAC 20-950-48 | Amended | 20:6 VA.R. 589 | 11/1/03 |
| 4 VAC 20-1070-10 through 4 VAC 20-1070-50 | Added | 19:25 VA.R. 3781 | 8/1/03 |
| 4 VAC 25-10-10 through 4 VAC 25-10-80 | Amended | 20:10 VA.R. 1016 | 2/26/04 |
| 4 VAC 25-31 (Forms) | Amended | 20:2 VA.R. 135 | -- |
| 4 VAC 25-31 (Forms) | Amended | 20:5 VA.R. 487 | -- |

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|--|----------|--------------------|-----------------|
| 4 VAC 25-130 (Forms) | Amended | 20:1 VA.R 33 | -- |
| 4 VAC 25-130-700.5 | Amended | 20:10 VA.R. 1017 | 2/25/04 |
| 4 VAC 25-130-800.21 | Amended | 20:10 VA.R. 1017 | 2/25/04 |
| Title 6. Criminal Justice and Corrections | | | |
| 6 VAC 20-171-10 | Amended | 20:3 VA.R. 214 | 11/19/03 |
| 6 VAC 20-171-20 | Amended | 20:3 VA.R. 217 | 11/19/03 |
| 6 VAC 20-171-30 | Amended | 20:3 VA.R. 217 | 11/19/03 |
| 6 VAC 20-171-40 | Repealed | 20:3 VA.R. 217 | 11/19/03 |
| 6 VAC 20-171-50 through 6 VAC 20-171-130 | Amended | 20:3 VA.R. 217-221 | 11/19/03 |
| 6 VAC 20-171-140 | Repealed | 20:3 VA.R. 221 | 11/19/03 |
| 6 VAC 20-171-150 | Repealed | 20:3 VA.R. 222 | 11/19/03 |
| 6 VAC 20-171-170 through 6 VAC 20-171-200 | Amended | 20:3 VA.R. 222-223 | 11/19/03 |
| 6 VAC 20-171-220 | Amended | 20:3 VA.R. 224 | 11/19/03 |
| 6 VAC 20-171-230 | Amended | 20:3 VA.R. 225 | 11/19/03 |
| 6 VAC 20-171-240 | Amended | 20:3 VA.R. 226 | 11/19/03 |
| 6 VAC 20-171-250 through 6 VAC 20-171-280 | Amended | 20:3 VA.R. 227-229 | 11/19/03 |
| 6 VAC 20-171-300 | Amended | 20:3 VA.R. 230 | 11/19/03 |
| 6 VAC 20-171-310 | Amended | 20:3 VA.R. 231 | 11/19/03 |
| 6 VAC 20-171-320 | Amended | 20:3 VA.R. 232 | 11/19/03 |
| 6 VAC 20-171-325 | Repealed | 20:3 VA.R. 233 | 11/19/03 |
| 6 VAC 20-171-330 | Repealed | 20:3 VA.R. 233 | 11/19/03 |
| 6 VAC 20-171-340 | Repealed | 20:3 VA.R. 233 | 11/19/03 |
| 6 VAC 20-171-350 through 6 VAC 20-171-400 | Amended | 20:3 VA.R. 234-241 | 11/19/03 |
| 6 VAC 20-171-420 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-430 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-440 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-460 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-480 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-500 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-510 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-540 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-171-560 | Amended | 20:3 VA.R. 241 | 11/19/03 |
| 6 VAC 20-190 | Erratum | 20:8 VA.R. 850 | -- |
| 6 VAC 20-190-10 | Amended | 20:4 VA.R. 346 | 12/3/03 |
| 6 VAC 20-190-40 | Amended | 20:4 VA.R. 347 | 12/3/03 |
| 6 VAC 20-190-60 | Amended | 20:4 VA.R. 347 | 12/3/03 |
| 6 VAC 20-190-90 | Amended | 20:4 VA.R. 347 | 12/3/03 |
| 6 VAC 20-190-100 | Amended | 20:4 VA.R. 347 | 12/3/03 |
| 6 VAC 20-190-120 | Amended | 20:4 VA.R. 347 | 12/3/03 |
| 6 VAC 20-190-150 | Amended | 20:4 VA.R. 348 | 12/3/03 |
| 6 VAC 20-190-160 | Amended | 20:4 VA.R. 348 | 12/3/03 |
| 6 VAC 20-190-170 | Amended | 20:4 VA.R. 348 | 12/3/03 |
| 6 VAC 20-200 | Repealed | 20:4 VA.R. 348 | 12/3/03 |
| 6 VAC 20-220-10 through 6 VAC 20-220-80 | Added | 20:4 VA.R. 348-350 | 12/3/03 |
| 6 VAC 20-230-10 through 6 VAC 20-230-99 emer | Added | 20:9 VA.R. 905-915 | 1/12/04-1/11/05 |
| Title 7. Economic Development | | | |
| 7 VAC 10-20-10 | Amended | 20:10 VA.R. 1018 | 2/15/04 |
| 7 VAC 10-20-120 | Amended | 20:10 VA.R. 1020 | 2/15/04 |
| 7 VAC 10-20-300 | Amended | 20:10 VA.R. 1020 | 2/15/04 |
| Title 8. Education | | | |
| 8 VAC 20-70-10 | Amended | 20:7 VA.R. 656 | 1/14/04 |
| 8 VAC 20-70-30 | Amended | 20:7 VA.R. 657 | 1/14/04 |
| 8 VAC 20-70-40 | Amended | 20:7 VA.R. 657 | 1/14/04 |
| 8 VAC 20-70-70 | Amended | 20:7 VA.R. 657 | 1/14/04 |
| 8 VAC 20-70-80 | Amended | 20:7 VA.R. 657 | 1/14/04 |

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|--|----------|--------------------|-----------------|
| 8 VAC 20-70-100 through 8 VAC 20-70-170 | Amended | 20:7 VA.R. 657-658 | 1/14/04 |
| 8 VAC 20-70-190 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-200 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-210 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-220 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-230 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-235 | Added | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-240 through 8 VAC 20-70-270 | Repealed | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-280 | Amended | 20:7 VA.R. 658 | 1/14/04 |
| 8 VAC 20-70-290 | Amended | 20:7 VA.R. 659 | 1/14/04 |
| 8 VAC 20-70-300 | Amended | 20:7 VA.R. 659 | 1/14/04 |
| 8 VAC 20-70-340 through 8 VAC 20-70-380 | Amended | 20:7 VA.R. 659-660 | 1/14/04 |
| 8 VAC 20-70-390 | Repealed | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-400 through 8 VAC 20-70-440 | Amended | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-460 | Amended | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-470 | Amended | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-510 | Amended | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-520 | Repealed | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-525 | Added | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-70-530 through 8 VAC 20-70-1510 | Repealed | 20:7 VA.R. 660 | 1/14/04 |
| 8 VAC 20-680-10 emer | Added | 20:7 VA.R. 675 | 11/7/03-11/6/04 |
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| 9 VAC 5-10-20 | Amended | 20:6 VA.R. 590 | 1/1/04 |
| 9 VAC 5-40 | Erratum | 19:25 VA.R. 3844 | -- |
| 9 VAC 5-40-5800 | Amended | 20:8 VA.R. 808 | 1/29/04 |
| 9 VAC 5-40-5810 | Amended | 20:8 VA.R. 808 | 1/29/04 |
| 9 VAC 5-40-5820 | Amended | 20:8 VA.R. 810 | 1/29/04 |
| 9 VAC 5-40-5822 | Amended | 20:8 VA.R. 810 | 1/29/04 |
| 9 VAC 5-40-5824 | Amended | 20:8 VA.R. 811 | 1/29/04 |
| 9 VAC 5-40-5850 | Amended | 20:8 VA.R. 811 | 1/29/04 |
| 9 VAC 5-40-5855 | Amended | 20:8 VA.R. 811 | 1/29/04 |
| 9 VAC 5-40-5860 | Amended | 20:8 VA.R. 811 | 1/29/04 |
| 9 VAC 5-40-5870 | Amended | 20:8 VA.R. 811 | 1/29/04 |
| 9 VAC 5-40-5880 | Amended | 20:8 VA.R. 812 | 1/29/04 |
| 9 VAC 5-40-5890 | Amended | 20:8 VA.R. 812 | 1/29/04 |
| 9 VAC 5-40-5910 | Amended | 20:8 VA.R. 813 | 1/29/04 |
| 9 VAC 5-40-5920 | Amended | 20:8 VA.R. 813 | 1/29/04 |
| 9 VAC 20-80-150 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-160 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-170 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-180 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-190 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-205 | Added | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-210 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-240 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-250 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-260 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-270 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-280 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-300 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-310 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-330 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-340 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-360 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-370 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-460 | Amended | 19:25 VA.R. 3782 | 9/24/03 |

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| 9 VAC 20-80-485 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-500 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-510 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-520 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-530 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-550 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-570 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-580 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-600 | Repealed | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-620 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-640 | Added | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-650 | Added | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-670 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-730 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-740 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-760 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-770 | Repealed | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-780 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-80-790 | Amended | 19:25 VA.R. 3782 | 9/24/03 |
| 9 VAC 20-170-70 | Added | 20:3 VA.R. 242 | 11/19/03 |
| 9 VAC 20-170-195 | Added | 20:3 VA.R. 243 | 11/19/03 |
| 9 VAC 25-260 | Erratum | 19:26 VA.R. 3926 | -- |
| 9 VAC 25-260-5 through 9 VAC 25-260-30 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-50 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-140 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-150 | Repealed | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-155 | Amended | 20:9 VA.R. 890 | 2/12/04 |
| 9 VAC 25-260-170 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-190 through 9 VAC 25-260-240 | Repealed | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-300 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-310 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-320 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-340 | Repealed | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-380 through 9 VAC 25-260-450 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-415 | Added | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-260-470 through 9 VAC 25-260-540 | Amended | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-280-10 through 9 VAC 25-280-90 | Added | 19:25 VA.R. 3785 | 2/12/04 * |
| 9 VAC 25-790-10 through 9 VAC 25-790-1000 | Added | 20:9 VA.R. 891 | 2/12/04 |
| Title 10. Finance and Financial Institutions | | | |
| 10 VAC 5-200-90 | Added | 20:2 VA.R. 128 | 9/11/03 |
| Title 11. Gaming | | | |
| 11 VAC 10-20-410 through 11 VAC 10-20-417 emer | Added | 19:26 VA.R. 3913-3919 | 8/13/03-8/12/04 |
| 11 VAC 10-130-77 | Amended | 20:4 VA.R. 350 | 10/14/03 |
| 11 VAC 10-150-130 | Amended | 20:4 VA.R. 351 | 11/17/03 |
| Title 12. Health | | | |
| 12 VAC 5-218-10 through 12 VAC 5-218-60 | Added | 19:26 VA.R. 3911 | 10/8/03 |
| 12 VAC 5-220-200 | Amended | 20:2 VA.R. 129 | 11/5/03 |
| 12 VAC 5-400-10 through 12 VAC 5-400-90 | Repealed | 20:6 VA.R. 597 | 12/31/03 |
| 12 VAC 5-407-10 through 12 VAC 5-407-120 | Added | 19:26 VA.R. 3911 | 10/8/03 |
| 12 VAC 5-550-5 | Added | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-10 | Repealed | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-30 | Amended | 19:26 VA.R. 3912 | 10/8/03 |

* Notice of effective date published in 20:9 VA.R. 890.

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| 12 VAC 5-550-40 | Repealed | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-70 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-90 through 12 VAC 5-550-120 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-125 | Added | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-130 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-140 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-150 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-190 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-200 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-210 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-230 through 12 VAC 5-550-260 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-280 through 12 VAC 5-550-330 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-350 through 12 VAC 5-550-410 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-430 through 12 VAC 5-550-470 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-510 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-550-520 | Amended | 19:26 VA.R. 3912 | 10/8/03 |
| 12 VAC 5-581 | Repealed | 20:9 VA.R. 891 | 2/12/04 |
| 12 VAC 30-10-650 emer | Amended | 20:10 VA.R. 1049 | 1/4/04-1/3/05 |
| 12 VAC 30-40-100 | Amended | 20:4 VA.R. 351 | 12/3/03 |
| 12 VAC 30-40-140 | Amended | 20:4 VA.R. 351 | 12/3/03 |
| 12 VAC 30-40-240 | Amended | 20:4 VA.R. 351 | 12/3/03 |
| 12 VAC 30-40-280 | Amended | 20:4 VA.R. 351 | 12/3/03 |
| 12 VAC 30-40-290 | Amended | 20:4 VA.R. 351 | 12/3/03 |
| 12 VAC 30-50-10 | Amended | 20:1 VA.R. 25 | 10/22/03 |
| 12 VAC 30-50-20 | Amended | 20:1 VA.R. 26 | 10/22/03 |
| 12 VAC 30-50-50 | Amended | 20:1 VA.R. 26 | 10/22/03 |
| 12 VAC 30-50-60 | Amended | 20:1 VA.R. 27 | 10/22/03 |
| 12 VAC 30-50-120 | Amended | 20:1 VA.R. 27 | 10/22/03 |
| 12 VAC 30-50-130 | Amended | 20:7 VA.R. 661 | 2/1/04 |
| 12 VAC 30-50-140 | Amended | 20:1 VA.R. 27 | 10/22/03 |
| 12 VAC 30-50-140 | Amended | 20:1 VA.R. 29 | 10/22/03 |
| 12 VAC 30-50-150 | Amended | 20:1 VA.R. 30 | 10/22/03 |
| 12 VAC 30-50-210 emer | Amended | 20:8 VA.R. 836 | 1/4/04-1/3/05 |
| 12 VAC 30-50-210 emer | Amended | 20:10 VA.R. 1054 | 1/4/04-1/3/05 |
| 12 VAC 30-50-530 | Amended | 20:1 VA.R. 28 | 10/22/03 |
| 12 VAC 30-50-226 | Amended | 20:7 VA.R. 661 | 2/1/04 |
| 12 VAC 30-50-420 | Amended | 20:7 VA.R. 664 | 2/1/04 |
| 12 VAC 30-50-430 | Amended | 20:7 VA.R. 664 | 2/1/04 |
| 12 VAC 30-50-510 | Amended | 20:7 VA.R. 667 | 2/1/04 |
| 12 VAC 30-60-61 | Amended | 20:7 VA.R. 669 | 2/1/04 |
| 12 VAC 30-60-143 | Amended | 20:7 VA.R. 669 | 2/1/04 |
| 12 VAC 30-60-147 | Amended | 20:7 VA.R. 673 | 2/1/04 |
| 12 VAC 30-70-201 | Amended | 20:5 VA.R. 455 | 1/4/04 |
| 12 VAC 30-70-291 emer | Amended | 19:26 VA.R. 3920 | 8/13/03-8/12/04 |
| 12 VAC 30-70-301 emer | Amended | 19:26 VA.R. 3921 | 8/13/03-8/12/04 |
| 12 VAC 30-70-331 emer | Amended | 19:26 VA.R. 3922 | 8/13/03-8/12/04 |
| 12 VAC 30-70-425 | Added | 20:8 VA.R. 814 | 1/28/04 |
| 12 VAC 30-70-426 | Added | 20:8 VA.R. 814 | 1/28/04 |
| 12 VAC 30-80-20 | Amended | 20:8 VA.R. 815 | 1/28/04 |
| 12 VAC 30-80-30 | Amended | 20:8 VA.R. 817 | 1/28/04 |
| 12 VAC 30-80-40 | Amended | 20:2 VA.R. 132 | 11/6/03 |
| 12 VAC 30-80-40 emer | Amended | 20:8 VA.R. 839 | 1/4/04-1/3/05 |
| 12 VAC 30-120-350 emer | Amended | 20:8 VA.R. 843 | 12/4/03-12/3/04 |
| 12 VAC 30-120-370 emer | Amended | 20:8 VA.R. 845 | 12/15/03-12/14/04 |
| 12 VAC 30-120-380 emer | Amended | 20:8 VA.R. 847 | 12/15/03-12/14/04 |
| 12 VAC 30-120-420 emer | Amended | 20:8 VA.R. 847 | 12/15/03-12/14/04 |

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| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 12 VAC 30-120-700 | Amended | 19:25 VA.R. 3786 | 10/1/03 |
| 12 VAC 30-120-710 | Amended | 19:25 VA.R. 3789 | 10/1/03 |
| 12 VAC 30-120-720 | Amended | 19:25 VA.R. 3789 | 10/1/03 |
| 12 VAC 30-130-290 through 12 VAC 30-130-340 emer | Amended | 20:10 VA.R. 1050-1054 | 1/4/04-1/3/05 |
| 12 VAC 30-130-335 emer | Added | 20:10 VA.R. 1053 | 1/4/04-1/3/05 |
| 12 VAC 30-130-400 emer | Amended | 20:10 VA.R. 1054 | 1/4/04-1/3/05 |
| 12 VAC 30-130-550 | Repealed | 20:7 VA.R. 673 | 2/1/04 |
| 12 VAC 30-130-565 | Amended | 20:7 VA.R. 673 | 2/1/04 |
| 12 VAC 30-130-570 | Repealed | 20:7 VA.R. 673 | 2/1/04 |
| 12 VAC 30-130-1000 emer | Added | 20:8 VA.R. 840 | 1/4/04-1/3/05 |
| 12 VAC 30-135-10 through 12 VAC 30-135-90 | Added | 19:25 VA.R. 3789-3791 | 10/1/03 |
| 12 VAC 35-105 | Erratum | 19:25 VA. R. 3844 | -- |
| 12 VAC 35-180-10 | Amended | 20:9 VA.R. 892 | 2/11/04 |
| 12 VAC 35-180-20 | Repealed | 20:9 VA.R. 894 | 2/11/04 |
| 12 VAC 35-180-30 through 12 VAC 35-180-110 | Amended | 20:9 VA.R. 894-899 | 2/11/04 |
| 12 VAC 35-180-130 through 12 VAC 35-180-150 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| Title 13. Housing | | | |
| 13 VAC 5-21-10 | Amended | 19:25 VA.R. 3791 | 10/1/03 |
| 13 VAC 5-21-20 | Amended | 19:25 VA.R. 3792 | 10/1/03 |
| 13 VAC 5-21-31 | Amended | 19:25 VA.R. 3792 | 10/1/03 |
| 13 VAC 5-21-41 | Amended | 19:25 VA.R. 3793 | 10/1/03 |
| 13 VAC 5-21-51 | Amended | 19:25 VA.R. 3795 | 10/1/03 |
| 13 VAC 5-21-61 | Amended | 19:25 VA.R. 3795 | 10/1/03 |
| 13 VAC 5-21-70 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-10 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-40 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-50 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-60 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-90 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-31-110 | Amended | 19:25 VA.R. 3797 | 10/1/03 |
| 13 VAC 5-31-180 | Amended | 19:25 VA.R. 3797 | 10/1/03 |
| 13 VAC 5-31-190 | Added | 19:25 VA.R. 3797 | 10/1/03 |
| 13 VAC 5-51 | Erratum | 20:1 VA.R 39 | -- |
| 13 VAC 5-51-11 | Amended | 19:25 VA.R. 3798 | 10/1/03 |
| 13 VAC 5-51-21 | Amended | 19:25 VA.R. 3798 | 10/1/03 |
| 13 VAC 5-51-31 | Amended | 19:25 VA.R. 3799 | 10/1/03 |
| 13 VAC 5-51-41 | Amended | 19:25 VA.R. 3799 | 10/1/03 |
| 13 VAC 5-51-51 | Amended | 19:25 VA.R. 3800 | 10/1/03 |
| 13 VAC 5-51-61 | Amended | 19:25 VA.R. 3801 | 10/1/03 |
| 13 VAC 5-51-71 | Repealed | 19:25 VA.R. 3801 | 10/1/03 |
| 13 VAC 5-51-81 | Amended | 19:25 VA.R. 3802 | 10/1/03 |
| 13 VAC 5-51-85 | Added | 19:25 VA.R. 3810 | 10/1/03 |
| 13 VAC 5-51-91 | Amended | 19:25 VA.R. 3812 | 10/1/03 |
| 13 VAC 5-51-101 | Amended | 19:25 VA.R. 3813 | 10/1/03 |
| 13 VAC 5-51-111 | Amended | 19:25 VA.R. 3814 | 10/1/03 |
| 13 VAC 5-51-121 | Amended | 19:25 VA.R. 3814 | 10/1/03 |
| 13 VAC 5-51-129 | Added | 19:25 VA.R. 3815 | 10/1/03 |
| 13 VAC 5-51-130 | Amended | 19:25 VA.R. 3815 | 10/1/03 |
| 13 VAC 5-51-131 | Amended | 19:25 VA.R. 3815 | 10/1/03 |
| 13 VAC 5-51-132 | Added | 19:25 VA.R. 3816 | 10/1/03 |
| 13 VAC 5-51-133 | Amended | 19:25 VA.R. 3816 | 10/1/03 |
| 13 VAC 5-51-135 | Amended | 19:25 VA.R. 3816 | 10/1/03 |
| 13 VAC 5-51-136 | Amended | 19:25 VA.R. 3817 | 10/1/03 |
| 13 VAC 5-51-140 | Amended | 19:25 VA.R. 3817 | 10/1/03 |
| 13 VAC 5-51-150 | Amended | 19:25 VA.R. 3818 | 10/1/03 |
| 13 VAC 5-51-155 | Added | 19:25 VA.R. 3822 | 10/1/03 |

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| 13 VAC 5-51-160 | Repealed | 19:25 VA.R. 3822 | 10/1/03 |
| 13 VAC 5-51-170 | Repealed | 19:25 VA.R. 3822 | 10/1/03 |
| 13 VAC 5-51-180 | Repealed | 19:25 VA.R. 3823 | 10/1/03 |
| 13 VAC 5-51-181 | Repealed | 19:25 VA.R. 3823 | 10/1/03 |
| 13 VAC 5-51-182 | Repealed | 19:25 VA.R. 3824 | 10/1/03 |
| 13 VAC 5-51-190 | Repealed | 19:25 VA.R. 3824 | 10/1/03 |
| 13 VAC 5-51-200 | Repealed | 19:25 VA.R. 3824 | 10/1/03 |
| 13 VAC 5-61-11 through 13 VAC 5-61-460 | Repealed | 19:25 VA.R. 3824 | 10/1/03 |
| 13 VAC 5-62 | Erratum | 20:2 VA.R. 140 | -- |
| 13 VAC 5-62-10 through 13 VAC 5-62-480 | Added | 19:25 VA.R. 3824 | 10/1/03 |
| 13 VAC 5-62-260 L | Suspended | 20:2 VA.R. 133 | ¹ |
| 13 VAC 5-62-260 M | Suspended | 20:2 VA.R. 133 | ¹ |
| 13 VAC 5-62-260 N | Suspended | 20:2 VA.R. 133 | ¹ |
| 13 VAC 5-80-10 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-80-20 | Repealed | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-80-30 | Repealed | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-80-40 through 13 VAC 5-80-140 | Amended | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-80-150 | Repealed | 19:25 VA.R. 3796 | 10/1/03 |
| 13 VAC 5-91-10 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-40 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-50 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-60 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-100 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-110 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-120 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-140 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-160 | Amended | 19:25 VA.R. 3825 | 10/1/03 |
| 13 VAC 5-91-180 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-200 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-210 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-230 | Repealed | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-245 | Added | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-250 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-260 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 5-91-270 | Amended | 19:25 VA.R. 3826 | 10/1/03 |
| 13 VAC 10-10-10 | Amended | 19:25 VA.R. 3826 | 8/1/03 |
| 13 VAC 10-10-20 | Amended | 19:25 VA.R. 3826 | 8/1/03 |
| 13 VAC 10-40-10 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-30 through 13 VAC 10-40-70 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-90 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-100 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-120 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-120 | Amended | 20:3 VA.R. 244 | 9/25/03 |
| 13 VAC 10-40-130 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-130 | Amended | 20:3 VA.R. 244 | 9/25/03 |
| 13 VAC 10-40-140 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-160 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-160 | Amended | 20:3 VA.R. 244 | 9/25/03 |
| 13 VAC 10-40-170 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-190 through 13 VAC 10-40-230 | Amended | 19:25 VA.R. 3827 | 8/1/03 |
| 13 VAC 10-40-190 | Amended | 20:3 VA.R. 244 | 9/25/03 |
| 13 VAC 10-40-210 | Amended | 20:3 VA.R. 244 | 9/25/03 |
| 13 VAC 10-40-230 | Amended | 20:3 VA.R. 244 | 9/25/03 |

¹ Effective date suspended for further public comment.

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| 13 VAC 10-180-10 | Amended | 20:10 VA.R. 1021 | 1/12/04 |
| 13 VAC 10-180-50 | Amended | 20:10 VA.R. 1022 | 1/12/04 |
| 13 VAC 10-180-60 | Amended | 20:10 VA.R. 1023 | 1/12/04 |
| Title 14. Insurance | | | |
| 14 VAC 5-71-10 | Amended | 20:5 VA.R. 457 | 11/1/03 |
| 14 VAC 5-71-20 | Amended | 20:5 VA.R. 458 | 11/1/03 |
| 14 VAC 5-71-30 | Repealed | 20:5 VA.R. 459 | 11/1/03 |
| 14 VAC 5-71-31 | Added | 20:5 VA.R. 460 | 11/1/03 |
| 14 VAC 5-71-35 | Added | 20:5 VA.R. 463 | 11/1/03 |
| 14 VAC 5-71-40 | Amended | 20:5 VA.R. 464 | 11/1/03 |
| 14 VAC 5-71-60 | Amended | 20:5 VA.R. 464 | 11/1/03 |
| 14 VAC 5-71-70 | Amended | 20:5 VA.R. 465 | 11/1/03 |
| 14 VAC 5-71-80 | Repealed | 20:5 VA.R. 466 | 11/1/03 |
| 14 VAC 5-71-90 | Amended | 20:5 VA.R. 466 | 11/1/03 |
| 14 VAC 5-71-91 | Added | 20:5 VA.R. 467 | 11/1/03 |
| 14 VAC 5-71-92 | Added | 20:5 VA.R. 467 | 11/1/03 |
| 14 VAC 5-71-93 | Added | 20:5 VA.R. 467 | 11/1/03 |
| 14 VAC 5-310 | Erratum | 20:8 VA.R. 850 | -- |
| 14 VAC 5-310-10 | Amended | 20:5 VA.R. 469 | 12/31/03 |
| 14 VAC 5-310-20 | Amended | 20:5 VA.R. 469 | 12/31/03 |
| 14 VAC 5-310-30 | Amended | 20:5 VA.R. 469 | 12/31/03 |
| 14 VAC 5-310-40 | Amended | 20:5 VA.R. 470 | 12/31/03 |
| 14 VAC 5-310-50 | Amended | 20:5 VA.R. 470 | 12/31/03 |
| 14 VAC 5-310-60 | Repealed | 20:5 VA.R. 472 | 12/31/03 |
| 14 VAC 5-310-70 | Repealed | 20:5 VA.R. 473 | 12/31/03 |
| 14 VAC 5-310-80 | Amended | 20:5 VA.R. 475 | 12/31/03 |
| 14 VAC 5-310-90 | Amended | 20:5 VA.R. 479 | 12/31/03 |
| 14 VAC 5-310-100 | Amended | 20:5 VA.R. 481 | 12/31/03 |
| 14 VAC 5-310-105 | Added | 20:5 VA.R. 482 | 12/31/03 |
| 14 VAC 5-310-110 | Repealed | 20:5 VA.R. 482 | 12/31/03 |
| Title 16. Labor and Employment | | | |
| 16 VAC 25-85-1904.12 | Repealed | 20:7 VA.R. 673 | 1/15/04 |
| 16 VAC 25-85-1904.29 | Amended | 20:7 VA.R. 673 | 1/15/04 |
| Title 18. Professional and Occupational Licensing | | | |
| 18 VAC 5-21-10 through 18 VAC 5-21-40 emer | Amended | 20:9 VA.R. 915-921 | 12/15/03-12/14/04 |
| 18 VAC 5-21-170 emer | Amended | 20:9 VA.R. 921 | 12/15/03-12/14/04 |
| 18 VAC 15-30 | Erratum | 19:26 VA.R. 3926 | -- |
| 18 VAC 30-20-10 | Amended | 20:8 VA.R. 821 | 1/28/04 |
| 18 VAC 30-20-150 | Amended | 20:8 VA.R. 821 | 1/28/04 |
| 18 VAC 30-20-170 | Amended | 20:8 VA.R. 821 | 1/28/04 |
| 18 VAC 30-20-240 | Amended | 20:8 VA.R. 821 | 1/28/04 |
| 18 VAC 30-20-280 | Amended | 20:8 VA.R. 821 | 1/28/04 |
| 18 VAC 60-20-50 | Amended | 20:9 VA.R. 902 | 4/1/04 |
| 18 VAC 65-20 | Erratum | 20:10 VA.R. 1060 | -- |
| 18 VAC 65-20-10 | Amended | 20:8 VA.R. 822 | 1/28/04 |
| 18 VAC 65-20-50 | Amended | 20:8 VA.R. 822 | 1/28/04 |
| 18 VAC 65-20-70 | Amended | 20:8 VA.R. 822 | 1/28/04 |
| 18 VAC 65-20-170 | Amended | 20:8 VA.R. 823 | 1/28/04 |
| 18 VAC 65-20-350 | Amended | 20:8 VA.R. 823 | 1/28/04 |
| 18 VAC 65-20-400 | Amended | 20:8 VA.R. 823 | 1/28/04 |
| 18 VAC 65-20-440 | Amended | 20:8 VA.R. 824 | 1/28/04 |
| 18 VAC 65-20-570 | Amended | 20:8 VA.R. 824 | 1/28/04 |
| 18 VAC 65-20-580 | Amended | 20:8 VA.R. 824 | 1/28/04 |
| 18 VAC 65-20-590 | Amended | 20:8 VA.R. 824 | 1/28/04 |
| 18 VAC 65-20-700 | Amended | 20:8 VA.R. 824 | 1/28/04 |

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|------------------|----------------|
| 18 VAC 76-40-10 emer | Added | 19:25 VA.R. 3831 | 8/6/03-8/5/04 |
| 18 VAC 76-40-20 emer | Added | 19:25 VA.R. 3831 | 8/6/03-8/5/04 |
| 18 VAC 76-40-30 emer | Added | 19:25 VA.R. 3832 | 8/6/03-8/5/04 |
| 18 VAC 76-40-30 emer (Forms) | Added | 19:25 VA.R. 3833 | -- |
| 18 VAC 80-20-70 | Amended | 19:25 VA.R. 3827 | 10/1/03 |
| 18 VAC 85-20-10 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-22 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-30 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-120 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-121 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-131 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-140 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-150 | Repealed | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-210 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-230 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-235 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-236 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-20-240 | Amended | 20:10 VA.R. 1042 | 2/25/04 |
| 18 VAC 85-110-50 | Amended | 20:10 VA.R. 1046 | 4/26/04 |
| 18 VAC 85-110-60 | Amended | 20:10 VA.R. 1047 | 4/26/04 |
| 18 VAC 140-20-105 | Amended | 20:8 VA.R. 825 | 1/28/04 |
| 18 VAC 140-20-150 | Amended | 20:8 VA.R. 826 | 1/28/04 |
| Title 19. Public Safety | | | |
| 19 VAC 30-20-80 | Amended | 20:4 VA.R. 352 | 1/2/04 |
| 19 VAC 30-80-20 | Amended | 20:2 VA.R. 134 | 11/5/03 |
| 19 VAC 30-80-40 | Added | 20:2 VA.R. 134 | 11/5/03 |
| Title 20. Public Utilities and Telecommunications | | | |
| 20 VAC 5-10-20 | Amended | 20:10 VA.R. 1044 | 12/23/04 |
| Title 21. Securities and Retail Franchising | | | |
| 21 VAC 5-120-50 | Amended | 20:1 VA.R. 32 | 9/2/03 |
| Title 22. Social Services | | | |
| 22 VAC 30-20-90 | Amended | 20:7 VA.R. 674 | 1/15/04 |
| 22 VAC 30-30-10 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-20 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-30 | Repealed | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-31 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-40 | Repealed | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-50 through 22 VAC 30-30-120 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-130 | Repealed | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-131 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-140 | Repealed | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-141 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-160 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-170 through 22 VAC 30-30-210 | Repealed | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-171 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-181 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-191 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-201 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-211 | Added | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-220 | Amended | 20:9 VA.R. 899 | 2/11/04 |
| 22 VAC 30-30-230 | Repealed | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 30-30-240 | Repealed | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 30-30-241 | Added | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 30-30-250 | Amended | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 30-30-260 | Added | 20:9 VA.R. 901 | 2/11/04 |

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|--------------------|----------------|
| 22 VAC 30-30-270 | Added | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 30-30-280 | Added | 20:9 VA.R. 901 | 2/11/04 |
| 22 VAC 40-250-10 | Amended | 20:8 VA.R. 827 | 2/1/04 |
| 22 VAC 40-250-20 | Amended | 20:8 VA.R. 827 | 2/1/04 |
| 22 VAC 40-260-10 | Amended | 20:8 VA.R. 827 | 2/1/04 |
| 22 VAC 40-260-20 | Amended | 20:8 VA.R. 828 | 2/1/04 |
| 22 VAC 40-270 | Repealed | 20:8 VA.R. 831 | 2/1/04 |
| 22 VAC 40-675-10 through 22 VAC 40-675-220 | Added | 20:8 VA.R. 832-835 | 2/1/04 |
| 22 VAC 40-705-60 | Amended | 20:5 VA.R. 483 | 1/1/04 |
| 22 VAC 40-705-130 | Amended | 20:5 VA.R. 483 | 1/1/04 |
| 22 VAC 40-730-115 | Added | 20:5 VA.R. 484 | 1/1/04 |
| Title 24. Transportation and Motor Vehicles | | | |
| 24 VAC 30-71 | Erratum | 20:7 VA.R. 678 | -- |
| 24 VAC 30-71-10 | Amended | 20:4 VA.R. 353 | 12/3/03 |
| 24 VAC 30-71-20 | Amended | 20:4 VA.R. 353 | 12/3/03 |
| 24 VAC 30-71-30 | Amended | 20:4 VA.R. 354 | 12/3/03 |
| 24 VAC 30-71-50 | Amended | 20:4 VA.R. 354 | 12/3/03 |
| 24 VAC 30-71-70 | Amended | 20:4 VA.R. 354 | 12/3/03 |
| 24 VAC 30-71-80 | Amended | 20:4 VA.R. 354 | 12/3/03 |
| 24 VAC 30-71-90 | Amended | 20:4 VA.R. 355 | 12/3/03 |
| 24 VAC 30-71-100 | Amended | 20:4 VA.R. 355 | 12/3/03 |
| 24 VAC 30-71-110 | Amended | 20:4 VA.R. 355 | 12/3/03 |
| 24 VAC 30-71-120 | Amended | 20:4 VA.R. 355 | 12/3/03 |
| 24 VAC 30-71-130 | Amended | 20:4 VA.R. 355 | 12/3/03 |
| 24 VAC 30-71-150 | Amended | 20:4 VA.R. 357 | 12/3/03 |
| 24 VAC 30-71-160 | Amended | 20:4 VA.R. 357 | 12/3/03 |
| 24 VAC 30-71-170 | Amended | 20:4 VA.R. 362 | 12/3/03 |
| 24 VAC 30-580-10 through 24 VAC 30-580-40 | Amended | 20:5 VA.R. 485-486 | 10/28/03 |

PETITIONS FOR RULEMAKING

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

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

Name of Petitioner: Cowpasture River Preservation Association.

Nature of Petitioner's Request: Designate the Cowpasture River between its confluence in Bath County with the Bullpasture River and its confluence with the Jackson River in Botetourt County and Simpson Creek, including all named and unnamed tributaries, from its headwaters downstream to its confluence with the Cowpasture River in Alleghany County as an exceptional state water.

Agency's Plan for Disposition of Request: The State Water Control Board will decide whether or not to move forward with the rulemaking at their first quarterly meeting of 2004.

Public comments may be submitted until March 1, 2004.

Agency Contact: Jean W. Gregory, Environmental Manager II, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116, or e-mail jwgregory@deq.state.va.us.

VA.R. Doc. No. R04-70; Filed January 20, 2004, 2:16 p.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

PESTICIDE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Pesticide Control Board intends to consider amending regulations entitled **2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of the Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation (i) to help reduce fraudulent examination activities by eliminating proctoring by private individuals; (ii) to more clearly define application and training requirements; (iii) to establish applicator categories in areas where needed for industry; (iv) to meet EPA requirements; and (v) for housekeeping purposes. 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: § 3.1-249.30 of the Code of Virginia.

Public comments may be submitted until March 12, 2004.

Contact: Marvin A. Lawson, Ph.D., Executive Secretary, Pesticide Control Board, 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 786-3534, FAX (804) 786-5112, toll-free 1-800-552-9963 or e-mail mlwson@vdacs@state.va.us.

VA.R. Doc. No. R04-77; Filed December 30, 2003, 11:16 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider adopting regulations entitled **6 VAC 20-230, Regulations Relating to the Conservator of the Peace**. The purpose of the proposed action is to establish a registration process to include a fingerprint-based background check, registration fees, compulsory minimum entry-level training standards, and administration of the regulatory system.

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

Statutory Authority: §§ 9.1-150.2 and 19.2-113 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 11, 2004.

Contact: Ellen Spain, Regulatory Programs Coordinator for Private Security Services, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone: (804) 786-1018, FAX (804) 786-6344, or e-mail espain@dcjs.state.va.us.

VA.R. Doc. No. R04-66; Filed December 15, 2003, 1:21 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-40, Policy for Nutrient Enriched Waters**. The purpose of the proposed action is to establish numerical limitations for the discharge of total nitrogen, and the possible revision of numerical limitations for the discharge of total phosphorus, for certain discharges located within the Chesapeake Bay watershed.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 303 of the Clean Water Act.

Public comments may be submitted until 5 p.m. on March 12, 2004.

Contact: John Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116 or e-mail jmkennedy@deq.state.va.us.

VA.R. Doc. No. R04-78; Filed December 31, 2003, 11:48 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less Than One-Half of an Acre**. The purpose of the proposed action is to allow for revisions to the above-referenced general

Notices of Intended Regulatory Action

permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-100; Filed January 20, 2004, 2:55 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-101; Filed January 20, 2004, 2:55 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-102; Filed January 20, 2004, 2:55 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development Activities**. The purpose of the proposed action is to allow for revisions to the above-referenced general permit regulation to correct several administrative procedures, clarify application and permitting requirements and allow for a more efficient application review process.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.).

Public comments may be submitted until 5 p.m. on March 15, 2004.

Contact: Ellen Gilinsky, Virginia Water Protection Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R04-104; Filed January 20, 2004, 2:55 p.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 30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program, and 12 VAC 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to permit DMAS to deny payment for pharmacy claims that conflict with standards of drug utilization review.

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until February 25, 2004, to Javier Menendez, R.Ph., Department of Medical Assistance Services, 600 E. Broad St., 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, FAX (804) 786-1680 or e-mail vsimmons@dmas.state.va.us.

VA.R. Doc. No. R04-73; Filed December 24, 2003, 11:51 a.m.

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 30-50, Amount, Duration and Scope of Medical and Remedial Care Services**. The purpose of the proposed action is to implement a program of prospective and retrospective utilization review and prior authorization of pharmacy services for noninstitutionalized and institutionalized (nursing facility) recipients who are prescribed large numbers of different prescription (legend) drugs within specific time periods. Such utilization review of covered services is permitted by 42 CFR 440.230 (d).

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until February 25, 2004, to Javier Menendez, R.Ph., Department of Medical Assistance Services, 600 E. Broad St., 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, FAX (804) 786-1680 or e-mail vsimmons@dmas.state.va.us.

VA.R. Doc. No. R04-71; Filed December 24, 2003, 11:53 a.m.

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to consider adopting regulations entitled **16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**. The purpose of the proposed action is to set minimum aggregate limits for professional liability or errors of omission coverage or other methods of ensuring financial responsibility for boiler and pressure vessel contract fee inspectors operating in the Commonwealth.

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

Statutory Authority: § 40.1-51.9:2 of the Code of Virginia.

Public comments may be submitted until February 12, 2004.

Contact: Fred P. Barton, Director, Boiler Safety Compliance Director, Department of Labor and Industry, Powers Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3262, FAX (804) 371-2324, or e-mail fpb@doli.state.va.us.

VA.R. Doc. No. R04-68; Filed December 19, 2003, Noon

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Accountancy intends to consider amending regulations entitled **18 VAC 5-21, Board of Accountancy Regulations**. The purpose of the proposed action is to make changes incorporating amendments about the qualifications for, and implementation of, the new computerized CPA exam, and the new annual requirements for two CPE credits in ethics.

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

Statutory Authority: § 54.1-4403 of the Code of Virginia.

Public comments may be submitted until February 25, 2004.

Contact: Mark D'Amato, Regulatory Coordinator, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-0502, FAX (804) 367-2174 or e-mail mark@boa.state.va.us.

VA.R. Doc. No. R04-76; Filed January 5, 2004, 10:49 a.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to consider amending regulations entitled **18 VAC 160-20, Board for Waterworks and Wastewater Works Operators Regulations**. The purpose of the proposed action is to review the experience requirements to determine if experience obtained at a nonclassified waterworks or wastewater works facility should qualify an individual to sit for the examination.

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

Notices of Intended Regulatory Action

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 13, 2004.

Contact: David E. Dick, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, or e-mail waterwasteoper@dpor.state.va.us.

VA.R. Doc. No. R04-67; Filed December 10, 2003, 3:27 p.m.



TITLE 22. SOCIAL SERVICES

BOARDS OF EDUCATION; JUVENILE JUSTICE; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to consider repealing regulations entitled **22 VAC 42-10, Standards for Interdepartmental Regulation of Children's Residential Facilities**; and adopting regulations entitled **22 VAC 42-11, Standards for Interdepartmental Regulation of Children's Residential Facilities**. The purpose of the proposed action is to promulgate revised standards that protect the vulnerable children who are separated from their families and reside in children's residential facilities and to assure that a acceptable level of care, treatment, and education are provided. The regulation will also (i) meet federal regulations, (ii) ensure that services provided to residents are appropriate for their needs (iii) bring the standards in line with current industry standards and needs, (iv) clarify frequently misinterpreted standards and (v) delete unnecessary requirements.

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

Statutory Authority: §§ 16.1-309.9, 22.1-321, 22.1-323.2, 37.1-182, 37.1-189.1, 63.2-203, 63.2-217, 63.2-1737, 66-10, 66-24 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on February 25, 2004.

Contact: Charlene Vincent, Coordinator, Department of Social Services, Office of Interdepartmental Regulation, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7097, FAX (804) 726-7095, or e-mail charlene.vincent@dss.virginia.gov.

VA.R. Doc. Nos. R04-80 and R04-81; Filed January 5, 2004, 3:10 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 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory

Titles of Regulations: **1 VAC 30-45. Certification for Noncommercial Environmental Laboratories (adding 1 VAC 30-45-10 through 1 VAC 30-45-800).**

1 VAC 30-46. Certification for Commercial Environmental Laboratories (adding 1 VAC 30-46-10 through 1 VAC 30-46-300).

Statutory Authority: § 2.2-1105 of the Code of Virginia.

Public Hearing Dates:

March 23, 2004 - 10:30 a.m. (Abingdon)
March 24, 2004, - 10:30 a.m. (Roanoke)
March 30, 2004 - 11:30 a.m. (Newport News)
March 31, 2004 - 11 a.m. (Richmond)
April 1, 2004 - 11:30 a.m. (Woodbridge)

Public comments may be submitted until April 9, 2004.
(See Calendar of Events section for additional information)

Agency Contact: Nancy S. Saylor, Consultant to the Division of Consolidated Laboratory Services, Department of General Services, 600 North 5th St., Richmond, VA 23219, telephone (804) 231-7980, FAX (804) 231-7980, or e-mail nssaylor@erols.com.

Basis: Section 2.2-1102 A 1 of the Code of Virginia authorizes the Department of General Services to promulgate regulations as necessary to perform the duties conferred upon it by law. Section 2.2-1102 A 2 authorizes the Department of General Services to establish and collect fees when general funds are not applicable. Section 2.2-1105 gives the Division of Consolidated Laboratory Services (DCLS) the authority to promulgate regulations establishing a program for the certification of environmental laboratories.

Section 2.2-1105 A of the Code of Virginia requires that DCLS establish by regulation a program to certify laboratories conducting any tests, analyses, measurements, or monitoring required pursuant to the State Air Pollution Control Board (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.) or the State Water Control Law (§ 62.1-44.2 et seq.).

Section 2.2-1105 A requires that the program include minimum criteria for the following: (i) laboratory procedures; (ii) performance evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical quality control and quality assurance; (vi) certificate issuance and maintenance; (vii) recertification and decertification; and (viii) granting full and partial exemptions from the program based on compliance and performance. Other criteria may be

included. Section 2.2-1105 A states further that regulations shall be proposed only after national accreditation standards are adopted by the National Environmental Laboratory Accreditation Conference. The last sentence of § 2.2-1105 A specifies the purpose of the program: "to ensure that laboratories provide accurate and consistent tests, analyses, measurements and monitoring so that the goals and requirements of (Virginia's air, waste and water laws) may be met." Section 2.2-1105 B states that once the certification program is established, laboratory certification is required before any tests, analyses, measurements, or monitoring performed by a laboratory may be used for the purposes of Virginia's air, waste or water laws. Section 2.2-1105 C requires that a fee system be established to pay for the costs of certifying laboratories under the program. Section 2.2-1105 D requires the program to include procedures for determining the qualifications of out-of-state laboratories to conduct tests, analyses, measurements or monitoring for use in Virginia. Environmental laboratories located outside Virginia that are certified or accredited under a program determined by DCLS to be equivalent to Virginia's program must be deemed to meet the certification requirements established under § 2.2-1105. Section 2.2-1105 E requires that DCLS must deny certification to or decertify laboratories found to be falsifying data or providing false information to support certification.

All elements of the program required by § 2.2-1105 are included in the proposed regulations.

Purpose: The proposed regulations fulfill the mandate of § 2.2-1105 of the Code of Virginia to establish a program to certify laboratories conducting tests, analyses, measurements, or monitoring required pursuant to the State Air Pollution Control Board (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.) or the State Water Control Law (§ 62.1-44.2 et seq.).

Compliance with the laws of the State Air Pollution Control Board, the State Water Control Law and the Virginia Waste Management Act is determined, to a great extent, by the analysis of samples and other measurements taken of Virginia's air, water and terrain. Accurate and consistent analysis of these samples is a critical component of the determination of compliance with Virginia's air and water quality and waste management laws.

Prior to 1997, there were no requirements to certify laboratories conducting tests, analyses, measurements or monitoring required by Virginia's environmental laws. The Department of Environmental Quality (DEQ) audits a limited population of wastewater laboratories as part of the Virginia Pollutant Discharge Elimination Program (VPDES). These audits are part of the overall inspection program carried out by DEQ's water staff.

The 1997 General Assembly passed § 2.1-429.01, now § 2.2-1105, requiring the establishment of an environmental laboratory certification program in response to findings of the

January 1997 report by the Joint Legislative Audit and Review Commission (JLARC), Review of the Department of Environmental Quality (House Document No. 67).

Section 2.2-1105 A specifies that regulations shall be proposed only after national accreditation standards are adopted by the National Environmental Laboratory Accreditation Conference (NELAC). The standards adopted by NELAC provide the minimum standards recommended by JLARC in its report. The purpose of NELAC is "to foster the generation of environmental laboratory data of known and documented quality in a cost-effective manner through the development of nationally accepted standards for environmental laboratory accreditation." NELAC 2001 Standards, page 1 of Chapter 1, Policy, Program and Structure.

Environmental permittees and regulatory agencies use hundreds of standardized test methods that are required under federal environmental laws to determine compliance with environmental laws and regulations. Environmental laws set limits for pollutants being released into the air, water and soil. Test methods provide a uniform and consistent way of determining whether the sources of pollutants (industrial facilities, wastewater treatment facilities run by local governments, etc.) exceed the limits set in their permits.

The NELAC standards and individual state certification or accreditation programs for environmental laboratories use quality assurance and quality control measures to determine whether environmental laboratories operate uniformly and consistently. Quality assurance is defined by EPA's Quality Assurance Management Group as "an integrated system of activities involving planning, quality control, quality assessment, reporting, and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence." NELAC 2001 Standards, page 1A-8 of the Glossary, Appendix A, Chapter 1. Quality control is defined as "the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of users." NELAC 2001 Standards, *ibid*.

The certification program will provide standards and requirements for all environmental laboratories providing data required by Virginia's environmental laws. The program initiates certification requirements for laboratories that analyze air and waste samples. It enhances laboratory audit and certification programs for water by increasing the frequency of on-site assessments of laboratory facilities for all but major wastewater facilities, and the frequency of proficiency testing for all laboratories analyzing water samples. By requiring environmental laboratories to meet standards to obtain certification, the program will encourage the production of environmental data that are consistent, accurate and comparable. The program will enhance the quality of all environmental laboratories by assisting and educating laboratories in their continuing development of good laboratory practice. In turn, the public health and environmental quality will be protected because public health and environmental management decisions will be based on data that are of high quality. Basing environmental and public health decisions on

sound data is inherently cost efficient and best protects the quality of the Commonwealth's air, water and terrain.

The frequency of current audit and certification programs will increase. Once a laboratory receives certification under the proposed program, the certification must be renewed every two years. Proficiency testing is limited under current programs. Proficiency tests must be completed successfully twice a year to attain and maintain certification under the proposed program.

Drinking water laboratories are certified by DCLS under federal and state requirements every three years. These laboratories participate in one proficiency test study per year. A proficiency test study determines the ability of laboratory analysts to accurately analyze samples for different substances.

The DEQ audits laboratories at wastewater and water treatment facilities that hold discharge permits from DEQ and commercial laboratories that serve these permit holders. These audits are carried out every year for major sources, every two years for minor sources and every five years for small and low priority sources.

As part of the laboratory audit program for discharge permittees, DEQ requires proficiency test studies to be done once per year for major sources and selected minors. In the most recent study, 160 majors and 43 selected minors participated.

There are 160 major sources and 1198 minor sources that have water program permits. The total number of minor sources does not include those holding general permits. These permittees generally are not required to provide data from laboratory analyses as part of their permits. The proposed laboratory certification program will cover 915 wastewater permittees. This includes all the major sources and 755 minor sources. The remaining minor sources (443) are believed to have permit conditions that require only field test data analyses. Field tests are not included in the proposed program except when the tests are performed in an environmental laboratory.

The proposed certification program will ensure that laboratories that provide data required by Virginia's air and waste laws and regulations are capable of consistently and accurately carrying out the methods used to analyze samples. The proposed program also will ensure that more laboratories serving wastewater and water treatment plants are assessed either for the first time or on a more frequent basis.

Substance:

1 VAC 30-45

This chapter applies to noncommercial environmental laboratories. A summary of this regulation follows.

1. Part I of the proposed regulation addresses general requirements of the certification program for noncommercial environmental laboratories. These general requirements cover the establishment of the program, applicability of environmental laboratories, definitions, the scope of certification, general requirements, the process to apply and obtain certification, the reasons why certification would be

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denied, how to maintain certification status, the process to change certification scope or status, the reasons why certification might be withdrawn and the process of withdrawal of certification, appeal procedures, exemptions and fees.

2. The proposed regulation establishes the certification program on the first day of the 25th month following the regulation's effective date [1 VAC 30-45-20 B]. Noncommercial environmental laboratories must be certified prior to this date. After this date, only data from certified environmental laboratories can be used for the purposes of Virginia's air, waste and water laws. [1 VAC 30-45-20 A]

3. The regulation applies to any owner or operator of a noncommercial environmental laboratory. [1 VAC 30-45-30 A]

4. An environmental laboratory is a facility or a defined place within a facility where environmental analysis is performed. Environmental analysis is any test, analysis, measurement or monitoring used for or required by Virginia's air, waste or water laws, regulations, or any permit or order issued under those laws or regulations. Environmental analysis does not include sampling and field testing and measurement. [1 VAC 30-45-40]

5. A noncommercial environmental laboratory is one where environmental analysis is performed solely for the owner. Activities that might be seen as commercial but that are considered to be noncommercial in this proposed regulation are listed in the definition. [1 VAC 30-45-40]

6. Environmental laboratories owned by federal government agencies may be certified either through Chapter 45 or by a federal primary accrediting authority to the standards established by the National Environmental Laboratory Accreditation Conference. [1 VAC 30-45-30 B]

7. Environmental laboratories will have to meet the standards in Part II of the regulation to be certified. The components of the standards are personnel qualifications, proficiency testing, on-site assessment, and quality systems. The Division of Consolidated Laboratory Services (DCLS) will grant certification by program, method and analyte. For example, DCLS will certify a laboratory for the air, waste or water program, the specific methods required by the program and permits issued by the program offices, and for the individual analytes covered by the method. [1 VAC 30-45-50 and 1 VAC 30-45-60]

8. Owners or operators of noncommercial environmental laboratories must submit applications for certification within eight months after the regulation becomes effective. DCLS may determine more specific application deadlines and notify existing laboratories. Application requirements are listed and include an application fee and certification of compliance. [1 VAC 30-45-70]

9. DCLS will determine if the application package is complete and will notify the applicant laboratory of its determination. DCLS may determine that the application package is complete and the laboratory has satisfied all requirements except on-site assessment. If this occurs and DCLS is unable to schedule the on-site assessment within the next 90 days, the agency will grant the laboratory interim certification. Except during the initial certification period, the agency will determine

whether an application is complete within 60 days. [1 VAC 30-45-70 G and H]

10. DCLS will either grant or deny the application for certification. If certification is granted, a certificate will be issued to the laboratory. If certification is denied, DCLS will provide a written notice including a right to appeal the denial of certification. DCLS will deny certification if the applicant laboratory (i) does not meet the standards in Part II of the regulation, (ii) falsifies data or provides false information to support certification, or (iii) does not pay the required fees. [1 VAC 30-45-70 K and L]

11. Certification expires two years from the issuance date of the certificate. Environmental laboratories retain their certification by maintaining their approved quality system and participating in proficiency test studies on a regularly scheduled basis. Laboratories are also required to keep pertinent records and notify DCLS of changes in key certification criteria. [1 VAC 30-45-70 K, 1 VAC 30-45-80 and 1 VAC 30-45-90]

12. DCLS may decertify an environmental laboratory if an owner, operator or employee submits false information or data to the agency or is convicted of charges related to falsification of a report concerning laboratory analysis. DCLS may decertify an environmental laboratory when the laboratory fails to maintain the standards and quality system for which it was accredited. Decertification may be for all aspects of the certification or part of the certification. DCLS, if it must decertify a laboratory, will provide a written notice to the environmental laboratory including the reasons for the decertification. [1 VAC 30-45-100 A - C]

13. When DCLS withdraws a laboratory's certification completely, the laboratory must return its certificate to the agency. When DCLS withdraws certification in part, it will issue an addendum to the laboratory's certificate of certification. In all cases, DCLS will notify the environmental laboratory in writing and will notify the laboratory of its right to appeal the decision under the Virginia Administrative Process Act. The laboratory owner or operator may reapply for certification once the reason for decertification has been corrected. [1 VAC 30-45-100 D and E, 1 VAC 30-45-110]

14. A laboratory may apply to DCLS for a partial or full exemption from the certification program requirements. The laboratory must have met all requirements for certification for four years before DCLS will consider granting an exemption. DCLS will provide a notice in the Virginia Register and take comments on the request before deciding to grant or deny the application for an exemption. The exemption shall be limited to 24 months. [1 VAC 30-45-120]

15. The proposed fees and standards address two categories of environmental laboratories: laboratories that perform only simple test procedures and general environmental laboratories. Simple test procedures are defined as (i) "field testing and measurement performed in an environmental laboratory" and (ii) the test procedures to determine biochemical oxygen demand, fecal and total coliform, fecal streptococci, and all solids tests (e.g., settleable, total dissolved, total, total suspended, total volatile, and total volatile suspended solids). General environmental

laboratories perform tests other than simple test procedures although they may perform these tests as well.

16. When applying for initial certification and when renewing certification, owners or operators of environmental laboratories must pay a fee. The fee is computed by adding a base fee to test category fees. If the sum of these fees exceeds a specified maximum fee, the laboratory pays the maximum fee. The base and maximum fee is different depending on whether the laboratory is defined as a simple test procedure laboratory or a general environmental laboratory. Laboratories performing only simple test procedures have a base fee of \$100 and a maximum fee of \$400. General environmental laboratories have a base fee of \$1,700 and a maximum fee of \$3,800. The test category fees range from \$300 to \$900. Additional fees are charged to laboratories applying for an exemption and to laboratories that apply to modify their scope of certification. If DCLS cannot provide a timely on-site assessment, the laboratory may request an approved third-party on-site inspection at their expense. DCLS believes that the use of third-party on-site assessors will only be necessary during the initial stage of the program. [1 VAC 30-45-130]

17. To be accredited, laboratories must meet the standards specified in Part II of Chapter 45. The standards cover personnel, on-site assessment, proficiency testing and quality systems.

18. Article 1 of Part II covers personnel. Every environmental laboratory must designate a person responsible for the operation of the laboratory. For general environmental laboratories, the proposed regulation requires the laboratory manager to have two years' experience either managing a laboratory or performing the analyses for which the certification is sought. For laboratories performing only simple test procedures, the proposed regulation requires the laboratory to designate a laboratory manager. Every environmental laboratory must designate a quality assurance officer who will be responsible for the laboratory's quality system and for ensuring that the system is working. When laboratory staff is limited, the laboratory manager may be the quality assurance officer or a consultant may be hired as a quality assurance officer. The quality assurance officer must have documented training or experience in quality assurance and quality control procedures. Article 1 sets out laboratory personnel requirements and management responsibilities in addition to those for the laboratory manager and quality control officer.

19. Article 2 of Part II covers on-site assessment. DCLS will perform an on-site assessment as a condition for granting certification. Poor performance on a proficiency testing sample or a proposed change to the laboratory's operations may cause DCLS to carry out additional on-site assessments. The on-site assessment personnel shall minimize disruption of the laboratory's work during the assessment. The regulation sets out provisions on what areas of the laboratory's operation would be assessed, the process to be used during the visit such as records review, the documentation used in on-site assessment, and the follow-up and reporting procedures.

20. Article 3 of Part II covers proficiency testing. The regulation requires environmental laboratories to participate in

two single-blind, single-concentration proficiency test (PT) studies per year, if available, for each environmental program, matrix type, and analyte (PT field of testing) for which the laboratory wishes to obtain or maintain certification. PT studies are not available for all fields of testing, such as air testing and analysis. The laboratory must obtain PT samples from NIST or other providers approved by DCLS. Article 3 has provisions on how the study results are reported, on recordkeeping, and on the criteria for certification.

21. Article 4 of Part II covers quality system. The requirements in Article 4 are general requirements on which the quality system of an environmental laboratory must be based. The quality system should be appropriate to the type, range and volume of the testing done by the laboratory. It should be pertinent to the work of the environmental laboratory. Some of the requirements may not apply to every laboratory subject to Chapter 45. The applicant laboratory must consult DCLS when in doubt about the applicability of a requirement in Article 4.

22. The laboratory documents its quality system in a quality manual. The elements of the manual are listed in Article 4. Provisions specifying in more detail many of the elements of the quality manual follow the list of these elements. Other components of management of the quality system include organization, records management and storage, auditing of laboratory operations, corrective actions, subcontracting, services and supplies, and complaints. The technical requirements for the quality system cover the laboratory physical environment, equipment and reference materials, test methods and standard operating procedures, procedures for demonstration of capability, data verification, documentation of standards and reagents, measurement traceability and calibration, essential quality control procedures, sample handling, acceptance and receipt, and the laboratory report.

1 VAC 30-46

This chapter applies to commercial environmental laboratories. A summary of this regulation follows.

1. Part I of the proposed regulation addresses general requirements of the certification program for commercial environmental laboratories. Many of the sections in Part I of Chapter 46 are essentially the same as sections in Part I of Chapter 45. These sections concern the establishment of the program (1 VAC 30-46-20), the general accreditation requirements (1 VAC 30-46-60), provisions on the contents of the application, completeness determination, grant of interim accreditation, and on-site assessment (1 VAC 30-46-70 G through I), denial of accreditation and reapplication following denial of accreditation (1 VAC 30-46-70 L and M), maintaining accreditation (1 VAC 30-46-80), changing accreditation status (1 VAC 30-46-90), withdrawal of accreditation (1 VAC 30-46-100 A and B), and appeal procedures (1 VAC 30-46-110).

2. Chapter 46 uses the term "accreditation" instead of the term "certification." Unlike Chapter 45, Chapter 46 uses the National Environmental Laboratory Accreditation Conference (NELAC) standards as the standards to be met by commercial environmental laboratories.

3. The regulation applies to any owner or operator of a commercial environmental laboratory. [1 VAC 30-46-30 A]

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4. An environmental laboratory is a facility or a defined place within a facility where environmental analysis is performed. Environmental analysis is any test, analysis, measurement or monitoring used for or required by Virginia's air, waste or water laws, regulations, or any permit or order issued under those laws or regulations. Environmental analysis does not include sampling and field testing and measurement. [1 VAC 30-46-40]

5. A commercial environmental laboratory is one where environmental analysis is performed for another person. A "person" is an individual, corporation, partnership, association, or other legal entity, including any government. [1 VAC 30-45-40]

6. The owner or operator of any environmental laboratory currently accredited under the NELAC standards and located in a jurisdiction outside Virginia who wishes to apply for reciprocal accreditation must apply under Chapter 46. [1 VAC 30-46-30 A]

7. The regulation applies to DCLS. DCLS will meet the requirements of the regulation through review and accreditation by a National Environmental Laboratory Accreditation Program (NELAP)-accredited federal or state accrediting authority. This process will be complete before the program is established. In addition, DCLS will meet the NELAC standards to become the primary accrediting authority for Virginia. This process shall be complete no later than one year after the effective date of the regulation. [1 VAC 30-46-30 B]

8. Any environmental laboratory owner or operator may voluntarily apply for accreditation under Chapter 46. When an environmental laboratory owner or operator must get drinking water certification under Chapter 40 of 1 VAC 30 and environmental laboratory certification under Chapter 45, the owner or operator may apply under Chapter 46 and meet the requirements of both regulations. [1 VAC 30-46-30 C and D]

9. Owners or operators of commercial environmental laboratories must submit applications for accreditation within six months after the regulation becomes effective. DCLS may determine more specific application deadlines and notify existing laboratories. Application requirements are listed and include an application fee and certification of compliance. Owners or operators of NELAC-accredited environmental laboratories located outside Virginia must apply for reciprocal accreditation no later than six months after the regulation becomes effective. [1 VAC 30-46-70]

10. Information about accredited laboratories will be provided to the NELAP database. The information to be provided is basic information about the laboratory's certification such as the technical director's name, certification status and fields of testing for which the laboratory is accredited. [1 VAC 30-46-120]

11. The regulation lists requirements for owners or operators of laboratories accredited under Chapter 46 who wish to use the NELAP accreditation status and logo. [1 VAC 30-46-130]

12. DCLS, once it is recognized by NELAP as a primary accrediting authority, may grant reciprocal accreditation to out-of-state environmental laboratories already accredited by

another primary accrediting authority. The regulation describes the process that these laboratories need to use to apply for and receive reciprocal accreditation under the program. [1 VAC 30-46-140]

13. When applying for initial accreditation and when renewing accreditation, owners or operators of environmental laboratories must pay a fee. The fee is computed by adding a base fee to test category fees. If the sum of these fees exceeds a specified maximum fee, the laboratory pays the maximum fee. Chapter 46 laboratories will pay a maximum fee of \$4,200. The base fee is \$2,100. Test category fees range from \$300 to \$900. Additional fees are charged to laboratories that apply to modify their scope of accreditation. If DCLS cannot provide a timely on-site assessment, the laboratory may request an approved third-party on-site inspection at their expense. DCLS believes that the use of third-party on-site assessors will only be necessary during the initial stage of the program. [1 VAC 30-45-130]

14. To be accredited, laboratories must meet the 2002 NELAC standards which are incorporated by reference into Part II of Chapter 46. The standards cover personnel, on-site assessment, proficiency testing and quality systems.

Issues:

General public.

Advantages. The program provides a set of quality assurance and quality control standards that environmental laboratories must meet to be certified. Once the program is established, the certification will be required before these laboratories can provide the data required under Virginia's environmental laws. By requiring environmental laboratories to meet standards to receive and maintain certification, the program will encourage the production of environmental data that are consistent, accurate and comparable. This certification will give the general public increased confidence in the environmental laboratory data provided to the Department of Environmental Quality (DEQ).

Disadvantages. The proposed regulatory action presents no disadvantages to the general public.

Regulated entities

Advantages. There are several advantages for regulated entities. First, DEQ and the customers of the commercial laboratories will be assured that the laboratories have been reviewed to standards set by the program. This assurance should enhance the credibility of the data produced by the laboratories. Decisions that must be made using these data will be made with greater confidence. Second, an advantage for all laboratories subject to the proposed regulations and especially for small local government laboratories is the assistance and education that will be provided during the certification process. On-site assessments often provide teaching and learning opportunities for a certifying agency and the laboratory. Third, certification enhances the ability of commercial environmental laboratories to compete within the state and outside Virginia. Once accredited under Chapter 46, commercial laboratories in Virginia may apply for reciprocal accreditation in any state that has a NELAC program. The certification process under the proposed

program will be the same for all commercial environmental laboratories. Each laboratory will have to meet the same general standards and pay the same costs relative to the commercial work done by the laboratory. The certification program enables the commercial laboratories to compete on an equivalent basis.

Disadvantages. The disadvantages are the new or increased costs for environmental laboratories to become certified and to maintain that certification.

Agency

Advantages. There are a number of advantages for the agency. First, the Division of Consolidated Laboratory Services (DCLS) will manage a program that will enhance the overall environmental quality programs of the Commonwealth. The program should enable DEQ to accurately assess the quality of the data produced by environmental laboratories and, in turn, the quality of the air, water and terrain in the Commonwealth. Second, the program allows DCLS to provide an additional service to DEQ. Third, DEQ and DCLS will both benefit from increased communication regarding these environmental programs. Fourth, DCLS will become one of a growing number of states which accredit environmental laboratories under a set of national standards.

Disadvantages. DCLS must undergo review by the National Environmental Laboratory Accreditation Conference (NELAC) to become the primary accrediting authority for NELAC standards in Virginia. Because DCLS provides laboratory services for DEQ, DCLS must also undergo a separate review by NELAC to be accredited under the standards incorporated into its own regulation. These reviews will take time and effort, and therefore will be a cost to the agency. This cost is not included in the proposed fees.

Other matters - Memorandum of Understanding between DCLS and DEQ

For two reasons, DCLS believed early in the development of the program regulations that a memorandum of understanding (MOU) between DCLS and DEQ would be a critical element of the program. First, the purpose of the program is to certify laboratories that provide data to DEQ. Second, DEQ already audits laboratories under the water permit (VPDES) program. The two agencies needed to resolve this conflict of responsibilities. In addition, laboratories affected by both the VPDES and the new certification program had concerns about the potential duplication of review by the two agencies.

DCLS and DEQ discussed and developed an MOU in meetings during late February and March 2000. Representatives of both agencies signed the MOU in August 2000. The MOU addresses communication and coordination between the two agencies and the conflict of responsibilities mentioned earlier. The two agencies will form a workgroup to communicate on program implementation, certification and data issues. The MOU provides that DCLS will assume DEQ responsibilities for laboratory auditing under the VPDES program. This will be done after an interim transition period during which staff from the two agencies will work together. The certification program will be established at the beginning of the 25th month following the effective date of the regulation. Prior to this time, DEQ will be responsible for laboratory audits

under the VPDES program. After the program is established, DCLS will be responsible for laboratory audits under the VPDES program. These audits will be a part of the certification program's review process. During the interim period, DEQ auditors will train DCLS auditors in all aspects of the requirements under VPDES. The certification program regulation, as proposed, does not include field testing; lab audits under VPDES cover field testing. To avoid duplication of tasks by the two agencies, DCLS will take over the audit of field testing at large minor and major sources.

Other matters – Request for Public Comment on Proposed Regulatory Language Drafted as a Result of 2003 Legislative Changes to § 2.2-1105

The 2003 General Assembly passed and the Governor signed into law changes to § 2.2-1105, the environmental laboratory certification program statute. Senate Bill 1275 added Subsection F to the statute. Subsection F allows environmental laboratories to apply for variances from the regulations.

The agency is proposing regulatory language to meet the requirements of subsection F. The proposal includes additional provisions for both Chapters 45 and 46. The proposed regulatory language can be found in the proposed regulations at 1 VAC 30-45-140 and at 1 VAC 30-46-160. The agency requests comments on the substance and language of these proposed provisions.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The General Assembly mandates in § 2.2-1105 of the Code of Virginia that the Division Consolidated Laboratory Services (DCLS) establish a program for the certification of laboratories conducting tests, analyses, measurements, or monitoring required by the State Air Pollution Control Board, the Virginia Waste Management Act, and the State Water Control Law. For laboratories located in jurisdictions outside Virginia, the Code of Virginia requires that DCLS develop procedures for determining the qualifications of these laboratories to perform tests, analyses, measurements, or monitoring required under the Virginia's air, waste, and water laws. Once the certification program is established, the law mandates that all laboratories be certified before being allowed to submit data under the state's environmental laws. Laboratories falsifying data or providing false information to support certification are to be decertified or denied certification. Section 2.2-1105 of the Code of

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Virginia also authorizes DCLS to set up a fee system to offset the costs of running the certification program.

In order to fulfill the mandate of § 2.2-1105 of the Code of Virginia, DCLS has proposed two regulations: (1) Chapter 46 applies to commercial environmental laboratories. The regulation incorporates the 2002 National Environmental Laboratory Accreditation Conference (NELAC) standards as the minimum standards of operation for commercial environmental laboratories. It establishes DCLS as the primary accrediting authority and requires that DCLS be recognized by NELAC as the primary accrediting authority in Virginia within one year of the effective date of the regulation. Chapter 46 also lays out the general requirements of the accreditation program for commercial laboratories, including the process by which laboratories can apply and obtain accreditation, the process by which laboratories can change accreditation status, the requirements for the petitioning and granting of variances, and the appeals procedure to be followed in case of denial or withdrawal of accreditation. The regulation establishes the procedure to be followed by laboratories accredited in other states and seeking reciprocal accreditation in Virginia. It also establishes the fees to be charged from commercial laboratories for accreditation (including reciprocal accreditation). (2) Chapter 45 applies to noncommercial environmental laboratories. The regulation establishes minimum standards of operation for noncommercial environmental laboratories that are less stringent than the NELAC standards proposed in Chapter 46. The regulation describes the general requirements of the certification program for noncommercial laboratories, including the process to apply and obtain certification, how to change certification status or scope, the requirements for the petitioning and granting of variances, and the appeals procedure when certification is denied or withdrawn. The regulation allows noncommercial laboratories to apply for and be granted exemptions from the certification program based on compliance and performance. The regulation also establishes fees to be charged from noncommercial laboratories for certification. Fees vary depending on the whether the laboratory performs only simple test procedures or more complex tests and analyses.

The proposed regulations permit all noncommercial environmental laboratories to voluntarily get accreditation under the NELAC standards incorporated in Chapter 46. For example, laboratories that require to be certified under the Safe Drinking Water Act and the National Primary Drinking Water Regulations and under Chapter 45 of the proposed regulations can meet both requirements by getting accredited under the NELAC standards in Chapter 46.

Estimated economic impact. Need for a Certification Program: The purpose of the proposed regulations is to improve the quality of data being reported to the Department of Environmental Quality (DEQ) as part of the air, water, and waste permitting programs. Compliance is dependent in many instances, especially in the case of water permits, on source-reported data and analysis. Currently, Virginia has no minimum requirements and no process for certifying laboratories that conduct tests, analyses, measurements, or monitoring required to determine a facility's compliance with its air, water, and waste permit.

According to DCLS, adequate enforcement of the state's environmental laws has been problematic when source-reported data are the primary means of ensuring compliance. This is especially true in the case of the state water laws where the principal method of determining compliance with a water permit is through data provided by the permittee in Discharge Monitoring Reports (DMR) submitted as part of the permit requirements. The Discharge Monitoring Report-Quality Assurance (DMR-QA) Program run in conjunction with the Environmental Protection Agency (EPA) evaluates the quality of source-reported DMR data. Under the DMR-QA program, performance evaluation samples are sent to laboratories that provide data and analysis included in DMRs submitted by permitted facilities. The samples, usually emulating possible effluent samples from the permitted facility, are analyzed at the laboratories and the results are sent back to EPA for comparison with the actual make up of the samples. The states are evaluated on the permitted facility's (and hence the laboratory's) ability to analyze all parameters correctly and on the overall level of correct analysis. Currently, the DMR-QA program is administered to all major sources and to some minor sources based on DEQ's determination.

Apart from the DMR-QA program, some water permits such as the Virginia Pollutant Discharge Elimination System (VPDES) permits allow for laboratory inspections for both noncommercial (source-run) and commercial environmental laboratories. DEQ's current policy is to conduct laboratory inspections whenever technical inspections are conducted at VPDES permitted facilities. Inspection frequency varies depending on the size of the facility and the potential for harm to the environment. In case of problems at a laboratory, DEQ is authorized to take corrective action against the VPDES permitted facility, but not the laboratory itself.

Despite these checks, a 1997 Joint Legislative Audit and Review Commission (JLARC) report reviewing DEQ's performance found that water quality indicators were mixed about any improvement in the state of Virginia's waters since DEQ's creation in 1993. The U.S. Geological Survey found that while water quality in some specific areas was improving, it was getting worse in others. In fact, the percentage of waterways identified as impaired rose from 3.0% in 1994 to 5.0% in 1996. The DMR-QA program has pointed to problems with the DMR data reported to DEQ. In 1995, only 46% of permitted facilities in Virginia were able to analyze all parameters correctly, the lowest percentage in seven years. Moreover, the overall percentage of correct analysis among permitted facilities in 1995 was also the lowest in seven years at 86%. In a 1993 nationwide comparison, Virginia ranked twenty-second in terms of the percentage of permittees able to analyze all parameters correctly and forty-third in terms of the overall percentage of correct analysis. According to the 1997 JLARC report, there have also been a number of cases of DMR falsification in the past 10 years.

Enforcement of standards for source-reported data and analysis has suffered as budgetary constraints have led to inadequate oversight of the DMR process and a decline in inspections of laboratories providing analysis to environmental permit holders. The cancellation of the mobile laboratory program in 1994 for budgetary reasons has hampered DEQ's ability to test permittees' discharges and enforce the state's

water laws. Prior to 1994, DEQ had mobile laboratories that would travel to VPDES permitted sources and conduct complete environmental site audits of the facilities. By conducting its own analysis of the effluent being discharged, the mobile laboratories served as a check on source-reported DMRs. In cases of deliberate falsification of DMRs, lack of a consistent and effective procedure in detecting falsified DMRs (currently done by DEQ staff through a visual review of the report) and the large time gap between the first alleged falsification and the launch of a criminal investigation have been identified in the 1997 JLARC report as some of the reasons why DEQ's current check for DMR falsification is not adequate. Current budget problems have only further hindered DEQ's ability to detect and investigate cases of DMR falsification. Laboratory inspections, the most potent tool in enforcing quality control standards on source-reported data, have been declining over the past few years. Limited staff and budgetary resources have led to a decline in the frequency of DEQ's inspections of environmental laboratories (commercial and noncommercial) and have been able to do little to stem the overall decline in the quality of source-reported DMR data.

The lack of effective enforcement has been of particular concern in the case of commercial environmental laboratories. Under current policy, if DEQ finds a problem with the data reported by a permitted facility, it can only take action against the permitted facility, not the laboratory that conducted the tests and analysis. In the case of facilities using commercial environmental laboratories to perform tests and analysis, DEQ can only take corrective action against the permitted facility, such as requiring that the facility stop using the laboratory in question for future testing and analysis. Thus, a commercial laboratory that serves multiple clients remains free to serve the rest of its clients despite producing substandard results in at least one instance. If DEQ had sufficient resources to conduct inspections and verify the accuracy of data being reported by all permitted facilities in Virginia, it would be able to identify and prevent permittees from using unqualified commercial laboratories. However, budget constraints limit the extent to which DEQ can audit and verify the accuracy of data reported by permitted facilities and hence the extent to which DEQ can evaluate the performance of commercial environmental laboratories.

The lack of effectiveness in enforcing environmental laws, especially state water laws, led the 1997 JLARC report to conclude that a state certification program for environmental laboratories would provide DEQ with more direct control over analytical activity and data used to enforce state environmental laws, provide greater assurance that the reported data is accurate and representative of the discharge, ensure minimum standards of quality, and allow for improved control over factors influencing the quality of the environment. The JLARC report recommended that the cost of running the certification program be met by fees paid by laboratories seeking certification.

Establishing a state environmental laboratory certification program has a number of economic advantages. First, to the extent that it improves the quality of data being reported and leads to more effective enforcement of environmental laws, it will ensure that potentially harmful activities are conducted in a manner that is protective of public health and the

environment. As the 1997 JLARC report demonstrated, the current enforcement policy (limited by the lack of budgetary resources) is inadequate for ensuring minimum standards for source-reported data. A certification program is likely to be more effective in ensuring that source-reported data are more accurate and reliable. Second, transferring some or all of the cost of ensuring compliance with environmental laws from DEQ (and hence the taxpayer) to the environmental laboratories themselves or to the permitted facilities using the environmental laboratories for the purpose of analysis will lead to a more efficient allocation of resources. Currently, DEQ bears the cost of conducting inspections and verifying the accuracy of the data being reported. Cost of certification can be viewed as part of the cost of ensuring the safe operation of facilities discharging pollutants into the environment. In this case, the cost of certification is the cost to DEQ of ensuring that laboratories conducting tests, analyses, measurements, or monitoring required by air, water, and waste permits are doing so in accordance with certain minimum standards that are protective of public health and of the air, water, and soil quality in Virginia. If, as under current policy, the cost is being paid by taxpayers, environmental laboratories and facilities that use their services are not paying costs commensurate with the risk posed to the environment from their activities. This could potentially result in the overuse of environmental resources. For example, the lower costs may result in more facilities and larger amounts of pollutants being discharged into the environment than if costs were higher and better reflected the actual cost of ensuring that the quality of data being provided by environmental laboratories and facilities that use their services meets certain standards.

Description of the proposed regulation: In establishing a certification program for environmental laboratories, DCLS has chosen to distinguish between laboratories on the basis of whether they are classified as commercial or noncommercial. Commercial laboratories are defined as laboratories that perform environmental analysis for an outside person or entity. Noncommercial environmental laboratories include laboratories that perform environmental analysis solely for the owner of the laboratory and certain types of laboratories that perform environmental analysis for an outside person or entity. For example, an environmental laboratory owned by Publicly Owned Treatment Works (POTW) that performs analysis for an industrial source of wastewater under a permit issued by the POTW is considered a noncommercial environmental laboratory even though it performs analysis for an entity other than itself.

Commercial environmental laboratories are required to follow procedures and meet minimum standards established under the nationally recognized NELAC accreditation program as specified in Chapter 46. For environmental laboratories accredited under NELAC in another state, Chapter 46 also establishes requirements for seeking and receiving reciprocal accreditation. Noncommercial environmental laboratories are required to follow procedures and meet minimum standards established under a state-run certification program as specified in Chapter 45. Noncommercial laboratories can also choose to get accredited under Chapter 46. Both Chapters 45 and 46 are divided into two parts: Part I contains provisions pertaining to the administration of the program and Part II contains provisions pertaining to quality assurance and quality

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control standards such as those dealing with personnel qualifications, on-site assessments, proficiency testing, and quality systems.

The proposed regulations impose less stringent requirements and standards on noncommercial environmental laboratories than on commercial environmental laboratories. For example: (a) In Part I of Chapter 45, noncommercial environmental laboratories are allowed to apply for and may be granted a partial or full exemption from the requirements of Chapter 45 for a period of up to two years if they have met all certification requirements for the prior four consecutive years. This provision is in accordance with § 2.2-1105 of the Code of Virginia that requires any proposed environmental laboratory certification program include provisions for granting partial or full exemptions from the requirements of the program to laboratories based on compliance and performance. Under the proposed regulations, DCLS makes the determination regarding the granting of exemptions based on the laboratory's previous performance and compliance record. However, there are no such similar provisions for commercial environmental laboratories under Chapter 46. All commercial environmental laboratories are required to get accredited every two years. (b) In Part I of Chapter 45, noncommercial environmental laboratories are required to retain records associated with certification parameters for a minimum of three years. The recordkeeping and retention requirement for commercial environmental laboratories is five years under Chapter 46.

There also exist significant differences in the minimum performance standards to be met under Part II of Chapter 45 and Part II of Chapter 46. While the on-site assessment and proficiency testing requirements are not significantly different for commercial and noncommercial environmental laboratories, differences arise in the personnel and quality system requirements. (a) Under NELAC standards adopted in Chapter 46, a laboratory manager/technical director is required to meet certain specific educational requirements depending on the type of testing conducted at the laboratory. For instance, NELAC standards require that a laboratory manager/technical director of a laboratory engaged in microbiological analysis limited to fecal coliform, total coliform, and standard plate count (defined as simple test procedures in these regulations) have an associate's degree in an appropriate field of science or applied science with a minimum of four college semester credit hours in general microbiology. NELAC standards provide for exceptions from the educational requirements in just two cases: for laboratories at drinking water or sewage treatment facilities analyzing samples taken within that facility and for laboratories at industrial waste treatment facilities analyzing samples taken within that facility. In the case of noncommercial laboratories, Chapter 45 establishes no minimum education requirement for laboratory managers/technical directors. In fact, for laboratories performing only simple test procedures, an individual is not required to have any specific educational qualifications or experience in order to be appointed the laboratory manager/technical director. (b) Differences also exist in the quality system requirements for commercial and noncommercial environmental laboratories. In establishing procedures and requirements for noncommercial laboratories, Chapter 45 appropriately does not incorporate certain parts of the NELAC standards that pertain to commercial laboratory

work. For example, Chapter 45 does not include a provision under NELAC that specifies the procedure for the review of requests, tenders, and contracts. However, even with respect to NELAC provisions that apply to both commercial and noncommercial laboratories, Chapter 45 establishes less specific requirements than those required under NELAC standards. For instance, both Chapter 45 and Chapter 46 establish essential quality control requirements such as positive and negative test controls, test variability/reproducibility, method evaluation, and data reduction. However, NELAC standards specify the methods by which these quality control requirements are to be met for each type of testing. For example, NELAC standards define the various methods for positive and negative test controls for the chemical testing, toxicity testing, microbiology testing, radiochemical testing, air testing, and asbestos testing. On the other hand, Chapter 45 lays out the general principles of quality control and requires that the laboratories create and maintain detailed written protocols to monitor essential quality control requirements.

Commercial laboratories are also required to pay higher fees in order to get accredited. Because commercial laboratories are required to meet more stringent standards, DCLS expects that accrediting a laboratory under NELAC will take up more resources than certifying a laboratory under the state program. Commercial environmental laboratories are required to pay a base fee of \$2,100 and test category fees depending on the number and type of tests being performed (test category fees range from \$300 to \$900 per test category), up to a maximum of \$4,200, for a two-year accreditation. Noncommercial environmental laboratories are divided into two categories: general environmental laboratories and laboratories that only perform simple test procedures. General environmental laboratories are required to pay a base fee of \$1,700 and the relevant test category fees, up to a maximum of \$3,800, for a two-year certification. Laboratories performing simple tests are required to pay a base fee of \$100 and the relevant test category fees, up to a maximum of \$400, for a two-year certification. According to DCLS, the higher fees paid by commercial environmental laboratories reflect the fact that it takes more time and resources to review applications for accreditation.

Apart from fees for certification/accreditation, the regulations also establish fees for commercial laboratories seeking reciprocal accreditation in Virginia. Section 2.2-1105 of the Code of Virginia mandates that laboratories located outside of Virginia that are certified or accredited under a program determined by DCLS to be equivalent to the environmental laboratory certification program in Virginia should be deemed to meet the certification requirements. The proposed regulation allows DCLS to grant reciprocal accreditation to an out-of-state environmental laboratory holding a current accreditation from another state. The fees charged to laboratories seeking reciprocal accreditation is the same as that charged to all other laboratories applying under Chapter 46 even though DCLS faces minimal accreditation costs.

The regulations propose to charge a fee from noncommercial environmental laboratories applying for an exemption under Chapter 45. Noncommercial environmental laboratories performing only simple test procedures are required to pay a

\$100 application fee. Noncommercial general environmental laboratories are required to pay a \$250 application fee. If the exemption is granted, noncommercial environmental laboratories are required to pay up to \$1,000 more depending on the scope of the exemption. The regulation also allows DCLS to charge fees for all environmental laboratories changing or transferring ownership.

Economic impact: The distinction being made between commercial and noncommercial environmental laboratories in the proposed regulations does not have a rational basis in either economics or policy. First, the difference between laboratories classified as commercial environmental laboratories and those classified as noncommercial environmental laboratories is not based on characteristics that are relevant to the maintenance of minimum quality standards for certain classes of laboratory procedures. While some laboratories performing tests and analyses for outside sources are classified as commercial, others are classified as noncommercial. A commercial environmental laboratory, as defined in these regulations, includes laboratories of various sizes, conducting tests of varying degrees of complexity, and analyzing samples from a number of different sources. The definition of a noncommercial environmental laboratory also includes laboratories of various sizes, conducting tests of varying degrees of complexity, and analyzing samples from a number of different sources. The only difference is that while the former is run as an independent profit-making operation, the latter does not operate solely on a profits basis. Second, the potential environmental consequences of inaccurate testing and analysis are the same whether a test is conducted at a commercial laboratory or at a noncommercial laboratory. There is not data to indicate that tests and analysis conducted at a commercial laboratory are done any better or worse than if the same tests and analyses were conducted at a noncommercial environmental laboratory.

However, under the proposed regulations, environmental laboratories conducting the same tests and analysis would need to meet different standards based on whether they are classified as commercial or noncommercial. Commercial environmental laboratories are also required to pay higher fees for accreditation than those paid by noncommercial environmental laboratories seeking certification to conduct similar tests. Other differences between Chapter 45 and 46, such as the provision allowing exemptions to be granted to noncommercial laboratories under Chapter 45, also do not appear to have any economic basis and would make it harder for commercial laboratories to operate and compete with noncommercial laboratories in Virginia.

Establishing different standards and requirements for environmental laboratories based on whether they are classified as commercial or noncommercial is likely to have a negative net economic impact. If the standards established in Chapter 45 are deemed adequate to produce data of a certain level of accuracy and reliability at all noncommercial laboratories, they should be adequate to enforce data quality standards at commercial laboratories conducting similar tests. Requiring commercial laboratories to meet higher standards is likely to increase the cost of operation for commercial environmental laboratories relative to noncommercial environmental laboratories while providing no significant

additional protection to the environment or to public health. Higher costs are likely to translate into higher fees charged by commercial environmental laboratories for their services. This, in turn, would increase costs for permitted facilities using outside laboratories for testing and analysis compared to facilities with in-house laboratories. If, on the other hand, for a certain class of tests standards and requirements established in Chapter 46 are deemed necessary to ensure adequate protection of the environment and public health, noncommercial laboratories should be required to meet these standards for that class of tests. Requiring noncommercial laboratories to meet less stringent standards could result in substandard testing and analysis, leading to an increased risk to public health and increased degradation of the environment. Thus, the proposed regulations are likely to have a negative net economic impact either by unnecessarily increasing the cost of operation of commercial environmental laboratories in Virginia or by increasing the cost to public health and the environment by applying inadequate standards to noncommercial laboratories.

To avoid this negative economic impact, the regulations should be designed such that they establish similar standards and requirements for environmental laboratories conducting similar tests. The fees charged for accreditation/certification should also be consistent across laboratories conducting similar tests. The standards should be designed such that they provide a level of accuracy, reliability, and consistency deemed necessary to produce environmental data of a certain quality, regardless whether the tests are conducted at a commercial laboratory or at a noncommercial laboratory. If DCLS believes that less stringent standards are appropriate for laboratories conducting certain simple tests where nonperformance or sub-par performance does not pose as much of a public health or environmental hazard, the regulation could be written such that less stringent standards apply to these laboratories. However, the less stringent standards should apply to all such laboratories regardless of whether they are classified as commercial or noncommercial. NELAC accreditation is always available as a voluntary option for those environmental laboratories that, while not required to meet NELAC standards, may find it in their interest to do so.

The fees being proposed for reciprocal accreditation for commercial environmental laboratories accredited under NELAC in another state do not have an economic basis and are not representative of the actual costs incurred by the agency in reviewing and granting reciprocal accreditation. The proposed regulation states that DCLS will not require a NELAC-accredited environmental laboratory that seeks reciprocal accreditation in Virginia to meet any additional proficiency testing, quality assurance, or on-site assessment requirements for fields of accreditation for which the laboratory holds primary NELAC accreditation. For example, if an out-of-state environmental laboratory applies for reciprocal accreditation in the same fields for which it already holds NELAC accreditation, the costs incurred by DCLS in reviewing and granting accreditation will be much lower than the review process for a non-NELAC-accredited laboratory applying for accreditation. However, a laboratory applying for reciprocal accreditation is required to the same fees as any other commercial environmental laboratory applying for accreditation under Chapter 46.

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The proposed fee for reciprocal accreditation is likely to have a negative economic impact by discouraging the entry and operation of out-of-state laboratories in Virginia. The purpose of the accreditation fees is to defray the cost incurred by DCLS in ensuring a desired level of accuracy and reliability in data produced by environmental laboratories. Charging out-of-state laboratories fees higher than the actual cost incurred by DCLS in accrediting these laboratories will lead to fewer out-of-state laboratories operating in Virginia than if fees were lower and reflected the actual cost of reciprocal accreditation. By restricting competition from outside, the proposed regulation is likely to result in higher costs of services provided by environmental laboratories in Virginia.

A more appropriate fee structure would be one that covers DCLS's cost of reviewing and granting accreditation but does not exceed the maximum fees charged for accrediting other environmental laboratories applying under Chapter 46. In response to DCLS concerns that lower fees for reciprocal accreditation might put in-state laboratories at a disadvantage with respect to out-of-state laboratories, the regulations could set lower fees for laboratories accredited in states that charge similarly discounted fees for reciprocal accreditation. For example, a laboratory accredited under NELAC in another state would pay fees that cover the agency's actual cost of reviewing and granting reciprocal accreditation as long as laboratories accredited in Virginia pay similar fees when seeking reciprocal accreditation in that state. For states not having similar provisions regarding reciprocal accreditation, environmental laboratories accredited in those states would have to pay the regular fees charged under Chapter 46. Apart from encouraging competition from out-of-state laboratories and potentially lowering the price of these services in Virginia, reciprocal accreditation fees established along these lines will have the additional benefit of providing Virginia laboratories the opportunity to expand their business in to other states by making it cheaper to get accredited and operate in those states. This provision has the attractive property that it will only become effective if other states reciprocate, otherwise it does not. If other states do reciprocate then there could be a significant net benefit to both consumers and environmental laboratories based in Virginia. DCLS should be encouraged to contact other states to persuade them to join a reciprocal fee regime. States such as California and New York have incorporated provisions into their environmental laboratory accreditation program that allow for fee reciprocity.

The exemption fees being proposed for laboratories applying and receiving an exemption under Chapter 45 could have negative economic consequences. All noncommercial environmental laboratories applying for exemptions are required to pay an application fee, \$100 for laboratories performing only simple test procedures and \$250 for noncommercial general environmental laboratories. Upon the exemption being granted, additional fees of up to \$1,000 will be charged depending on the scope of the exemption. However, the fee structure being proposed is such that applying for an exemption would be worthwhile for larger noncommercial environmental laboratories (defined as general environmental laboratories) and some noncommercial laboratories conducting simple tests. All noncommercial environmental laboratories are required to pay a fee to obtain certification for a two-year period (general laboratories pay a

\$1,700 base fee and relevant test category fees, up to a maximum of \$3,800 and simple test laboratories pay a \$100 base fee and relevant test category fees, up to a maximum of \$400). Only those laboratories that would pay less for an exemption than they would pay for certification would choose to apply for an exemption. Given the current fee structure, all general laboratories would prefer to pay the \$1,250 maximum for an exemption than the \$1,700 base fee and the relevant test category fees in order to get certified. Simple test laboratories will find it worthwhile to apply for an exemption only if the total fees (the \$100 application fee and additional fees of up to \$1,000) are less than the \$100 base fee and the relevant test category fees they would pay for certification.

DCLS has not provided any rationale for the proposed fees for the application and granting of exemptions, especially the exemption fees for noncommercial environmental laboratories conducting simple tests. The fees appear to be inconsistent insofar that it implies that it would cost less, under some circumstances, to review and grant certification to certain simple test laboratories than it would to review and grant them exemptions. If, as appears to be the case, the exemption fees are not an accurate reflection of DCLS resources required to review and grant exemptions, the proposed regulation, by encouraging only general laboratories and some simple test laboratories to apply for and receive exemptions, may significantly increase the risk to public health and the environment. General laboratories are more likely to conduct complex tests where nonperformance or sub-par performance poses a serious public health or environmental threat than simple test laboratories. Thus, one could argue that these laboratories are more likely to require monitoring than laboratories conducting simple tests, and should be granted exemptions on a less frequent basis.

Chapters 45 and 46 allow DCLS to charge fees in the case of a transfer of ownership of a commercial or a noncommercial environmental laboratory. The transfer fee is set at a minimum of \$100 and a maximum of \$1,000. However, the regulations are unclear about when transfer fees will apply, stating only that when the legal status or ownership of a certified laboratory changes without affecting its personnel, equipment, and facilities DCLS is allowed to charge a transfer fee.

The regulations need to clarify the circumstances under which fees will be assessed for a transfer or change in ownership of an environmental laboratory. The lack of clarity is especially problematic in the case of laboratories owned by corporations and partnerships. The regulations do not address the issue of whether a fee would be charged if a partner in a partnership that owned an environmental laboratory transferred her/his stake or if the controlling stake in a publicly owned corporation that owned an environmental laboratory changed hands.

The proposed regulations establish standards and requirements that, if adhered to, would ensure that data being submitted under Virginia's air, water, and waste laws are of a certain quality. The enforcement of these standards is carried out through on-site assessments conducted during certification or renewal of certification, quality system requirements such as document control and the handling of samples that are required for certification, and proficiency tests administered twice a year. Under current policy,

budgetary resources permitting, DEQ conducts complete site audits of environmental laboratories in order to detect instances of fraud. The effectiveness of current policy compared to the policy being proposed in these regulations in detecting cases of fraud is not clear. It is quite possible that the proposed regulations do not provide for as thorough a process for detecting data falsifications as the site audits conducted by DEQ. However, the number of such audits that DEQ conducts is severely limited by budgetary constraints. It remains to be seen if the proposed regulations are more or less effective than current policy in detecting and preventing cases of data falsification and misreporting.

DCLS Rationale:

The following were given by DCLS as a rationale for keeping the regulations in their current form:

a. According to DCLS, separate standards for commercial and noncommercial environmental laboratories are necessary as most noncommercial laboratories conduct relatively simple test procedures that do not pose a significant threat to public health and the environment. Such laboratories do not need to meet all NELAC standards in order to produce accurate and reliable test results. Thus, the distinction between commercial and noncommercial environmental laboratories is intended to act as a proxy for distinguishing between laboratories that are small and conduct simple tests and those that are larger and conduct more complex tests and analyses. However, an unintended consequence of this distinction is that it penalizes commercial environmental laboratories that perform simple test procedures. Such laboratories would be at a significant economic disadvantage (in terms of standards that they need to meet and the fees they need to pay) compared to noncommercial environmental laboratories conducting the same tests. Thus, even though there are currently few, if any, commercial environmental laboratories that conduct only simple tests, these regulations are likely to inhibit the establishment and operation of such laboratories. Moreover, if Chapter 46 standards are considered necessary to meet accuracy and reliability standards at laboratories conducting complex tests and analyses, they should apply to all such environmental laboratories regardless of whether they are commercial or noncommercial. Requiring all large noncommercial laboratories to be certified under Chapter 45 rather than Chapter 46 could result in substandard test performance and analyses at these facilities.

b. DCLS also believes that the distinction between commercial and noncommercial environmental laboratories is appropriate as each operate under different incentives. According to DCLS, "commercial environmental laboratories have no direct personal interest in ensuring that a client's permit requirements are met" and "nonperformance or poor performance on the part of these laboratories does not immediately or directly affect them." "Their only incentive is economic." On the other hand, "noncommercial environmental laboratories have a different incentive for ensuring that permit requirements are met." as "they are part of the entity that holds the permit". DPB believes this to be an erroneous assumption. Nonperformance or poor performance by commercial environmental laboratories will

have a direct and substantial impact on these laboratories. Such laboratories would lose business as clients' permits are withdrawn or they choose to get their tests done at another facility. On the other hand, noncommercial environmental laboratories will not necessarily produce more reliable results just because they are part of the permitted facility. In fact, one might even argue that the economic incentives of commercial laboratories would be a more powerful inducement to maintain high standards of performance than the incentives of noncommercial environmental laboratories. Commercial environmental laboratories serve multiple clients and loss of any clients through poor performance would hurt their business, not just directly through the loss of those clients, but also indirectly by damaging their overall business prospects (in terms of retaining the remaining clients and attracting new clients). As it is not possible to determine which set of incentives is likely to result in more accurate results, distinguishing between commercial and noncommercial environmental laboratories based on this argument is not appropriate.

c. DCLS contends that the potential for harm to the environment from the activities of commercial environmental laboratories is higher than that from noncommercial environmental laboratories. As commercial laboratories serve many clients, non-performance or poor performance may affect samples from many clients and may result in severe environmental consequences over a wide geographic area. On the other hand, while samples analyzed by noncommercial environmental laboratories may be as diverse as the samples analyzed by commercial environmental laboratories, the former is not performing the analyses for multiple clients. Non-performance or poor performance on the part of these laboratories has a local impact, and the environmental consequences are limited.

This is not an adequate basis for applying different standards to commercial and noncommercial environmental laboratories. Standard should be established to ensure a sufficient level of accuracy and reliability each time a test is conducted. It should not vary with the number of times the test is conducted or the number of different clients for whom it is conducted. Moreover, noncommercial environmental laboratories, as defined in these regulations, also include laboratories serving multiple sources. For example, an environmental laboratory owned by an authority or sanitation district that performs analysis for participating local governments is classified as noncommercial as long as the analysis pertains to the purpose for which the authority or sanitation district was established. If NELAC standards are considered appropriate for laboratories serving multiple clients, they should also be applied to noncommercial laboratories analyzing samples from a variety of sources.

d. DCLS also refers to the 1997 JLARC report in justifying the difference in standards applied to commercial and noncommercial environmental laboratories, saying

"JLARC noted the special need to certify commercial environmental laboratories [see TH-02, 9/20/02, page 4]. The JLARC report stated that one of the problems faced by

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DEQ was the agency's lack of authority over commercial environmental laboratories. DEQ can hold permittees responsible whose in-house laboratories are not performing to standard. DEQ cannot require commercial environmental laboratories to improve their performance or accuracy. They can only ask the permittees not to use the commercial laboratories that perform poorly or inaccurately."

As mentioned previously, the 1997 JLARC report identifies DEQ's inability to ban permittees from using certain unqualified laboratories as a flaw in current enforcement of accuracy and reliability standards for source-reported data. While the report suggests that a certification/accreditation program for environmental laboratories would allow DEQ to better enforce these standards, it does not suggest separate standards for commercial and noncommercial environmental laboratories. The report states,

"The General Assembly could require that a laboratory certification program be designed to meet program costs and ensure a higher level of accuracy among laboratories doing business in Virginia. Interviews with laboratories and DEQ staff have indicated that a national certification program could be developed in the future. If such a program is developed, and would meet the needs identified for Virginia, the General Assembly may wish to require inclusion in the national program instead of implementing a separate state certification program".

A certification/accreditation program designed in a different way (such as having the same set of standards for all laboratories or having different standards based on the types of tests they conduct) would allow DEQ to adequately enforce standards for source-reported data and address the deficiencies in the current enforcement policy mentioned in the 1997 JLARC report.

e. According to DCLS and the 1997 JLARC report, some commercial environmental laboratories have indicated that they would prefer NELAC accreditation to certification under a state program as it could be used as a marketing tool to attract clients within Virginia and allow them to seek reciprocal accreditation and operate in other states with a NELAC accrediting program. However, the proposed regulations make NELAC accreditation mandatory for all commercial environmental laboratories. If NELAC standards are considered essential for the accuracy and reliability of tests performed at commercial laboratories, it should be applied to all noncommercial environmental laboratories performing similar tests. If NELAC standards are not considered essential, laboratories should be required to meet only those standards considered essential by DCLS and NELAC accreditation should be made voluntary. This would allow commercial laboratories that want NELAC accreditation to get it, while allowing the rest to operate under the state certification program.

f. Industrial and municipal laboratories that send samples for analysis to commercial environmental laboratories, represented on the ad hoc committee set up to advise DCLS of the proposed regulations, indicated that they wanted commercial laboratories to meet NELAC standards even if they themselves did not meet those standards. According to DCLS, this was yet another consideration in

establishing separate standards for commercial and noncommercial environmental laboratories. Allowing laboratories (commercial or noncommercial) to be voluntarily accredited under NELAC standards would address this issue. Industrial and municipal facilities concerned about the quality of commercial environmental laboratories could choose to patronize only NELAC accredited laboratories. Others could choose to send their samples for analysis to laboratories that are certified under the state program.

g. Regarding the fees for reciprocal accreditation, DCLS believes that charging lower fees to laboratories accredited in states providing similar reciprocity in fees would put in-state laboratories at a disadvantage compared to out-of-state laboratories. However, as suggested above, lower reciprocal accreditation fees would encourage competition and lower the price of environmental laboratory services in Virginia and provide Virginia laboratories with an opportunity to expand their business to other states.

Comparison to other states: There are state agencies in 11 states that are currently qualified to be NELAC accrediting authorities. The participation of these states in NELAC varies from state to state. Different states adopt NELAC standards for different areas of testing. For example, New York and New Jersey require all environmental laboratories submitting data under the state's environmental programs to be NELAC accredited. On the other hand, California has adopted NELAC standards for environmental laboratories providing data under the state's food, drinking water, wastewater, shellfish, and hazardous waste programs and Pennsylvania has adopted NELAC standards only for laboratories submitting data under the state's drinking water regulations. States also differ in the whether NELAC standards are mandatory or voluntary. While some states such as Florida require all environmental laboratories submitting data under the state's environmental laws to be NELAC- accredited, most states do not require environmental laboratories to be accredited under NELAC. They provide laboratories with the option of getting certified under a state-run program or getting accredited under NELAC. However, none of these 11 states require commercial laboratories to meet NELAC standards and noncommercial laboratories to meet the state standards. Fees charged usually include a certain base fee and additional fees depending on the number of fields of testing for which the laboratory is getting accredited regardless of whether the laboratory does analysis for itself or for outside sources. Some states have only a state-run certification program and do not offer NELAC accreditation. While a few of these states, such as Wisconsin and North Carolina, do distinguish between types of environmental laboratories in terms of the fees charged, most make no such distinction.

The regulated community: Conversations with the regulated community have reinforced perceptions about the flaws in the proposed regulations identified above. The Laboratory Association of Virginia (representing the interests of commercial environmental laboratories) believes there is no basis for establishing separate standards and requirements for commercial and noncommercial laboratories. Moreover, they voiced concerns about the proposed accreditation fee structure, saying that it would put undue burden on smaller

environmental laboratories. The Virginia Manufacturers Association (representing the interests of environmental laboratories owned by industrial sources of pollution) believes that the regulations impose unduly high standards on small laboratories. They believe that the standards proposed under Chapter 45 are more stringent than required for laboratories conducting simple tests where failure or sub-par performance is not likely to have a significant impact on public health and the environment. They believed that regulations establishing standards appropriate to the tests conducted at these smaller laboratories would be more appropriate.

Conclusion: While there is a compelling case for a certification program for environmental laboratories, the current regulations have serious flaws.

First, the distinction between commercial and noncommercial environmental laboratories in the proposed regulations is likely to have a significant negative economic impact. It is likely to either increase the cost operating a commercial environmental laboratory in Virginia by requiring them to meet minimum standards that are too stringent or increase the cost to public health and the environment by establishing minimum standards for noncommercial environmental laboratories that are not stringent enough. Second, the proposed reciprocal accreditation fees are likely to have a negative economic impact. They are likely to discourage competition from out-of-state laboratories and lead to higher prices for services of commercial environmental laboratories than would have been the case if fees reflected the actual cost incurred by DCLS in reviewing and granting reciprocal accreditation. Third, to the extent that the exemption fees encourage the laboratories conducting more complex and environmentally sensitive tests to apply and receive exemptions, the regulations could increase the risk to public health and the environment than if exemptions were reserved for laboratories conducting less environmentally sensitive tests. Fourth, the regulations' lack of clarity regarding when fees are to be charged for a transfer of ownership is likely to have a small negative economic impact by increasing the uncertainty faced by environmental laboratories when applying for an exemption or transferring ownership. Fifth, it is not clear that the proposed regulations will prove more effective than current policy in detecting and preventing cases of data falsification and misreporting.

In general, these regulations do not appear to be rationally designed to meet the stated objective of protecting public health and safety.

Businesses and entities affected. The proposed regulations affect approximately 915 noncommercial environmental laboratories (250 are classified as simple test laboratories and 665 are classified as general environmental laboratories) and 60 commercial environmental laboratories operating in Virginia. Approximately 40 of the 60 commercial environmental laboratories operate solely in Virginia whereas approximately 20 also operate in states other than Virginia.

The proposed regulations are likely to increase the cost of operation for commercial and noncommercial environmental laboratories in Virginia. Environmental laboratories are now required to meet certain minimum standards and requirements in order to be certified to operate in the state. However, the additional costs have to be weighed against the benefit to

public health and the environment in Virginia from requiring environmental laboratories to meet certain minimum standards for data reported as part of Virginia's air, water, and waste laws. The proposed regulations impose a higher cost on commercial laboratories than on noncommercial laboratories as the former are required to meet more stringent standards and requirements. The regulations also impose costs on commercial laboratories seeking reciprocal accreditation greater than the cost incurred by DCLS in reviewing and granting reciprocal accreditation. Even though these laboratories are accredited under NELAC in another state, they are still required to pay the same accreditation fee as any laboratory seeking to get accredited for the first time.

The additional costs being imposed on commercial laboratories are likely to raise the cost of services provided by commercial environmental laboratories in Virginia. Moreover, the fees being proposed for laboratories applying for reciprocal accreditation are likely to discourage competition from out-of-state laboratories and push the price of these services even higher. The higher prices would place permittees without in-house laboratories that use commercial laboratories at a disadvantage compared to permittees with in-house laboratory facilities.

Localities particularly affected. The proposed regulations affect all localities in the Commonwealth.

Projected impact on employment. The proposed regulations are likely to have a negative impact on employment in Virginia. To the extent that the higher costs faced by commercial environmental laboratories to operate in Virginia discourages the establishment of such laboratories, the proposed regulations are going to have a negative impact on employment.

Effects on the use and value of private property. The proposed regulations are likely to increase the cost of operation for all environmental laboratories in Virginia. However, the more stringent standards being imposed on commercial environmental laboratories are likely to raise their costs the most. The higher standards coupled with the restriction on competition from out-of-state laboratories is likely to raise the cost of the services provided by commercial environmental laboratories. This, in turn, will raise the cost of operation of permitted facilities using commercial laboratories for tests and analysis compared to permitted facilities with in-house laboratories. Overall, by raising their costs of operation, these regulations lower the asset value of private firms (commercial environmental laboratories and the firms buying their services) engaged in this business.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: January 20, 2004: The Department of Planning and Budget (DPB) completed its Economic Impact Analysis (EIA) on the draft proposed regulations for the certification of noncommercial environmental laboratories and the accreditation of commercial environmental laboratories (1 VAC 30, Chapters 45 and 46) on January 14, 2003. The Division of Consolidated Laboratory Services (DCLS) is providing its response to the EIA in this document.

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Issue 1 - Distinction between commercial and noncommercial laboratories. DPB states in its conclusion that the distinction between commercial and noncommercial environmental laboratories in the proposed regulations is likely to have a significant negative economic impact. It is likely to either increase the cost operating a commercial environmental laboratory in Virginia by requiring them to meet minimum standards that are too stringent or increase the cost to public health and the environment by establishing minimum standards for noncommercial environmental laboratories that are not stringent enough.

DCLS Response to Issue 1

The distinction between commercial and noncommercial environmental laboratories in the proposed regulations should not have a significant negative economic impact. The core standards that both commercial and noncommercial environmental laboratories must meet to be certified are essentially equivalent. The costs to the affected laboratories are spread fairly evenly among those laboratories, and include not just the fees but the costs of meeting the requirements of the proposed regulations.

DCLS intended, at the beginning of this rulemaking, to use one set of standards for all laboratories affected by the program. The National Environmental Laboratory Accreditation Conference (NELAC) standards were being developed by the states, federal government, and others as a national model. DCLS thought these standards were appropriate for Virginia environmental laboratories. DCLS discovered however in the process of working with the government, industrial, and commercial laboratories which will be affected by this rulemaking that using one standard for all laboratories operating in Virginia was not politically defensible. The agency and the affected parties set about deciding how to differentiate between laboratories in order to use the NELAC standards for one group and a standard developed for Virginia laboratories for another group. The discussions tended to center around laboratories that work only for themselves in the corporate sense and those that provide laboratory services for others. This distinction became the foundation for the two regulations proposed by the agency. In the proposed regulations, the laboratories designated as "commercial" are those that perform substantial laboratory services for others. Noncommercial laboratories in some instances may perform such services for others but their work is done in a limited way and in a narrow context, generally within the corporate boundaries of the company or governmental entity of which they are a part. This distinction has merit beyond the political realities discussed here.

The 1997 General Assembly passed the statute requiring the establishment of the environmental laboratory certification program in response to the findings of the Joint Legislative Audit and Review Commission's January 1997 report reviewing the Department of Environmental Quality (DEQ) [JLARC report]. In its discussion of the water quality program, JLARC found that the ability of environmental laboratories audited as part of the Virginia Permit Discharge Elimination System program to accurately analyze samples was seriously diminishing. JLARC noted the special need to certify commercial environmental laboratories. The JLARC report

stated that one of the problems faced by DEQ was the agency's lack of authority over commercial environmental laboratories. DEQ can enforce against permittees whose in-house laboratories are not performing to standard but not against commercial laboratories. DEQ cannot require commercial environmental laboratories to improve their performance or accuracy. DEQ can ask the permittees not to use the commercial laboratories that perform poorly or inaccurately, and can reject any data these laboratories have provided to their clients, if DEQ can make the connection. There is a clear need to require commercial laboratories to meet quality assurance/quality control standards established for the purpose in Virginia. There is also a need to provide information to consumers about which of these laboratories meet those standards and to keep non-performing laboratories from providing environmental data to DEQ.

Commercial environmental laboratories work for multiple clients and perform multiple tasks. They must have a system in place to manage receiving and analyzing samples from many clients in a limited amount of time. Commercial environmental laboratories typically analyze a broad spectrum of substances in various media. Nonperformance or poor performance by a commercial laboratory may affect samples from many clients and may result in severe environmental consequences over a wide geographic area.

Noncommercial environmental laboratories may analyze samples as diverse as the samples a commercial laboratory analyzes. The noncommercial laboratory however does not perform analyses for multiple clients. Nonperformance or poor performance on the part of these laboratories has a local impact, and the environmental consequences are limited geographically.

Commercial environmental laboratories by and large want to be accredited under the NELAC standards. This accreditation enables them to get reciprocal accreditation in states that have NELAC accrediting authority. Getting NELAC accreditation provides the commercial laboratories with opportunities to work elsewhere in the country with a relatively low cost of accreditation. The NELAC standards were developed in part to do away with multiple accreditations across the country. The cost of getting accredited under a system of multiple state programs includes not just the cost of the fees but also the cost of going through the on-site accreditation process and accommodating the variety of approaches to accreditation.

While the distinction between commercial and noncommercial environmental laboratories is real, the tests and analyses the laboratories perform are the same across the spectrum of laboratories. Any laboratory, commercial or noncommercial, should meet the same core quality standards. The core standards that both commercial and noncommercial environmental laboratories must meet under the proposed regulations are essentially the same. The requirements for proficiency testing and on-site certification are the same for both. The requirements for quality systems remain essentially the same with less prescriptive provisions in Chapter 45 in some cases. Chapter 45 provides more flexibility than Chapter 46 in provisions that are less critical for a good quality environmental laboratory. The quality system standards for

noncommercial laboratories do not include requirements that are pertinent only to commercial laboratories such as provisions dealing with the review of requests, tenders and contracts.

The requirements for personnel differ considerably between Chapter 45 for noncommercial environmental laboratories and Chapter 46 for commercial environmental laboratories. The Chapter 45 personnel requirements focus on work experience in the case of general laboratories. The approach taken in Chapter 46 is to rely on education as well as work experience. In the case of the Chapter 45 laboratories that perform only simple test procedures, the proposed regulation provides that these laboratories may designate personnel for the key jobs at the laboratory with no other requirement. The small laboratories expressed significant concern about meeting any higher standard. The agency believes that if the small laboratories meet their proficiency testing and quality systems requirements, the personnel requirements should not matter. If after some experience with the program, the agency finds that this assumption was wrong, changes to the program can be made.

DCLS would characterize the standards for noncommercial environmental laboratories in Chapter 45 as different than those for commercial environmental laboratories in Chapter 46, rather than less stringent. These two sets of standards both provide the same core requirements resulting in sound quality systems structures to be met by all environmental laboratories.

The costs to the affected laboratories are spread fairly evenly among those laboratories, and include not just the fees but the costs of meeting the requirements of the proposed regulations. The approach used to require commercial environmental laboratories to meet the NELAC standards should not increase the cost of having tests done at commercial laboratories. The cost for a commercial laboratory of becoming accredited is not significantly higher than the cost for a noncommercial laboratory.

Commercial environmental laboratories work within a market environment in Virginia and nationally. The prices charged for the same test by various commercial laboratories tend to be within a fairly small range. The ability to serve their clients - to do all the analyses needed for the client - and to provide that service with efficiency is what keeps commercial laboratories in business.

As proposed, fees will be charged as part of the application or renewal for certification or accreditation every two years. Fees are calculated using a base fee and adding test category fees. Laboratories pay no more than a designated maximum fee. For all laboratories, the fees are lower if they do less extensive testing. The fees were based on the cost of the program to DCLS, including the time it would take to review the laboratories.

The base fees charged are derived from the estimated time it will take the agency to review a laboratory's application package. This differs depending on the complexity of the laboratory's operation and the pertinent requirements. The agency has assumed a hierarchy of complexity with the commercial laboratories being the most complex. The test

category fees are the same for noncommercial and commercial laboratories.

The base fee for commercial environmental laboratories is \$400 higher every two years or \$200 annually than the base fee for general noncommercial laboratories. Another way to view this difference is to look at the hours the base fees represent, using \$35 per hour as the labor rate. The base fee for general noncommercial laboratories is equivalent to 49 hours of review time. The base fee for commercial laboratories is equivalent to 60 hours, 11 hours more of review time. A difference of \$200 annually for a commercial laboratory becomes significant only if the commercial laboratory is close to failing for reasons unrelated to the certification program.

The cost of becoming certified or accredited is more than the fees alone. There are other costs. Proficiency tests must be purchased and analyzed twice a year to determine the ability of the lab to accurately perform the tests for which they are certified or accredited. The laboratories must ensure that they have and maintain a system that produces quality at all levels of laboratory operation. Commercial environmental laboratories should already have the ability to meet any set of standards, including the NELAC standards. Many of them already hold national certifications for categories of testing not covered under this program. Their increased costs due to the certification program should be fairly low. Noncommercial laboratories, on the other hand, especially those owned by local governments, will have to spend resources to meet the standards of Chapter 45. Their initial costs may be higher than those of commercial laboratories.

DCLS anticipates that small, noncommercial environmental laboratories performing only simple test procedures are currently less prepared to meet laboratory certification standards. DCLS has limited their fees to allow these laboratories to absorb these other costs of becoming certified. DCLS will assist these small laboratories through educational programs so that they can succeed in meeting the program's goals. Some of the costs of reviewing the application packages for these laboratories have been shifted to the other laboratories covered by the program.

There are two categories of costs that can be estimated, fees and proficiency tests.

Fees consist of a base fee and test category fees. The test category fees range from \$300 to \$900 per category. For fee purposes, there are two categories of noncommercial environmental laboratories under Chapter 45: general environmental laboratories and environmental laboratories that perform only simple test procedures. The table below gives the fee amounts for Chapter 45 and Chapter 46 laboratories.

| Laboratory Category | Base Fee | Maximum Fee | Max. Annual Fee |
|------------------------------|----------|-------------|-----------------|
| <u>Chapter 45 laboratory</u> | | | |
| Simple test procedure | \$100 | \$400 | \$200 |
| General | \$1700 | \$3800 | \$1900 |
| <u>Chapter 46 laboratory</u> | \$2100 | \$4200 | \$2100 |

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Proficiency test samples cost between \$50 and \$310 per sample. Sets of samples can save money. One provider's current price for sets of samples required by the DMR-QA program range from \$185 to \$595 per set. For each laboratory, the cost of each round of proficiency test samples depends on the number of analytes for which the laboratory wants to be certified. Two rounds of proficiencies are required annually. The proficiency tests are sold by private providers approved by national standards bodies. One round of proficiencies is already required under the federal and Virginia water permit regulations. Proficiency tests are available for all media except air.

Examples of estimated annual costs of administrative fees and proficiency test studies follow:

- \$350 for a simple test procedure, noncommercial laboratory (maximum fee annualized)
- \$2075 for an average noncommercial laboratory (estimated annual fee of \$1325)
- \$2381 for a noncommercial laboratory with some metals tests requirements (estimated annual fee of \$1475)
- \$2881 for a commercial laboratory with a limited range of services (estimated annual fee of \$1975)
- \$3506 for a full-service commercial laboratory (maximum fee annualized)

DPB suggests that the provisions of Chapter 45 would be appropriate for all laboratories, including commercial laboratories. Those that want to meet the NELAC standards incorporated into Chapter 46 could voluntarily apply under that chapter. The provisions of Chapter 45, as presently written, are not appropriate for commercial environmental laboratories. The changes needed to be made to make Chapter 45 work for commercial laboratories would be significant.

First, the Chapter 45 personnel requirements, as currently written, are inadequate for commercial laboratories. DCLS could include in Chapter 45 personnel provisions specifically for commercial laboratories or could require commercial laboratories under Chapter 45 to meet the NELAC personnel standards. Laboratories that wish to be accredited under the NELAC standards would still need to meet the NELAC personnel requirements.

Second, the NELAC standards include requirements pertinent to commercial laboratory operation that are not included in the noncommercial laboratory standards in Chapter 45. These requirements would have to be added to Chapter 45 but limited to commercial laboratories.

Third, providing laboratories with the opportunity for exemptions is required by the governing statute but not allowed under the NELAC standards. Section 2.2-1105 of the Code of Virginia requires that the program provide an opportunity for an exemption to applicant laboratories in circumstances determined by the agency during the rulemaking. DCLS would need to determine whether providing an exemption to those commercial laboratories getting certified under Chapter 45 would be appropriate.

Fourth, any change to the proposed regulatory scheme which would remove the distinction between commercial and noncommercial environmental laboratories would require DCLS to revisit the proposed fees to create a system that would fit the new regulatory approach. The fees would still need to pay for the cost of the program. Fees now charged to commercial laboratories would have to be spread among all laboratories. Making the program in Chapter 46 voluntary would mean that DCLS would not have any way to estimate its costs for the laboratories which would opt into Chapter 46. It is unclear what a new system might look like.

Issue 2 - Reciprocal accreditation fees

DPB states in its conclusion that

the proposed reciprocal accreditation fees are likely to have a negative economic impact. They are likely to discourage competition from out-of-state laboratories and lead to higher prices for services of commercial environmental laboratories than would have been the case if fees reflected the actual cost incurred by DCLS in reviewing and granting reciprocal accreditation.

DCLS Response to Issue 2

The proposed reciprocal accreditation fees are unlikely to have a negative economic impact, discourage competition from out-of-state commercial laboratories, or lead to higher prices for commercial laboratory services. The fees charged under the program are only one component of cost for commercial laboratories. Lower fees for out-of-state laboratories will not lower the prices these laboratories charge for their services. DPB's proposal for reciprocal accreditation creates a disadvantage for Virginia commercial environmental laboratories. The proposal would also shift costs for the program to the other applicant laboratories.

The fees charged by DCLS to any commercial environmental laboratory should be the same. The program should not create a bias in favor of out-of-state commercial laboratories and, in effect, against Virginia commercial environmental laboratories. This approach would give a competitive disadvantage to commercial laboratories located within Virginia.

The prices charged by commercial laboratories for their services are based on the marketplace. As stated earlier, the prices charged for the same test by various commercial laboratories tend to be within a fairly small range. The ability to serve their clients - to do all the analyses needed for the client - and to provide that service with efficiency is what keeps commercial laboratories in business. Costs incurred through accreditation affect the commercial laboratory's profit but not its prices. At some point when costs increase, the prices a commercial laboratory charge may go up but only if the market can bear the increase. Otherwise, the laboratory would price itself out of the market.

There is no statutory mandate for the agency to use actual cost in determining fees. The statute requires the agency to "establish a fee system to offset the costs of the certification program." § 2.2-1105 C of the Code of Virginia.

DPB suggests that DCLS pursue a program of lowering fees "for laboratories accredited in states that charge similarly

discounted fees for reciprocal accreditation.” (EIA at page 12) DPB states that “California and New York have incorporated provisions in their environmental laboratory accreditation program that allow for fee reciprocity.” In fact, neither state has such provisions (see Errors of Fact, below). Reciprocal fee accreditation does not, to DCLS’ knowledge, exist in state programs.

Reciprocal fee accreditation would change the fee structure for the program. The costs would be the same but the income could not be estimated accurately. The costs of reviewing laboratories for certification or accreditation must be counted in the costs of the program, even for laboratories applying for reciprocal accreditation. If not, in-state laboratories pay the cost of the program that out-of-state laboratories would otherwise pay, thus raising their fees.

Issue 3 - Effectiveness of regulations in detecting and preventing data falsification and misreporting

DPB states in its conclusion that “it is not clear that the proposed regulations will prove more effective than current policy in detecting and preventing cases of data falsification and misreporting.”

DCLS Response to Issue 3

DCLS agrees with DPB that the detection and prevention of cases of data falsification and misreporting may not be more effective in the case of this new program versus current policy. However, to the extent that the new program covers more laboratories, including the additional air and waste laboratories and the smaller water laboratories that are seldom reviewed by DEQ, it is more likely that these problems will be found. Fraud is difficult to detect. Performing data audits of laboratory work is the best way to detect it.

Under the governing statute, the program’s purpose is to certify or accredit laboratories to quality assurance and quality control standards set out in regulation. The goal of this program is to ensure that those laboratories providing data under Virginia’s air, waste and water laws and regulations are able to perform analyses and testing accurately and consistently. By initiating this program and broadening the scope of review of such laboratories, data falsification and misreporting may be prevented.

Comments from the regulated community

DCLS has worked with the regulated community since April 1998 on the development of these proposed regulations. The structure of the regulations as proposed is based on the discussions with the affected laboratories. They are agreeable to and support the commercial and noncommercial distinction. All the laboratories, large and small, and DCLS have been concerned about the smaller laboratories. Every effort has been made and will be made to lessen their burden.

In the EIA, DPB describes conversations its analyst had with representatives of the Laboratory Association of Virginia and the Virginia Manufacturers Association. The description of the conversation with the representative of the Laboratory Association, according to that representative, does not reflect the conversation he had with the DPB representative. He did say that the conversation was an extended one. See Errors of

Fact below. DCLS did not ask the VMA representative for his reaction to the summary of the discussion he had with DPB.

Significant Errors Of Fact

1. The New York and California Environmental Laboratory Accreditation Programs.

With regard to reciprocity agreements, § 55-2.8 entitled “Reciprocity Agreements” of the New York regulations states the following:

The department may enter into agreements with any other state for the purpose of recognizing, on the basis of reciprocity, laboratory inspections performed or laboratory approvals granted by such other state, provided that the program of the other state is satisfactory to the department. Reciprocal approval may be granted to laboratories located in states with which the department has concluded agreements of reciprocity, provided that candidate laboratories in such other states pay all applicable approval fees and additional costs incurred in the performance of inspections conducted pursuant to this Subpart.

There is no reciprocal fee arrangement set out in the New York regulations.

With regard to California’s program, DPB tells DCLS that the program information available on the website includes information on the reciprocity agreements with states. The website also states that “reciprocity saves considerable resources and still meets the needs of the program.” As discussed above, one of the benefits of reciprocal accreditation is the cost savings to commercial laboratories that wish to operate in several states. However, this information is not indicative of a reciprocal fee agreement that allows discounting between states.

2. Laboratory Association of Virginia (LAVA) comments.

DPB states that the Laboratory Association of Virginia “believes there is no basis for establishing separate standards and requirements for commercial and noncommercial laboratories.” The LAVA representative has told DCLS that this is not a true statement. According to the LAVA representative, he told DPB that the current proposed structure of the regulations should go forward to public comment as is.

Summary:

The proposed regulations establish the certification program required by § 2.2-1105 of the Code of Virginia for environmental laboratories submitting data to the Department of Environmental Quality under the state’s air, water and waste laws. There are two proposed regulations, one for noncommercial environmental laboratories (1 VAC 30-45) and one for commercial environmental laboratories (1 VAC 30-46). Each proposed regulation is organized into two parts. Part I of each regulation contains the provisions pertaining to the administration of the program. This part describes the process that owners or operators of environmental laboratories must use to be certified and to maintain certification under the program. Part II of each regulation contains the quality assurance and quality control

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standards that environmental laboratories must meet to be certified under the program. The standards in Part II of Chapter 45 have been developed for Virginia noncommercial environmental laboratories. The standards in Part II of Chapter 46 are the 2002 National Environmental Laboratory Accreditation Conference standards, which are incorporated by reference into the regulation.

CHAPTER 45.
CERTIFICATION FOR NONCOMMERCIAL
ENVIRONMENTAL LABORATORIES.

PART I.
GENERAL PROVISIONS.

1 VAC 30-45-10. Purpose.

Section 2.2-1105 of the Code of Virginia directs the Division of Consolidated Laboratory Services to establish a program to certify environmental laboratories that perform tests, analyses, measurements or monitoring required by the Commonwealth's air, waste and water laws and regulations. This chapter sets out the required standards and the process by which owners or operators of noncommercial environmental laboratories may obtain certification for their laboratories. 1 VAC 30-46 covers commercial environmental laboratories and NELAC-accredited environmental laboratories located outside Virginia.

1 VAC 30-45-20. Establishment of certification program.

A. Once the certification program has been established, laboratory certification shall be required before any environmental analyses performed by a noncommercial environmental laboratory may be used for the purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law (§ 10.1-1300 et seq., § 10.1-1400 et seq., and § 62.1-44.2 et seq., respectively of the Code of Virginia).

B. The certification program shall be established on the first day of the 25th month following the effective date of this chapter.

1 VAC 30-45-30. Applicability.

A. This chapter applies to any owner or operator of a noncommercial environmental laboratory.

B. Any environmental laboratory owned by an agency of the federal government may be certified as follows:

1. DGS-DCLS to the standards set out in this chapter, or
2. A federal primary accrediting authority to the standards established by the National Environmental Laboratory Accreditation Conference.

1 VAC 30-45-40. Definitions.

"Acceptance criteria" means specified limits placed on characteristics of an item, process, or service defined in requirement documents.

"Accuracy" means the degree of agreement between an observed value and an accepted reference value. Accuracy includes a combination of random error (precision) and systematic error (bias) components that are due to sampling

and analytical operations. Accuracy is an indicator of data quality.

"Aliquot" means something that is contained an exact number of times in another, such as aliquot samples for testing or analysis.

"Analyte" means the substance or physical property to be determined in samples examined.

"Analytical batch" means a batch composed of prepared environmental samples (extracts, digestates or concentrates) that are analyzed together as a group. An analytical batch can include prepared samples originating from various environmental matrices and can exceed 20 samples.

"Analytical method" means a technical procedure for providing analysis of a sample, defined by a body such as the Environmental Protection Agency or the American Society for Testing and Materials, that may not include the sample preparation method.

"Assessment" means the evaluation process used to measure or establish the performance, effectiveness, and conformance of an organization and its systems or both to defined criteria.

"Assessor" means the person who performs on-site assessments of laboratories' capability and capacity for meeting the requirements under this chapter by examining the records and other physical evidence for each one of the tests for which certification has been requested.

"Audit" means a systematic evaluation to determine the conformance to quantitative and qualitative specifications of some operational function or activity.

"Authority" means, in the context of a governmental body or local government, an authority created under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of the Code of Virginia.

"Batch" means environmental samples that are prepared together or analyzed together or both with the same process and personnel, using the same lot or lots of reagents. See "analytical batch."

"Blank" means a sample that has not been exposed to the analyzed sample stream in order to monitor contamination during sampling, transport, storage or analysis. The blank is subjected to the usual analytical and measurement process to establish a zero baseline or background value.

"Calibration" means to determine, by measurement or comparison with a standard, the correct value of each scale reading on a meter, instrument or other device. The levels of the applied calibration standard should bracket the range of planned or expected sample measurements.

"Calibration curve" means the graphical relationship between the known values, such as concentrations, of a series of calibration standards and their instrument response.

"Calibration standard" means a substance or reference material used to calibrate an instrument.

"Commercial environmental laboratory" means an environmental laboratory where environmental analysis is performed for another person.

“Corrective action” means the action taken to eliminate the causes of an existing nonconformity, defect or other undesirable situation in order to prevent recurrence.

“DGS-DCLS” means the Division of Consolidated Laboratory Services of the Department of General Services.

“Demonstration of capability” means the procedure to establish the ability of the analyst to generate data of acceptable accuracy and precision.

“Detection limit” means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated degree of confidence.

“Environmental analysis” or “environmental analyses” means any test, analysis, measurement, or monitoring used for the purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law (§ 10.1-1300 et seq., § 10.1-1400 et seq., and § 62.1-44.2 et seq., respectively, of the Code of Virginia). For the purposes of these regulations, any test, analysis, measurement, or monitoring required by the regulations promulgated under these three laws, or by any permit or order issued under the authority of any of these laws or regulations is “used for the purposes” of these laws. The term shall not include the following:

1. Sampling of air, water or waste.
2. Field testing and measurement of air, water or waste, except when performed in an environmental laboratory rather than at the site where the sample was taken.

“Environmental laboratory” or “laboratory” means a facility or a defined area within a facility where environmental analysis is performed.

“Establishment date” means the date set for the accreditation program under 1 VAC 30-46 and the certification program to be established under this chapter.

“Establishment of certification program” or “established program” means that DGS-DCLS has completed the initial accreditation of environmental laboratories covered by 1 VAC 30-46 and the initial certification of environmental laboratories covered by 1 VAC 30-45.

“Facility” means something that is built or installed to serve a particular function.

“Field of testing” means an approach to certifying laboratories by program, method and analyte.

“Field testing and measurement” means any of the following:

1. Any test for parameters under 40 CFR Part 136 for which the holding time indicated for the sample requires immediate analysis; or
2. Any test defined as a field test in federal regulation.

The following is a limited list of currently recognized field tests or measures that is not intended to be inclusive: continuous emissions monitoring; on-line monitoring; flow monitoring; tests for pH, residual chlorine, temperature and dissolved oxygen; and field analysis for soil gas.

“Finding” means an assessment conclusion that identifies a condition having a significant effect on an item or activity. An assessment finding is normally a deficiency and is normally accompanied by specific examples of the observed condition.

“Governmental body” means any department, agency, bureau, authority, or district of the United States government, of the government of the Commonwealth of Virginia, or of any local government within the Commonwealth of Virginia.

“Holding time (or maximum allowable holding time)” means the maximum time that a sample may be held prior to analysis and still be considered valid or not compromised.

“Initial certification period” means the period during which DGS-DCLS is accepting and processing applications for the first time under this chapter as specified in 1 VAC 30-45-60.

“Laboratory manager” means the person who has overall responsibility for the technical operation of the environmental laboratory and who exercises actual day-to-day supervision of laboratory operation for the appropriate fields of testing and reporting of results. The title of this person may include but is not limited to laboratory director, technical director, laboratory supervisor or laboratory manager.

“Legal entity” means an entity, other than a natural person, who has sufficient existence in legal contemplation that it can function legally, be sued or sue and make decisions through agents as in the case of corporations.

“Local government” means a municipality (city or town), county, sanitation district, or authority.

“Matrix” means the component or substrate that may contain the analyte of interest. For purposes of batch and quality control requirement determinations, the following matrix types shall be used:

1. Drinking water. Any aqueous sample that has been designated a potable or potential potable water source.
2. Nonpotable water. Any aqueous sample excluded from the definition of drinking water matrix. Includes surface water, groundwater, effluents, water treatment chemicals, and TCLP or other extracts.
3. Solid and chemical materials. Includes soils, sediments, sludges, products and by-products of an industrial process that results in a matrix not previously defined.
4. Biological tissue. Any sample of a biological origin such as fish tissue, shellfish, or plant material. Such samples shall be grouped according to origin, i.e., by species.
5. Air and emissions. Whole gas or vapor samples including those contained in flexible or rigid wall containers and the extracted concentrated analytes of interest from a gas or vapor that are collected with a sorbent tube, impinger solution, filter or other device.

“National Environmental Laboratory Accreditation Conference (NELAC)” means a voluntary organization of state and federal environmental officials and interest groups with the primary purpose to establish mutually acceptable standards for accrediting environmental laboratories. A subset of NELAP.

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“National Environmental Laboratory Accreditation Program (NELAP)” means the overall National Environmental Laboratory Accreditation Program of which NELAC is a part.

“National Institute of Standards and Technology” or “NIST” means an agency of the U.S. Department of Commerce’s Technology Administration that is working with EPA, states, NELAC, and other public and commercial entities to establish a system under which private sector companies and interested states can be certified by NIST to provide NIST-traceable proficiency testing (PT) samples to those laboratories testing drinking water and wastewater.

“Negative control” means measures taken to ensure that a test, its components, or the environment do not cause undesired effects, or produce incorrect test results.

“Noncommercial environmental laboratory” means either of the following:

- 1. An environmental laboratory where environmental analysis is performed solely for the owner of the laboratory.*
- 2. An environmental laboratory where the only performance of environmental analysis for another person is one of the following:*
 - a. Environmental analysis performed by an environmental laboratory owned by a local government for an owner or operator of a small sewage treatment plant treating domestic sewage at a flow rate of less than or equal to 1,000 gallons per day.*
 - b. Environmental analysis performed by an environmental laboratory operated by a corporation as part of a general contract issued by a local government to operate and maintain a sewage treatment facility or a waterworks.*
 - c. Environmental analysis performed by an environmental laboratory owned by a corporation as part of the prequalification process for a potential customer as required by a hazardous waste management permit under 9 VAC 20-60.*
 - d. Environmental analysis performed by an environmental laboratory owned by a Publicly Owned Treatment Works (POTW) for an industrial source of wastewater under a permit issued by the POTW to the industrial source as part of the requirements of a pretreatment program under Part VII (9 VAC 25-31-730 et seq.) of 9 VAC 25-31.*
 - e. Environmental analysis performed by an environmental laboratory owned by a county authority for any municipality within the county’s geographic jurisdiction when the environmental analysis pertains solely to the purpose for which the authority was created.*
 - f. Environmental analysis performed by an environmental laboratory owned by an authority or a sanitation district for any participating local government of the authority or sanitation district when the environmental analysis pertains solely to the purpose for which the authority or sanitation district was created.*

“Owner” or “operator” means any person who owns or operates an environmental laboratory.

“Person” means an individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

“Physical,” for the purposes of fee test categories, means the tests to determine the physical properties of a sample. Tests for solids, turbidity and color are examples of physical tests.

“Positive control” means measures taken to ensure that a test or its components are working properly and producing correct or expected results from positive test subjects.

“Precision” means the degree to which a set of observations or measurements of the same property, obtained under similar conditions, conform to themselves. Precision is an indicator of data quality. Precision is expressed usually as standard deviation, variance or range, in either absolute or relative terms.

“Primary accrediting authority” means the agency or department designated at the territory, state or federal level as the recognized authority with the responsibility and accountability for granting NELAC accreditation to a specific laboratory for a specific field of accreditation.

“Proficiency test or testing (PT)” means evaluating a laboratory’s performance under controlled conditions relative to a given set of criteria through analysis of unknown samples provided by an external source.

“Proficiency test (PT) field of testing” means the approach to offer proficiency testing by regulatory or environmental program, matrix type, and analyte.

“Proficiency test (PT) sample” means a sample, the composition of which is unknown to the analyst, provided to test whether the analyst or laboratory or both can produce analytical results within specified acceptance criteria.

“Proficiency testing (PT) program” means the aggregate of providing rigorously controlled and standardized environmental samples to a laboratory for analysis, reporting of results, statistical evaluation of the results and the collective demographics and results summary of all participating laboratories.

“Program,” in the context of field testing or regulatory program, means the relevant U.S. Environmental Protection Agency program such as the water program under the Clean Water Act (CWA), the air program under the Clean Air Act (CAA), the waste program under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) or the waste program under the Resource Conservation and Recovery Act (RCRA).

“Publicly Owned Treatment Works (POTW)” means a treatment works as defined by § 212 of the CWA, which is owned by a state or municipality (as defined by § 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in § 502(4) of the CWA, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

“Quality assurance” means an integrated system of activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

“Quality assurance officer” means the person who has responsibility for the quality system and its implementation. Where staffing is limited, the quality assurance officer may also be the technical director.

“Quality control” means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of users.

“Quality manual” means a document stating the management policies, objectives, principles, organizational structure and authority, responsibilities, accountability, and implementation of an agency, organization, or laboratory, to ensure the quality of its product and the utility of its product to its users.

“Quality system” means a structured and documented management system describing the policies, objectives, principles, organizational authority, responsibilities, accountability, and implementation plan of an organization for ensuring quality in its work processes, products (items), and services. The quality system provides the framework for planning, implementing, and assessing work performed by the organization and for carrying out required quality assurance and quality control.

“Range” means the difference between the minimum and maximum of a set of values.

“Reference material” means a material or substance one or more properties of which are sufficiently well established to be used for the calibration of an apparatus, the assessment of a measurement test method, or for assigning values to materials.

“Responsible official” means one of the following, as appropriate:

- 1. If the laboratory is owned or operated by a private corporation, “responsible official” means (i) a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated in accordance with corporate procedures.*
- 2. If the laboratory is owned or operated by a partnership, association, or a sole proprietor, “responsible official” means a general partner, officer of the association, or the proprietor, respectively.*
- 3. If the laboratory is owned or operated by a governmental body, “responsible official” means a director or highest official appointed or designated to oversee the operation and performance of the activities of the environmental laboratory.*

4. Any person designated as the responsible official by an individual described in subdivision 1, 2 or 3 of this definition, provided the designation is in writing, the designation specifies an individual or position with responsibility for the overall operation of the environmental laboratory, and the designation is submitted to DGS-DCLS.

“Sampling” means the act of collection for the purpose of analysis.

“Sanitation district” means a sanitation district created under the provisions of Chapters 3 (§ 21-141 et seq.) through 5 (§ 21-291 et seq.) of Title 21 of the Code of Virginia.

“Sewage” means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

“Simple test procedures” means any of the following:

- 1. Field testing and measurement performed in an environmental laboratory.*
- 2. The test procedures to determine:*
 - a. Biochemical oxygen demand (BOD),*
 - b. Fecal coliform,*
 - c. Total coliform,*
 - d. Fecal streptococci,*
 - e. Settleable solids (SS),*
 - f. Total dissolved solids (TDS),*
 - g. Total solids (TS),*
 - h. Total suspended solids (TSS),*
 - i. Total volatile solids (TVS), and*
 - j. Total volatile suspended solids (TVSS).*

“Standard operating procedure (SOP)” means a written document that details the method of an operation, analysis or action whose techniques and procedures are thoroughly prescribed and which is accepted as the method for performing certain routine or repetitive tasks.

“TCLP” or “toxicity characteristic leachate procedure” means Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11. This method is used to determine whether a solid waste exhibits the characteristic of toxicity (see 40 CFR 261.24).

“Test” means a technical operation that consists of the determination of one or more characteristics or performance of a given product, material, equipment, organism, physical phenomenon, process or service according to a specified procedure.

“Test, analysis, measurement or monitoring required by the Virginia Air Pollution Control Law” means any method of analysis required by the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.); by the regulations promulgated under this law (9 VAC 5), including any method of analysis listed

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either in the definition of “reference method” in 9 VAC 5-10-20, or listed or adopted by reference in 9 VAC 5-30, 9 VAC 5-40, 9 VAC 5-50 or 9 VAC 5-60; or by any permit or order issued under and in accordance with this law and these regulations.

“Test, analysis, measurement or monitoring required by the Virginia Waste Management Act” means any method of analysis required by the Virginia Waste Management Act (§ 10.1-1400 et seq.); by the regulations promulgated under this law (9 VAC 20), including any method of analysis listed or adopted by reference in 9 VAC 20-60, 9 VAC 20-80, 9 VAC 20-101, or 9 VAC 20-120; or by any permit or order issued under and in accordance with this law and these regulations.

“Test, analysis, measurement or monitoring required by the Virginia Water Control Law” means any method of analysis required by the Virginia Water Control Law (§ 62.1-44.2 et seq.); by the regulations promulgated under this law (9 VAC 25), including any method of analysis listed or adopted by reference in 9 VAC 25-31, 9 VAC 25-32, 9 VAC 25-110, 9 VAC 25-120, 9 VAC 25-151, 9 VAC 25-180, 9 VAC 25-190, 9 VAC 25-192, or 9 VAC 25-210; or by any permit or order issued under and in accordance with this law and these regulations.

“Test method” means an adoption of a scientific technique for a specific measurement problem, as documented in a laboratory standard operating procedure or published by a recognized authority.

“Traceability” means the property of a result of a measurement whereby it can be related to appropriate standards, generally international or national standards, through an unbroken chain of comparisons.

“U.S. Environmental Protection Agency” means the federal government agency with responsibility for protecting, safeguarding and improving the natural environment (i.e., air, water and land) upon which human life depends.

“Virginia Air Pollution Control Law” means § 10.1-1300 of the Code of Virginia, which is titled “Air Pollution Control Board.”

“Waterworks” means each system of structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public, except distribution piping.

1 VAC 30-45-50. Scope of certification.

A. Noncommercial environmental laboratories shall be certified based on the general laboratory standards set out in Part II (1 VAC 30-45-200 et seq.) of this chapter and on the specific test methods or analysis, monitoring or measurement required by regulatory permit or other requirement under the Virginia Air Pollution Control Law, Virginia Waste Management Act or Virginia Water Control Law, the regulations promulgated under these laws, and by permits and orders issued under and in accordance with these laws or regulations.

B. DGS-DCLS shall review alternative test methods and procedures for certification when these are proposed by the applicant laboratory. The provisions of 1 VAC 30-45-70 E and

1 VAC 30-45-90 B govern alternative test methods and procedures.

C. Certification shall be granted for a specific field or fields of testing, including the technology and methods used by the noncommercial environmental laboratory, and the individual analytes or analyte groups determined by the particular method.

1 VAC 30-45-60. General: certification requirements.

A. Components of certification. The components of certification include review of personnel qualifications, on-site assessment, proficiency testing, and quality systems. The criteria for these components, set out in Part II (1 VAC 30-45-200 et seq.) of this chapter, shall be fulfilled for certification.

B. Individual laboratory sites and mobile laboratories.

1. Individual laboratory sites are subject to the same application process, assessments, and other requirements as environmental laboratories. Any remote laboratory sites are considered separate sites and subject to separate on-site assessments.

2. Laboratories located at the same physical location shall be considered an individual laboratory site if these laboratories are owned or operated by the same person, and have the same laboratory manager and quality system.

3. A mobile laboratory, which is configured with equipment to perform analyses, whether associated with a fixed-based laboratory or not, is considered an environmental laboratory and shall require separate certification. This certification shall remain with the mobile laboratory and be site independent. Moving the configured mobile laboratory to a different site will not require a new or separate certification. Before performing analyses at each new site, the laboratory shall ensure that instruments and equipment have been checked for performance and have been calibrated.

1 VAC 30-45-70. Process to apply and obtain certification.

A. Duty to apply. All owners or operators of noncommercial environmental laboratories shall apply for certification as specified by the provisions of this section.

B. Timely initial applications.

1. Owners or operators of noncommercial environmental laboratories applying for certification under this chapter for the first time shall submit an application to DGS-DCLS no later than 240 calendar days after the effective date of this chapter.

2. Owners or operators of noncommercial environmental laboratories that come into existence after this chapter becomes effective shall submit an initial application to DGS-DCLS no later than 180 calendar days prior to beginning operation.

C. Timely renewal applications. The owner or operator of a certified noncommercial environmental laboratory shall submit an application for renewal of certification at least 90 calendar days prior to expiration of certification.

D. Responsibilities of the owner or operator.

1. When an environmental laboratory is owned by one person but is operated by another person, the operator may submit the application for the owner.

2. If the operator fails to submit the application, the owner is not relieved of his responsibility to apply for certification.

3. While DGS-DCLS may notify noncommercial environmental laboratories of the date their applications are due, failure of DGS-DCLS to notify does not relieve the owner or operator of his obligation to apply under this chapter.

E. Submission of applications for modifications to certification. An owner or operator of a certified noncommercial environmental laboratory shall follow the process set out in 1 VAC 30-45-90 B to add a new technology, an analyte or a test method, modify a test method or institute use of a method not in the laboratory's standard operating procedures, including alternative test methods or procedures.

F. Contents of application.

1. Applications shall include the following information and documents:

- a. Legal name of laboratory;
- b. Name of owner of laboratory;
- c. Name of operator of laboratory, if different than owner;
- d. Street address and description of location of laboratory;
- e. Mailing address of laboratory, if different from street address;
- f. Address of owner, if different from laboratory address;
- g. Name, address, telephone number, facsimile number and e-mail, as applicable, of responsible official;
- h. Name, address, telephone number, facsimile number and e-mail, as applicable, of laboratory manager;
- i. Name, address, telephone number, facsimile number and e-mail, as applicable, of designated quality assurance officer;
- j. Name and telephone number of laboratory contact person;
- k. Laboratory type (e.g., public water system, public wastewater system or industrial (with type of industry indicated));
- l. Laboratory hours of operation;
- m. Fields of testing (program, test methods, and analytes) for which certification is sought;
- n. Methods employed, including analytes;
- o. The results of the three most recent proficiency test studies;
- p. Quality assurance manual;
- q. Lab identification number (for renewal only); and

r. For mobile laboratories, a unique vehicle identification number, such as a manufacturer's vehicle identification number (VIN#), serial number, or license number.

2. Fee. The application shall include payment of the fee as specified in 1 VAC 30-45-130.

3. Certification of compliance.

a. The application shall include a "Certification of Compliance" statement signed and dated by the responsible official, by the quality control officer and by the laboratory manager.

b. The certification of compliance shall state: "The applicant understands and acknowledges that the laboratory is required to be continually in compliance with the Virginia environmental laboratory certification program regulation (1 VAC 30, Chapter 45) and is subject to the provisions of 1 VAC 30-45-100 in the event of noncompliance. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the laboratory or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. Submitting false information or data shall result in denial of certification or decertification. I hereby further certify that I am authorized to sign this application."

G. Completeness determination.

1. DGS-DCLS shall determine whether an application is complete and notify the laboratory of the result of such determination. Except during the initial certification period, DGS-DCLS shall provide this notice within 60 calendar days of DGS-DCLS's receipt of the application.

2. An application shall be determined complete if it contains all the information required pursuant to subsection F of this section and is sufficient to evaluate the laboratory prior to the on-site assessment. Designating an application complete does not preclude DGS-DCLS from requesting or accepting additional information.

3. If DGS-DCLS determines that an application is incomplete, DGS-DCLS's notification of such determination shall explain why the application is incomplete and specify the additional information needed to make the application complete.

4. Except during the initial certification period, if no determination is made within 60 calendar days of DGS-DCLS's receipt of either (i) the application or (ii) additional information, in the case of an application determined to be incomplete, the application shall be determined to be complete.

5. DGS-DCLS may deny any application from a laboratory and require the laboratory to submit a new application if the laboratory does not submit additional information required

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by DGS-DCLS within 90 days of receiving a notice that requires additional information.

H. Grant of interim certification pending final determination on application.

1. DGS-DCLS shall grant a laboratory interim certification status under the following conditions:

a. The laboratory's application is determined to be complete;

b. The laboratory has satisfied all the requirements for certification, including all requests for additional information, with the exception of on-site assessment; and

c. DGS-DCLS is unable to schedule the on-site assessment within 90 days of its determination that the application is complete and that the laboratory has satisfied all other requirements for certification.

2. A laboratory with interim certification shall have the same rights and status as a laboratory that has been granted certification by DGS-DCLS.

3. Interim certification expires when DGS-DCLS issues a final determination on certification.

I. On-site assessment. An on-site assessment shall be performed and the follow-up and reporting procedures for such assessments shall be completed in accordance with Article 2 (1 VAC 30-45-300 et seq.) of Part II of this chapter prior to issuance of a final determination on certification.

J. Final determination on certification.

1. Upon completion of the certification review process and corrective action, if any, DGS-DCLS shall grant certification in accordance with subsection K of this section or deny certification in accordance with subsection L of this section.

2. Except during the initial certification period, DGS-DCLS shall complete action on a laboratory's application within nine months from the time an application is determined to be complete.

K. Grant of certification.

1. When a laboratory meets the requirements specified for receiving certification, DGS-DCLS shall issue a certificate to the laboratory. The certificate shall be sent to the laboratory manager, and the responsible official shall be notified.

2. The certificate shall be signed by the director of DGS-DCLS and shall include the following information:

a. Name of owner or operator of laboratory;

b. Name of responsible official;

c. Address and location of laboratory;

d. Laboratory identification number;

e. Fields of testing (program, method, analyte or other parameter) for which certification is granted;

f. Any addenda or attachments; and

g. Issuance date and expiration date.

3. The laboratory shall post the most recent certificate of certification and any addenda to the certificate issued by DGS-DCLS in a prominent place in the laboratory facility.

4. Certification shall expire two years after the date on which certification is granted.

L. Denial of certification.

1. DGS-DCLS shall deny certification to an environmental laboratory in total if the laboratory owner or an employee falsifies any data or provides false information to support certification.

2. Denial of certification in total or in part.

a. DGS-DCLS may deny certification to an environmental laboratory in total or in part if the laboratory owner or an employee fails to do any of the following:

(1) Pay the required fees.

(2) Employ laboratory staff to meet the personnel qualifications as required by Part II (1 VAC 30-45-200 et seq.) of this chapter.

(3) Successfully analyze and report proficiency testing samples as required by Part II of this chapter.

(4) Submit a corrective action report in accordance with Part II of this chapter in response to a deficiency report from the on-site assessment team within the required 30 calendar days.

(5) Implement the corrective actions detailed in the corrective action report within the time frame specified by DGS-DCLS.

(6) Pass required on-site assessment as specified in Part II of this chapter.

(7) Implement a quality system as defined in Part II of this chapter.

b. DGS-DCLS may deny certification to an environmental laboratory in total or in part if the laboratory's application is not determined to be complete within 90 calendar days following notification of incompleteness because the laboratory is delinquent in submitting information required by DGS-DCLS in accordance with this chapter.

c. DGS-DCLS may deny certification to an environmental laboratory in total or in part if the DGS-DCLS on-site assessment team is unable to carry out the on-site assessment pursuant to Article 2 (1 VAC 30-45-300 et seq.) of Part II of this chapter because an employee, owner, or other representative of the environmental laboratory denied the team entry during normal business hours.

3. To deny certification, DGS-DCLS shall provide by certified mail written notification of denial to the responsible official and manager of the laboratory, including a detailed explanation of the reason for denial and notice of the right to appeal such denial.

M. Reapplication following denial of certification.

1. Upon denial of certification, the laboratory shall wait six months before reapplying for certification.

2. DGS-DCLS shall not waive application fees for a laboratory reapplying for certification.

1 VAC 30-45-80. Maintaining certification.

A. Certification remains in effect until withdrawn by DGS-DCLS, withdrawn voluntarily at the written request of the certified laboratory, or expiration of the certification period. To maintain certification, the certified laboratory shall comply with the elements listed in this section and in 1 VAC 30-45-90.

B. Quality systems. Laboratories seeking to maintain certification under this chapter shall assure consistency and promote the use of quality assurance and quality control procedures. Article 4 (1 VAC 30-600 et seq.) of Part II of this chapter specifies the quality assurance and quality control requirements that shall be met to maintain certification.

C. Proficiency tests. Laboratories seeking to maintain certification under this chapter shall perform proficiency tests as required under Article 3 (1 VAC 30-45-500 et seq.) of Part II of this chapter.

D. Recordkeeping and retention. All laboratory records associated with certification parameters shall be kept as provided by the requirements for records under Part II (1 VAC 30-45-200 et seq.) of this chapter. These records shall be maintained for a minimum of three years unless the records are required to be maintained for a longer period by another section of this regulation or another regulation. All such records shall be available to DGS-DCLS upon request.

1 VAC 30-45-90. Changing certification status.

A. Changes to key certification criteria.

1. The certified laboratory shall notify DGS-DCLS as set out in subdivision 2 of this subsection of any changes in key certification criteria within 30 calendar days of the change. Key certification criteria are laboratory ownership, location, key personnel, test methods, analytes, and major instrumentation.

2. The laboratory may initially notify DGS-DCLS of any change to key certification criteria by e-mail, facsimile or telephone. The notification by e-mail, facsimile or telephone subsequently shall be submitted in writing.

3. As specified in subsection B of this section, changes to key certification criteria that affect the laboratory's scope of certification require review and approval by DGS-DCLS in advance of the laboratory's making the change.

B. Changes to scope of certification.

1. DGS-DCLS shall review and approve the addition of a new technology, an analyte, or a test method to a laboratory's scope of certification.

2. To begin the process of review, the owner or operator of the certified laboratory that wants to add to the laboratory's scope of certification shall submit the following application materials to DGS-DCLS:

a. A letter signed by the owner or operator that briefly summarizes the addition to be made to the laboratory's scope of certification.

b. Pertinent information demonstrating that the laboratory is capable of performing the test method or using the technology to be added such as proficiency testing performance and quality control performance.

c. A written standard operating procedure covering the new method, analyte, or technology.

DGS-DCLS may request additional material to complete its review.

3. DGS-DCLS may approve a laboratory's application for modification to its scope of certification by performing a review of the application materials submitted, without an on-site assessment. An addition of a new technology or test method requiring specific equipment may require an on-site assessment. Other reviews of performance and documentation may be carried out by DGS-DCLS, depending on the modification for which the laboratory applies.

4. If the proposed modification to the laboratory's scope of certification is approved, DGS-DCLS shall amend the laboratory's certificate of certification.

C. Change of ownership or location of laboratory.

1. The certified laboratory shall submit a written notification to DGS-DCLS of the change of ownership or location of the laboratory within 30 calendar days of the change.

2. Certification may be transferred when the legal status or ownership of a certified laboratory changes without affecting its personnel, equipment, and facilities.

3. DGS-DCLS may charge a transfer fee and may conduct an on-site assessment to verify the effects of such changes on laboratory performance.

4. When a laboratory changes ownership, the new laboratory owner shall assure that the history of the laboratory's ownership can be traced through laboratory identification numbers.

5. When there is a change in ownership, all records and analyses performed by the previous owner under his scope of certification shall be kept for a period of five years. As required under 1 VAC 30-45-80 D, all such records shall be made available to DGS-DCLS upon request.

D. Voluntary withdrawal. Any environmental laboratory owner or operator who wishes to withdraw the laboratory from its certification status or from being certified, in total or in part, shall submit written notification to DGS-DCLS no later than 30 calendar days before the end of the laboratory's certification term. Within 30 calendar days, DGS-DCLS shall provide the laboratory with a written notice of withdrawal.

1 VAC 30-45-100. Decertification.

A. DGS-DCLS shall decertify an environmental laboratory in total for any of the following reasons:

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1. *Submittal by the laboratory owner or an employee of proficiency test sample results generated by another laboratory as its own.*
 2. *Falsification by a laboratory owner or an employee of any data or the provision of false information by any laboratory owner or an employee to support certification.*
 3. *Conviction of the laboratory owner or an employee of charges relating to the falsification of any report concerning a laboratory analysis.*
- B. DGS-DCLS may decertify an environmental laboratory in part or in total when the laboratory owner or an employee has failed to do any of the following:*
1. *Participate in the proficiency testing program as required by Article 3 (1 VAC 30-40-500 et seq.) of Part II of this chapter.*
 2. *Complete proficiency testing studies and maintain a history of at least two successful proficiency testing studies for each affected certified field of testing out of the three most recent proficiency testing studies as defined in Article 3 (1 VAC 30-45-500 et seq.) of Part II of this chapter.*
 3. *Maintain a quality system as defined in Article 4 (1 VAC 30-45-600 et seq.) of Part II of this chapter.*
 4. *Employ staff that meet the personnel qualifications in Article 1 (1 VAC 30-45-200 et seq.) of Part II of this chapter.*
 5. *Submit an acceptable corrective action report after two opportunities as specified in 1 VAC 30-45-390.*
 6. *Implement corrective action specified in the laboratory's corrective action report as set out under 1 VAC 30-45-390.*
 7. *Notify DGS-DCLS of any changes in key certification criteria as set forth in 1 VAC 30-45-90.*
 8. *Use accurate references to the laboratory's certification status in the laboratory's documentation.*
- C. To decertify an environmental laboratory, DGS-DCLS shall provide by certified mail written notification of the decertification to the responsible official and manager of the laboratory, including a detailed explanation of the reason for the decertification and notice of the right to appeal such decertification.*
- D. Responsibilities of the environmental laboratory and DGS-DCLS when certification has been withdrawn.*
1. *Laboratories that lose their certification in full shall return their certificate to DGS-DCLS.*
 2. *If a laboratory loses certification in part, an addendum to the certificate shall be issued by DGS-DCLS to the laboratory.*
- E. After correcting the reason or cause for decertification under 1 VAC 30-45-100 A or B, the laboratory owner or operator may reapply for certification.*

1 VAC 30-45-110. Appeal procedures.

- A. DGS-DCLS shall notify an environmental laboratory in writing of its decision to deny certification or to decertify an environmental laboratory.*
- B. All appeals taken from actions of the DGS-DCLS director relative to the provisions of this chapter shall be governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).*

1 VAC 30-45-120. Exemptions.

- A. DGS-DCLS may grant a partial or full exemption from the requirements of this chapter based on compliance and performance.*
- B. DGS-DCLS may consider granting an exemption if a laboratory applies for an exemption and has met all certification requirements for a period of four consecutive years.*
- C. An environmental laboratory may apply for an exemption by submitting a request. The request shall include the following information:*
1. *The scope of the requested exemption;*
 2. *Whether the exemption should be partial or total;*
 3. *If partial, what form the exemption will take; and*
 4. *Why the exemption is appropriate.*
- D. Upon receiving an application for an exemption, DGS-DCLS shall provide notice of the request for an exemption in the Virginia Register of Regulations.*
- E. The notice shall provide a 30-day comment period on the request and shall specify the nature of the request.*
- F. DGS-DCLS shall grant or deny the exemption request and provide a written response to the requesting laboratory within 90 calendar days of receipt of the request.*
- G. Exemptions granted by DGS-DCLS shall be for a period of no more than 24 months.*

1 VAC 30-45-130. Fees.

- A. General.*
1. *Fees shall be submitted with all applications for certification. Applications shall not be designated as complete until the fee is received by DGS-DCLS.*
 2. *Fees shall be nonrefundable.*
- B. Fee computation.*
1. *Fees shall be computed based on the test methods for which a laboratory seeks certification and on the laboratory type. For the purpose of fee calculation, the designations for the laboratory type are (i) a general environmental laboratory or (ii) an environmental laboratory performing only simple test procedures.*
 2. *The fee shall be the total of the base fee and the test category fees for the specific laboratory type to be certified.*

3. The test category fees cover categories for the test methods to be certified as specified in the laboratory's application.

4. If the total of the base fee and the test category fees is more than the maximum fee designated for the specific laboratory type to be certified, the laboratory shall pay the maximum fee.

C. Laboratories performing only simple test procedures.

1. The base fee shall be \$100.
2. The maximum fee shall be \$400.

D. General environmental laboratories.

1. The base fee shall be \$1,700.
2. The maximum fee shall be \$3,800.

E. Test category fees.

1. Fees shall be charged for each category of tests to be certified.

2. The fee for each category includes one or more analytical methods unless otherwise specified. With the exception of the test categories labeled oxygen demand and physical, test categories related to test methods for water are defined by 40 CFR 136.3.

3. Fees.

| TEST CATEGORY | FEE |
|--|-------|
| Oxygen demand (BOD or COD) | \$300 |
| Bacteriology | \$300 |
| Inorganic chemistry, fewer than four methods | \$300 |
| Inorganic chemistry, four or more methods | \$600 |
| Chemistry metals, fewer than four methods | \$300 |
| Chemistry metals, four or more methods | \$600 |
| Organic chemistry, fewer than four methods | \$350 |
| Organic chemistry, four or more | \$700 |
| Whole effluent toxicity, acute methods only | \$300 |
| Whole effluent toxicity, acute and chronic methods | \$600 |
| Radiochemical | \$900 |
| Physical | \$300 |

F. Additional fees.

1. General environmental laboratories applying for an exemption under 1 VAC 30-45-120 shall pay an application fee of \$250 and if the exemption is granted, up to an additional \$1,000 depending on the scope of the exemption. Laboratories performing only simple test procedures applying for an exemption under 1 VAC 30-45-120 shall pay an application fee of \$100 and if the exemption is granted, up to an additional \$1,000 depending on the scope of the exemption. The fee assessed for the scope of the exemption shall be based on the actual time needed for DGS-DCLS to make the determination. The fee assessed

shall be calculated using the method in subdivision 4 of this subsection.

2. For any certified environmental laboratory that applies to modify its scope of certification as specified under 1 VAC 30-45-90 B, DGS-DCLS shall assess a fee determined by the method in subdivision 4 of this subsection.

3. Under 1 VAC 30-45-90 C, DGS-DCLS may charge a transfer fee to a certified laboratory that transfers ownership. If DGS-DCLS determines that a fee should be charged, the fee shall be a minimum of \$100 and a maximum of \$1,000. If DGS-DCLS determines that an on-site assessment is necessary to evaluate the effect of the transfer of ownership, DGS-DCLS shall assess a fee determined by the method in subdivision 4 of this subsection.

4. Fee determination.

a. The fee shall be the sum of the total hourly charges for all reviewers plus any on-site review costs incurred.

b. An hourly charge per reviewer shall be determined by (i) obtaining a yearly cost by multiplying the reviewer's annual salary by 1.35 (accounts for overhead such as taxes and insurance) and then (ii) dividing the yearly cost by 1,642 (number of annual hours established by Fiscal Services, DGS, for billing purposes).

c. The charge per reviewer shall be determined by multiplying the number of hours expended in the review by the reviewer's hourly charge.

d. If an on-site review is required, travel time and on-site review time shall be charged at the same hourly charge per reviewer, and any travel expenses shall be added.

G. On-site assessment fees. When, with the concurrence of the applicant laboratory, DGS-DCLS uses approved, third-party on-site assessors, the cost of the on-site assessment shall be paid by the applicant.

1 VAC 30-45-140. Petitioning for a variance.

A. Any person regulated by this chapter may petition the director to grant a variance from any requirement of this chapter. Any person submitting a petition to the director must meet the provisions of this section. Any petition submitted to the director is subject to the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

B. The petition shall be submitted to the director by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of the petitioner's interest in the proposed action;
3. A description of desired action and a citation of the regulation from which a variance is requested;
4. A description of need and justification for the proposed action, including impact of the proposed action on the laboratory's operation;

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5. Information demonstrating that the requested variance will meet the purposes and objectives of the relevant regulatory provision and of § 2.2-1105 of the Code of Virginia (Environmental Laboratory Certification Program);

6. The duration of the variance, if applicable;

7. The potential impact of the variance on public health or the environment;

8. Other information believed by the applicant to be pertinent; and

9. The following statement signed by the petitioner or authorized representative: "I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

C. Petition processing.

1. After receiving a petition that includes the information required in subsection B of this section, the director will determine whether the information received is sufficient to render the decision. If the information is deemed insufficient, the director will specify additional information needed and request that it be furnished.

2. The petitioner may submit the additional information requested, or may attempt to show that no reasonable basis exists for additional information. If the director agrees that no reasonable basis exists for the request for additional information, he will act in accordance with subsection D of this section. If the director continues to believe that a reasonable basis exists to require the submission of such information, he will proceed with the denial action in accordance with the Administrative Process Act.

D. Public review of tentative decision. The director will evaluate the application and issue a draft notice tentatively denying the petition, granting the variance as requested, or granting a modified or partial variance. Notification of this tentative decision will be published in the Virginia Register of Regulations. The director will accept comment on the tentative decision for 30 days, and shall hold a public hearing if a request is received or at his discretion if there is no request. The director will issue a final decision after receipt of comments and after the hearing (if any).

E. Conditions for granting variance request or a modified variance.

1. The director may grant the variance if the applicant demonstrates to the satisfaction of the director that:

a. The proposed variance will meet the goals and purposes of the provisions from which a variance is sought; and

b. The variance does not conflict with federal or state law or regulations.

2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any requirements of the variance.

3. When a modified variance is granted, the director may:

a. Specify the termination date of the variance;

b. Include a schedule for:

(1) Compliance, including increments of progress, by the laboratory with each requirement of the variance; and

(2) Implementation by the laboratory of such measures as the director finds necessary in order that the variance may be granted.

F. Decisions to grant or deny a petition are subject to the provisions of Article 3 (§ 2.2-4018 et seq.) of the Virginia Administrative Process Act.

1 VAC 30-45-150 through 1 VAC 30-45-190. (Reserved.)

PART II. STANDARDS.

Article 1. Personnel.

1 VAC 30-45-200. Laboratory manager.

A. Laboratory manager - general.

1. Each environmental laboratory shall designate a person to be responsible for the general oversight of the operation of the laboratory in accordance with this chapter, including the day-to-day functioning and administration of the laboratory, the technical operations, supervision of laboratory procedures, reporting of laboratory results, and implementation of any corrective actions.

2. The title of this person may include but is not limited to laboratory director, technical director, laboratory supervisor or laboratory manager.

B. Laboratory manager - qualifications.

1. For an environmental laboratory that performs procedures beyond simple test procedures, a laboratory manager shall have two years of experience managing an environmental laboratory or performing the analyses for which the environmental laboratory seeks certification or both.

2. For an environmental laboratory that performs only simple test procedures, a laboratory manager shall be designated by the responsible official.

1 VAC 30-45-210. Quality assurance officer.

A. The laboratory shall have a quality assurance officer who shall be responsible for the quality system and its implementation. Where staffing is limited, the quality assurance officer may also be the laboratory manager. The quality assurance officer may be employed on a part-time basis or be a consultant.

B. The quality assurance officer shall have documented training or experience in quality assurance and quality control procedures and be knowledgeable in the quality system as defined in Article 4 (1 VAC 30-45-600 et seq.) of Part II of this chapter. The quality assurance officer shall have a general knowledge of the analytical test methods for which data review is performed.

C. The responsibilities of the quality assurance officer shall include, but not be limited to, the implementation and oversight of the quality system, the implementation of new quality assurance and control practices, periodic audits of the quality system in place, periodic review of final data reports, and documentation of laboratory quality system deficiencies.

1 VAC 30-45-220. Laboratory personnel requirements and management responsibilities.

A. The laboratory shall have sufficient personnel, having the necessary education, training, technical knowledge and experience for their assigned functions.

B. The laboratory manager shall ensure that the training of the laboratory personnel is kept up to date.

C. Laboratory personnel shall be responsible for complying with all quality systems requirements set out in Article 4 (1 VAC 30-45-600 et seq.) of Part II of this chapter that are pertinent to their assigned functions.

D. The laboratory manager shall ensure that laboratory personnel have demonstrated initial and ongoing capability to perform their assigned functions.

E. Records on the relevant qualifications, training skills and experience of the laboratory personnel, including records on demonstrated proficiency for each test method, shall be maintained by the laboratory manager.

1 VAC 30-45-230. Absence of laboratory manager or quality assurance officer.

The laboratory shall nominate deputies in the case of absence of the laboratory manager or the quality assurance officer.

1 VAC 30-45-240 through 1 VAC 30-45-290. (Reserved.)

Article 2.
On-Site Assessment.

1 VAC 30-45-300. Frequency of on-site assessment.

A. A comprehensive on-site assessment shall be conducted of each laboratory as a condition for granting certification.

B. On-site assessments may be conducted more frequently for cause.

1. Situations that might trigger more frequent on-site assessments include review of a previously deficient on-site assessment, poor performance on a proficiency testing sample, change in other certification elements, or other information concerning the capabilities or practices of the certified laboratory.

2. DGS-DCLS may reassess a laboratory prior to taking a regulatory or administrative action affecting the laboratory's certification.

3. An assessment may be conducted when a major change occurs in a laboratory's operations that might reasonably be expected to alter or impair analytical capability and quality.

1 VAC 30-45-310. Announced and unannounced on-site assessments.

A. DGS-DCLS may conduct, at its discretion, either announced or unannounced on-site assessments.

B. Advance notice of an assessment shall not be necessary.

C. To the maximum extent practical, DGS-DCLS, when necessary, shall work with the owner or operator of an environmental laboratory to obtain government security clearances for assessment personnel as far in advance as possible. The owner or operator of the environmental laboratory shall facilitate expeditious attainment of the necessary clearances.

D. To the maximum extent practical, assessment personnel shall minimize disruption of a laboratory's operations and take into account competing demands on the time of laboratory personnel.

1 VAC 30-45-320. Request for records.

Prior to the actual site visit, DGS-DCLS may request in writing from a laboratory those records required to be maintained by this chapter.

1 VAC 30-45-330. Areas to be assessed.

A. The areas evaluated in an on-site assessment shall include:

1. Adequacy of the laboratory facility.
2. Organization and management of the laboratory.
3. Qualifications and experience of laboratory personnel.
4. Receipt, tracking and handling of samples.
5. Quantity, condition, and performance of laboratory instrumentation and equipment.
6. Preparation and traceability of calibration standards.
7. Test methods (including the adequacy of the laboratory's standard operating procedures as well as confirmation of the analyst's adherence to SOPs, and the analyst's proficiency with the described task).
8. Data reduction procedures, including an examination of raw data and confirmation that final reported results can be traced to the raw data/original observations.
9. Quality assurance and quality control procedures, including adherence to the laboratory's quality assurance plan and adequacy of the plan.

B. These areas shall be evaluated against the standards set out in Article 4 (1 VAC 30-45-600 et seq.) of Part II of this chapter and the appropriate reference methods.

1 VAC 30-45-340. National security considerations.

A. Assessments at facilities owned or operated by federal agencies or contractors may require security clearances,

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appropriate badging, or a security briefing before the assessment begins.

B. The laboratory shall notify DGS-DCLS in writing of any information that is controlled for national security reasons and cannot be released to the public.

1 VAC 30-45-350. Arrival, admittance and opening conference.

A. *Arrival.* Assessment personnel shall arrive at the laboratory during established working hours. The laboratory supervisor (or, if unavailable, the laboratory supervisor's designee) shall be located as soon as possible after the assessment personnel arrive on the premises.

B. *Admittance of assessment personnel.* A laboratory's refusal to admit the assessment personnel for an on-site assessment shall result in an automatic failure of the laboratory to receive certification or loss of an existing certification by the laboratory, unless there are extenuating circumstances that are accepted and documented by DGS-DCLS. The team leader for the assessment personnel shall notify DGS-DCLS as soon as possible after refusal of entry.

C. *Health and safety.*

1. Under no circumstance, and especially as a precondition to gain access to a laboratory, shall assessment personnel be required or even allowed to sign any waiver of responsibility on the part of the laboratory for injuries incurred during an assessment.

2. Assessment personnel shall comply with all facility and laboratory safety procedures.

D. *Opening conference.* An opening conference shall be conducted and shall address the following topics:

1. The purpose of the assessment;
2. The identification of assessment personnel;
3. The test methods that will be examined;
4. Any pertinent records and procedures to be examined during the assessment and the names of the individuals in the laboratory responsible for providing assessment personnel with such records;
5. The roles and responsibilities of laboratory staff and managers;
6. Any special safety procedures that the laboratory may think necessary for the protection of assessment personnel;
7. The standards and criteria that will be used in judging the adequacy of the laboratory operation;
8. Confirmation of the tentative time for the exit conference; and
9. Discussion of any questions the laboratory may have about the assessment process.

1 VAC 30-45-360. On-site laboratory records review and collection.

A. Records shall be reviewed by assessment personnel for accuracy, completeness and the use of proper methodology for each analyte and test method to be evaluated.

B. Records required to be maintained pursuant to this chapter shall be examined as part of an assessment for certification.

1 VAC 30-45-370. Observations of and interviews with laboratory personnel.

A. As an element of the assessment process, the assessment team shall evaluate an analysis regimen by requesting that the analyst normally conducting the procedure give a step-by-step description of exactly what is done and what equipment and supplies are needed to complete the regimen. Any deficiencies shall be noted and discussed with the analyst. In addition, the deficiencies shall be discussed in the closing conference.

B. Assessment personnel may conduct interviews with appropriate laboratory personnel.

C. Calculations, data transfers, calibration procedures, quality control and quality assurance practices, adherence to test methods, and report preparation shall be assessed for the complete scope of certification with appropriate laboratory analysts.

1 VAC 30-45-380. Closing conference.

A. Assessment personnel shall meet with representatives of the laboratory following the assessment for a closing conference.

B. During the closing conference, assessment personnel shall inform the laboratory of the preliminary findings and the basis for such findings. The laboratory shall have an opportunity to provide further explanation or clarification relevant to the preliminary findings. If the laboratory objects to the preliminary findings during the closing conference, all objections shall be documented by the assessment personnel and included in the final report to DGS-DCLS.

C. Additional problem areas may be identified in the final report.

D. Any potentially illegal activity that may be the subject of further action shall not be discussed in the closing conference.

1 VAC 30-45-390. Follow-up and reporting procedures.

A. DGS-DCLS shall present an assessment report to the laboratory within 30 calendar days of the assessment.

B. If there are deficiencies identified in the assessment report, the laboratory shall have 30 calendar days from the date of its receipt of the assessment report to provide a response to DGS-DCLS. This response shall be called a corrective action report.

C. An exception to the deadlines specified in subsections A and B of this section may occur in appropriate circumstances. Two circumstances that may be considered appropriate by DGS-DCLS are where a possible enforcement investigation or

other action has been initiated or where the laboratory shows good cause for an extension.

D. The corrective action report shall include the following:

1. Any objections that the laboratory has with regard to the assessment report;
2. The action that the laboratory proposes to implement to correct each deficiency identified in the assessment report; and
3. The time period required to accomplish the corrective action.

E. DGS-DCLS shall determine and shall notify the laboratory within 30 calendar days of receipt whether the corrective action report is an acceptable response to the deficiencies identified in the assessment report.

F. If the corrective action report (or a portion of the report) is determined to be unacceptable to remedy the deficiency, DGS-DCLS shall provide written notification to the responsible official and technical director of the laboratory including a detailed explanation of the basis for such determination. Following receipt of such notification, the laboratory shall have an additional 30 calendar days to submit a revised corrective action report acceptable to DGS-DCLS.

1 VAC 30-45-400. Documentation of on-site assessment.

A. Checklists. The checklists used by assessment personnel during the assessment shall become a part of DGS-DCLS's file for the laboratory.

B. Assessment report format.

1. The final assessment report shall contain a narrative description of the adequacy of the laboratory as it relates to the assessment standards specified in this chapter and in 1 VAC 30-45-330.
2. Assessment reports shall contain:
 - a. Name of owner or operator of the laboratory;
 - b. Identification of the laboratory assessed;
 - c. Date of the assessment;
 - d. Identification and affiliation of all assessment personnel;
 - e. Identification of participants in the assessment process;
 - f. Identification of analytes and test methods assessed;
 - g. Statement of the objective of the assessment;
 - h. Summary;
 - i. Assessment observations, findings (including any deficiencies), objections noted by the laboratory, and requirements; and
 - j. Comments and recommendations.
3. The assessment findings and requirements shall be referenced to the standards in Part II (1 VAC 30-45-200 et seq.) of this chapter so that both the finding is understood and the specific requirement is outlined. The assessor shall

specify the laboratory records, documents, equipment, procedures, or staff evaluated and the observations that contributed to each identified deficiency. The assessment report shall support with sufficient data all assessment findings and the overall evaluation of the laboratory.

4. The comments and recommendations section may be used to convey recommendations aimed at helping the laboratory improve.

C. Release of report.

1. The assessment report shall be released by DGS-DCLS to the laboratory supervisor. The assessment report shall not be released to the public until findings of the assessment and the corrective actions have been finalized, all information relating to national security has been stricken from the report in accordance with prescribed procedures, and the report has been provided to the laboratory.

2. Any documentation determined to be relevant to an ongoing enforcement investigation shall be considered exempt from release to the public.

3. Checklists used by assessment personnel during the on-site assessment shall be provided to the laboratory with the final on-site assessment report.

D. The laboratory shall have access to documentation pertaining to any on-site assessment of its facilities. Any laboratory wishing to review its files shall request such assistance of DGS-DCLS five days prior to visiting DGS-DCLS. A laboratory may request copies of its documents without visiting DGS-DCLS. A reasonable fee may be charged for copying, mailing, and staff time.

1 VAC 30-45-410 through 1 VAC 30-45-490. (Reserved.)

Article 3. Proficiency Testing.

1 VAC 30-45-500. Laboratory enrollment in proficiency testing program.

A. Required level of participation.

1. To be certified initially and to maintain certification, a laboratory shall participate in two single-blind, single-concentration PT studies, where available, per year for each PT field of testing for which it seeks or wants to maintain certification.

2. Laboratories shall obtain PT samples from NIST or another provider approved by DGS-DCLS.

3. Each laboratory shall participate in at least two PT studies for each PT field of testing per year unless DGS-DCLS approves a different frequency for a given program.

B. Requesting certification.

1. At the time each laboratory applies for certification, it shall notify DGS-DCLS for which fields of testing it chooses to become certified and shall participate in the appropriate PT studies.

2. For all fields of testing for which PT samples are not available, the laboratory shall ensure the reliability of its

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testing procedures by maintaining a quality system that meets all applicable requirements of Article 4 (1 VAC 30-45-600 et seq.) of Part II of this chapter.

C. Reporting results.

1. Each laboratory shall authorize the PT study provider to release all certification and remediation results and "acceptable" or "not acceptable" status directly to DGS-DCLS, in addition to the laboratory.

2. The results of all of the PT sample tests including "acceptable" or "not acceptable" status shall be part of the public record.

3. The result of a PT sample, "acceptable" or "not acceptable" status, shall apply to all certified methods within that matrix that a laboratory employs for an analyte.

1 VAC 30-45-510. Requirements for laboratory testing of PT study samples.

A. The samples shall be analyzed and the results returned to the PT study provider no later than 45 calendar days from the scheduled study shipment date.

B. The laboratory's management and all analysts shall ensure that all PT samples are managed, analyzed, and reported in the same manner as real environmental samples utilizing the same staff, methods as used for routine analysis of that analyte, procedures, equipment, facilities, and frequency of analysis.

C. Restrictions on exchanging information. Laboratories shall comply with all of the following restrictions on the transfer of PT samples and communication of PT sample results prior to the time the results of the study are released. Laboratory management or staff shall not:

1. Send any PT sample, or a portion of a PT sample, to another laboratory for any analysis for which it seeks certification or is certified.

2. Knowingly receive any PT sample or portion of a PT sample from another laboratory for any analysis for which the sending laboratory seeks certification or is certified.

3. Communicate with any individual at another laboratory (including intracompany communication) concerning the PT sample.

4. Attempt to obtain the assigned value of any PT sample from their PT provider.

D. Maintenance of records. The laboratory shall maintain copies of all written, printed, and electronic records, including but not limited to bench sheets, instrument strip charts or printouts, data calculations, and data reports, resulting from the analysis of any PT sample for five years or for as long as is required by the applicable regulatory program. These records shall include a copy of the PT study report forms used by the laboratory to record PT results. All of these laboratory records shall be made available to the assessors of DGS-DCLS during on-site audits of the laboratory.

1 VAC 30-45-520. PT criteria for laboratory certification.

A. Result categories.

1. The criteria described in this section apply individually to each PT field of testing, as defined by the laboratory seeking to obtain or maintain certification in its certification request. These criteria apply only to the PT portion of the overall certification standard.

2. There are two PT result categories: "acceptable" and "not acceptable."

B. Initial and continuing certification.

1. A laboratory seeking to obtain or maintain certification shall successfully complete two PT studies for each requested PT field of testing within the most recent three rounds attempted.

2. Once a laboratory has been granted certification status, it shall continue to complete PT studies for each PT field of testing and maintain a history of at least two acceptable PT studies for each PT field of testing out of the most recent three.

3. For a laboratory seeking to obtain initial certification, the most recent three rounds attempted shall have occurred within 18 months of the laboratory's application date.

4. For a laboratory seeking initial certification, or for a laboratory performing supplemental testing, the PT studies shall be at least 30 calendar days apart.

5. For a laboratory to maintain certification, completion dates of successive proficiency rounds for a given PT field of testing shall be approximately six months apart. Failure to meet the semiannual schedule is regarded as a failed study.

C. Supplemental studies.

1. A laboratory may elect to participate in PT studies more frequently than required by the semiannual schedule. This may be desirable, for example, when a laboratory first applies for certification or when a laboratory fails a study and wishes to quickly reestablish its history of successful performance.

2. These additional studies shall be reported and are counted and scored the same way as routinely scheduled studies and shall be at least 30 calendar days apart.

D. Failed studies and corrective action.

1. Whenever a laboratory fails a study, it shall determine the cause for the failure and take any necessary corrective action. It shall then document in its own records and provide to DGS-DCLS both the investigation and the action taken.

2. If a laboratory fails two out of the three most recent studies for a given field of testing, its performance is considered unacceptable for that field. The laboratory shall then meet the requirements of initial certification as described in subsection B of this section.

E. Second failed study.

1. The PT provider reports laboratory PT performance results to DGS-DCLS at the same time that it reports the results to the laboratory.

2. If a laboratory fails a second study out of the most recent three, as described in subdivision D 2 of this section, DGS-DCLS shall take action within 60 calendar days to determine the certification status of all methods for the unacceptable analyte or analytes for that program and matrix.

F. Scheduling of PT studies.

1. DGS-DCLS may specify which months that laboratories within its authority are required to participate in PT study programs.

2. If DGS-DCLS chooses to specify the months, then it shall adhere to the required semiannual schedule. If DGS-DCLS does not specify the months, then the laboratory shall determine the schedule.

G. Withdrawal from PT studies. A laboratory may withdraw from a PT study for an analyte or analytes or for the entire study if the laboratory notifies both the PT provider and DGS-DCLS before the closing date of the PT study. This does not exempt the laboratory from participating in the semiannual schedule.

1 VAC 30-45-530 through 1 VAC 30-45-590. (Reserved.)

Article 4.
Quality System.

1 VAC 30-45-600. Quality system.

A. This article sets out the general requirements that an environmental laboratory has to successfully demonstrate to be recognized as competent to carry out specific environmental tests. The environmental laboratory shall establish, implement and maintain a quality system based on the required elements contained in this article.

B. The quality system shall be appropriate to the type, range and volume of testing, analysis, measurement or monitoring performed by the laboratory. Therefore, for technical or other reasons, some of the requirements of this article may not apply to every laboratory subject to this chapter. When in doubt as to the applicability of an Article 4 requirement, the applicant laboratory should consult DGS-DCLS.

C. If more stringent standards or requirements are included in a mandated test method or by regulation, the laboratory shall demonstrate that such requirements are met. If it is not clear which requirements are more stringent, the standard from the method or regulation is to be followed.

D. Provisions pertaining to the management of the quality system appear in 1 VAC 30-45-610 through 1 VAC 30-45-700. Provisions pertaining to the technical requirements for the quality system appear in 1 VAC 30-45-710 through 1 VAC 30-45-770.

1 VAC 30-45-610. Quality manual.

A. General.

1. The laboratory shall document its quality system in a quality manual. The quality manual shall reflect all quality assurance and quality control practices and programs used by the laboratory. The required elements of the quality system may be described in more than one document.

2. The quality manual shall be maintained current under the responsibility of the quality assurance officer.

3. The quality manual and any related documents shall be communicated to, understood by, available to, and implemented by all laboratory personnel.

4. The quality manual shall include but not be limited to the elements listed in subsection B of this section.

B. The elements of a quality manual shall include but not be limited to:

1. Title page. The quality manual shall list the following items on the title page:

a. A document title;

b. The laboratory's full name and address;

c. The name, address (if different from above), and telephone number of the responsible official, laboratory manager, and quality assurance officer;

d. The laboratory facility or facilities covered by the quality manual;

e. Signed and dated concurrence, with appropriate titles, of the responsible official, laboratory manager, and quality assurance officer; and

f. The effective date of the quality manual.

2. Table of contents.

3. A quality policy statement, including objectives and commitments, signed by top management.

4. The organization and management structure of the laboratory, its place in any parent organization and relevant organizational charts.

5. The relationship between management, technical operations, support services and the quality system.

6. The capabilities of the laboratory or scope of its operation.

7. Procedures to ensure that all records required by this chapter are retained, as well as procedures for control and maintenance of documentation through a document control system that ensures that all standard operating procedures, manuals, or documents clearly indicate the time period during which the procedure or document was in force.

8. Job descriptions of key staff and reference to the job descriptions of other staff.

9. The laboratory's procedures for achieving traceability of measurements, including standards.

10. A list of all test methods under which the laboratory performs its certified testing.

11. Mechanisms for ensuring that the laboratory reviews all new work to ensure that it has the appropriate facilities and resources before commencing such work.

12. Reference to the calibration and verification test procedures used.

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13. Procedures for receiving, handling, storing, and disposing of submitted samples.

14. Reference to the major equipment and reference measurement standards used as well as the physical facility and environment used by the laboratory in conducting tests.

15. Reference to procedures for calibration, verification and maintenance of equipment.

16. Reference to verification practices, which may include interlaboratory comparisons, proficiency testing programs, use of reference materials and internal quality control schemes.

17. Procedures to be followed for feedback and corrective action whenever testing discrepancies are detected, or departures from documented policies and procedures occur.

18. The laboratory management arrangements for permitting departures from documented policies and procedures or from standard specifications when the departures are planned and controlled.

19. Procedures for dealing with complaints.

20. Procedures for audits and data review.

21. Processes or procedures for establishing that personnel have adequate training and experience in the duties they are expected to carry out and are receiving any needed training.

22. Ethics policy statement developed by the laboratory. Processes and procedures for educating and training personnel in their ethical and legal responsibilities including the potential penalties for improper, unethical or illegal actions.

23. Reference to procedures for reporting analytical results.

C. Review and approval of quality manual.

1. The quality assurance officer shall review the laboratory's quality assurance program, manual and any related documentation whenever there is any change in test methods employed by the laboratory, change in equipment, or any other change in the laboratory that may significantly affect the quality assurance program.

2. The quality assurance manual shall be reviewed and approved by the quality assurance officer, the laboratory manager, and the responsible official at least annually.

1 VAC 30-45-620. Organization.

The laboratory shall specify and document the functional responsibility, level of authority, and interrelationship or lines of communication of all personnel who manage, perform or verify work affecting the quality of tests, analyses, measurements and monitoring. One person may cover more than one organizational function. Each manager and employee of the laboratory shall have a clear understanding of his or her duties and responsibilities and the relationship of those responsibilities to the overall work of the laboratory.

1 VAC 30-45-630. Records.

The laboratory shall maintain a record system to suit its particular circumstances and comply with any applicable regulations. The system shall produce unequivocal, accurate records which document all laboratory activities.

1 VAC 30-45-640. Recordkeeping system and design.

A. The recordkeeping system shall allow historical reconstruction of all laboratory activities that produced the analytical data. The history of the sample shall be readily understood through the documentation. This shall include interlaboratory transfers of samples or extracts or both.

B. The records shall include the identity of personnel involved in sampling, sample receipt, preparation, calibration or testing.

C. All information relating to the laboratory facilities equipment, analytical test methods, and related laboratory activities, such as sample receipt, sample preparation, or data verification shall be documented.

D. The recordkeeping system shall facilitate the retrieval of all working files and archived records for inspection and verification purposes, e.g., set format for naming electronic files.

E. All changes to records shall be signed or initialed by responsible staff. The reason for the signature or initials shall be clearly indicated in the records such as "sampled by," "prepared by," or "reviewed by."

F. All generated data except those that are generated by automated data collection systems, shall be recorded directly, promptly and legibly in permanent ink.

G. Entries in records shall not be obliterated by methods such as erasures, overwritten files or markings. All corrections to recordkeeping errors shall be made by one line marked through the error. The individual making the correction shall sign or initial and date the correction. These criteria also shall apply to electronically maintained records.

H. Computer and electronic data records shall be kept in accordance with 1 VAC 30-45-650 C and 1 VAC 30-45-730 K.

1 VAC 30-45-650. Records management and storage.

A. All records, certificates and reports shall be kept as required by applicable state and federal recordkeeping laws and regulations and safely stored and held secure.

B. All records shall be retained for a minimum of three years from generation of the last entry in the records, or longer, if required by an applicable regulatory program, whichever is greater. All information necessary for the historical reconstruction of data, including all original observations, calculations and derived data, calibration records and a copy of the test report, shall be maintained by the laboratory.

C. Records which are stored only on electronic media shall be supported by the hardware and software necessary for their retrieval. Records that are stored or generated by computers or personal computers shall have hard copy or write-protected backup copies.

D. The laboratory shall establish a record management system for control of laboratory notebooks, instrument logbooks, standards logbooks, and records for data reduction, validation storage and reporting.

E. Access to archived information shall be documented with an access log. These records shall be protected against fire, theft, loss, environmental deterioration, vermin and, in the case of electronic records, electronic or magnetic sources.

F. The laboratory shall have a plan to ensure that the records are maintained or transferred in the event that a laboratory transfers ownership or goes out of business. In addition, in cases of bankruptcy, appropriate regulatory and state legal requirements concerning laboratory records shall be followed.

1 VAC 30-45-660. Required records.

A. Sample handling.

1. A record of all procedures to which a sample is subjected while in the possession of the laboratory shall be maintained. These shall include but are not limited to all records pertaining to sample preservation, identification, receipt, acceptance or rejection, log-in, storage and tracking.

2. The laboratory shall have documented procedures for the receipt and retention of test items.

B. Laboratory support activities. The following documents and data shall be retained:

1. All original raw data, whether hard copy or electronic, for calibrations, samples and quality control measures, including analysts' work sheets and data output records (chromatograms, strip charts, and other instrument response readout records).

2. A written description or reference to the specific test method used that includes a description of the specific computational steps used to translate parametric observations into a reportable analytical value.

3. Copies of final reports.

4. Archived standard operating procedures.

5. Correspondence relating to laboratory activities.

6. All corrective action reports, audits and audit responses.

7. Proficiency test results and raw data.

8. Results of data review, verification, and cross-checking procedures.

C. Analytical records. Essential information associated with analytical documents, such as strip charts, tabular printouts, computer data files, analytical notebooks, and run logs, shall be retained. This information includes, but is not limited to, all manual calculations, e.g., manual integrations; sample preparation; standard and reagent origin, receipt, preparation, and use; quality control protocols and assessment; and method performance criteria.

D. Administrative records. The following administrative records shall be maintained:

1. Personnel qualifications, experience and training records.

2. Records of demonstration of capability for each analyst.

3. A log of names, initials and signatures for all individuals who are responsible for signing or initialing any laboratory record.

1 VAC 30-45-670. Audits.

A. Internal audits.

1. The laboratory shall arrange for annual internal audits to verify that its operations continue to comply with the requirements of the laboratory's quality system. It is the responsibility of the quality assurance officer to plan and organize audits as required by a predetermined schedule and requested by management.

2. Such audits shall be carried out by trained and qualified personnel who are, wherever resources permit, independent of the activity to be audited. Personnel shall not audit their own activities except when it can be demonstrated that an effective audit will be carried out.

3. Where the audit findings cast doubt on the correctness or validity of the laboratory's calibrations or test results, the laboratory shall take immediate corrective action.

4. Small laboratories may have an audit performed under contract by an outside source competent to audit the laboratory's operations.

B. Managerial review.

1. The laboratory management shall conduct a review, at least annually, of its quality system and its testing and calibration activities to ensure its continuing suitability and effectiveness and to introduce any necessary changes or improvements in the quality system and laboratory operations.

2. The review shall take account of reports from managerial and supervisory personnel, the outcome of recent internal audits, assessments by external bodies, the results of interlaboratory comparisons or proficiency tests, corrective actions and other relevant factors.

3. The laboratory shall have a procedure for review by management and maintain records of review findings and actions.

4. Where the staff of a laboratory is limited to a single analyst, a supervisor may perform a managerial review.

C. Audit review. All audit and review findings and any corrective actions that arise from them shall be documented. The laboratory management shall ensure that these actions are discharged within the agreed time frame as indicated in the quality manual or standard operating procedures or both. For clarification, documentation of audit and review findings should be a simple procedure, essentially a memorandum setting out the findings of the audit and managerial review and any action to follow.

D. Performance audits. In addition to periodic audits, the laboratory shall ensure the quality of results by implementing

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checks to monitor the quality of the laboratory's analytical activities. The following are examples of such checks:

1. Internal quality control procedures using statistical techniques.
2. Participation in proficiency testing or other interlaboratory comparisons.
3. Use of certified reference materials or in-house quality control using secondary reference materials.
4. Replicate testings using the same or different test methods.
5. Retesting of retained samples.
6. Correlation of results for different but related analysis of a sample (for example, total phosphorus should be greater than or equal to orthophosphate).

E. Corrective actions.

1. In addition to providing acceptance criteria and specific protocols for corrective actions in the method standard operating procedures, the laboratory shall implement general procedures to be followed to determine consistently when departures from documented policies, procedures and quality control have occurred. These procedures may include but are not limited to the following:

- a. Identify the individual or individuals responsible for assessing each quality control data type;
- b. Identify the individual or individuals responsible for initiating or recommending corrective actions or both;
- c. Define how the analyst shall treat a data set if the associated quality control measurements are unacceptable;
- d. Specify how out-of-control situations and subsequent corrective actions are to be documented; and
- e. Specify procedures for management (including the quality assurance officer) to review corrective action reports.

2. To the extent possible, samples shall be reported only if all quality control measures are acceptable. If a quality control measure is found to be out of control, and the data are to be reported, all samples associated with the failed quality control measure shall be reported with the appropriate data qualifiers.

1 VAC 30-45-680. Subcontracting analytical samples.

A. Where a laboratory subcontracts any part of the testing covered under this chapter, the testing shall only be subcontracted to a laboratory certified under 1 VAC 30-46 or under another state's NELAP-approved program.

B. The report from the subcontractor shall be a separate part of the laboratory report and identified as laboratory testing done by a subcontractor.

C. The laboratory shall retain records demonstrating that the requirements of this section have been met.

1 VAC 30-45-690. Outside support services and supplies.

A. Where the laboratory procures outside services and supplies in support of tests, the laboratory shall use only those outside support services and supplies that are of adequate quality to sustain confidence in the laboratory's tests.

B. Where no independent assurance of the quality of outside support services or supplies is available, the laboratory shall have procedures to ensure that purchased equipment, materials and services comply with specified requirements. The laboratory shall ensure that purchased equipment and consumable materials are not used until they have been inspected, calibrated or otherwise verified as complying with any standard specifications relevant to the calibrations or tests concerned.

C. The laboratory shall maintain records of all suppliers from whom it obtains support services or supplies required for tests.

1 VAC 30-45-690. Outside support services and supplies.

A. Where the laboratory procures outside services and supplies in support of tests, the laboratory shall use only those outside support services and supplies that are of adequate quality to sustain confidence in the laboratory's tests.

B. Where no independent assurance of the quality of outside support services or supplies is available, the laboratory shall have procedures to ensure that purchased equipment, materials and services comply with specified requirements. The laboratory shall ensure that purchased equipment and consumable materials are not used until they have been inspected, calibrated or otherwise verified as complying with any standard specifications relevant to the calibrations or tests concerned.

C. The laboratory shall maintain records of all suppliers from whom it obtains support services or supplies required for tests.

1 VAC 30-45-700. Complaints.

The laboratory shall have documented policy and procedures for the resolution of complaints about the laboratory's activities. Where a complaint or any other circumstance raises doubt concerning the laboratory's compliance with the laboratory's policies or procedures, or with the requirements of this chapter or otherwise concerning the quality of the laboratory's calibrations or tests, the laboratory shall ensure that those areas of activity and responsibility involved are promptly audited in accordance with 1 VAC 30-45-670 A. Records of the complaint and subsequent actions shall be maintained.

1 VAC 30-45-710. Environment and work areas.

Laboratory accommodations, test areas, energy sources, lighting, heating and ventilation shall be such as to facilitate proper performance of tests. Laboratories may meet the requirements of subdivisions 1 through 8 of this section as appropriate to provide compliance with this requirement.

1. The environment in which these activities are undertaken shall not invalidate the results or adversely affect the required accuracy of measurement. Particular care shall be

taken when such activities are undertaken at sites other than the permanent laboratory premises.

2. The laboratory shall provide for the effective monitoring, control and recording of environmental conditions as appropriate. Such environmental conditions may include biological sterility, dust, electromagnetic interference, humidity, mains voltage, temperature, and sound and vibration levels.

3. In instances where monitoring or control of any of the above-mentioned items are specified in a test method or by regulation, the laboratory shall meet and document adherence to the laboratory facility requirements.

4. There shall be effective separation between testing areas when the activities in the testing areas are incompatible (i.e., microbiological culture or incubation and volatile organic chemicals).

5. Access to and use of all areas affecting the quality of these activities shall be defined and controlled.

6. Adequate measures shall be taken to ensure good housekeeping in the laboratory and to ensure that any contamination does not adversely affect data quality.

7. Work spaces shall be available to ensure an unencumbered work area.

8. Work areas include:

- a. Access and entryways to the laboratory;
- b. Sample receipt areas;
- c. Sample storage areas;
- d. Chemical and waste storage areas; and
- e. Data handling and storage areas.

1 VAC 30-45-720. Equipment and reference materials.

A. The laboratory shall be furnished with all items of equipment, including reference materials, required for the correct performance of tests for which certification is sought. The laboratory shall maintain records of reference materials sufficient to provide proper performance of tests. In those cases where the laboratory needs to use equipment outside its permanent control it shall ensure that the relevant requirements of this article are met.

B. All equipment shall be properly maintained, inspected and cleaned. Maintenance procedures shall be documented.

C. Any item of the equipment that has been subjected to overloading or mishandling, which gives suspect results, or has been shown by verification or otherwise to be defective shall be taken out of service, clearly identified and, wherever possible, stored at a specified place until it has been repaired and shown by calibration, verification or test to perform satisfactorily. The laboratory shall examine the effect of this defect on previous calibrations or tests.

D. Each item of equipment including reference materials shall be labeled, marked or otherwise identified to indicate its calibration status.

E. Records of each major item of equipment significant to the tests performed shall be maintained. These records shall include documentation on all routine and nonroutine maintenance activities. The laboratory shall maintain records of reference materials sufficient to provide proper performance of tests. The records may include:

1. The name of the item of equipment;
2. The manufacturer's name, type identification, and serial number or other unique identification;
3. Date received and date placed in service (if available);
4. Current location, where appropriate;
5. If available, condition when received (e.g., new, used, reconditioned);
6. Copy of the manufacturer's instructions, where available;
7. Dates and results of calibrations or verifications or both and date of the next calibration or verification;
8. Details of maintenance carried out to date and planned for the future; and
9. History of any damage, malfunction, modification or repair.

1 VAC 30-45-730. Test methods and standard operating procedures.

A. Methods documentation.

1. The laboratory shall have documented instructions on the use and operation of all relevant equipment, on the handling and preparation of samples, and for calibration or testing, where the absence of such instructions could jeopardize the calibrations or tests.

2. All instructions, standards, manuals and reference data relevant to the work of the laboratory shall be maintained up to date and be readily available to the staff.

B. Standard operating procedures (SOPs).

1. Laboratories shall maintain SOPs that accurately reflect all phases of current laboratory activities such as assessing data integrity, corrective actions, handling customer complaints, and all test methods. These documents, for example, may be equipment manuals provided by the manufacturer or internally written documents. The test methods may be copies of published methods as long as any changes or selected options in the methods are documented and included in the laboratory methods manual.

2. The SOPs shall be organized. Each SOP shall clearly indicate the effective date of the document, the revision number, and the signature or signatures of the approving authority.

3. Copies of all SOPs shall be accessible to all personnel.

C. Laboratory methods manuals.

1. The laboratory shall have and maintain an in-house methods manual or manuals for each certified analyte or test method.

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2. This manual may consist of copies of published or referenced methods or standard operating procedures that have been written by the laboratory. In cases where modifications to the published method have been made by the laboratory or where the referenced test method is ambiguous or provides insufficient detail, these changes or clarifications shall be clearly described. Each test method shall include or reference where applicable:

- a. Identification of the test method;
- b. Applicable matrix or matrices;
- c. Method detection limit;
- d. Scope and application, including components to be analyzed;
- e. Summary of the test method;
- f. Definitions;
- g. Interferences;
- h. Safety;
- i. Equipment and supplies;
- j. Reagents and standards;
- k. Sample collection, preservation, shipment and storage;
- l. Quality control;
- m. Calibration and standardization;
- n. Procedure;
- o. Calculations;
- p. Method performance;
- q. Pollution prevention;
- r. Data assessment and acceptance criteria for quality control measures;
- s. Corrective actions for out-of-control data;
- t. Contingencies for handling out-of-control or unacceptable data;
- u. Waste management;
- v. References; and
- w. Any tables, diagrams, flowcharts and validation data.

D. Test methods.

1. Laboratories shall use (i) promulgated test methods in accordance with the Code of Federal Regulations; (ii) test methods stated in any current permit issued by Virginia Air Pollution Control Board, the Virginia Waste Management Board, or the State Water Control Board; or (iii) alternate test procedures approved by the board issuing the permit or the Department of Environmental Quality, including applicable quality assurance requirements, and sample preservation, container, storage, and holding time requirements.

2. The laboratory shall use appropriate test methods and procedures for all tests and related activities within its

responsibility (including sample handling, transport and storage, preparation and analysis). The method and procedures shall be consistent with the accuracy required and with any standard specifications relevant to the calibrations or tests concerned.

3. When the use of reference test methods for a sample analysis is mandated, only those methods shall be used.

4. Where test methods are employed that are not required, as in the Performance Based Measurement System approach, the methods shall be fully documented and validated (see subsection E of this section).

E. Demonstration of capability.

1. Prior to acceptance and institution of any test method, satisfactory demonstration of method capability is required. In general, this demonstration does not test the performance of the method in real world samples, but in the applicable and available clean matrix (a sample of a matrix in which no target analytes or interferences are present at concentrations that impact the results of a specific test method), e.g., water, solids, biological tissue and air. For analytes that do not lend themselves to spiking, the demonstration of capability may be performed using quality control samples.

2. Thereafter, continuing demonstration of method performance, such as laboratory control samples, is required.

3. In cases where a laboratory analyzes samples using a test method that has been in use by the laboratory before July 1999, and there have been no significant changes in instrument type, personnel or test method, the continuing demonstration of method performance and the analyst's documentation of continued proficiency shall be acceptable. The laboratory shall have records on file to demonstrate that an initial demonstration of capability is not required.

4. In all cases, a certification statement shall be completed and retained by the laboratory to be made available upon request. All associated supporting data necessary to reproduce the analytical results summarized in the certification statement shall be retained by the laboratory.

5. A demonstration of capability shall be completed each time there is a change in instrument type, personnel or test method.

F. Procedure for demonstration of capability.

1. The following steps (adapted from the EPA test methods published in 40 CFR Part 136, Appendix A) shall be performed if required reagents/standards are available:

a. A quality control (QC) sample shall be obtained from an outside source. If not available, the QC sample may be prepared by the laboratory using stock standards that are prepared independently from those used in instrument calibration.

b. The analyte or analytes shall be diluted in a volume of clean matrix sufficient to prepare four aliquots at the concentration specified or, if unspecified, to a

concentration approximately 10 times the method-stated or laboratory-calculated method detection limit.

c. At least four aliquots shall be prepared and analyzed according to the test method either concurrently or over a period of days.

d. Using all of the results, calculate the mean recovery in the appropriate reporting units (such as g/L) and the standard deviations of the population sample (n-1) (in the same units) for each parameter of interest. When it is not possible to determine mean and standard deviations, such as for presence or absence of the analyte and logarithmic values, the laboratory must assess performance against established and documented criteria.

e. Compare the information from subdivision 1 d of this subsection to the corresponding acceptance criteria for precision and accuracy in the test method (if applicable) or in laboratory-generated acceptance criteria (if there are no established mandatory criteria). If all parameters meet the acceptance criteria, the analysis of actual samples may begin. If any one of the parameters do not meet the acceptance criteria, the performance is unacceptable for that parameter.

f. When one or more of the tested parameters fail at least one of the acceptance criteria, the analyst must proceed according to either subdivision (1) or (2) below.

(1) Locate and correct the source of the problem and repeat the test for all parameters of interest beginning with subdivision 1 c of this subsection.

(2) Beginning with subdivision 1 c of this subsection, repeat the test for all parameters that failed to meet criteria. Repeated failure, however, confirms a general problem with the measurement system. If this occurs, locate and correct the source of the problem and repeat the test for all compounds of interest beginning with subdivision 1 c of this subsection.

2. It is the responsibility of the laboratory to document that other approaches to demonstrating capability are adequate. This documentation shall be included in the laboratory's quality assurance manual.

G. Certification statement. The following certification statement shall be used to document the completion of each demonstration of capability. A copy of the certification statement shall be retained in the personnel records of each affected employee.

Demonstration of Capability Certification Statement

Date: Page ___ of ___

Laboratory Name:

Laboratory Address:

Analyst(s) Name(s):

Matrix:

(examples: laboratory pure water, soil, air, solid, biological tissue)

Method number, SOP#, Rev#, and Analyte, or Class of Analytes or Measured Parameters

(examples: barium by 200.7, trace metals by 6010, benzene by 8021, etc.)

We, the undersigned, CERTIFY that:

1. The analysts identified above, using the cited test method(s), which is in use at this facility for the analyses of samples under the Virginia Environmental Laboratory Certification Program, have met the Demonstration of Capability.

2. The test method(s) was performed by the analyst(s) identified on this certification.

3. A copy of the test method(s) and the laboratory-specific SOPs are available for all personnel on-site.

4. The data associated with the demonstration capability are true, accurate, complete and self-explanatory (1).

5. All raw data (including a copy of this certification form) necessary to reconstruct and validate these analyses have been retained at the facility, and that the associated information is well organized and available for review by authorized assessors.

Laboratory Manager's Name and Title Signature Date

Quality Assurance Officer's Name Signature Date

H. Sample aliquots. Where sampling (as in obtaining sample aliquots from a submitted sample) is carried out as part of the test method, the laboratory shall use documented procedures and appropriate techniques to obtain representative subsamples.

I. Data verification. Calculations and data transfers shall be subject to appropriate checks. The laboratory shall establish standard operating procedures to ensure that (i) the reported data are free from transcription and calculation errors and (ii) all quality control measures are reviewed and evaluated before data are reported. The laboratory also shall establish standard operating procedures addressing manual calculations including manual integrations.

J. Documentation and labeling of standards and reagents. Documented procedures shall exist for the reception and storage of consumable materials used for the technical operations of the laboratory.

1. The laboratory shall retain records for all standards, reagents and media including the manufacturer/vendor, the manufacturer's Certificate of Analysis or purity (if supplied), the date of receipt, recommended storage conditions, and an expiration date after which the material shall not be used unless its reliability is verified by the laboratory.

2. Original containers (such as provided by the manufacturer or vendor) shall be labeled with an expiration date.

3. Records shall be maintained on reagent and standard preparation. These records shall indicate traceability to purchased stocks or neat compounds, reference to the method of preparation, date of preparation, expiration date and preparer's initials.

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4. Sufficient identification of containers of prepared reagents and standards shall be provided to ensure proper performance of tests.

K. Computers and electronic data related requirements. Where computers, automated equipment or microprocessors are used for the capture, processing, manipulation, recording, reporting, storage or retrieval of test data, the laboratory shall ensure the following:

1. All requirements of this article are complied with.
2. Computer software is tested and documented to be adequate for use, e.g., internal audits, personnel training, focus point of quality assurance and quality control.
3. Procedures are established and implemented for protecting the integrity of data, such as integrity of data entry or capture, data storage, data transmission and data processing.
4. Computer and automated equipment are maintained to ensure proper functioning and provided with the environmental and operating conditions necessary to maintain the integrity of calibration and test data.
5. Appropriate procedures are established and implemented for the maintenance of security of data including the prevention of unauthorized access to, and the unauthorized amendment of, computer records.

1 VAC 30-45-740. Measurement traceability and calibration.

A. General requirements. All measuring operations and testing equipment having an effect on the accuracy or validity of tests shall be calibrated or verified or both before being put into service and on a continuing basis. The laboratory shall have an established program for the calibration and verification of its measuring and test equipment. This includes balances, thermistors, thermometers and control standards.

B. Traceability of calibration.

1. The overall program of calibration or verification or both and validation of equipment shall be designed and operated so as to ensure that measurements made by the laboratory are traceable to national standards of measurement where available.
2. Calibration certificates shall indicate the traceability to national standards of measurement and shall provide the measurement results and associated uncertainty of measurement or a statement of compliance with an identified metrological specification or both. The laboratory shall maintain records of all such certifications.
3. Where traceability to national standards of measurement is not applicable, the laboratory shall provide satisfactory evidence of correlation of results, for example by participation in a suitable program of interlaboratory comparisons, proficiency testing, or independent analysis.

C. Reference standards.

1. Reference standards of measurement held by the laboratory (such as Class S or equivalent weights or traceable thermometers) shall be used for calibration only,

unless it can be demonstrated that their performance as reference standards have not been invalidated. Reference standards of measurement shall be calibrated by a body that can provide traceability. Where possible, this traceability shall be to a national standard of measurement.

2. There shall be a program of calibration and verification for reference standards.

3. Where relevant, reference standards and measuring and testing equipment shall be subjected to in-service checks between calibrations and verifications. Reference materials shall be traceable. Where possible, traceability shall be to national or international standards of measurement, or to national or international standard reference materials.

D. Calibration. Calibration requirements are divided into two parts: (i) requirements for analytical support equipment and (ii) requirements for instrument calibration. In addition, the requirements for instrument calibration are divided into initial instrument calibration and continuing instrument calibration verification.

1. Support equipment. These standards apply to all devices that may not be the actual test instrument, but are necessary to support laboratory operations. These include but are not limited to balances, ovens, refrigerators, freezers, incubators, water baths, temperature measuring devices (including thermometers and thermistors), thermal/pressure sample preparation devices and volumetric dispensing devices (such as Eppendorf®, or automatic dilutor or dispensing devices) if quantitative results are dependent on their accuracy, as in standard preparation and dispensing or dilution into a specified volume.

- a. All support equipment shall be maintained in proper working order. The records of all repair and maintenance activities, including service calls, shall be kept.
- b. All support equipment shall be calibrated or verified at least annually, using NIST traceable references when available, over the entire range of use. The results of such calibration shall be within the specifications required of the application for which this equipment is used. If not, the laboratory shall either (i) remove the equipment from service until repaired or (ii) maintain records of established correction factors to correct all measurements.
- c. Raw data records shall be retained to document equipment performance.
- d. Prior to use on each working day, balances, ovens, refrigerators, freezers, and water baths shall be checked in the expected use range, with NIST traceable references where available. The acceptability for use or continued use shall be according to the needs of the analysis or application for which the equipment is being used.
- e. Mechanical volumetric dispensing devices including burettes (except Class A glassware) shall be checked for accuracy on at least a quarterly use basis. Glass microliter syringes are to be considered in the same manner as Class A glassware, but shall come with a

certificate attesting to established accuracy or the accuracy shall be initially demonstrated and documented by the laboratory.

f. For chemical tests, the temperature, cycle time and pressure of each run of autoclaves shall be documented by the use of appropriate chemical indicators or temperature recorders and pressure gauges.

g. For biological tests that employ autoclave sterilization, the following requirements apply:

(1) The performance of each autoclave shall be initially evaluated by establishing its functional properties and performance, for example heat distribution characteristics with respect to typical uses. Autoclaves shall meet specified temperature tolerances. Pressure cookers fitted only with a pressure gauge are not recommended for sterilization of media or decontamination of wastes.

(2) Records of autoclave operations including temperature and time shall be maintained. This shall be done for every cycle. Acceptance and rejection criteria shall be established and used to evaluate the autoclave efficiency and effectiveness.

2. Instrument calibration.

a. This standard specifies the essential elements that define the procedures and documentation for initial instrument calibration and continuing instrument calibration verification to ensure that the data shall be of known quality and be appropriate for a given regulation or decision. This standard does not specify detailed procedural steps for calibration, but establishes the essential elements for selection of the appropriate technique or techniques. If more stringent standards or requirements are included in a mandated test method or by regulation, the laboratory shall demonstrate that such requirements are met. If it is not apparent which standard is more stringent, then the requirements of the regulation or mandated test method are to be followed.

b. Initial instrument calibrations. The following items are essential elements of initial instrument calibration:

(1) The details of the initial instrument calibration procedures, including calculations, integrations, acceptance criteria and associated statistics shall be included or referenced in the test method standard operating procedure. When initial instrument calibration procedures are referenced in the test method, then the referenced material shall be retained by the laboratory and be available for review.

(2) Sufficient raw data records shall be retained to permit reconstruction of the initial instrument calibration, e.g., calibration date, test method, instrument, analysis date, each analyte name, analyst's initials or signature, concentration and response, calibration curve or response factor, or unique equation or coefficient used to reduce instrument responses to concentration.

(3) Sample results shall be quantitated from the initial instrument calibration and may not be quantitated from any continuing instrument calibration verification.

(4) All initial instrument calibrations shall be verified with a standard obtained from a second manufacturer or lot. Traceability shall be to a national standard, when available. This element does not apply to laboratories performing only simple test procedures.

(5) Criteria for the acceptance of an initial instrument calibration shall be established, e.g., correlation coefficient and relative percent difference. The criteria used shall be appropriate to the technique employed.

(6) Results of samples not bracketed by initial calibration standards (within calibration range) shall be reported as having less certainty, e.g., defined qualifiers or flags or explained in the case narrative. The lowest calibration standard shall be above the detection limit.

(7) If the initial instrument calibration results are outside established acceptance criteria, corrective actions shall be performed. Data associated with an unacceptable initial instrument calibration shall not be reported.

(8) Calibration standards shall include concentrations at or below the regulatory limit or decision level, if these limits or levels are known by the laboratory, unless these concentrations are below the laboratory's demonstrated detection limits.

(9) If a reference or mandated method does not specify the number of calibration standards, the minimum number is two, not including blanks or a zero standard. The laboratory shall have a standard operating procedure for determining the number of points for establishing the initial instrument calibration.

c. Continuing instrument calibration verification.

(1) When an initial instrument calibration is not performed on the day of analysis, the validity of the initial calibration shall be verified prior to sample analyses by a continuing instrument calibration check with each analytical batch. This provision does not apply to laboratories performing only simple test procedures.

(2) The following items are essential elements of continuing instrument calibration verification:

(a) The details of the continuing instrument calibration procedure, calculations and associated statistics shall be included or referenced in the test method standard operating procedure.

(b) A continuing instrument calibration check shall be repeated at the beginning and end of each analytical batch. The concentrations of the calibration verification shall be varied within the established calibration range. If an internal standard is used, only one continuing instrument calibration verification shall be analyzed per analytical batch.

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(c) Sufficient raw data records shall be retained to permit reconstruction of the continuing instrument calibration verification, e.g., test method, instrument, analysis date, each analyte name, concentration and response, calibration curve or response factor, or unique equations or coefficients used to convert instrument responses into concentrations. Continuing calibration verification records shall explicitly connect the continuing verification data to the initial instrument calibration.

(d) Criteria for the acceptance of a continuing instrument calibration verification shall be established, e.g., relative percent difference.

(e) If the continuing instrument calibration verification results obtained are outside established acceptance criteria, corrective actions shall be performed. If routine corrective action procedures fail to produce a second consecutive (immediate) calibration verification within acceptance criteria, then either the laboratory has to demonstrate performance after corrective action with two consecutive successful calibration verifications, or a new initial instrument calibration shall be performed. If the laboratory has not demonstrated acceptable performance, sample analyses shall not occur until a new initial calibration curve is established and verified. However, sample data associated with an unacceptable calibration verification may be reported as qualified data under the following special conditions:

(i) When the acceptance criteria for the continuing calibration verification are exceeded high, i.e., high bias, and there are associated samples that are nondetects, then those nondetects may be reported. Otherwise the samples affected by the unacceptable calibration verification shall be reanalyzed after a new calibration curve has been established, evaluated and accepted.

(ii) When the acceptance criteria for the continuing calibration verification are exceeded low, i.e., low bias, those sample results may be reported if they exceed a maximum regulatory limit or decision level. Otherwise the samples affected by the unacceptable verification shall be reanalyzed after a new calibration curve has been established, evaluated and accepted.

1 VAC 30-45-750. Essential quality control procedures.

A. The general quality control principles in subsections B through E of this section shall apply, where applicable, to all environmental laboratories. The manner in which they are implemented is dependent on the types of tests performed by the laboratory. The standards for any given test type shall assure that the applicable principles are addressed.

B. All laboratories shall have detailed written protocols in place to monitor the following quality controls:

1. Positive and negative controls to monitor tests such as blanks, spikes, reference toxicants.

2. Tests to define the variability or repeatability of the laboratory results or both such as replicates.

3. Measures to assure the accuracy of the test method including calibration or continuing calibrations or both, use of certified reference materials, proficiency test samples, or other measures.

4. Measures to evaluate test method capability, such as method detection limits and quantitation limits or range of applicability such as linearity.

5. Selection of appropriate formulae to reduce raw data to final results such as regression analysis, comparison to internal and external standard calculations, and statistical analyses.

6. Selection and use of reagents and standards of appropriate quality.

7. Measures to assure the selectivity of the test for its intended purpose.

8. Measures to assure constant and consistent test conditions (both instrumental and environmental) where required by the test method such as temperature, humidity, light, or specific instrument conditions.

C. All quality control measures shall be assessed and evaluated on an on-going basis, and quality control acceptance criteria shall be used to determine the validity of the data.

D. The laboratory shall have procedures for the development of acceptance or rejection criteria where no method or regulatory criteria exist. (See 1 VAC 30-45-760 B.)

E. The laboratory shall ensure that the essential quality control standards and protocols listed in subsection B of this section and specified by mandated methods or regulations are incorporated into the laboratory's method manual and followed.

1 VAC 30-45-760. Sample handling, sample acceptance policy and sample receipt.

While the laboratory may not have control of field sampling activities, the following are essential to ensure the validity of the laboratory's data.

1. Sample tracking. The laboratory shall have a documented system for uniquely identifying the items to be tested to ensure that there can be no confusion regarding the identity of such items at any time. This system shall include identification for all samples, subsamples and subsequent extracts or digestates or both. The use of container shape, size or other physical characteristic, such as amber glass or purple top, is not an acceptable means of identifying the sample.

2. Sample acceptance policy. The laboratory shall have a written sample acceptance policy that clearly outlines the circumstances under which samples shall be accepted or rejected. The policy shall ensure that only properly obtained samples are analyzed and that the samples are handled properly. This sample acceptance policy shall be made available to sample collection personnel. The policy

shall include elements such as appropriate documentation of the sample's identification, use of appropriate sample containers, adherence to specified holding times, adequate sample volume to perform necessary tests, and procedures to be used when samples show signs of damage, contamination or inadequate preservation.

3. Sample receipt protocols.

a. Upon receipt, the condition of the sample, including any abnormalities or departures from standard condition as prescribed in the relevant test method, shall be recorded. All items specified by the sample acceptance policy shall be checked.

b. All samples that require thermal preservation shall be considered acceptable if the arrival temperature is either within 2 degrees Celsius of the required temperature or the method specified range. For samples with a specified temperature of 4 degrees Celsius, samples with a temperature of ranging from just above freezing temperature of water to 6 degrees Celsius shall be acceptable. Samples that are hand delivered to the laboratory immediately after collection may not meet this criteria. In these cases, the samples shall be considered acceptable if there is evidence that the chilling process has begun such as arrival on ice.

c. The laboratory shall implement procedures for checking chemical preservation using readily available techniques, such as pH or free chlorine prior to or during sample preparation or analysis.

d. The results of all checks required by the sample acceptance policy and relevant test method shall be recorded.

4. Storage conditions.

a. The laboratory shall have documented procedures and appropriate facilities to avoid deterioration, contamination or damage to the sample during storage, handling, preparation, and testing. Any relevant instructions provided with the item shall be followed. Where items have to be stored or conditioned under specific environmental conditions, these conditions shall be maintained, monitored and recorded.

b. Samples shall be stored according to the conditions specified by preservation protocols:

(1) Samples that require thermal preservation shall be stored under refrigeration that is within 2 degrees Celsius of the specified preservation temperature unless method specific criteria exist. For samples with a specified storage temperature of 4 degrees Celsius, storage at a temperature above the freezing point of water to 6 degrees Celsius shall be acceptable.

(2) Samples shall be stored away from all standards, reagents, food and other potentially contaminating sources. Samples shall be stored in such a manner to prevent cross contamination.

c. Sample fractions, extracts, leachates and other sample preparation products shall be stored according to

subdivision 4 a of this section or according to specifications in the test method.

d. Where a sample or portion of the sample is to be held secure (for example, for reasons of record, safety or value, or to enable check calibrations or tests to be performed later), the laboratory shall have storage and security arrangements that protect the condition and integrity of the secured items or portions concerned.

5. Sample disposal. The laboratory shall have standard operating procedures for the disposal of samples, digestates, leachates and extracts or other sample preparation products.

1 VAC 30-45-770. Laboratory report format and contents.

A. The results of each test or series of tests carried out by the laboratory shall be reported accurately, clearly, unambiguously and objectively. The results shall normally be reported in a test report required by regulation and shall include all the information necessary for the interpretation of the test results and all information required by the method used.

B. Where the certificate or report contains results of tests performed by subcontractors, these results shall be clearly identified by subcontractor name or applicable certification number.

C. After issuance of the report, the laboratory report shall remain unchanged. Material amendments to a calibration certificate, test report or test certificate after issue shall be made only in the form of a further document, or data transfer including the statement "Supplement to Test Report or Test Certificate, serial number . . . (or as otherwise identified)," or equivalent form of wording. Such amendments shall meet all the relevant requirements of this article.

NOTICE: The forms used in administering 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, are listed below. The forms are not being published in the *Virginia Register of Regulations*, but are available for inspection by contacting the Department of General Services, Division of Consolidated Laboratory Services, 600 N. 5th St., Richmond, VA 23219, telephone (804) 648-4480.

FORMS

Application for Certification of Environmental Laboratories Performing Only Simple Test Procedures Under 1 VAC 35-45 (with instructions), eff. xx/xx.

Application for Certification of General Environmental Laboratories under 1 VAC 35-45 (with instructions), eff. xx/xx.

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CHAPTER 46.
ACCREDITATION FOR COMMERCIAL ENVIRONMENTAL
LABORATORIES.

PART I.
GENERAL PROVISIONS.

1 VAC 30-46-10. Purpose.

Section 2.2-1105 of the Code of Virginia directs the Division of Consolidated Laboratory Services to establish a program to certify environmental laboratories that perform tests, analyses, measurements or monitoring required by the Commonwealth's air, waste and water laws and regulations. This chapter sets out the required standards and the process by which owners or operators of commercial environmental laboratories may obtain certification for their laboratories. Certification is referred to as accreditation in this chapter. Commercial environmental laboratories are accredited under the standards of the National Environmental Laboratory Accreditation Conference as approved in 2002. In addition, this chapter sets out the process that NELAC-accredited environmental laboratories located outside Virginia must use to receive accreditation in Virginia. 1 VAC 30-45 covers noncommercial environmental laboratories.

1 VAC 30-46-20. Establishment of accreditation program.

A. Once the accreditation program has been established, laboratory accreditation shall be required before any environmental analyses performed by a commercial environmental laboratory may be used for the purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law (§ 10.1-1300 et seq., § 10.1-1400 et seq., and § 62.1-44.2 et seq., respectively, of the Code of Virginia).

B. The accreditation program shall be established on the first day of the 25th month following the effective date of this chapter.

1 VAC 30-46-30. Applicability.

A. General applicability. This chapter applies to the following:

1. Any owner or operator of a commercial environmental laboratory.
2. Any owner or operator of an environmental laboratory located in jurisdictions outside of Virginia who wishes to apply for reciprocal accreditation under 1 VAC 30-46-140.

B. DGS-DCLS.

1. NELAP-accredited laboratory. DGS-DCLS shall meet the requirements of this chapter through review and accreditation by a NELAP-accredited federal or state accrediting authority. This process shall be completed before the program under this chapter and 1 VAC 30-45 is established.

2. Primary accrediting authority. DGS-DCLS shall meet the requirements of the NELAC Standards to become the primary accrediting authority for the Commonwealth of Virginia. This review and approval by a NELAP accrediting team shall be completed no later than one year following the effective date of this chapter.

C. Voluntary accreditation. Any owner or operator of an environmental laboratory may apply for accreditation under this chapter.

D. Environmental laboratories required to obtain drinking water certification under 1 VAC 30-40. Any owner or operator of an environmental laboratory who must meet the requirements of 1 VAC 30-40 pertaining to drinking water laboratory certification and either 1 VAC 30-45 or this chapter may meet those requirements by obtaining accreditation under this chapter.

1 VAC 30-46-40. Definitions.

"Accreditation" means the term used as a substitute for the term "certification" under this chapter.

"Accrediting authority" means the territorial, state, or federal agency having responsibility and accountability for environmental laboratory accreditation and which grants accreditation under NELAC.

"Acceptance criteria" means specified limits placed on characteristics of an item, process, or service defined in requirement documents.

"Analyte" means the substance or physical property to be determined in samples examined.

"Analytical method" means a technical procedure for providing analysis of a sample, defined by a body such as the Environmental Protection Agency or the American Society for Testing and Materials, that may not include the sample preparation method.

"Assessment" means the evaluation process used to measure or establish the performance, effectiveness, and conformance of an organization and its systems or both to defined criteria.

"Assessor" means the person who performs on-site assessments of laboratories' capability and capacity for meeting the requirements under this chapter by examining the records and other physical evidence for each one of the tests for which accreditation has been requested.

"Authority" means, in the context of a governmental body or local government, an authority created under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2 of the Code of Virginia.

"Commercial environmental laboratory" means an environmental laboratory where environmental analysis is performed for another person.

"Corrective action" means the action taken to eliminate the causes of an existing nonconformity, defect or other undesirable situation in order to prevent recurrence.

"DGS-DCLS" means the Division of Consolidated Laboratory Services of the Department of General Services.

"Environmental analysis" or "environmental analyses" means any test, analysis, measurement, or monitoring used for the purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law (§ 10.1-1300 et seq., § 10.1-1400 et seq., and § 62.1-44.2 et seq., respectively, of the Code of Virginia). For the purposes of these regulations, any test, analysis, measurement, or

monitoring required by the regulations promulgated under these three laws, or by any permit or order issued under the authority of any of these laws or regulations is “used for the purposes” of these laws. The term shall not include the following:

1. Sampling of air, water or waste.
2. Field testing and measurement of air, water or waste, except when performed in an environmental laboratory rather than at the site where the sample was taken.

“Environmental laboratory” or “laboratory” means a facility or a defined area within a facility where environmental analysis is performed.

“Establishment date” means the date set for the accreditation program under this chapter and the certification program under 1 VAC 30-45 to be established.

“Establishment of accreditation program” or “established program” means that DGS-DCLS has completed the initial accreditation of environmental laboratories covered by this chapter and the initial certification of environmental laboratories covered by 1 VAC 30-45.

“Facility” means something that is built or installed to serve a particular function.

“Field of accreditation” means an approach to accrediting laboratories by matrix, technology/method and analyte/analyte group.

“Field of accreditation matrix” means the following when accrediting a laboratory:

1. Drinking water. Any aqueous sample that has been designated a potable or potential potable water source.
2. Nonpotable water. Any aqueous sample excluded from the definition of drinking water matrix. Includes surface water, groundwater, effluents, water treatment chemicals, and TCLP or other extracts.
3. Solid and chemical materials. Includes soils, sediments, sludges, products and by-products of an industrial process that results in a matrix not previously defined.
4. Biological tissue. Any sample of a biological origin such as fish tissue, shellfish, or plant material. Such samples shall be grouped according to origin, i.e., by species.
5. Air and emissions. Whole gas or vapor samples including those contained in flexible or rigid wall containers and the extracted concentrated analytes of interest from a gas or vapor that are collected with a sorbent tube, impinger solution, filter or other device.

“Field of proficiency testing” means an approach to offer proficiency testing by matrix, technology, and analyte/analyte group.

“Field testing and measurement” means any of the following:

1. Any test for parameters under 40 CFR Part 136 for which the holding time indicated for the sample requires immediate analysis; or
2. Any test defined as a field test in federal regulation.

The following is a limited list of currently recognized field tests or measures that is not intended to be inclusive: continuous emissions monitoring; on-line monitoring; flow monitoring; tests for pH, residual chlorine, temperature and dissolved oxygen; and field analysis for soil gas.

“Finding” means a conclusion reached during an on-site assessment that identifies a condition having a significant effect on an item or activity. An assessment finding is normally a deficiency and is normally accompanied by specific examples of the observed condition.

“Governmental body” means any department, agency, bureau, authority, or district of the United States government, of the government of the Commonwealth of Virginia, or of any local government within the Commonwealth of Virginia.

“Holding time (or maximum allowable holding time)” means the maximum time that a sample may be held prior to analysis and still be considered valid or not compromised.

“Initial accreditation period” means the period during which DGS-DCLS is accepting and processing applications for the first time under this chapter as specified in 1 VAC 30-46-70.

“Legal entity” means an entity, other than a natural person, who has sufficient existence in legal contemplation that it can function legally, be sued or sue and make decisions through agents as in the case of corporations.

“Local government” means a municipality (city or town), county, sanitation district, or authority.

“Matrix” means the component or substrate that contains the analyte of interest.

“National accreditation database” means the publicly accessible database listing the accreditation status of all laboratories participating in NELAP.

“National Environmental Laboratory Accreditation Conference (NELAC)” means a voluntary organization of state and federal environmental officials and interest groups with the primary purpose to establish mutually acceptable standards for accrediting environmental laboratories. A subset of NELAP.

“National Environmental Laboratory Accreditation Program (NELAP)” means the overall National Environmental Laboratory Accreditation Program of which NELAC is a part.

“Noncommercial environmental laboratory” means either of the following:

1. An environmental laboratory where environmental analysis is performed solely for the owner of the laboratory.
2. An environmental laboratory where the only performance of environmental analysis for another person is one of the following:
 - a. Environmental analysis performed by an environmental laboratory owned by a local government for an owner or operator of a small sewage treatment plant treating domestic sewage at a flow rate of less than or equal to 1,000 gallons per day.
 - b. Environmental analysis performed by an environmental laboratory operated by a corporation as part of a general

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contract issued by a local government to operate and maintain a sewage treatment facility or a waterworks.

c. Environmental analysis performed by an environmental laboratory owned by a corporation as part of the prequalification process for a potential customer as required by a hazardous waste management permit under 9 VAC 20-60.

d. Environmental analysis performed by an environmental laboratory owned by a Publicly Owned Treatment Works (POTW) for an industrial source of wastewater under a permit issued by the POTW to the industrial source as part of the requirements of a pretreatment program under Part VII (9 VAC 25-31-730 et seq.) of 9 VAC 25-31.

e. Environmental analysis performed by an environmental laboratory owned by a county authority for any municipality within the county's geographic jurisdiction when the environmental analysis pertains solely to the purpose for which the authority was created.

f. Environmental analysis performed by an environmental laboratory owned by an authority or a sanitation district for any participating local government of the authority or sanitation district when the environmental analysis pertains solely to the purpose for which the authority or sanitation district was created.

"Owner" or "operator" means any person who owns or operates an environmental laboratory.

"Person" means an individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

"Physical," for the purposes of fee test categories, means the tests to determine the physical properties of a sample. Tests for solids, turbidity and color are examples of physical tests.

"Pretreatment requirements" means any requirements arising under Part VII (9 VAC 25-31-730 et seq.) of 9 VAC 25-31 including the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations, or orders issued by the owner of a POTW; or any reporting requirements imposed by the owner of a POTW or by the regulations of the State Water Control Board. Pretreatment requirements do not include the requirements of a national pretreatment standard.

"Primary accrediting authority" means the agency or department designated at the territory, state or federal level as the recognized authority with the responsibility and accountability for granting NELAC accreditation to a specific laboratory for a specific field of accreditation.

"Proficiency test or testing (PT)" means evaluating a laboratory's performance under controlled conditions relative to a given set of criteria through analysis of unknown samples provided by an external source.

"Proficiency test (PT) sample" means a sample, the composition of which is unknown to the analyst, provided to test whether the analyst or laboratory or both can produce analytical results within specified acceptance criteria.

"Proficiency testing (PT) program" means the aggregate of providing rigorously controlled and standardized

environmental samples to a laboratory for analysis, reporting of results, statistical evaluation of the results and the collective demographics and results summary of all participating laboratories.

"Publicly Owned Treatment Works (POTW)" means a treatment works as defined by § 212 of the CWA, which is owned by a state or municipality (as defined by § 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in § 502(4) of the CWA, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Quality assurance" means an integrated system of activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

"Quality assurance officer" means the person who has responsibility for the quality system and its implementation. Where staffing is limited, the quality assurance officer may also be the technical director.

"Quality control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of users.

"Quality manual" means a document stating the management policies, objectives, principles, organizational structure and authority, responsibilities, accountability, and implementation of an agency, organization, or laboratory, to ensure the quality of its product and the utility of its product to its users.

"Quality system" means a structured and documented management system describing the policies, objectives, principles, organizational authority, responsibilities, accountability, and implementation plan of an organization for ensuring quality in its work processes, products (items), and services. The quality system provides the framework for planning, implementing, and assessing work performed by the organization and for carrying out required quality assurance and quality control.

"Quality system matrix," for purposes of batch and quality control requirements, means the following:

1. Aqueous. Any aqueous sample excluded from the definition of drinking water matrix or saline/estuarine source. Includes surface water, groundwater, effluents, and TCLP or other extracts.
2. Drinking water. Any aqueous sample that has been designated a potable or potential potable water source.
3. Saline/estuarine. Any aqueous sample from an ocean or estuary, or other salt water source such as the Great Salt Lake.
4. Non-aqueous liquid. Any organic liquid with less than 15% settleable solids.

5. *Biological tissue.* Any sample of a biological origin such as fish tissue, shellfish, or plant material. Such samples shall be grouped according to origin, i.e., by species.

6. *Solids.* Includes soils, sediments, sludges and other matrices with less than 15% settleable solids.

7. *Chemical waste.* A product or byproduct of an industrial process that results in a matrix not previously defined.

8. *Air and emissions.* Whole gas or vapor samples including those contained in flexible or rigid wall containers and the extracted concentrated analytes of interest from a gas or vapor that are collected with a sorbent tube, impinger solution, filter or other device.

“Recognition” means the mutual agreement of two or more accrediting authorities to accept each other’s findings regarding the ability of environmental laboratories to meet NELAC standards.

“Responsible official” means one of the following, as appropriate:

1. If the laboratory is owned or operated by a private corporation, “responsible official” means (i) a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated in accordance with corporate procedures.

2. If the laboratory is owned or operated by a partnership, association, or a sole proprietor, “responsible official” means a general partner, officer of the association, or the proprietor, respectively.

3. If the laboratory is owned or operated by a governmental body, “responsible official” means a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental laboratory.

4. Any person designated as the responsible official by an individual described in subdivision 1, 2 or 3 of this definition provided the designation is in writing, the designation specifies an individual or position with responsibility for the overall operation of the laboratory, and the designation is submitted to DGS-DCLS.

“Sampling” means the act of collection for the purpose of analysis.

“Sanitation district” means a sanitation district created under the provisions of Chapters 3 (§ 21-141 et seq.) through 5 (§ 21-291 et seq.) of Title 21 of the Code of Virginia.

“Sewage” means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

“Standard operating procedure (SOP)” means a written document which details the method of an operation, analysis or action whose techniques and procedures are thoroughly prescribed and which is accepted as the method for performing certain routine or repetitive tasks.

“TCLP” or “toxicity characteristic leachate procedure” means Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11. This method is used to determine whether a solid waste exhibits the characteristic of toxicity (see 40 CFR 261.24).

“Technical director (however named)” means the person who has overall responsibility for the technical operation of the environmental laboratory and who exercises actual day-to-day supervision of laboratory operation for the appropriate fields of testing and reporting of results. The title of this person may include but is not limited to laboratory director, technical director, laboratory supervisor or laboratory manager.

“Technology” means a specific arrangement of analytical instruments, detection systems, or preparation techniques, or any combination of these elements.

“Test” means a technical operation that consists of the determination of one or more characteristics or performance of a given product, material, equipment, organism, physical phenomenon, process or service according to a specified procedure.

“Test, analysis, measurement or monitoring required by the Virginia Air Pollution Control Law” means any method of analysis required by the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.); by the regulations promulgated under this law (9 VAC 5), including any method of analysis listed either in the definition of “reference method” in 9 VAC 5-10-20, or listed or adopted by reference in 9 VAC 5-30, 9 VAC 5-40, 9 VAC 5-50 or 9 VAC 5-60; or by any permit or order issued under and in accordance with this law and these regulations.

“Test, analysis, measurement or monitoring required by the Virginia Waste Management Act” means any method of analysis required by the Virginia Waste Management Act (§ 10.1-1400 et seq.); by the regulations promulgated under this law (9 VAC 20), including any method of analysis listed or adopted by reference in 9 VAC 20-60, 9 VAC 20-80, 9 VAC 20-101, or 9 VAC 20-120; or by any permit or order issued under and in accordance with this law and these regulations.

“Test, analysis, measurement or monitoring required by the Virginia Water Control Law” means any method of analysis required by the Virginia Water Control Law (§ 62.1-44.2 et seq.); by the regulations promulgated under this law (9 VAC 25), including any method of analysis listed or adopted by reference in 9 VAC 25-31, 9 VAC 25-32, 9 VAC 25-110, 9 VAC 25-120, 9 VAC 25-151, 9 VAC 25-180, 9 VAC 25-190, 9 VAC 25-192, or 9 VAC 25-210; or by any permit or order issued under and in accordance with this law and these regulations.

“Test method” means an adoption of a scientific technique for a specific measurement problem, as documented in a laboratory standard operating procedure or published by a recognized authority.

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"U.S. Environmental Protection Agency (U.S. EPA or EPA)" means the federal government agency with responsibility for protecting, safeguarding and improving the natural environment (i.e., air, water and land) upon which human life depends.

"Virginia Air Pollution Control Law" means § 10.1-1300 of the Code of Virginia which is titled "Air Pollution Control Board."

"Waterworks" means each system of structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public, except distribution piping.

1 VAC 30-46-50. Scope of accreditation.

A. Commercial environmental laboratories shall be accredited based on the general laboratory standards set out in Part II (9 VAC 30-46-200 et seq.) of this chapter and on the specific test methods or analysis, monitoring or measurement required by Virginia Air Pollution Control Law, Virginia Waste Management Act or Virginia Water Control Law, the regulations promulgated under these laws, and by permits and orders issued under and in accordance with these laws and regulations.

B. DGS-DCLS shall review alternative test methods and procedures for accreditation when these are proposed by the applicant laboratory. The provisions of 1 VAC 30-46-70 E and 1 VAC 30-46-90 B govern alternative test methods and procedures.

C. Accreditation shall be granted for a specific field or fields of accreditation, including the technology and methods used by the commercial environmental laboratory, and the individual analytes or analyte groups determined by the particular method.

1 VAC 30-46-60. General: accreditation requirements.

A. Components of accreditation. The components of accreditation include review of personnel qualifications, on-site assessment, proficiency testing and quality assurance and quality control standards. The criteria for these components, specified in Part II (9 VAC 30-46-200 et seq.) of this chapter, shall be fulfilled for accreditation.

B. Individual laboratory sites and mobile laboratories.

1. Individual laboratory sites are subject to the same application process, assessments, and other requirements as environmental laboratories. Any remote laboratory sites are considered separate sites and subject to separate on-site assessments.

2. Laboratories located at the same physical location shall be considered an individual laboratory site if these laboratories are owned or operated by the same person, and have the same technical director and quality system.

3. A mobile laboratory, which is configured with equipment to perform environmental analyses, whether associated with a fixed-based laboratory or not, is considered an environmental laboratory and shall require separate accreditation. This accreditation shall remain with the mobile laboratory and be site independent. Moving the

configured mobile laboratory to a different site shall not require a new or separate accreditation. Before performing analyses at each new site, the laboratory shall ensure that instruments and equipment have been checked for performance and have been calibrated.

1 VAC 30-46-70. Process to apply and obtain accreditation.

A. Duty to apply. All owners or operators of (i) commercial environmental laboratories and (ii) NELAC-accredited environmental laboratories located outside Virginia applying for reciprocal accreditation shall apply for accreditation as specified by the provisions of this section.

B. Timely initial applications.

1. Owners or operators of commercial environmental laboratories applying for accreditation under this chapter for the first time shall submit an application to DGS-DCLS no later than 180 calendar days after the effective date of this chapter.

2. Owners or operators of commercial environmental laboratories that come into existence after this chapter becomes effective shall submit an initial application to DGS-DCLS no later than 180 calendar days prior to initiating the provision of environmental laboratory services.

3. Owners or operators of NELAC-accredited environmental laboratories located outside Virginia.

a. During the initial accreditation period, NELAC-accredited environmental laboratories located outside Virginia shall submit an application to DGS-DCLS no later than 180 calendar days after the effective date of this chapter.

b. After the program is established, NELAC-accredited environmental laboratories located outside Virginia shall submit an application to DGS-DCLS no later than 180 calendar days prior to initiating the provision of environmental laboratory services.

C. Timely renewal applications. The owner or operator of either an (i) accredited commercial environmental laboratory or (ii) environmental laboratory holding reciprocal accreditation shall submit an application for renewal of accreditation at least 90 calendar days prior to expiration of accreditation.

D. Responsibilities of the owner or operator.

1. When an environmental laboratory is owned by one person but is operated by another person, the operator may submit the application for the owner.

2. If the operator fails to submit the application, the owner is not relieved of his responsibility to apply for accreditation.

3. While DGS-DCLS may notify environmental laboratories of the date their applications are due, failure of DGS-DCLS to notify does not relieve the owner or operator of his obligation to apply under this chapter.

E. Submission of applications for modifications to accreditation. An owner or operator of an accredited environmental laboratory shall follow the process set out in 1 VAC 30-46-90 B to add a new technology, an analyte or a test

method, modify a test method or institute use of a method not in the laboratory's standard operating procedures, including alternative test methods or procedures.

F. Contents of application.

1. Applications shall include the following information and documents:

- a. Legal name of laboratory;
- b. Name of owner of laboratory;
- c. Name of operator of laboratory, if different than owner;
- d. Street address and description of location of laboratory;
- e. Mailing address of laboratory, if different from street address;
- f. Address of owner, if different from laboratory address;
- g. Name, address, telephone number, facsimile number and e-mail, as applicable, of responsible official;
- h. Name, address, telephone number, facsimile number and e-mail, as applicable, of technical director;
- i. Name, address, telephone number, facsimile number and e-mail, as applicable, of designated quality assurance officer;
- j. Name and telephone number of laboratory contact person;
- k. Laboratory type (e.g., commercial, public wastewater system, mobile);
- l. Laboratory hours of operation;
- m. Fields of accreditation for which the laboratory is seeking accreditation;
- n. Methods employed, including analytes;
- o. The results of the three most recent proficiency test studies;
- p. Quality assurance manual;
- q. Lab identification number (for renewal only); and
- r. For mobile laboratories, a unique vehicle identification number, such as a manufacturer's vehicle identification number (VIN #), serial number, or license number.

2. Fee. The application shall include payment of the fee as specified in 1 VAC 30-46-150.

3. Certification of compliance.

- a. The application shall include a "Certification of Compliance" statement signed and dated by the quality assurance officer, and a responsible official or the technical director or both.
- b. The certification of compliance shall state: "The applicant understands and acknowledges that the laboratory is required to be continually in compliance with the Virginia environmental laboratory accreditation program regulation (1 VAC 30 Chapter 46) and is subject to the provisions of 1 VAC 30-46-100 in the event of

noncompliance. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the laboratory or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. Submitting false information or data shall result in denial or withdrawal of accreditation. I further certify that I am authorized to sign this application."

G. Completeness determination.

1. DGS-DCLS shall determine whether an application is complete and notify the laboratory of the result of such determination. Except during the initial accreditation period, DGS-DCLS shall provide this notice within 60 calendar days of DGS-DCLS's receipt of the application.

2. An application shall be determined complete if it contains all the information required pursuant to subsection F of this section and is sufficient to evaluate the laboratory prior to the on-site assessment. Designating an application complete does not preclude DGS-DCLS from requesting or accepting additional information.

3. If DGS-DCLS determines that an application is incomplete, DGS-DCLS's notification of such determination shall explain why the application is incomplete and specify the additional information needed to make the application complete.

4. Except during the initial accreditation period, if no determination is made within 60 calendar days of DGS-DCLS's receipt of either (i) the application or (ii) additional information, in the case of an application determined to be incomplete, the application shall be determined to be complete.

5. DGS-DCLS may deny any application from a laboratory and require the laboratory to submit a new application if the laboratory does not submit additional information required by DGS-DCLS within 90 days of the mailing date of the notice that requires additional information.

H. Grant of interim accreditation pending final determination on application.

1. DGS-DCLS shall grant a laboratory interim accreditation status under the following conditions:

- a. The laboratory's application is determined to be complete;
- b. The laboratory has satisfied all the requirements for accreditation, including all requests for additional information, with the exception of on-site assessment; and
- c. DGS-DCLS is unable to schedule the on-site assessment within 90 days of its determination that the application is complete and that the laboratory has satisfied all other requirements for accreditation.

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2. A laboratory with interim accreditation shall have the same rights and status as a laboratory that has been granted accreditation by DGS-DCLS.
 3. Interim accreditation expires when DGS-DCLS issues a final determination on accreditation.
- I. On-site assessment. An on-site assessment shall be performed and the follow-up and reporting procedures for such assessments shall be completed in accordance with Part II (9 VAC 30-46-200 et seq.) of this chapter prior to issuance of a final determination on accreditation.
- J. Final determination on accreditation.
1. Upon completion of the accreditation review process and corrective action, if any, DGS-DCLS shall grant accreditation in accordance with subsection K of this section or deny accreditation in accordance with subsection L of this section.
 2. Except during the initial accreditation period, DGS-DCLS shall complete action on a laboratory's application within nine months from the time an application is determined to be complete.
 3. During the initial accreditation period, DGS-DCLS shall notify applicants of their interim accreditation status under subsection H of this section only after all applications have been reviewed and are determined to be complete.
 4. During the final approval process of the initial accreditation period, DGS-DCLS shall notify applicants of their final accreditation status only after all timely and complete applications have been reviewed, all on-site assessments have been completed, and accreditation status has been determined for all applicant laboratories.
 5. During the final approval process, DGS-DCLS shall release on-site assessment reports to applicants at the time that applicants are notified of their final accreditation status. If a laboratory is found to have deficiencies during the on-site assessment, DGS-DCLS may provide comments and recommendations aimed at helping the laboratory improve.
- K. Grant of accreditation.
1. When a laboratory meets the requirements specified for receiving accreditation, DGS-DCLS shall issue a certificate to the laboratory. The certificate shall be sent to the technical director, and the responsible official shall be notified.
 2. The certificate shall be signed by the director of DGS-DCLS. The certificate shall be transmitted as a sealed and dated document.
 3. The certificate shall include the following information:
 - a. Name of owner or operator of laboratory;
 - b. Name of responsible official;
 - c. Address and location of laboratory;
 - d. Laboratory identification number;
 - e. Fields of accreditation (matrix, technology/method and analyte/analyte group) for which accreditation is granted;
 4. National Environmental Laboratory Accreditation Program (NELAP) status.
 - a. Laboratories accredited under this chapter are accredited under the standards of the National Environmental Laboratory Accreditation Conference.
 - b. The certificate of accreditation shall contain the NELAP insignia.
 - c. Accredited laboratories shall comply with the provisions of 1 VAC 30-46-130 with regard to the use of these certificates and their status as NELAP-accredited laboratories.
 5. The laboratory shall post the most recent certificate of accreditation and any addenda to the certificate issued by DGS-DCLS in a prominent place in the laboratory facility.
 6. Accreditation shall expire two years after the date on which accreditation is granted.
- L. Denial of accreditation.
1. DGS-DCLS shall deny accreditation to an environmental laboratory in total if the laboratory owner or an employee falsifies any data or provides false information to support accreditation.
 2. Denial of accreditation in total or in part.
 - a. DGS-DCLS may deny accreditation to an environmental laboratory in total or in part if the laboratory owner or an employee fails to do any of the following:
 - (1) Pay the required fees;
 - (2) Employ laboratory staff to meet the personnel qualifications as required by Part II (1 VAC 30-46-200 et seq.) of this chapter;
 - (3) Successfully analyze and report proficiency testing samples as required by Part II of this chapter;
 - (4) Submit a corrective action report in accordance with Part II of this chapter in response to a deficiency report from the on-site assessment team within the required 30 calendar days;
 - (5) Implement the corrective actions detailed in the corrective action report within the time frame specified by DGS-DCLS;
 - (6) Pass required on-site assessment as specified in Part II of this chapter;
 - (7) Implement a quality system as defined in Part II of this chapter;
 - b. DGS-DCLS may deny accreditation to an environmental laboratory in total or in part if the laboratory's application is not determined to be complete within 90 days following notification of incompleteness because the laboratory is delinquent in submitting information required by DGS-DCLS in accordance with this chapter.

c. DGS-DCLS may deny accreditation to an environmental laboratory in total or in part if the DGS-DCLS on-site assessment team is unable to carry out the on-site assessment pursuant to 1 VAC 30-46-210 B because an employee, owner, or other representative of the environmental laboratory denied the team entry during normal business hours.

3. To deny accreditation, DGS-DCLS shall provide by certified mail written notification of denial to the responsible officer and the technical director of the laboratory, including a detailed explanation of the reason for denial and notice of the right to appeal such denial.

M. Reapplication following denial of accreditation.

1. Upon denial of accreditation, the laboratory shall wait six months before reapplying for accreditation.

2. DGS-DCLS shall not waive application fees for a laboratory reapplying for accreditation.

1 VAC 30-46-80. Maintaining accreditation

A. Accreditation remains in effect until withdrawn by DGS-DCLS, withdrawn voluntarily at the written request of the accredited laboratory, or expiration of the accreditation period. To maintain accreditation, the accredited laboratory shall comply with the elements listed in this section and in 1 VAC 30-46-90.

B. Quality systems. A laboratory seeking to maintain accreditation under this regulation shall assure consistency and promote the use of quality assurance and quality control procedures. Part II (9 VAC 30-46-200 et seq.) of this chapter specifies the quality assurance and quality control requirements that shall be met to maintain accreditation. The laboratory shall establish and maintain a quality system based on the required elements contained in Part II and appropriate to the type, range and volume of environmental testing activities it undertakes.

C. Proficiency tests. Laboratories seeking to maintain accreditation under this regulation shall perform proficiency tests as required under Part II (9 VAC 30-46-200 et seq.) of this chapter.

D. Recordkeeping and retention. All laboratory records associated with accreditation parameters shall be kept as provided by the requirements for records under Part II (9 VAC 30-46-200 et seq.) of this chapter. These records shall be maintained for a minimum of five years unless designated for a longer period by another regulation or authority. All such records shall be available to DGS-DCLS upon request.

1 VAC 30-46-90. Changing accreditation status.

A. Changes to key accreditation criteria.

1. The accredited laboratory shall notify DGS-DCLS as set out in subdivision 2 of this subsection of any changes in key accreditation criteria within 30 calendar days of the change. Key accreditation criteria are laboratory ownership, location, key personnel, test methods, analytes, and major instrumentation.

2. The laboratory may initially notify DGS-DCLS of any change to key accreditation criteria by e-mail, facsimile or telephone. The notification by e-mail, facsimile or telephone subsequently shall be submitted in writing.

3. As specified in subsection B of this section, changes to key accreditation criteria that affect the laboratory's scope of accreditation require review and approval by DGS-DCLS in advance of the laboratory's making the change.

B. Changes to scope of accreditation.

1. DGS-DCLS shall review and approve the addition of a new technology, an analyte, or a test method to a laboratory's scope of accreditation.

2. To begin the process of review, the owner or operator of the accredited laboratory that wants to add to the laboratory's scope of accreditation shall submit the following application materials to DGS-DCLS:

a. A letter signed by the owner or operator that briefly summarizes the addition to be made to the laboratory's scope of accreditation.

b. Pertinent information demonstrating that the laboratory is capable of performing the test method or using the technology to be added such as proficiency testing performance and quality control performance.

c. A written standard operating procedure covering the new method, analyte, or technology.

DGS-DCLS may request additional material to complete its review.

3. DGS-DCLS may approve a laboratory's application for modification to its scope of accreditation by performing a review of the application materials submitted, without an on-site assessment. An addition of a new technology or test method requiring specific equipment may require an on-site assessment. Other reviews of performance and documentation may be carried out by DGS-DCLS, depending on the modification for which the laboratory applies.

4. If the proposed modification to the laboratory's scope of accreditation is approved, DGS-DCLS shall amend the laboratory's certificate of accreditation.

C. Change of ownership or location of laboratory.

1. The accredited laboratory shall submit a written notification to DGS-DCLS of the change of ownership or location of the laboratory within 30 calendar days of the change.

2. Accreditation may be transferred when the legal status or ownership of a accredited laboratory changes without affecting its personnel, equipment, and facilities.

3. DGS-DCLS may charge a transfer fee and may conduct an on-site assessment to verify the effects of such changes on laboratory performance.

4. When a laboratory changes ownership, the new laboratory owner shall assure that the history of the

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laboratory's ownership can be traced through laboratory identification numbers.

5. When there is a change in ownership, all records and analyses performed by the previous owner under his scope of accreditation shall be kept for a period of five years. As required under 1 VAC 30-46-80 D, all such records shall be made available to DGS-DCLS upon request.

D. *Voluntary withdrawal.* Any environmental laboratory owner or operator who wishes to withdraw the laboratory from its accreditation status or from being accredited, in total or in part, shall submit written notification to DGS-DCLS no later than 30 calendar days before the end of the laboratory's accreditation term. Within 30 calendar days, DGS-DCLS shall provide the laboratory with a written notice of withdrawal.

1 VAC 30-46-100. Withdrawal of accreditation.

A. DGS-DCLS shall withdraw accreditation from an environmental laboratory in total for the following reasons:

1. Submittal by the laboratory owner or employee of a proficiency test sample results generated by another laboratory as its own.
2. Falsification by a laboratory owner or employee of any data or the provision of false information by any laboratory owner or employee to support accreditation.
3. Conviction of the laboratory owner or employee of charges relating to the falsification of any report concerning a laboratory analysis.

B. DGS-DCLS may withdraw accreditation from an environmental laboratory in part or in total when the laboratory owner or an employee has failed to do any of the following:

1. Participate in the proficiency testing program as required by 1 VAC 30-46-210 C.
2. Complete proficiency testing studies and maintain a history of at least two successful proficiency testing studies for each affected accredited field of testing out of the three most recent proficiency testing studies as defined in 1 VAC 30-46-210 C.
3. Maintain a quality system as defined in 1 VAC 30-46-210 D.
4. Employ staff that meet the personnel qualifications of 1 VAC 30-46-210 A.
5. Submit an acceptable corrective action report after two opportunities as specified in 1 VAC 30-46-210 B.
6. Implement corrective action specified in the laboratory's corrective action report as set out under 1 VAC 30-46-210 B.
7. Notify DGS-DCLS of any changes in key accreditation criteria as set forth in 1 VAC 30-46-90.
8. Use correct and authorized references to the laboratory's accreditation status or that of DGS-DCLS in the laboratory's documentation and advertising as set forth in 1 VAC 30-46-130.

C. *Responsibilities of the environmental laboratory and DGS-DCLS when accreditation has been withdrawn.*

1. Laboratories that lose their accreditation in full shall return their certificate to DGS-DCLS.
2. If a laboratory loses accreditation in part, an addendum to the certificate shall be issued by DGS-DCLS to the laboratory.
3. The laboratory shall discontinue the use of all materials that contain either a reference to the environmental laboratory's past accreditation status or that display the NELAC/NELAP logo. These materials may include catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical results or other materials.

D. After correcting the reason or cause for the withdrawal of accreditation under 1 VAC 30-46-100 A or B, the laboratory owner or operator may reapply for accreditation.

1 VAC 30-46-110. Appeal procedures.

A. DGS-DCLS shall notify an environmental laboratory in writing of its decision to deny accreditation to or to withdraw accreditation from an environmental laboratory.

B. All appeals taken from actions of the DGS-DCLS director relative to the provisions of this chapter shall be governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

1 VAC 30-46-120. National accreditation database.

DGS-DCLS shall provide to NELAP the following information about environmental laboratories accredited under this chapter: (i) technical director's name; (ii) ownership and location of laboratory and any changes; (iii) key accreditation criteria and any changes; (iv) interim, as well as final, accreditation status; and (v) on-site assessment reports.

1 VAC 30-46-130. Use of accreditation status by environmental laboratories accredited under this chapter.

A. The owner or operator of an environmental laboratory accredited under this chapter shall not misrepresent the laboratory's fields of accreditation or its accreditation status on any document. This includes laboratory reports, catalogs, advertising, business solicitations, proposals, quotations or other materials.

B. Environmental laboratories accredited under this chapter shall comply with all of the following:

1. Post or display their most recent accreditation certificate or their fields of accreditation in a prominent place in the laboratory facility.
2. Make accurate statements concerning their fields of accreditation and accreditation status.
3. Accompany DGS-DCLS's name or the NELAC/NELAP logo or both with at least the phrase "NELAP-accredited" and the laboratory's identification number or other identifier when DGS-DCLS's name is used on general literature such as catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical reports or other materials.

4. Not use their accreditation certificate, their accreditation status or the NELAC/NELAP logo to imply endorsement by DGS-DCLS.

C. The owners or operators of laboratories accredited under this chapter who choose to (i) use DGS-DCLS's name; (ii) make reference to its NELAP accreditation status; or (iii) use the NELAC/NELAP logo in any catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical reports or other materials, shall comply with both of the following:

1. Distinguish between proposed testing for which the laboratory is accredited and the proposed testing for which the laboratory is not accredited.
2. Include the laboratory's identification number or other identifier.

1 VAC 30-46-140. Reciprocal accreditation.

A. DGS-DCLS, when recognized by NELAP as a primary accrediting authority, may grant reciprocal accreditation to an environmental laboratory located outside Virginia that holds a current accreditation from another NELAP-recognized primary accrediting authority.

B. The owner or operator of a NELAP-accredited environmental laboratory that seeks accreditation under this chapter shall apply as specified in 1 VAC 30-46-70.

C. The owner or operator of the applicant laboratory shall pay the fee required by 1 VAC 30-46-150.

D. DGS-DCLS shall not require a NELAP-accredited environmental laboratory that seeks accreditation under this section to meet any additional proficiency testing, quality assurance, or on-site assessment requirements for the fields of accreditation for which the laboratory holds primary NELAP accreditation.

E. DGS-DCLS shall consider only the current certificate of accreditation issued by the NELAP-recognized primary accrediting authority.

F. DGS-DCLS shall do the following:

1. Grant reciprocal accreditation for only the fields of accreditation for which the laboratory holds current primary NELAP accreditation.
2. Except during the initial accreditation period, grant reciprocal accreditation and issue certificates to an applicant laboratory within 30 calendar days of receipt of the laboratory's application.

G. Potential nonconformance issues.

1. If DGS-DCLS notes any potential nonconformance with the NELAC standards by a laboratory during the initial application process for reciprocal accreditation or for a laboratory that already has been granted NELAP accreditation through reciprocal accreditation, DGS-DCLS shall immediately notify, in writing, the applicable NELAP-recognized primary accrediting authority and the laboratory. The notification shall cite the applicable sections within the NELAC standards for which nonconformance by the laboratory has been noted.

2. If the alleged nonconformance is noted during the initial application process for reciprocal accreditation, final action on the application for reciprocal accreditation shall not be taken until the alleged nonconformance issue has been resolved.

3. If the alleged nonconformance is noted after reciprocal accreditation has been granted, the laboratory shall maintain its current accreditation status until the alleged nonconformance issue has been resolved.

4. If DGS-DCLS does not believe the primary accrediting authority has taken timely and appropriate action on the potential nonconformance, DGS-DCLS shall notify the NELAP director of its concerns.

1 VAC 30-46-150. Fees.

A. General.

1. Fees shall be submitted with all applications for accreditation. Applications shall not be designated as complete until the fee is received by DGS-DCLS.

2. Fees shall be nonrefundable.

3. An environmental laboratory applying for reciprocal accreditation under this chapter shall pay the same fee as other laboratories subject to this chapter.

B. Fee computation.

1. The fee shall be the total of the base fee and the test category fees.

2. The test category fees cover categories for the test methods to be accredited as specified in the laboratory's application.

3. If the total of the base fee and the test category fees is more than the maximum fee, the laboratory shall pay the maximum fee.

C. Maximum fee. The maximum fee shall be \$4,200.

D. Base fee. The base fee shall be \$2,100.

E. Test category fees.

1. Fees shall be charged for each category of tests to be accredited.

2. The fee for each category includes one or more analytical methods unless otherwise specified. With the exception of the test categories labeled oxygen demand and physical, test categories related to test methods for water are defined by 40 CFR 136.3.

3. Fees.

| TEST CATEGORY | FEE |
|--|-------|
| Oxygen demand (BOD or COD) | \$300 |
| Bacteriology | \$300 |
| Inorganic chemistry, fewer than four methods | \$300 |
| Inorganic chemistry, four or more methods | \$600 |
| Chemistry metals, fewer than four methods | \$300 |

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| Chemistry metals, four or more methods | \$600 |
| Organic chemistry, fewer than four methods | \$350 |
| Organic chemistry, four or more | \$700 |
| Whole effluent toxicity, acute methods only | \$300 |
| Whole effluent toxicity, acute and chronic methods | \$600 |
| Radiochemical | \$900 |
| Physical | \$300 |

F. Additional fees.

1. For any accredited environmental laboratory that applies to modify its scope of accreditation as specified under 1 VAC 30-46-90 B, DGS-DCLS shall assess a fee determined by the method in subdivision 3 of this subsection.

2. Under 1 VAC 30-46-90 C, DGS-DCLS may charge a transfer fee to a certified laboratory that transfers ownership. If DGS-DCLS determines that a fee should be charged, the fee shall be a minimum of \$100 and a maximum of \$1,000. If DGS-DCLS determines that an on-site assessment is necessary to evaluate the effect of the transfer of ownership, DGS-DCLS shall assess a fee determined by the method in subdivision 3 of this subsection.

3. Fee determination.

a. The fee shall be the sum of the total hourly charges for all reviewers plus any on-site review costs incurred.

b. An hourly charge per reviewer shall be determined by (i) obtaining a yearly cost by multiplying the reviewer's annual salary by 1.35 (accounts for overhead such as taxes and insurance) and then (ii) dividing the yearly cost by 1,642 (number of annual hours established by DGS fiscal services for billing purposes).

c. The charge per reviewer shall be determined by multiplying the number of hours expended in the review by the reviewer's hourly charge.

d. If an on-site review is required, travel time and on-site review time shall be charged at the same hourly charge per reviewer, and any travel expenses shall be added.

G. On-site assessment fees. When, with the concurrence of the applicant laboratory, DGS-DCLS uses approved, third-party on-site assessors, the cost of the on-site assessment shall be paid by the applicant.

1 VAC 30-46-160. Petitioning for a variance.

A. Any person regulated by this chapter may petition the director to grant a variance from any requirement of this chapter. Any person submitting a petition to the director must meet the provisions of this section. Any petition submitted to the director is subject to the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

B. The petition shall be submitted to the director by certified mail and shall include:

1. The petitioner's name and address;
2. A statement of the petitioner's interest in the proposed action;
3. A description of desired action and a citation of the regulation from which a variance is requested;
4. A description of need and justification for the proposed action, including impact of the proposed action on the laboratory's operation;
5. Information demonstrating that the requested variance will meet the purposes and objectives of the relevant regulatory provision and of § 2.2-1105 of the Code of Virginia (Environmental Laboratory Certification Program);
6. The duration of the variance, if applicable;
7. The potential impact of the variance on public health or the environment;
8. Other information believed by the applicant to be pertinent; and
9. The following statement signed by the petitioner or authorized representative: "I certify that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

C. Petition processing.

1. After receiving a petition that includes the information required in subsection B of this section, the director will determine whether the information received is sufficient to render the decision. If the information is deemed insufficient, the director will specify additional information needed and request that it be furnished.

2. The petitioner may submit the additional information requested, or may attempt to show that no reasonable basis exists for additional information. If the director agrees that no reasonable basis exists for the request for additional information, he will act in accordance with subsection D of this section. If the director continues to believe that a reasonable basis exists to require the submission of such information, he will proceed with the denial action in accordance with the Administrative Process Act.

D. Public review of tentative decision. The director will evaluate the application and issue a draft notice tentatively denying the petition, granting the variance as requested, or granting a modified or partial variance. Notification of this tentative decision will be published in the Virginia Register of Regulations. The director will accept comment on the tentative decision for 30 days, and shall hold a public hearing if a request is received or at his discretion if there is no request. The director will issue a final decision after receipt of comments and after the hearing (if any).

E. Conditions for granting variance request or a modified variance.

1. The director may grant the variance if the applicant demonstrates to the satisfaction of the director that:

- a. The proposed variance will meet the goals and purposes of the provisions from which a variance is sought; and
- b. The variance does not conflict with federal or state law or regulations.

2. If the director grants a variance request, the notice to the petitioner shall provide that the variance may be terminated upon a finding by the director that the petitioner has failed to comply with any requirements of the variance.

3. When a modified variance is granted, the director may:

- a. Specify the termination date of the variance;
- b. Include a schedule for:
 - (1) Compliance, including increments of progress, by the laboratory with each requirement of the variance; and
 - (2) Implementation by the laboratory of such measures as the director finds necessary in order that the variance may be granted.

F. Decisions to grant or deny a petition are subject to the provisions of Article 3 (§ 2.2-4018 et seq.) of the Virginia Administrative Process Act.

1 VAC 30-46-170 through 1 VAC 30-46-190. (Reserved.)

PART II.
STANDARDS.

1 VAC 30-46-200. Incorporation of NELAC standards.

A. The 2002 National Environmental Laboratory Accreditation Conference (NELAC) standards approved July 12, 2002, as specified in 1 VAC 30-46-210 are incorporated by reference into this chapter.

B. Laboratories applying for accreditation and accredited under this chapter shall comply with the 2002 NELAC standards incorporated by reference into 1 VAC 30-46-210.

1 VAC 30-46-210. Standards for accreditation.

A. Standards for personnel qualifications. The standards for personnel qualifications are the following provisions of the National Environmental Laboratory Accreditation Conference (NELAC) standards as incorporated by reference into this part: Chapter 4, Accreditation Process, specifically, Components of Accreditation and Personnel Qualifications.

B. Standards for on-site assessment. The standards for on-site assessment are the following provisions of the NELAC standards as incorporated by reference into this part.

- 1. Chapter 3, On-site Assessment, specifically, On-site Assessment Personnel; Frequency and Types of On-site Assessments; Preassessment Procedures; Assessment Procedures; Standards for Assessment; and Documentation of On-site Assessment, with one exception. Subsection 3.4.5, Confidential Business Information (CBI)

Considerations, shall not be incorporated by reference into this part.

2. Chapter 4, Accreditation Process, specifically, On-site Assessments and Corrective Action Reports in Response to On-site Assessment.

C. Standards for proficiency testing. The standards for proficiency testing are the following provisions of the NELAC standards as incorporated by reference into this part.

1. Chapter 2, Proficiency Testing, specifically, Major PT Groups and Their Responsibilities - Laboratories and Accrediting Authorities; Laboratory Enrollment in Proficiency Testing Programs; Requirements for Laboratory Testing of PT Study Samples; and PT Criteria for Laboratory Accreditation.

2. Chapter 4, Accreditation Process, specifically, Proficiency Testing Samples.

D. Standards for quality systems.

1. The standards for quality systems are the following provisions of the NELAC standards as incorporated by reference into this part: (i) Chapter 4, specifically, Accountability for Analytical Standards and (ii) Chapter 5, Quality Systems.

2. Quality systems - scope. Chapter 5 of the NELAC standards sets out the scope of quality systems requirements. These provisions provide an overview to major aspects of the accreditation process and are set out below for emphasis:

a. Chapter 5 includes all quality assurance policies and quality control procedures which shall be delineated in a quality manual and followed to ensure and document the quality of the analytical data. Laboratories seeking accreditation shall assure implementation of all quality assurance policies and the essential applicable quality control procedures specified in this chapter. The quality assurance policies, which establish essential quality control procedures, are applicable to environmental laboratories regardless of size and complexity.

b. The intent of Chapter 5 is to provide sufficient detail concerning quality management requirements so that DGS-DCLS can evaluate environmental laboratories consistently and uniformly.

c. Chapter 5 sets out the general requirements that a laboratory has to successfully demonstrate to be recognized as competent to carry out specific environmental tests.

d. If more stringent standards or requirements are included in a mandated test method or by regulation, the laboratory shall demonstrate that such requirements are met. If it is not clear which requirements are more stringent, the standard from the method or regulation is to be followed.

NOTICE: The forms used in administering 1 VAC 30-46, Certification for Commercial Environmental Laboratories, are listed below. The forms are not being published in the Virginia

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Register of Regulations, but are available for inspection by contacting the Department of General Services, Division of Consolidated Laboratory Services, 600 N. 5th St., Richmond, VA 23219, telephone (804) 648-4480.

FORMS

Application for Accreditation of Environmental Laboratories under 1 VAC 30-46 (with instructions), eff. xx/xx.

DOCUMENTS INCORPORATED BY REFERENCE

National Environmental Laboratory Accreditation Conference Standards, Approved July 12, 2002.

VA.R. Doc. No. R98-312; Filed January 21, 2004, 11:20 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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 10-20-60, 18 VAC 10-20-90, 18 VAC 10-20-170, 18 VAC 10-20-280, 18 VAC 10-20-400, 18 VAC 10-20-520, 18 VAC 10-20-565, 18 VAC 10-20-580, 18 VAC 10-20-625, 18 VAC 10-20-630 and 18 VAC 10-20-665).**

Statutory Authority: §§ 54.1-113, 54.1-201, 54.1-404 and 54.1-411 of the Code of Virginia.

Public Hearing Date: March 11, 2004 - 9 a.m.

Public comments may be submitted until April 9, 2004.
(See Calendar of Events section for additional information)

Agency Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or e-mail apelscidla@dpor.virginia.gov.

Basis: Section 54.1-113 of the Code of Virginia (Callahan Act). Regulatory boards to adjust fees - Following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions maintained under § 54.1-308 or § 54.1-2505 shows expenses allocated to it for the past biennium to be more than 10% greater or less than moneys collected on behalf of the board, it shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

Section 54.1-201 of the Code of Virginia describes each regulatory board's power and duty to "levy and collect fees for

the certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department..."

Section 54.1-304 of the Code of Virginia describes the power and duty of the director to "collect and account for all fees prescribed to be paid into each board and account for and deposit the moneys so collected into a special fund from which the expenses of the Board, regulatory boards, and the Department shall be paid..."

Section 54.1-308 of the Code of Virginia provides for compensation of the director, employees, and board members to be paid out of the total funds collected. This section also requires the director to maintain a separate account for each board showing moneys collected on its behalf and expenses allocated to the board.

Section 54.1-404 of the Code of Virginia provides that "The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties. In addition, § 54.1-411 C states "The Board shall adopt regulations governing the registration of persons, corporations, partnerships, limited liability companies, sole proprietors and other entities as required in subsections A and B which: ... 2. Establish fees for the application and renewal of registration sufficient to cover costs;"

Fee adjustments are mandatory in accordance with these Code of Virginia sections. The board exercises discretion in how the fees are adjusted by determining the amount of the adjustment for each type of fee. The board makes its determination based on the adequacy of the fees to provide sufficient revenue for upcoming operating cycles.

Purpose: The intent of the proposed changes in regulations is to increase fees for applicants and regulants of the APELSCIDLA Board. The board must establish fees adequate to support the costs of board operations and a proportionate share of the department's operations. By the close of the current biennium, fees will not provide adequate revenue for those costs.

The Department of Professional and Occupational Regulation receives no general fund money, but instead is funded almost entirely from revenue collected for applications, renewals, examination fees, and other fees. The department is self-supporting, and must collect adequate revenue to support its mandated and approved activities and operations. Fees must be established at amounts that will provide that revenue. Fee revenues collected on behalf of the boards fund the department's authorized special revenue appropriation.

The ability of the board to continue to process applications in a timely and accurate manner increases the level of public safety and welfare by ensuring that only those applicants that meet or exceed the requirements set forth in the statutes and regulations are granted licenses, certificates, or registrations.

The APELSCIDLA Board has no other source of revenue from which to fund its operations.

Substance: Fees will be increased as necessary to comply with the § 54.1-113 of the Code of Virginia. Any other changes that may be necessary may also be considered.

Issues: The primary issue for the proposed fee increase is the department's statutory requirement to comply with the Callahan Act. The advantage of these changes is that the regulatory program will be able to continue to function in order to protect the public. The disadvantage is that these changes will increase the cost of the license to the regulated population; however, the impact of these changes on the income of the regulated population should not be of a great significance compared to level of income.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (board) proposes to raise its licensure fees.

Estimated economic impact. Currently, the board's expenditures far exceed its revenues; during the 2000-2002 biennium expenditures exceeded revenues by \$671,652. The Department of Professional and Occupational Licensing (department) projects that during the 2002-2004 biennium expenditures will exceed revenues by \$1,174,006, and that the board's cash balance will turn negative by 2005 if current fees per license remain the same. In order to avoid negative cash balances, the board proposes to raise fees. The following table (Table 1) displays current and proposed application fees:

Table 1: Application Fees

| Profession/Entity | Current Fee | Proposed Fee |
|-----------------------------|-------------|--------------|
| Architect | \$45 | \$75 |
| Professional Engineer | \$40 | \$60 |
| Land Surveyor | \$50 | \$90 |
| Certified Interior Designer | \$45 | \$45 |
| Landscape Architect | \$75 | \$125 |
| Professional Corporation | \$10 | \$30 |
| Business Entities | \$40 | \$100 |

Table 2 displays current and proposed renewal fees:

Table 2: Renewal Fees

| Profession/Entity | Current Fee | Proposed Fee |
|-----------------------------|-------------|--------------|
| Architect | \$35 | \$55 |
| Professional Engineer | \$30 | \$80 |
| Land Surveyor | \$80 | \$90 |
| Certified Interior Designer | \$45 | \$45 |
| Landscape Architect | \$75 | \$110 |
| Professional Corporation | \$15 | \$25 |
| Business Entities | \$20 | \$50 |

Part of the increase in the board's expenditures is due to the department's development of a new computer licensing system. Among other attributes, the new system will permit citizens to apply for licenses and license renewals on-line. The use of on-line applications should speed licensure application; mailing time will be eliminated. Also, the cost of mailing materials and postage will be saved.

Application fees pay for the initial period of licensure, as well as the application process. The cost of processing an application added to the cost of regulating a licensee during their initial licensure period generally exceeds the cost of regulating a licensee during the renewal period. Under the proposed regulations, the application fee for a professional engineer license is less than the renewal fee (see tables above), and the application fees for land surveyors and certified interior designers are equal to the renewal fees. Thus, it seems likely that renewing licensees in these professions subsidize the cost of regulating applicants for initial licensure.

Businesses and entities affected. The proposed regulations affect the 32,600¹ architects, engineers, land surveyors, landscape architects, interior designers and associated professional corporations and business entities licensed in Virginia. The clients of these licensed professionals and businesses are affected as well. Individuals considering entering these professions and businesses are also affected.

Localities particularly affected. All localities in the Commonwealth are affected.

Projected impact on employment. Higher fees may discourage some individuals, particularly individuals considering part-time work, from seeking licensure and offering their professional services. This impact is unlikely to be large.

Effects on the use and value of private property. The higher fees will reduce the value of the licensed individuals' practices and the businesses by the amount of the fee increase.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: Concur.

Summary:

The proposed amendments increase the fees charged by the board.

¹ Estimated figure provided by the Department of Professional and Occupational Licensing

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18 VAC 10-20-60. Replacement of wall certificate.

Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a ~~\$20~~ \$25 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.

18 VAC 10-20-90. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|-------------------|------|------|
| Application | \$45 | \$75 |
| Renewal | \$35 | \$55 |
| Dishonored checks | \$25 | |

18 VAC 10-20-170. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|---|------|-------|
| Fundamentals of Engineering Application | \$20 | \$30 |
| Principles of Engineering Application | \$40 | \$60 |
| Renewal | \$30 | \$80 |
| Comity | \$40 | \$60 |
| PE Exam rescore | \$25 | |
| FE/PE out-of-state proctor | \$30 | \$100 |
| 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 (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$115 for the Fundamentals of Engineering and \$170 for the Principles of Engineering to the candidate.~~

18 VAC 10-20-280. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|---|------|-------|
| Application for Fundamentals of Surveying | \$45 | \$60 |
| Application for Principles of Surveying | \$50 | \$90 |
| Application for Land Surveyor B | \$50 | \$90 |
| Renewal | \$80 | \$90 |
| Comity | \$50 | \$90 |
| Out-of-state proctor | \$50 | \$100 |
| 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 (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$150 for the Fundamentals of Land Surveying, \$175 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 10-20-400. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|-------------|------|-------|
| Application | \$75 | \$125 |
| Renewal | \$75 | \$110 |

| | | |
|----------------------|------|-------|
| Out of state proctor | \$50 | \$100 |
| 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 (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$925 for the entire CLARB Examination or \$275 per division.~~

18 VAC 10-20-520. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|--------------------------------|------|------|
| Application | \$10 | \$30 |
| Designation for branch office | \$10 | \$30 |
| Renewal | \$15 | \$25 |
| Renewal of branch office | \$15 | \$25 |
| Reinstatement of branch office | \$25 | \$30 |
| Dishonored check | \$25 | |

18 VAC 10-20-565. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 \$30 will be required in addition to the renewal fee.

18 VAC 10-20-580. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|--------------------------------|------|-------|
| Application | \$40 | \$100 |
| Designation for branch office | \$15 | \$50 |
| Renewal | \$20 | \$50 |
| Renewal of branch office | \$20 | \$50 |
| Reinstatement of branch office | \$25 | \$30 |
| Dishonored check | \$25 | |

18 VAC 10-20-625. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 \$30 will be required in addition to the renewal fee.

18 VAC 10-20-630. Fee schedule.

All fees are nonrefundable and shall not be prorated.

| | | |
|--------------------------------|------|-------|
| Application | \$40 | \$100 |
| Designation for branch office | \$15 | \$50 |
| Renewal | \$20 | \$50 |
| Renewal of branch office | \$20 | \$50 |
| Reinstatement of branch office | \$25 | \$30 |
| Dishonored check | \$25 | |

18 VAC 10-20-665. Renewal of branch offices.

Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch

office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$25 \$30 will be required in addition to the renewal fee.

VA.R. Doc. No. R03-177; Filed January 21, 2004, 9:15 a.m.

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-120. Regulations Governing the Certification of Athletic Trainers (adding 18 VAC 85-120-75).

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public Hearing Date: February 12, 2004 - 9 a.m.

Public comments may be submitted until April 10, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

Basis: Section 54.1-2400 of the Code of Virginia provides authority to promulgate regulations to administer the regulatory system. The specific legal authority to promulgate the regulation for provisional certification is found in § 54.1-2957.4 of the Code of Virginia.

Purpose: The purpose of the proposed regulatory action is to expand the current provisional certification to include persons who have applied for state certification and are otherwise qualified by virtue of holding certification from the National Athletic Trainers Association Board of Certification (NATABOC) but who are awaiting verifications of professional education, professional activity and licensure or certification in another state, if applicable. Provisional certification would allow those persons to begin work as an athletic trainer and not delay their employment by the several weeks it normally takes for all required documentation to be received. The health and safety of athletes, particularly those who are students in Virginia's schools and colleges, will be better protected by having a trainer who is authorized to practice as soon as his employment begins rather than having to wait several weeks for state certification.

Substance: 18 VAC 85-120-75 is added to provide that, upon written request from an applicant and his employer and for good cause shown, an applicant who provides documentation of current NATABOC certification and, if licensed or certified by another jurisdiction in the United States, documentation that his license or certificate is current and unrestricted may be granted authorization to practice as an athletic trainer for 45 days pending submission of all other required documentation and issuance of a certificate. At the discretion of the board, additional time, not to exceed 15 days, may be allowed to complete the application process.

Issues: The primary advantage to the public would be the ability of athletic trainers to accept employment and begin practice sooner. School systems and higher education institutions would have the services of a trainer available, so students on athletic teams would receive appropriate

preventive treatments and be safely treated for any injury that might occur. In most schools, there is only one athletic trainer on staff, so there would be no protection for athletes if a newly-hired person does not have authorization to practice. There are no disadvantages to this proposal. An athletic trainer would have to indicate minimal competency by submission of documentation that he has passed the qualifying examination. In order to sit for the NATABOC examination, a candidate must provide evidence of completing an approved educational program in athletic training. If he failed to complete the state application or if adverse information was received, the maximum period of authorization to practice would be 60 days.

There are no advantages or disadvantages to the Commonwealth.

There are no other matters of interest related to this regulatory action that are pertinent to the regulated community, government officials, and the public.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Medicine (board) proposes to introduce a provisional authorization category to permit individuals who hold NATABOC (National Athletic Trainers' Association Board of Certification) certification to work as athletic trainers for 45 days while other application materials are being processed.

Estimated economic impact. In order to obtain Virginia certification as an athletic trainer, individuals must 1) "submit to the board written evidence that the applicant has passed the NATABOC entry level examination for athletic trainers or its equivalent as determined by the board," 2) either "be a graduate of an accredited educational program for athletic trainers; or have met the educational requirement necessary to hold current credentialing as a Certified Athletic Trainer (ATC) from NATABOC or another credentialing body approved by the board.." Virginia certification applicants must also pay a \$150 fee, list professional activity, and, if certified or licensed in another state, provide documentation to show that the certification or license is current and unrestricted.

The board proposes to introduce a provisional authorization category to permit individuals who provide documentation of current NATABOC certification and, if they are licensed certified elsewhere in the United States, documentation that their license or certificate is current and unrestricted, to practice for 45 days pending submission of other required

Proposed Regulations

documentation and issuance of a certificate. The proposed provisional certification would allow these persons to begin work as an athletic trainer and not delay their employment by the several weeks it typically takes for all required documentation to be received. According to the Department of Health Professions (department), verifications of professional education and professional activity often take a number of weeks to be completed, while NATABOC certification and certification and licensure status in other jurisdictions can be confirmed considerably sooner.

Allowing athletic trainers to start work prior to the completion of all paperwork will permit affected trainers to start providing services for their employers sooner. Treated athletes will likely benefit. This may enable some affected persons to be offered positions that they otherwise would not obtain. By allowing athletic trainers to start working at new jobs sooner, some may be offered positions that they otherwise would not obtain.

Businesses and entities affected. The proposed regulations affect the 600 persons certified as athletic trainers in Virginia,¹ individuals seeking to apply for certification, and those individuals that receive athletic trainer services.

Localities particularly affected. The proposed regulations potentially affect all Virginia localities.

Projected impact on employment. The proposed amendment will allow some athletic trainers to start working at new jobs sooner. This may enable some affected persons to be offered positions that they otherwise would not obtain.

Effects on the use and value of private property. By allowing affected athletic trainers to potentially obtain positions that they may not have otherwise, the proposed amendment positively affects their financial net worth.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Medicine concurs with the analysis of the Department of Planning and Budget for proposed regulations, 18 VAC 85-120, to permit provisional authorization to practice for certified athletic trainers.

Summary:

The proposed amendment allows the board to authorize an applicant for certification as an athletic trainer to practice for no more than 60 days pending completion of the application package and submission of all documentation. Before receiving provisional certification to practice, an applicant and his employer must request the authorization for good cause, provide documentation of current certification from the National Athletic Trainers Association Board of Certification (NATABOC) and, if licensed or certified in another state, documentation that the license or certificate is current and unrestricted.

18 VAC 85-120-75. Provisional authorization.

Upon written request from an applicant and his employer and for good cause shown, an applicant who provides

documentation of current NATABOC certification and, if licensed or certified by another jurisdiction in the United States, documentation that his license or certificate is current and unrestricted may be granted authorization to practice as an athletic trainer for 45 days pending submission of all other required documentation and issuance of a certificate. At the discretion of the board, additional time, not to exceed 15 days, may be allowed to complete the application process.

VA.R. Doc. No. R03-259; Filed January 9, 2004, 3:25 p.m.

BOARD OF PHYSICAL THERAPY

Title of Regulation: 18 VAC 112-20. Regulations Governing the Practice of Physical Therapy (amending 18 VAC 112-20-10, 18 VAC 112-20-40, 18 VAC 112-20-50, 18 VAC 112-20-60, 18 VAC 112-20-65, 18 VAC 112-20-70, 18 VAC 112-20-90, 18 VAC 112-20-100, 18 VAC 112-20-120 and 18 VAC 112-20-130; repealing 18 VAC 112-20-20, 18 VAC 112-20-80 and 18 VAC 112-20-110).

Statutory Authority: § 54.1-2400 and Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: February 17, 2004 - 10 a.m.

Public comments may be submitted until April 10, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals. Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1 of the Code of Virginia sets forth statutory provisions for the licensure and practice of physical therapists.

Purpose: With the creation of an independent Board of Physical Therapy in 2000, the regulations that had been in effect under the Board of Medicine were adopted by the new board with only minor revisions. With three years of experience in applying these regulations, the board has determined that some of its requirements need to be more consistent with national standards in the practice of physical therapy, need to be clarified to facilitate compliance by licensees, or need to be modified to reduce the burden of compliance.

For example, there have been questions as to whether "active practice," which is required to maintain a license, could include nonclinical duties related to physical therapy. By defining the term to be more inclusive, it will be less burdensome for active practitioners and those seeking licensure by endorsement. Persons seeking licensure by endorsement, who would otherwise not qualify under current regulations, may be able to become licensed based on years of experience without disciplinary action. Persons seeking licensure by examination, who have failed the national examination at least six times, are not denied the opportunity

¹ Source: Department of Health Professions

to become licensed if they complete remediation and ultimately pass the examination.

While the practice and referral requirements are largely set out in the Code of Virginia, which was amended by the 2003 Session of the General Assembly, the board has identified several areas in which amendments would be clarifying or necessary for consistency with current standard of care. From patient evaluation to supervision, the board has attempted to clarify that the role of the physical therapist should be to evaluate the patient, have ongoing involvement in the care of a patient, have continuous communication with an assistant about the treatment of a patient, and have ultimate responsibility for such care and treatment. Amendments proposed by the board are intended to improve access to physical therapy by patients in Virginia and to more specifically state the appropriate responsibility of the PT and the PTA in the care of a patient consistent with the goal of protecting the health, safety and welfare of the public. Regulations that are more specific about the role and responsibility of the physical therapist to evaluate a patient, plan for his treatment and remain involved in his care will better ensure that patients are receiving appropriate treatment by qualified licensees.

Substance: Substantive changes to sections of these regulations include:

Definitions. A revised definition of "active practice" will expand the scope of that term to include nonclinical physical therapy-related activities and to reduce confusion by specifying that active practice means 160 hours within the 24-month period preceding renewal. Other revised definitions clarify "direct supervision," "evaluation" and "support personnel."

Licensure requirements. Graduates of nonapproved programs outside the U.S. are currently required to have certification from the Foreign Credentialing Commission on Physical Therapy (FCCPT), which requires passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) examinations. To ensure that foreign-trained graduates of approved Physical Therapist (PT) programs and applicants for licensure as a Physical Therapist Assistant (PTA) can adequately communicate with their patients, the board proposes to require the TSE in addition to the TOEFL.

The prohibition on licensure for anyone who fails the national examination six times has been eliminated. Instead, an applicant who fails three times must submit evidence of successfully completing clinical training or course work in the areas of deficiency prior to being approved to try the examination for a fourth time.

Requirements for licensure by endorsement have been restated to allow an applicant to be licensed if he can show proof of passing an examination required by another state at the time of initial licensure and active practice for at least seven years. In current regulations, the examination requirements for endorsement are confusing; in one place it requires the applicant to pass an examination equivalent to the examination required in Virginia at the time of initial licensure (which may be a state exam), and in another place, it requires passage of the national examination.

Practice requirements. The responsibility of the physical therapist to perform the initial evaluation, periodic reevaluation and an evaluation prior to discharge is clearly stated to avoid confusion and assist therapists and assistants in their understanding of their appropriate roles in the care and treatment of patients. Physical therapist assistants may perform components of physical therapy, but the PT is fully responsible for the evaluation and overall care of the patient and for having ongoing involvement in the patient's care. Current regulations state the responsibility of the therapist to communicate with the referring doctor, but the revised regulations expand that responsibility to include communication with the patient and the assistant, as well as other referring practitioners, including nurse practitioners and physician assistants.

The supervisory responsibilities of physical therapists and physical therapist assistants are amended to more clearly delineate the role of each level of practitioner. The term "nonlicensed" personnel is changed to "support" personnel, and it is required that such persons only be assigned routine assigned tasks that do not require professional discretion or judgment. It is also stated who can provide supervision to a PT or PTA student in training through an approved program.

Issues: Advantages to the licensees. To the extent amended rules on practice and supervision are more precisely stated and more consistent with current standard of care, there may be fewer incidents when licensees have failed to adhere to the standards. Physical therapist assistants can sometimes be placed in a tenuous position by being expected to perform certain functions and assume responsibilities beyond their training and scope of practice. With clearer delineation of the responsibilities of the physical therapist, the assistant will better be able to understand and communicate what his role should be vis-à-vis the treatment of a patient. Licensees who are actively working in the physical therapy field, in an educational, supervisory, administrative or consultant role, will be able to count those activities in order to meet the 160-hour per biennium required for renewal of an active license.

Disadvantages to the licensees. There are no disadvantages to licensees. There are no new requirements nor has the scope of practice of any licensee been limited in any way. Regulations on practice and supervision are clarifying and consistent with the current expectation and interpretations of the board and national standards in the field of physical therapy.

Advantages or disadvantages to the public. There are no disadvantages to the public, but persons receiving physical therapy interventions will be better served by more specifically stated rules on role delineation and supervision. There may be a better understanding by the physical therapist of his responsibility for the ongoing care of the patient, not only for the initial and discharge evaluations. Amended rules on licensure may eliminate some barriers to applicants and result in a very modest increase in access to care.

Advantages or disadvantages to governmental agencies. There are no advantages or disadvantages to any governmental agency.

Proposed Regulations

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Section 54.1-2400 of the Code of Virginia establishes the powers and duties of health regulatory board, including promulgating regulations, levying fees, administering a licensure and renewal program, and disciplining regulated professionals. Chapter 34.1 of Title 54.1 (§§ 54.1-3473 through 54.1-3483) establishes statutory provisions for the licensure and practice of physical therapists and physical therapist assistants. Specifically, in § 54.1-3475 of the Code of Virginia the General Assembly mandates that the Board of Physical Therapy regulate the practice of physical therapy and carry out the provisions of the code relating to the qualification, examination, licensure, and regulation of physical therapists and physical therapist assistants.

The regulation proposes the following changes: (1) amends the examination requirements for licensure as a PT or PTA by removing the provision prohibiting the licensure of an individual who has failed the national examination six times and adding a provision requiring applicants who fail the examination three times to complete additional clinical training and coursework in order to apply to the State Board of Physical Therapy for approval to sit for any subsequent examinations, (2) amends the licensure by endorsement requirements by allowing applicants whose initial licensure examination was not identical to the Virginia examination to be licensed by endorsement as long as the applicant is able to demonstrate at least seven years of active practice on a current unrestricted license, (3) changes the active practice requirements for the renewal or reactivation of a license to a two-year cycle from the existing four-year cycle, (4) requires foreign-trained graduates of an approved program applying for licensure as a physical therapist (PT) or physical therapist assistant (PTA) and foreign-trained graduates of a nonapproved program applying for licensure as a PTA to take and pass the Test of Spoken English (TSE), (5) removes language specifying the minimum score required on the Test of English as a Foreign Language test in order to be licensed, (6) expands and clarifies the roles and responsibilities (supervisory or otherwise) of PTs, PTAs, and support personnel, and (7) removes language in the existing regulation specifying general and professional education requirements for PTA approved programs.

The proposed regulation also includes new definitions in order to improve the clarity of the regulation, such as a definition of what constitutes active practice. It also updates existing

definitions to make them more consistent with the model practice act developed by the Federation of State Boards of Physical Therapy (FSBPT).

In addition, the proposed regulation also deletes redundant language, adds clarifying language, amends language to reflect current practice, and reorganizes sections in the existing regulation in order to improve clarity.

Estimated economic impact.

(1) The proposed regulation amends the examination requirements in order to be licensed as a PT or PTA in Virginia. The provision prohibiting the licensure of individuals who have failed the examination six times has been removed. Instead, the proposed regulation requires that individuals who fail the examination three times apply to the State Board of Physical Therapy for approval to sit for any subsequent examinations and submit evidence of having successfully completed additional clinical training or coursework in the deficient areas.

According to the Department of Health Professionals (DHP), the proposed change is intended to make Virginia's examination requirements consistent with those of other states. There has been one instance in the past few years when this requirement has proved problematic. An applicant failed the Virginia licensing examination six times and was consequently denied a license. Subsequently, the individual was licensed in another state and then applied for licensure by endorsement in Virginia. The FSBPT leaves it up to the individual states to determine how many times a person can sit for the examination. The State Board of Physical Therapy reviewed the requirements of other states and jurisdictions and chose to remove the prohibition on licensure after six failures.

Removal of the provision prohibiting individuals from being licensed following six examination failures is likely to produce some economic benefits. A survey of the licensure requirements in other states indicates that 16 states currently impose limits on the number of times an individual can appear for the licensure examination. Moreover, of the states that do impose a limit on the number of times an individual can appear for the examination, the limit ranges from three times in Pennsylvania to eight times in Texas. There is no evidence to indicate that the performance of PTs and PTAs in states with limits is better than the performance of PTs and PTAs in states with no limit and that a six-time limit is better at protecting public health than a limit of three, four, or eight times. Thus, by removing what appears to be an arbitrary requirement denying licensure to individuals failing the examination more than six times, the proposed change could result in more individuals being licensed as PTs and PTAs in Virginia, increasing competition and potentially reducing the cost of purchasing physical therapy services.

Rather than denying licensure after six failures, the proposed change now requires individuals to undertake some form of remediation following three failures. According to DHP, the remediation could take the form of additional coursework or clinical training in the deficiency areas or any other form of remediation deemed satisfactory by the State Board of Physical Therapy. The new requirement, while appearing

unnecessary, is not likely to have a significant economic impact. Individuals already have an incentive to pass the licensure examination at the earliest try. Until an individual passes the examination and is licensed, she/he will not be able to practice physical therapy in Virginia. Moreover, under existing policy, individuals seeking to be licensed as a PT are required to pay a \$140 nonrefundable license fee. The fee for individuals seeking licensure as a PTA is \$105. In addition, applicants are also required to pay all examination fees. Based on documents available on DHP's website, the fee for examination services each time an individual appears for the examination is \$285. Thus, in addition to a desire to be licensed as soon as possible in order to begin practicing as a PT or PTA, the fees charged each time an individual applies for licensure and each time an applicant appears for the examination provide an added incentive for applicants to take and pass the examination at the earliest try. According to DHP, if an applicant chose to attend a remedial course, it would typically be a three-credit hour course. One graduate credit hour costs \$371 to take at the Medical College of Virginia. Thus, a remedial course in a deficiency area would cost the individual approximately \$1,113.

While the remediation requirement may be unnecessary and not likely to have a significant economic impact, it should be noted that the three-time limit being proposed in the regulation appears arbitrary. A review of the examination requirements in other states indicates that 23 states require some form of remediation before allowing applicants to appear for the examination multiple times and three states leave it up to the board's discretion. Moreover, of the states that do require remediation, nine states require remediation after two failed attempts and 14 require remediation after three failed attempts. There is no evidence to indicate that the different remediation requirements produce a significant difference in the performance of PTs and PTAs. Thus, there is no evidence that requiring remediation after three failed attempts provides better protection to public health than requiring it after two failures or not requiring remediation at all.

The proposed change may produce a small net positive economic impact. The economic benefits of removing the six-year cap on the number of times an individual can appear for the examination are likely to be small. There have not been many cases of individuals being denied licensure following six examination failures. While DHP does not collect data on the number of times an individual fails the examination, they are not aware of more than one case when that has occurred. The proposed remediation requirement after three failures, while unnecessary, is not likely to have a significant economic impact. Most applicants already have an incentive to take and pass the examination as soon as possible. DHP does not believe that there have been many individuals who have failed the examination three times or more and who could be affected by the new remediation requirement.

(2) The proposed regulation amends the licensure by endorsement requirements by allowing applicants whose initial licensure examination was not identical to the Virginia examination at the time to be licensed by endorsement as long as the applicant is able to demonstrate at least seven years of active practice on a current unrestricted license. Under existing policy, individuals who are licensed on the

basis of an examination not equivalent to the Virginia examination cannot be licensed by endorsement. Only individuals who have passed the national examination or passed a state examination substantially equivalent to Virginia's examination can be licensed by endorsement.

The proposed change is likely to produce economic benefits by increasing the number of individuals who can seek licensure by endorsement in Virginia. This, in turn, could result in more individuals being licensed as PTs and PTAs in Virginia, increasing competition and potentially reducing the cost of purchasing physical therapy services. However, the extent of the benefits accruing from the proposed change is likely to be small. According to FSBPT, all state licensing authorities adopted the FSBPT criterion-referenced passing score effective July 1996. Thus, the proposed change would only apply to individuals who took their licensure examination prior to 1996 in a state that did not have an examination equivalent to the Virginia examination at the time of initial licensure.

According to DHP the seven-year active practice requirement was based on information regarding the effective life of an examination. According to FSBPT, the examination becomes less important as an indicator of competency than active practice without disciplinary action for individuals who have taken their initial licensure examination more than seven years ago. However, by requiring seven years of active practice, the proposed change completely discounts the merits of any state examination that was substantially different from that of Virginia. It does not address the differences between those states' examinations and Virginia's and whether an applicant from one of those states might be qualified to practice in Virginia with less than seven years of active practice.

The proposed change may produce a small net positive economic impact. By increasing the number of individuals who can apply for licensure by endorsement, the proposed change could lead to a rise in the number of PTs and PTAs operating in Virginia, increased competition, and a reduction in the price of these services in Virginia. However, the full benefit of the proposed change may not be felt due to the seven-year active practice requirement. It is not clear that seven years of active practice is a good proxy for the differences that existed between state examinations. The net economic impact is likely to be small as the proposed change only applies to individuals applying for licensure by endorsement who took their initial licensure examination prior to 1996 in a state with a licensure examination that was not substantially equivalent to Virginia's at the time. The number of such individuals is likely to be small.

According to DHP, 523 PTs and 111 PTAs have been licensed by endorsement in Virginia since 2000. However, all these individuals had to pass an examination that was equivalent to Virginia's examination at the time of initial licensure. It is not known how many more individuals are likely to be licensed by endorsement following the proposed change and how many more would have been licensed by endorsement had the active practice requirement been directly related to the differences in state examination.

(3) The proposed regulation changes the active practice requirements for the renewal or reactivation of a license to a

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two-year cycle rather than a four-year cycle. Under the existing regulation, individuals seeking to renew or reactivate their license are required to demonstrate 320 hours of professional practice in the four years immediately preceding renewal or reactivation. The proposed regulation requires applicants for renewal or reactivation to demonstrate 160 hours of professional practice in the preceding two years. According to DHP, the proposed change is intended to make the active practice requirements consistent with the two-year license renewal requirement.

However, the proposed change could impose some unintended costs on applicants seeking renewal or reactivation of their license. By changing the active practice requirement from a four-year cycle to a two-year cycle, the proposed change is likely to reduce the flexibility currently available to individuals in meeting the renewal and reactivation requirements. For example, a woman taking a year off to have a baby would find it easier to renew her license under the four-year requirement (which would require her working 106.7 hours per year for three years) rather than the two-year requirement (which would require her working 160 hours in a year). Moreover, the reduction in flexibility is not likely to come with any significant additional benefits. There is no evidence to indicate current policy of 320 hours of professional practice over four years is not protecting public health and safety and that 160 hours of professional practice over two years would provide better protection.

However, the net economic impact of the proposed change is not likely to be significant. According to DHP, applicants for renewal or reactivation that do not meet the active practice requirement will be allowed by the State Board of Physical Therapy to make up the deficient hours and renew or reactivate their licenses rather than letting it lapse. Moreover, it is unlikely that changing the active practice requirements for renewal or reactivation is likely to result in many licensees being unable to renew or reactivate their license. Rather than requiring licensees to have eight weeks (or 320 hours) of professional practice over four years, the proposed change requires them to have four weeks (or 160 hours) of professional practice over two years. DHP believes that it is very unlikely that licensees will not be able to demonstrate four weeks of professional practice in two years.

(4) The proposed regulation requires foreign-trained graduates of an approved program applying for licensure as a PT or PTA and foreign-trained graduates of a nonapproved program applying for licensure as a PTA to take and pass the Test of Spoken English (TSE). Currently, foreign-trained graduates of approved programs are required to take the Test of English as a Foreign Language (TOEFL). Foreign-trained PT graduates of nonapproved programs are required to provide documentation of PT certification from the Foreign Credentialing Commission on Physical Therapy (which includes some English language requirements) and foreign-trained PTA graduates of nonapproved programs are required to take the TOEFL. The TOEFL requirements can be waived on evidence of English proficiency. Under the proposed regulation, the requirements for foreign-trained PT graduates of nonapproved programs will remain unchanged (i.e., PT certification from the Foreign Credentialing Commission on Physical Therapy), but all other foreign-trained graduates will

be required to take the TSE in addition to the TOEFL. The TSE requirement can be waived upon evidence of English proficiency.

According to DHP, the proposed change is intended to ensure that all PTs and PTAs operating in Virginia are able to communicate effectively with their patients in English. While TOEFL tests an applicant's written proficiency in English, DHP believes that TSE is a more appropriate test for spoken proficiency. DHP is aware of one disciplinary case in the last three years when a licensed PT or PTA was not able to communicate effectively with a patient. The case is being appealed to the circuit court. Moreover, while DHP does not collect data on the number of foreign-trained applicants for licensure, they have observed an increase in the number of such applicants seeking licensure over the past few years. The proposed change is intended to prevent cases such as the one currently under appeal in the future.

The proposed change is likely to produce some economic benefits. By better ensuring that PTs and PTAs are able to communicate with their patients in English, the proposed change is likely to reduce the risk of harm to patients from physical therapy-related activities. However, the proposed change is also likely to impose additional costs on foreign-trained applicants. According to DHP, it costs \$125 to take the TSE. The additional cost is also likely to discourage some applicants from applying for licensure, reducing the number of licensed PTs and PTAs operating in Virginia. This, in turn, will reduce competition and potentially raise the cost of physical therapy services in Virginia.

The net economic impact of the proposed change will depend on whether the additional benefits of reducing the risk to patients from PTs and PTAs unable to communicate effectively in English are greater than or less than the cost of (a) requiring applicants to take the TSE and (b) potentially raising the price of these services in Virginia. There is no data available at this time to make a precise determination of the net economic impact of the proposed change.

(5) The proposed regulation removes language specifying the minimum score required on the TOEFL in order to be licensed. The existing regulation requires that applicants pass the test with a grade not less than 560. Under the proposed regulation, the minimum passing grade for TOEFL and TSE is to be determined by the State Board of Physical Therapy.

According to DHP, The State Physical Therapy Board determines the minimum passing grade based on the recommendation of the TOEFL examination service. The TOEFL examination service periodically updates these grades. By removing language specifying the minimum passing grade, DHP will be able to update this requirement without having to go through the regulatory process.

The proposed change is not likely to have a significant economic impact. Individuals will still be able to get information regarding the minimum passing grade from the TOEFL examination service (as they currently do). To the extent that the proposed change provides the State Board of Physical Therapy with flexibility in incorporating any changes to the minimum passing grade, it is likely to produce some small economic benefits.

(6) The proposed regulation expands and clarifies the roles and responsibilities (supervisory or otherwise) of PTs, PTAs, and support personnel. The State Board of Physical Therapy was set up in 2000 and the regulations governing the practice of physical therapy that had been in effect under the State Board of Medicine were adopted with minor revisions. In the intervening three years, several areas that needed clarifying have been identified, including roles and responsibilities of PTs, PTAs, and support personnel.

The proposed regulation includes additional language that delineates the responsibilities of PTs and PTAs. The regulation specifies that PTs are responsible for conducting all initial evaluations, periodic reevaluations, and evaluations conducted prior to discharge. PTs will also be responsible for communicating the overall plan of care to the patient and communicating with other doctors and medical personnel. PTAs are allowed to assist in various components of physical therapy care under the general supervision of a PT. The regulation also specifies that support personnel are only authorized to perform routine tasks (tasks that are nondiscretionary and do not require the exercise of professional judgment) under the direct supervision of a licensed PT or PTA. This language is based on FSBPT's model act.

The proposed change is not likely to have a significant economic impact. The additional language being proposed is intended to clarify and expand on existing policy in order to ensure an adequate level and quality of care. There is no data available on instances when the lack of clarity in the regulation has led to a patient being harmed. However, to the extent that the proposed change improves understanding of the regulation, it is likely to produce some economic benefits.

(7) The proposed regulation removes language specifying general and professional education requirements, including the minimum semester hours required for a nonapproved program for PTAs. DHP believes the general and profession education requirements specified in the existing regulation to be unnecessary. PTA applicants from nonapproved schools are already required to provide verification from a scholastic credentials service regarding the equivalency of the applicant's education to an approved PTA program.

The proposed change is not likely to have a significant economic impact. Graduates of nonapproved PTA programs that qualify for licensure currently will continue to do so. To the extent that it removes an unnecessary requirement, the proposed change is likely to produce some economic benefits.

The remaining changes being proposed, such as the inclusion of new definitions, the updating of existing definitions, the deletion of redundant language and the addition of clarifying language, amendments made to reflect current practice, and the reorganization of various sections are not likely to have a significant economic impact. To the extent that these changes improve the understanding and implementation of the regulation, they are likely to produce some economic benefits.

Businesses and entities affected. The proposed regulation affects all individuals seeking licensure as PTs and PTAs in Virginia. Applicants will no longer be denied licensure after failing the examination six times. Instead, applicants failing

the examination three times will be required to complete some form of remediation in the deficiency areas before being allowed to appear for the examination again. Applicants for licensure from states with examinations not equivalent to Virginia's examination at the time of initial licensure will now be able to get licensed by endorsement on demonstrating that they have seven years of active practice. Foreign-trained applicants for PTA licensure (from approved and nonapproved programs) and foreign-trained applicants for PT licensure from an approved program will now be required to take and pass the TSE in addition to the TOEFL.

According to DHP, there are approximately 4,401 PTs and 1,597 PTAs currently licensed in Virginia. The department gets approximately 380 applicants for licensure as a PT and 145 applicants for licensure as a PTA each year. Since 2000, 523 physical therapists and 111 physical therapist assistants have been licensed by endorsement into Virginia.

Localities particularly affected. The proposed regulation affects all localities in Virginia.

Projected impact on employment. The proposed regulation is not likely to have a significant impact on employment.

Effects on the use and value of private property. The proposed regulation is not likely to have a significant impact on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Physical Therapy concurs with the analysis of the Department of Planning and Budget for the proposed amendments to regulation, 18 VAC 112-20, pursuant to its periodic review of regulations.

Summary:

The proposed amendments are intended to clarify and update educational, examination and practice requirements. Substantive changes include the elimination of the prohibition on licensure after six failed attempts to pass the national examination; inclusion of a requirement for additional clinical training or course work to sit for the examination after three failures; and acceptance of documentation of active practice for seven years with an unrestricted license if the examination taken for initial licensure is not identical to the examination required in Virginia.

18 VAC 112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings; unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Approved program" means an educational program accredited by the Commission on Accreditation in Physical

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Therapy Education of the American Physical Therapy Association.

~~"Board" means the Virginia Board of Physical Therapy.~~

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist *or a physical therapist assistant* is *physically present and immediately available* and is fully responsible for the *physical therapy tasks or activities being performed by the nonlicensed physical therapy personnel.*

~~"Evaluation" means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and recording appropriate documentation examination, assessment or screening of a patient in order to plan and implement a treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.~~

"Face-to-face" means learning activities or courses obtained in a group setting or through interactive, real-time technology.

"FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

"General supervision" means a physical therapist shall be available for consultation.

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

~~"Nonlicensed Support personnel" means any individual not licensed or certified by a health regulatory board within the Department of Health Professions a person who is performing patient care functions at designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.~~

~~"Physical therapist" means a person qualified by education and training to administer a physical therapy program.~~

~~"Physical therapist assistant" means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.~~

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person undergoing a traineeship.

1. "Foreign educated trainee" means a physical therapist or physical therapist assistant who ~~graduated from a school not approved by an accrediting agency recognized by the board~~ *was educated outside the United States and did not graduate from an approved program* and who is seeking licensure to practice in Virginia.

2. "Inactive practice trainee" means a physical therapist or physical therapist assistant who has previously been licensed and has not practiced for at least 320 hours within

the past four years and who is seeking licensure or relicensure in Virginia.

3. "Unlicensed graduate trainee" means a graduate of an approved physical therapist or physical therapist assistant program who has not taken the ~~state licensure~~ *national* examination or who has taken the examination but not yet received a license from the board.

"Traineeship" means a period of ~~full time activity~~ *active clinical practice* during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means face-to face continuing learning activities offered by an approved organization as specified in 18 VAC 112-20-131.

~~"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning. In Type 2 activities, licensees document their own participation on the Continued Competency Activity and Assessment Form and are considered self learning activities.~~

18 VAC 112-20-20. Public participation (Repealed.)

~~Board regulations, 18 VAC 112-10-10 et seq., provide for involvement of the public in the development of all regulations of the Virginia Board of Physical Therapy.~~

18 VAC 112-20-40. Education requirements: graduates of approved programs.

A. An applicant for licensure who is a graduate of an approved program shall submit *documented evidence of his graduation from such a program* with the required application and fee ~~documented evidence of his graduation from such a program.~~

B. If an applicant is a graduate of an approved program located outside of the United States or Canada, he shall provide proof of proficiency in the English language by passing ~~with a grade of not less than 560 on the TOEFL and TSE by a score determined by the board~~ or an equivalent examination approved by the board. TOEFL *and TSE* may be waived upon evidence of English proficiency.

18 VAC 112-20-50. Education requirements: graduates of schools not approved by an accrediting agency recognized approved by the board.

A. An applicant for *initial* licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency ~~recognized~~ *approved* by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by a *report from* the FCCPT.

B. An applicant for licensure as a physical therapist assistant who is a graduate of a school not approved by the board shall submit with the required application and fee *the following*:

1. Proof of proficiency in the English language by passing ~~with a grade of not less than 560 on the TOEFL and TSE by a score determined by the board~~ or an equivalent

examination approved by the board. TOEFL *and* TSE may be waived upon evidence of English proficiency.

2. A ~~photostatic~~ copy of the original certificate or diploma *that has been certified as a true copy of the original by a notary public*, verifying his graduation from a physical therapy curriculum ~~which has been certified as a true copy of the original by a notary public.~~

If the certificate or diploma is not in the English language, submit either:

- a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or
- b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education *to the educational requirements of an approved program for physical therapist assistants* from a scholastic credentials service approved by the board ~~of at least 65 semester hours to include:~~

- ~~a. General education requirements. A minimum of 20 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.~~
- ~~b. Professional educational requirements. A minimum of 45 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.~~
- ~~c. CLEP semester hours or credits shall be accepted for general education hours only.~~

C. An applicant for *initial* licensure as a physical therapist or a physical therapist assistant *who is not a graduate of an approved program* shall also submit verification of having successfully completed a full-time 1,000-hour traineeship as a "foreign educated trainee" under the direct supervision of a licensed physical therapist. The traineeship shall be in a facility that serves as an education facility for students enrolled in an accredited program educating physical therapists in Virginia and is approved by the board.

1. It shall be the responsibility of the foreign educated trainee to make the necessary arrangements for his training with the director of physical therapy or the director's designee at the facility selected by the trainee.

2. The physical therapist supervising the foreign educated trainee shall submit a ~~progress report to the board at the end of the 1,000 hours. This report shall be submitted on forms supplied~~ *completed physical therapy or physical therapist assistant clinical performance instrument approved by the board.*

3. If the traineeship is not successfully completed ~~at the end of 1,000 hours as determined by the supervising physical therapist~~, the president of the board or his designee shall determine if a new traineeship shall commence. ~~If the president of the board determines it is determined by the board~~ *that a new traineeship shall not commence, then the application for licensure shall be denied.*

4. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

5. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

18 VAC 112-20-60. Application Requirements for licensure by examination.

A. Every applicant for initial ~~board~~ licensure by examination shall submit:

1. Documentation of having met the educational requirements specified in 18 VAC 112-20-40 or 18 VAC 112-20-50;
2. The required application, fees and credentials to the board; and
3. Documentation of passage of the national examination ~~as prescribed by the board by a minimum scale score of 600 or as established by the board.~~

B. If an applicant fails the national examination three times, he shall apply for approval to sit for any subsequent examination by submission of evidence satisfactory to the board of having successfully completed additional clinical training or course work in the deficiency areas of the examination.

18 VAC 112-20-65. Requirements for the ~~examination~~ licensure by endorsement.

~~A. The minimum passing score shall be a scale score of 600 or as established by the board.~~

~~B. An applicant who fails the examination after six attempts shall be denied licensure.~~

~~C. A person not taking the licensure examination within four years after graduation shall successfully complete a full time 480-hour traineeship.~~

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18 VAC 112-20-40 or 18 VAC 112-20-50;
2. The required application, fees, and credentials to the board; and
3. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by

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another state at the time of initial licensure in that state and active practice with a current, unrestricted license for at least seven years prior to applying for licensure in Virginia.

C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall first successfully complete a 480-hour traineeship as specified by subsection B of 18 VAC 112-20-140.

18 VAC 112-20-70. Traineeship for unlicensed graduate scheduled to sit for the board's licensure national examination.

A. Upon approval of the president of the board or his designee, an unlicensed graduate trainee in Virginia may be employed under the direct supervision of a licensed physical therapist until the results of the licensure national examination are received.

B. The traineeship shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination.

18 VAC 112-20-80. Endorsement requirements (Repealed.)

~~A. A physical therapist or physical therapist assistant who has been licensed in the United States, its territories, the District of Columbia, or Canada, by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the board, be licensed in Virginia by endorsement.~~

~~B. An applicant for licensure by endorsement shall submit:~~

- ~~1. Documentation of having met the educational requirements prescribed in 18 VAC 112-20-40 or 18 VAC 112-20-50;~~
- ~~2. The required application, fees, and credentials to the board; and~~
- ~~3. Documentation of passage of the national examination as prescribed by the board.~~

~~C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall first successfully complete a 480-hour traineeship as specified by subsection B of 18 VAC 112-20-140.~~

18 VAC 112-20-90. Individual General responsibilities to patients.

~~A. The physical therapist's responsibilities are to evaluate a patient, plan the treatment program, administer and document treatment within the limit of his professional knowledge, judgment and skills and communicate with the referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to the extent required by § 54.1-3482 of the Code of Virginia. The physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient and shall provide:~~

~~1. The initial evaluation and any periodic reevaluation for each patient and its documentation in the patient record; and~~

~~2. An evaluation prior to discharge of the patient, including documentation of the patient's response to therapeutic intervention at the time of discharge.~~

~~B. The physical therapist shall communicate the overall plan of care to the patient and shall also communicate with a referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, nurse practitioner or physician assistant to the extent required by § 54.1-3482 of the Code of Virginia.~~

~~C. A physical therapist assistant may assist the physical therapist in performing selected components of physical therapy intervention to include treatment, measurement and data collection, but not to include the performance of an evaluation as defined in 18 VAC 112-20-10.~~

~~D. A physical therapist assistant's visits to a patient shall be made under general supervision.~~

18 VAC 112-20-100. Supervisory responsibilities.

~~A. A physical therapist shall be fully responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.~~

~~B. Supervision of nonlicensed personnel means that a licensed physical therapist or licensed physical therapist assistant must be within a facility to give direct supervision and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion. Support personnel shall only perform routine assigned tasks under the direct supervision of a licensed physical therapist or a licensed physical therapist assistant, who shall only assign those tasks or activities that are nondiscretionary and do not require the exercise of professional judgment.~~

~~C. For patients assigned to a physical therapist assistant, the physical therapist shall make on-site visits to such patients at the frequency prescribed in 18 VAC 112-20-120.~~

~~D. When providing direct supervision to trainees, a physical therapist shall not supervise C. A physical therapist shall provide direct supervision to no more than three individual trainees at any one time.~~

~~D. A physical therapist shall provide direct supervision to a student in an approved program who is satisfying clinical educational requirements in physical therapy. A physical therapist or a physical therapist assistant shall provide direct supervision to a student in an approved program for physical therapist assistants.~~

18 VAC 112-20-110. General requirements (Repealed.)

~~A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care.~~

18 VAC 112-20-120. Individual Responsibilities to patients and to physical therapists.

A. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

B. The physical therapist assistant's first visit with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of ~~the such~~ communication ~~and supervised visits~~ shall be made in the patient's record.

C. ~~The physical therapist assistant's visits to the patient shall be made under general supervision~~ Documentation of physical therapy interventions shall be recorded on a patient's record by the physical therapist or physical therapist assistant providing the care.

D. The physical therapist shall reevaluate the patient as needed, but not less than according to the following schedules:

1. For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, it shall be not less than once ~~a week every seven consecutive days~~.
2. For patients in other settings, it shall be not less than one of 12 visits made to the patient during a 30-day period, or once every 30 days, whichever occurs first.

Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

E. *The physical therapist shall be responsible for ongoing involvement in the care of the patient to include regular communication with a physical therapist assistant regarding the patient's plan of treatment.*

18 VAC 112-20-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even-numbered year and pay to the board the renewal fee prescribed in 18 VAC 112-20-150.

B. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18 VAC 112-20-150.

C. In order to renew an active license, a licensee shall be required to:

1. Complete a minimum of ~~320~~ 160 hours of active practice in the preceding ~~four~~ two years; and
2. Comply with continuing competency requirements set forth in 18 VAC 112-20-131.

VA.R. Doc. No. R03-191; Filed January 21, 2004, 9:20 a.m.

REAL ESTATE BOARD

Title of Regulation: **18 VAC 135-20. Virginia Real Estate Board Regulations (amending 18 VAC 135-20-80, 18 VAC 135-20-120, 18 VAC 135-20-140 and 18 VAC 135-20-370).**

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-2105 of the Code of Virginia.

Public Hearing Date: March 24, 2004 - 2 p.m.

Public comments may be submitted until April 9, 2004.
(See Calendar of Events section for additional information)

Agency Contact: Christine Martine, Executive Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, or e-mail reboard@dpor.virginia.gov.

Basis: Section 54.1-113 of the Code of Virginia provides that regulatory boards shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

Section 54.1-201 describes each regulatory board's power and duty to "levy and collect fees for the certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department..."

Section 54.1-304 describes the power and duty of the director to "collect and account for all fees prescribed to be paid into each board and account for and deposit the moneys so collected into a special fund from which the expenses of the Board, regulatory boards, and the Department shall be paid..."

Section 54.1-308 provides for compensation of the director, employees, and board members to be paid out of the total funds collected. This section also requires the director to maintain a separate account for each board showing moneys collected on its behalf and expenses allocated to the board.

Section 54.1-2105 provides that "The Board may do all things necessary and convenient for carrying into effect the provisions of this chapter and may promulgate necessary regulations."

Fee adjustments are mandatory in accordance with these statutory sections. The board exercises discretion in how the fees are adjusted by determining the amount of the adjustment for each type of fee. The board makes its determination based on the adequacy of the fees to provide sufficient revenue for upcoming operating cycles.

Purpose: The intent of the proposed changes in regulations is to increase fees for applicants and regulants of the Real Estate Board. The board must establish fees adequate to support the costs of board operations and a proportionate share of the department's operations. By the close of the current biennium, fees will not provide adequate revenue for those costs.

The Department of Professional and Occupational Regulation receives no general fund money, but instead is funded almost entirely from revenue collected for applications, renewals,

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examination fees, and other fees. The department is self-supporting, and must collect adequate revenue to support its mandated and approved activities and operations. Fees must be established at amounts that will provide that revenue. Fee revenues collected on behalf of the boards fund the department's authorized special revenue appropriation.

The ability of the board to continue to process applications in a timely and accurate manner increases the level of public safety and welfare by ensuring that only those applicants that meet or exceed the requirements set forth in the statutes and regulations are granted licenses, certificates, or registrations.

The Real Estate Board has no other source of revenue from which to fund its operations.

Substance: Fees will be increased as necessary to comply with the § 54.1-113 of the Code of Virginia.

Issues: The primary issue for the proposed fee increase is the department's statutory requirement to comply with the Callahan Act.

The advantage of these changes is that the regulatory program will be able to continue to function in order to protect the public. The disadvantage is that these changes will increase the cost of the license to the regulated population; however, the impact of these changes on the income of the regulated population should not be of a great significance compared to the level of income.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Real Estate Board (board) proposes to raise its licensure fees.

Estimated economic impact. Currently, the board's expenditures far exceed its revenues; during the 2000-2002 biennium expenditures exceeded revenues by \$1,122,301. The Department of Professional and Occupational Licensing (department) projects that during the 2002-2004 biennium expenditures will exceed revenues by \$1,651,068, and that the board's cash balance will turn negative. In order to avoid negative cash balances, the board proposes to raise fees. The following table (Table 1) displays current and proposed application fees:

Table 3: Application Fees

| Profession/Entity | Current Fee | Proposed Fee |
|--|-------------|--------------|
| Salesperson by education and examination | \$75 | \$150 |
| Salesperson by reciprocity | \$64 | \$150 |
| Salesperson's or associate broker's license as a business entity | \$75 | \$190 |
| Broker by education and examination | \$85 | \$190 |
| Broker by reciprocity | \$85 | \$190 |
| Concurrent broker license | \$65 | \$140 |
| Firm license | \$125 | \$250 |
| Branch office license | \$65 | \$190 |
| Transfer application | \$35 | \$60 |
| Activate application | \$35 | \$60 |

Table 2 displays current and proposed renewal fees:

Table 4: Renewal Fees

| Profession/Entity | Current Fee | Proposed Fee |
|--|-------------|--------------|
| Salesperson | \$39 | \$65 |
| Salesperson's or associate broker's license as a business entity | \$39 | \$90 |
| Broker | \$42 | \$80 |
| Concurrent broker license | \$42 | \$80 |
| Firm license | \$65 | \$160 |
| Branch office license | \$38 | \$90 |

Part of the increase in the board's expenditures is due to the department's development of a new computer licensing system. Among other attributes, the new system will permit citizens to apply for licenses and license renewals on-line. The use of on-line applications should speed licensure application; mailing time will be eliminated. Also, the cost of mailing materials and postage will be saved. The resulting reduction in licensing transaction costs provides an economic benefit that offsets at least part of the increased fees.

Businesses and entities affected. The proposed regulations affect the 59,400¹ real estate practitioners and firms licensed by the Commonwealth, as well as individuals considering applying for licensure.

¹ Estimated figure provided by the Department of Professional and Occupational Licensing

Localities particularly affected. All localities in the Commonwealth are affected.

Projected impact on employment. Higher fees may discourage some individuals, particularly individuals considering part-time work, from seeking licensure and offering their services. This impact is unlikely to be large. The impact of the increased fees is reduced somewhat by the lower licensing transaction costs resulting from the new online licensing system.

Effects on the use and value of private property. The higher fees will reduce the net worth of licensees and license applicants by the amount of the fee changes minus the reduced licensing transaction costs.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the Economic Impact Analysis.

Summary:

The proposed amendments increase the fees charged by the board.

18 VAC 135-20-80. Application fees.

A. All application fees for licenses are nonrefundable and the date of receipt by the board or its agent is the date which will be used to determine whether it is on time.

B. Application fees are as follows:

| | |
|--|------------------------|
| Salesperson by education and examination | \$75 \$150 |
| Salesperson by reciprocity | \$64 \$150 |
| Salesperson's or associate broker's license as a business entity | \$75 \$190 |
| Broker by education and examination | \$85 \$190 |
| Broker by reciprocity | \$85 \$190 |
| Broker concurrent license | \$65 \$140 |
| Firm license | \$125 \$250 |
| Branch office license | \$65 \$190 |
| Transfer application | \$35 \$60 |
| Activate application | \$35 \$60 |

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ ~~44-35~~ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$90 per candidate.

18 VAC 135-20-120. Fees for renewal.

A. All fees for renewals are nonrefundable, and the date of receipt by the board or its agent is the date which will be used to determine whether it is on time.

B. Renewal fees are as follows:

| | |
|--|-----------------------|
| Salesperson | \$39 \$65 |
| Salesperson's or associate broker's license as a business entity | \$39 \$90 |
| Broker | \$42 \$80 |
| Concurrent broker | \$42 \$80 |
| Firm | \$65 \$160 |
| Branch office | \$38 \$90 |

18 VAC 135-20-140. Failure to renew; reinstatement required.

A. All applicants for reinstatement must meet all requirements set forth in 18 VAC 135-20-100. Applicants for reinstatement of an active license must have completed the continuing education requirement in order to reinstate the license. Applicants for reinstatement of an inactive license are not required to complete the continuing education requirement for license reinstatement.

B. If the requirements for renewal of a license, including receipt of the fee by the board, are not completed by the licensee within 30 days of the expiration date noted on the license, a reinstatement fee of ~~\$85~~ is required: as follows:

| | |
|--|-------|
| Salesperson | \$100 |
| Salesperson's or associate broker's license as a business entity | \$135 |
| Broker | \$120 |
| Concurrent Broker | \$120 |
| Firm | \$245 |
| Branch Office | \$135 |

C. A license may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the license may not be reinstated under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

D. Any real estate activity conducted subsequent to the expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title 54.1 of the Code of Virginia.

18 VAC 135-20-370. Fees.

A. The application fee for an original certificate for a proprietary school shall be ~~\$75~~ \$190.

B. The renewal fee for proprietary school certificates expiring biennially on June 30 shall be ~~\$38~~ \$90.

C. If the requirements for renewal of a proprietary school certificate, including receipt of the fee by the board, are not completed within 30 days of the expiration date noted on the certificate, a reinstatement fee of ~~\$85~~ \$135 is required. A

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certificate may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the certificate may not be reinstated under any circumstances and the applicant must meet all requirements and apply as a new applicant.

D. The application for an original instructor certificate shall be ~~\$100~~ \$190.

E. The renewal fee for an instructor certificate expiring biennially on June 30 shall be ~~\$50~~ \$75.

F. If the requirements for renewal of an instructor certificate, including receipt of the fee by the board, are not completed within 30 days of the expiration date on the certificate, a reinstatement fee of ~~\$85~~ \$110 is required. A certificate may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the certificate may not be reinstated under any circumstances and the applicant must meet all requirements and apply as a new applicant.

G. The board in its discretion may deny renewal of a certificate for the same reasons it may deny initial approval.

VA.R. Doc. No. R03-84; Filed January 14, 2004, 3:03 p.m.

TITLE 22. SOCIAL SERVICES

CHILD-DAY CARE COUNCIL

Title of Regulation: 22 VAC 15-20. General Procedures and Information for Licensure (repealing 22 VAC 15-20-10 through 22 VAC 15-20-380).

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Agency Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, 7 North Eighth St., Richmond, VA 23219, telephone (804) 726-7158, FAX (804) 726-7132, or e-mail kathryn.thomas@dss.virginia.gov.

Basis: Section 63.2-1734 of the Code of Virginia gives the Child Day-Care Council authority to adopt regulations for the activities, services and facilities of child day centers; § 63.2-1735 establishes the council and sets forth its terms and duties.

Purpose: Since 1989 the Child Day-Care Council has jointly promulgated the general procedures regulation with the State Board of Social Services. The board's and council's regulations have been identical. In the interest of cost savings and ease of implementation of the regulation for both licensees and licensing staff, council decided not to promulgate a separate regulation that is duplicative and unnecessary.

Moving the provisions of this regulation to 22 VAC 40-80 will protect the health, safety and welfare of children receiving care in licensed facilities by ensuring that procedures are in place for both the department and the licensee to follow in the licensure process required by law. It will also provide for sanctioning and termination of licensure when health and safety requirements are not met.

Substance: The entire regulation is recommended for repeal.

Issues: The advantage to licensees and licensing staff is that there will be one regulation that applies consistently to all licensed programs.

The advantage for families and children of having one comprehensive regulation for all providers is that the level of safety and protection for the children remains consistent.

There are no disadvantages to the public or Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations will repeal the duplicative regulations addressing the general procedures and information for licensure of the child day centers approved by the Department of Social Services.

Estimated economic impact. These regulations contain general licensure rules applicable to child day centers that are licensed by the Department of Social Services. Currently, there are two sets of identical regulations, one promulgated by the Child Day-Care Council (22 VAC 15-20) and one promulgated by the Board of Social Services (22 VAC 40-80). Following a memorandum from the Office of the Attorney General indicating that the Child Day-Care Council could, but was not required to, promulgate separate general procedures regulation, the council proposes to repeal its general procedures regulations. This proposed action will eliminate duplicative regulations addressing the general procedures and information for licensure of the child day centers approved by the Department of Social Services, but an identical set of regulations will remain in effect elsewhere. Thus, the proposed repeal of these regulations is not expected to produce any significant economic effect.

Businesses and entities affected. These regulations apply to 2,586 child day centers.

Localities particularly affected. The proposed regulations are not anticipated to affect any locality more than others.

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

Effects on the use and value of private property. No significant effect on the use and value of private property is expected.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The Code of Virginia mandates the licensure of child day centers and the programmatic standards for centers are promulgated by the Child Day-Care Council. The general procedures regulation contains general licensing requirements for all programs licensed by the Department of Social Services, including child day centers, and has been jointly promulgated by the Child Day-Care Council and the State Board of Social Services. A memorandum from the Office of the Attorney General, dated November 22, 2002, stated that the council could, but was not required to, promulgate a separate general procedures regulation. Council voted on June 12, 2003, not to promulgate a separate regulation. Therefore, 22 VAC 15-20 is being repealed. The general procedures regulation adopted by the State Board of Social Services will apply to all licensed programs.

VA.R. Doc. No. R03-75; Filed January 21, 2004, 9:33 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 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-120. Waiver Services (amending 12 VAC 30-120-140 through 12 VAC 30-120-190; adding 12 VAC 30-120-165, 12 VAC 30-120-195, 12 VAC 30-120-201; repealing 12 VAC 30-120-200).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Effective Date: March 11, 2004.

Agency Contact: Diane Thorpe, Director, Division of Long-Term Care, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8490, FAX (804) 786-1680, or e-mail dthorpe@dmas.state.va.us.

Summary:

The amendments add coverage of consumer-directed personal assistance services and consumer-directed respite care services to the HIV/AIDS waiver program. The two new consumer-directed services will be two of the seven services offered under the HIV/AIDS waiver. The other five previously existing services are case management, agency-directed personal care, agency-directed respite care, private duty nursing, and nutritional supplements.

The other changes include (i) adding language regarding waiver eligibility desk reviews, which the Centers for Medicare and Medicaid Services mandated that DMAS perform; (ii) requiring criminal records checks for all compensated employees of personal care and respite care agencies; (iii) adding language that states that personal care recipients may continue to work or attend post-secondary school, or both, while receiving services under this waiver; (iv) changing the requirement of supervisory visits from every 30 days to every 30 days for recipients with a cognitive impairment and up to every 90 days for recipients who do not have a cognitive impairment; (v) requiring that the personal care aide be able to communicate effectively in English; (vi) adding the requirements of the qualifications for licensed practical nurses providing respite care; and (vii) making editorial clarifications and corrections to the existing language.

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.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:2 VA.R. 100-127 October 6, 2003, 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. R03-157; Filed January 20, 2004, 4:24 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Titles of Regulations: **22 VAC 40-190. Regulation for Criminal Record Checks for Child Welfare Agencies (repealing 22 VAC 40-190-10 through 22 VAC 40-190-70).**

22 VAC 40-191. Background Checks for Child Welfare Agencies (adding 22 VAC 40-191-10 through 22 VAC 40-191-150).

Statutory Authority: §§ 63.2-217, 63.2-1704, 63.2-1720, 63.2-1721, 63.2-1722, 63.2-1723, 63.2-1724, and 63.2-1727 of the Code of Virginia.

Effective Date: March 10, 2004.

Agency Contact: Wenda Singer, Program Consultant, Department of Social Services, 7 N. 8th Street, Richmond, VA 23219, telephone (804) 726-7148, FAX (804) 692-2370, or e-mail wenda.singer@dss.virginia.gov.

Summary:

The action repeals 22 VAC 40-190 and adopts 22 VAC 40-191. This regulation incorporates relevant Code of Virginia changes from 1995 to the present time, including recodification of Title 63.1 of the Code of Virginia during the 2002 session of the General Assembly. It adds sections, reorganizes content, uses more descriptive headings, and increases use of the active voice to increase clarity of the regulation. It responds to questions and comments about background checks and incorporates a response to questions raised during review of a previous proposed regulation with the same VAC chapter number that was subsequently withdrawn.

Pursuant to changes in the Code of Virginia, the regulations (i) exempt certain persons working or volunteering at child welfare agencies, or operating one, from background check requirements, (ii) require a child protection services central registry check as a part of the background check process, (iii) expand this list of barrier crimes for employment, and (iv) change the time frame to receive background checks from 21 days to 30 days.

In addition, the nonstatutory changes include (i) requiring repeat background checks every three years, (ii) establishing limited background check requirements for those teenagers living in family day homes, (iii) allowing child welfare agencies to accept background checks dated less than six months from when contract employees begin providing services at facilities, and (iv) allowing persons to

Virginia phrase "living in" is added, and distinguished from "visit," to explain when a person needs to obtain background checks. An exception to background checks is added to provide that children ages 14 to 18 placed in a foster home by a child-placing agency is not required to have a search of the central registry, but is not precluded from having the search. The other changes are either technical in nature or are phrases added to make clear that criminal convictions and/or founded complaints of child abuse and neglect at any time can disqualify an individual.

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.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:22 VA.R. 3194-3214 December 15, 2003, which the changes identified below. Pursuant to § 2.2-4031 A of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changes since publication of the proposed are set out.

CHAPTER 191.
BACKGROUND CHECKS FOR CHILD WELFARE
AGENCIES.

22 VAC 40-191-10. Defining words and phrases.

The following words and terms [~~have these meanings when used in reference to this regulation~~] when used in this regulation shall have the following meanings unless the context clearly indicates otherwise]:

"Agent" means a person who acts on behalf of, or is an employee or volunteer with, a child welfare agency.

"Applicant" means the person or persons applying for approval as a (i) licensed family day home; (ii) licensed family day system; (iii) licensed child-placing agency; (iv) licensed independent foster home; (v) voluntarily registered family day home; (vi) family day home approved by a licensed family day system; (vii) foster and adoptive home approved by a licensed child-placing agency; or (viii) religious exempt child day center. In the case of a sole proprietorship, the applicant is the individual owner. In the case of a partnership, the applicants are all the partners. If the applicant is a corporation, limited liability company, public agency or similar entity, the applicant must designate at least one individual who must comply with the applicant's obligation on its behalf.

"Approved" means having obtained the status of approval through the process required in Minimum [~~Requirements~~ Standards] for Family Day-Care Systems (22 VAC-40-180) or Minimum Standards for Child-Placing Agencies (22 VAC 40-130). Approved facilities are (i) family day homes approved by

take background check findings with them and use them for another application within 90 days.

Changes made to the proposed regulation include the following: An explanation of the initial implementation of repeat checks is added for those child welfare agencies to which the regulation applies. A definition of the Code of

licensed family day systems and (ii) foster and adoptive homes approved by licensed child-placing agencies.

"Background checks" means a sworn statement or affirmation, a criminal history record report, and a child protective services central registry check.

"Barrier crime" means a conviction identified at § 63.2-1719 in the Code of Virginia. The convictions, and Code of Virginia references, are: murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.), malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assault and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.), robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, extortion by threat as set out in § 18.2-59, felony stalking as set out in § 18.2-60.3, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2, any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, drive-by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, failure to secure medical attention for an injured child as set out in § 18.2-314, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203; or an equivalent offense in another state.

"Board" means State Board of Social Services.

"Central registry" means the record of founded complaints of child abuse and neglect maintained by the Department of Social Services.

"Central registry finding" means the record of founded complaints of child abuse and neglect for an individual.

"Central Criminal Records Exchange" or "CCRE" means the information system containing conviction data of crimes committed in Virginia. The system is maintained by the Department of State Police.

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“Child day program” means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

“Child-placing agency” means any person or agency licensed to place children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of its authority as such, who serve as or maintain a child-placing agency, are not required to be licensed.

“Child welfare agency” means a child day center, child-placing agency, children’s residential facility, family day home, family day system, or independent foster home. For purposes of this regulation, the requirements for child welfare agencies also apply to foster or adoptive homes requesting approval or with approval by child-placing agencies and foster homes requesting approval or with approval by family day systems.

“Commissioner” means the Commissioner of the Virginia Department of Social Services or his designee.

“Contract agency” means an entity with which the facility or a parent has an agreement to provide services to a child or children while attending the facility.

“Contract employee” means a person with whom the facility or a parent has an agreement to provide services to a child or children while attending the facility.

“Contracting organization” means an agency that has been designated by the Department of Social Services to administer the voluntary registration program for family day homes.

“Criminal history record check” means the process the Department of State Police uses to generate a criminal record report on a person.

“Criminal history record report” means either the criminal record clearance or the criminal history record issued by the Central Criminal Records Exchange, Department of State Police. The report identifies convictions within the Commonwealth.

“Department” means the Department of Social Services.

“Department representative” means an employee of the department who carries out regulatory duties or an agency acting as an authorized agent of the department carrying out approval functions. Licensed family day systems have authority to approve family day homes. Licensed child-placing agencies have authority to approve foster and adoptive parents.

“Disqualifying background” means (i) having been the subject of a founded complaint of child abuse or neglect even if his record has been purged from the Child Abuse and Neglect Central Registry system, (ii) a barrier crime conviction, or (iii) any other felony not included in the definition of “barrier

crime,” unless five years have elapsed since the conviction. For the purpose of this regulation, no person is considered to be the subject of a founded complaint of child abuse or neglect until a decision upholding the finding has been rendered by the hearing officer after the administrative hearing, provided the person complies with the requirements for requesting an administrative hearing. No person is considered to be the subject of a founded complaint of child abuse or neglect if the child abuse or neglect finding is overturned by an administrative hearing or a subsequent court decision.

“Employee” means a person hired by a facility or with whom the facility has an employment agreement. A provider assistant in a family day home is considered an employee in this chapter.

“Facility” means (i) a licensed family day home; (ii) a licensed family day system; (iii) a licensed child-placing agency; (iv) a licensed independent foster home; (v) a voluntarily registered family day home; (vi) a family day home approved by a licensed family day system; (vii) a foster and adoptive home approved by a licensed child-placing agency; (viii) a religious exempt child day center; and (ix) an applicant seeking a waiver in order to establish one of the above listed entities.

“Family day home” means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider’s own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home must disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider’s own children and any children who reside in the home, must be licensed. However, no family day home shall care for more than four children under the age of two, including the provider’s own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider is not required to be licensed.

“Family day system” means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

“Good character and reputation” means that the person (i) maintains business, professional, family, and community relationships that are characterized by honesty, fairness, truthfulness and dependability and (ii) has a history or pattern of behavior that demonstrates that the person is suitable and able to care for, guide, supervise, and protect children.

“Independent foster home” means a private family home in which any child, other than a child by birth or adoption of such

person, resides as a member of the household and has been placed there independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home that receives a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4 or subdivision A 13 of § 16.1-278.8 of the Code of Virginia.

“Involved in the day-to-day operations” means:

1. In a supervisory or management position, making daily decisions regarding the operation of the facility;
2. Counted by the facility for purposes of staff-to-children ratios;
3. Providing casework services for a child-placing agency;
4. Employed by a licensed family day system as a home visitor; or
5. Having access to child- and client-related records or to facility personnel records.

“Licensed” means having met the requirements of and obtained licensure as a licensed family day-care system, licensed independent foster home, licensed private child-placing agency, or licensed family day home.

[“Living in” means to reside in a place for an extended or permanent period of time.]

“Local agency” means local department of social services.

“May” means has permission.

“Must” means the action is a requirement.

“Must not” means the action is prohibited.

“Offense” means a (i) conviction of a barrier crime, (ii) conviction of any other felony not included in the definition of barrier crime unless five years have elapsed since conviction, or (iii) founded complaint of child abuse or neglect within or outside the Commonwealth. Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

“Other felony” means conviction for any felony in the last five years that is not a barrier crime felony.

“Parent-volunteer” means someone supervising, without pay, a group of children that includes the parent-volunteer’s own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to § 63.2-1720 or § 63.2-1724 of the Code of Virginia.

“Registered” means having obtained the status of registration through the process required in Voluntary Registration of Family Day Homes – Requirements for Providers (22 VAC 40-180).

“Registered family day home” means any family day home that has met the standards for voluntary registration for such

homes pursuant to regulations adopted by the board and that has obtained a certificate of registration from the commissioner.

“Religious exempt center” means an unlicensed child day center operated or conducted under the auspices of a religious institution that has filed with the commissioner a satisfactory annual statement of intent to operate a child day center and other information as specified in § 63.2-1716 of the Code of Virginia and has a letter of exemption from the commissioner.

“Search of central registry” means the process the Virginia Department of Social Services’ Child Protective Services Unit uses to generate a central registry report on a person.

“Sex offense felony for family day homes” means conviction of a felony in violation of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1 or § 18.2-374.1 that prohibits a sex offender or founded child abuser from residing in a family day home, whether or not the home is regulated or subject to regulation. The descriptions of the Code of Virginia sections are abduction; actual or attempted rape; carnal knowledge of a child between 13 and 15 years of age; carnal knowledge of a juvenile under the purview of the Juvenile and Domestic Relations District Court, or juvenile committed to the custody of the State Department of Juvenile Justice; actual or attempted forcible sodomy or object sexual penetration; aggravated sexual battery; attempted sexual battery; taking or detaining a person or consenting to the taking of a person for prostitution or unlawful sexual intercourse; crimes against nature; incest; abuse and neglect of incapacitated adults; taking indecent liberties with children; abuse and neglect of children; indecent liberties by a person in a custodial or supervisory relationship; and production, publication, sale, possession with intent to distribute, financing, etc. of sexually explicit items.

“Sworn statement or affirmation” means a statement completed by a person attesting to whether he has ever been (i) convicted of or the subject of pending charges of any crime within or outside the Commonwealth or an equivalent offense outside the Commonwealth or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Additionally for family day homes, the provider affirms if he, or any person known to the provider who resides in the home, has a sex offense conviction or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Any person making a false statement regarding any such offense shall be guilty of a Class 1 misdemeanor pursuant to §§ 63.2-1720 and 63.2-1721 of the Code of Virginia.

“22 VAC” means Chapter 22 of the Virginia Administrative Code. This is the social services chapter.

[“Visit” means a stay or sojourn as a guest for no longer than 30 calendar days.]

“Volunteer” means a person who provides services without pay and who is alone with a child or children in performance of his duties.

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22 VAC 40-191-20. [No change from proposed.]

22 VAC 40-191-30. [No change from proposed.]

22 VAC 40-191-40. Identifying who is covered by this regulation.

A. This regulation applies to:

1. Licensed family day homes;
2. Licensed family day systems;
3. Family day homes approved by family day systems;
4. Licensed child-placing agencies;

5. Licensed independent foster homes;

6. Foster and adoptive homes approved by child-placing agencies;

7. Voluntarily registered family day homes; and

8. Religious exempt child day centers.

B. Background checks are required at the time of initial application.

1. These background checks are required at the time of application for licensure, registration, or approval:

| Who | What | When |
|---|---|--|
| Any applicant | Sworn statement or affirmation, search of central registry, and criminal history record check | Upon application for licensure or registration as a child welfare agency |
| Any agent at the time of application who is or will be involved in the day-to-day operations of the child welfare agency or who is or will be alone with, in control of, or supervising one or more of the children | Same | Same |
| Any other adult living in the home of an applicant for licensure or registration as a family day home, or any existing employee or volunteer | Same | Upon application for licensure or registration as a family day home |
| Prospective foster or adoptive parent | Same | Upon request for approval by child-placing agency |
| Operator of family day home requesting approval by family day system | Same | Upon request for approval by family day system |
| Any other adult residing in the family day home requesting approval and any employee or volunteer of a family day home | Same | Upon request by operator for approval by family day system |

Specific information related to persons aged 14 to 18 is found in subdivisions C 4 and 5 of this section.

2. These background checks are required at the time of initial application for religious exemption status:

| Who | What | When |
|--|---|---|
| Any person who will be expected to be alone with one or more children enrolled in a religious exempt child day center except a parent-volunteer, as defined in this regulation | Documentary evidence of sworn statement or affirmation, search of the central registry, and criminal history record check | With the written request for religious exemption status |

C. Background checks are required after the initial licensure, registration, approval, or receipt of religious exemption status.

1. These background checks are required after initial licensure, registration, or approval:

| <i>Who</i> | <i>What</i> | <i>When</i> |
|---|---|---|
| <i>New person designated as applicant, licensee, registrant, approved individual, or agent who is or will be involved in the day-to-day operations of the facility or who is or will be alone with, in control of, or supervising one or more of the children</i> | <i>Sworn statement or affirmation</i> | <i>Whenever an applicant, licensee, approved individual, or registrant changes</i> |
| | <i>Search of central registry and criminal history record check</i> | <i>Before the end of 30 days after the change</i> |
| <i>Any employee of a licensed, registered, and approved facility who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children</i> | <i>Sworn statement or affirmation</i> | <i>Prior to first day of employment at the facility</i> |
| | <i>Search of central registry and criminal history record check</i> | <i>Before 30 days of employment at the facility ends</i> |
| <i>Any applicant, licensee, approved individual, agent, employee, volunteer, and person living in the home who is required to have background checks</i> | <i>Sworn statement or affirmation, search of central registry and criminal history record check</i> | <i>Before three years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report</i> |
| <i>Voluntary registration provider, provider assistant, substitute provider, if any, and any adult residing in the home</i> | <i>Sworn statement or affirmation, search of central registry and criminal history record check</i> | <i>90 days before the date of application for renewal of the current certificate of registration (The application for renewal must be [receive received] by the contracting organization no later than 45 days before the expiration of the current certificate of registration.)</i> |
| <i>Volunteer at licensed, registered, or approved facility who will be alone with any child in the performance of duties, excluding a parent-volunteer for children attending a licensed, registered, or approved program</i> | <i>Sworn statement or affirmation</i> | <i>Prior to first day of service at the facility</i> |
| | <i>Search of central registry and criminal history record check</i> | <i>Before 30 days of service at the facility elapses</i> |
| <i>Foster parent or other adult member of the household</i> | <i>Search of central registry</i> | <i>If child-placing agency staff believe it is necessary</i> |

[A person whose most recent background checks were before 1990 must request new checks by the end of December 2004. A person whose most recent background checks were from 1991 through 1995 must request new checks by the end of December 2005. A person whose most recent background checks were from 1996 to the present must request new checks by the end of December 2006, or before five years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report, whichever is the shorter period of time.]

2. These background checks are required after receipt of the initial religious exemption status letter.

Annually, prior to the expiration date in the current exemption letter, the religious exempt child day center must file with the department documentary evidence that the center is in compliance with the following:

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| Who | What | When |
|--|--|--|
| Prospective employee, volunteer, or any other person who is expected to be alone with one or more children enrolled in the religious exempt child day center except a parent-volunteer | Sworn statement or affirmation | Before employment or commencement of service at the facility |
| | Search of central registry and criminal history record clearance check, as requested by the individual | Within 30 days of employment or commencement of service |
| Employee, volunteer, or any other person who is expected to be alone with one or more children enrolled in the religious exempt child day center except a parent-volunteer | Sworn statement or affirmation, search of central registry and criminal history record check | Before three years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report |

[A person whose most recent background checks were before 1990 must request new checks by the end of December 2004. A person whose most recent background checks were from 1991 through 1995 must request new checks by the end of December 2005. A person whose most recent background checks were from 1996 to the present must request new checks by the end of December 2006, or before five years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report, whichever is the shorter period of time.]

3. Background checks are required for independent contract employees and employees hired by a contract agency.

If a licensed, registered, or approved facility uses independent contract employees or contract employees hired by a contract agency who will be involved in the day-to-day operations of the facility or who will be alone with, in control of, or supervising one or more children, the facility must:

a. Obtain background checks according to the above requirements for employees, or view the original required background checks maintained by the contract employee or contract agency;

b. Accept all satisfactory background checks dated less than six months before independent contract employees or contract employees hired by contract agencies begin providing services at facilities; [~~and~~]

c. Make copies, and keep them at the licensed, registered, or approved facilities. Staff must write on the copies of the criminal record reports that they are photocopies of originals that facility staff verified [-; and

d. Provide a sworn statement or affirmation, search of central registry and criminal history record check before three years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report.]

4. A person 18 years of age and older must have background checks:

| Who | What | When |
|--|--|---|
| Person living in: The home of an applicant*, The home of a licensed or registered family day home provider, A foster home approved by a licensed child-placing agency, An independent foster home, or An adoptive home approved by a licensed child-placing agency, until the adoption is final | Sworn statement or affirmation | When person age 18 years or older begins residing in the home or when a person in the home becomes 18 years old |
| | Search of central registry and criminal history record check, as requested by the individual | Within 30 days of an 18-year-old beginning to reside in the home or a person in the home becoming 18 years old |

* Note: This does not apply to applicants for family day systems, licensed child-placing agencies, and religious [exempt] child day centers.

5. A person 14 years of age and older must have a search of the central registry [and make the information available for regulatory purposes]:

| Who | What | When |
|---|---|--|
| <p>Person living in: An applicant's home, Home of a licensed or registered family day home provider, A foster home approved by a licensed child-placing agency, An independent foster home, or An adoptive home approved by a licensed child-placing agency, until the adoption is final</p> | <p>Child protective services central registry check</p> | <p>Within 30 days of a 14-year-old beginning to reside in the home or a person in the home becoming 14 years old</p> |

[Exception: A person 14 years of age to 18 years of age who is placed in a foster home by a child-placing agency is not required to have a search of the central registry.]

6. A facility must not accept a required criminal history record report or a central registry finding from an applicant, licensee, registrant, or other person required to obtain background checks that is dated more than 90 days prior to the date of employment, volunteering, residing in the home, or approving a family day home or foster or adoptive home.

Exception: See provisions for contracting agencies at subdivision C 3 of this section.

7. The department must not accept a required criminal history record report or a central registry finding from an applicant, licensee, registrant, or person who signs the statement of intent to operate a religious exempt center that is dated more than 90 days prior to date of licensure, registration, approval or exemption, or from the date when the person designated as the applicant or licensee changes.

8. The background checks remain valid at the facility if no more than 12 consecutive months have passed from when a person (i) began a leave of absence from that facility; (ii) was terminated from employment at that facility; or (iii) was transferred to a facility owned and operated by the same employer or entity, unless there is a [criminal] conviction or [a] founded complaint of child abuse and neglect during that period.

22 VAC 40-191-50. Explaining requirements for satisfactory background checks.

A. The department and registering and approving authorities must require documentation of satisfactory background checks for applicants, agents, employees, volunteers, and others living in family day homes as specified in 22 VAC 40-191-40.

1. A satisfactory sworn statement or affirmation is:
 - a. A fully completed original that states that the person:

(1) Does not have a criminal conviction that is a barrier crime or is any felony conviction within the last five years; and

(2) Is not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and

b. When there is no other knowledge that the individual has an unsatisfactory background.

Criminal convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth. Convictions also include convictions in other states that are equivalent to those specified in this section.

2. A satisfactory central registry finding is one in which:
 - a. A copy of the department's child protective services check form is returned to the requesting agency or state or local Department of Social Services indicating that, as of the date on the reply, the individual whose name was searched is not identified in the Central Registry of Founded Child Abuse/Neglect Investigations as an involved caregiver with a founded disposition of child abuse/neglect; and
 - b. There is no other knowledge that the individual has a founded disposition in Virginia or elsewhere.
3. A satisfactory criminal history record check report is one in which:
 - a. An original hard copy or Internet inquiry reply from the Department of State Police is returned to the agency, individual or authorized agent making the request with:

- (1) No convictions indicated; or
- (2) Convictions indicated, but no barrier crimes or other felony convictions in the last five years; and

b. There is no other knowledge that the individual has a barrier crime, or other felony conviction in the past five years, in Virginia or elsewhere.

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The facility must have viewed an original criminal history record report maintained by a contract employee or contract agency that is dated less than six months before the independent contract employee or contract employee is hired by a contract agency begins providing services at the facility. (See also 22 VAC 40-191-90.)

A child-placing agency may approve as an adoptive parent an applicant convicted of not more than one misdemeanor of assault and battery, as defined in § 18.2-57 of the Code of Virginia, not involving abuse, neglect or moral turpitude, provided 10 years have elapsed following the conviction.

B. Background checks results are not open ended.

1. When a minor living in a family day home turns 18, the operator is responsible for making sure that the 18-year-old complies with all background check requirements for adults. (22 VAC 40-191-40 C 4)

2. Operators must submit new background checks as part of the renewal application packages of registered family day homes. Background checks are required every three years for all other persons required to have background checks. (See 22 VAC 40-191-40 C.)

3. If a person leaves a facility and the criminal history record report or central registry check finding is less than 91 days old, the person must be permitted to take the report or reports with him. The facility must keep a copy of any report a person takes and write on it that it is a copy, and that the original of any criminal history record report was verified.

4. [Unless there is a criminal conviction or a founded complaint of child abuse and neglect during that period,] a background check remains valid at a facility if no more than 12 consecutive months have passed from when a person:

- a. Began a leave of absence from that facility;
- b. Was terminated from employment at that facility; or
- c. Was transferred to a center owned and operated by the same employer or entity.

5. The facility, department, or registering or approving authority may require a new background check relevant to this suspicion if there is reason to suspect that a person who has submitted acceptable background checks, as required by this regulation, has:

- a. A barrier crime conviction in Virginia or elsewhere;
- b. A felony conviction that is not for a barrier crime within the last five years in Virginia or elsewhere; or
- c. A founded complaint of child abuse and neglect in Virginia or elsewhere.

6. When the facility, department, or registering or approving authority chooses to require a new background check:

- a. The facility, department, or registering or approving authority may allow the person to continue the same

relationship with the child welfare agency until the child care provider or licensing, registering, or approval authority receives the new Virginia background check information or equivalent documentation from another state; or

b. If there is reason to suspect that a person has a barrier crime conviction, a felony conviction in the last five years, or has a founded complaint of child abuse and neglect, the facility, department, or registering or approving authority may require that the person not be alone with children, even if the documentation is not Virginia background check information or equivalent information from another state.

C. Waivers of some criminal convictions are possible. Refer to 22 VAC 40-191-90 through 22 VAC 40-191-130 for an explanation of the waiver.

22 VAC 40-191-60. Explaining consequences of unsatisfactory background checks results.

A. Applicants are denied licensure, registration or approval when there are unsatisfactory background checks results for:

1. Applicants as a child welfare agency;
2. Agents at the time of application who are or will be involved in the day-to-day operations of the child welfare agency or who are or will be alone with, in control of, or supervising one or more of the children;
3. Any other adult, or any child aged 14 or older, living in the home of an applicant for licensure or registration as a family day home with an unsatisfactory central registry finding;
4. Any other adult, or any child aged 14 or older, living in a foster home, or in the home of adoptive parents, until the adoption is final with an unsatisfactory central registry finding;
5. Prospective foster or adoptive parents approved by child-placing agencies; and
6. Prospective family day home operators and family members seeking approval by family day systems.

B. An employee or volunteer of a licensed or registered child welfare agency or of a family day home approved by a family day system must not be employed or provide volunteer service until the agency or home has the person's completed sworn statement or affirmation.

C. An employee or volunteer of a licensed or registered child welfare agency, or of a family day home approved by a family day system, must be denied continued employment or volunteer service if:

1. The licensed or registered child welfare agency or family day system does not have an original criminal history record report within 30 days of employment or volunteer service; or
2. The licensed or registered child welfare agency or family day system does not have a central registry finding

within 30 days of employment or volunteer service.

D. [No violation will occur and] an employee may continue to work, provide service, or live in a licensed, registered, or approved family day home if the facility has documentation that the criminal history record request, or the request for search of the central registry, was submitted within seven calendar days of the person being employed or volunteering, but the report is not returned within 30 calendar days. If a requested report was sent within seven calendar days but was not returned within 30 calendar days, the requester must contact within four working days:

1. The Central Criminal Records Exchange of the Department of State Police; or
2. The Child Protective Services Unit of the department.

If the request was not received, the requestor must submit another request within five working days after the contact.

This provision also applies to someone beginning to live in a family day home after licensure, registration or approval is given or a child who becomes 18 years of age. It also applies to a child protective services central registry check for a person who becomes 14 years of age.

E. If the department or a local agency becomes aware that a person covered by this regulation has a disqualifying background, the department or local agency may release this information to facilities that are covered by this regulation. Those facilities must not further disseminate this information.

This provision also applies to a new adult beginning to live in a family day home or a child living in a family day home who becomes 18 years of age after licensure, registration or approval is given. It also applies to a child protective services central registry clearance for a person who becomes 14 years of age.

F. Licensed, registered, or approved facilities must inform compensated employees and volunteers that the facilities are requesting child protective services registry checks and criminal history record reports for them.

G. A facility may choose to request a national criminal background check, instead of the criminal history record check, for employees and volunteers. The facility must adhere to Department of State Police requirements for obtaining fingerprints, in accordance with § 19.2-392.02 of the Code of Virginia. The department, family day system, and child-placing agency will accept a national criminal background check result of "qualified" from the Department of State Police. If the screening result is "disqualified," the facility must obtain a satisfactory criminal history record check from the Central Criminal Record Exchange for the person if:

1. The facility wishes to employ the person or approve the person as a volunteer; or
2. The entity wishes the department to issue a license or registration; or
3. The facility wishes a family day system or child-placing agency to issue an approval.

The facility may also require a background check from another state per the provisions in subdivision B 5 of 22 VAC 40-191-50.

A facility that does not comply with this regulation may have its licensure, registration, approval, or religious exempt status revoked or denied. If a facility has knowledge that a person required to have a background check has an offense, and this person has neither a waiver nor an exception per 22 VAC 40-191-50 [6 A], and the facility refuses to separate the person from employment, service, or residence in a family day home, then licensure, registration, or approval must be revoked or denied.

22 VAC 40-191-70. Keeping background check records.

A. A facility must keep background check records at the location where the person is an applicant, agent, employee, contract employee, volunteer, other adult in the home, or is any other adult who is involved in the day-to-day operations of the facility or who is alone with, in control of, or supervising one or more children.

1. If a facility is among two or more owned by the same entity, the background check [~~records~~ reports and findings] may be kept at corporate headquarters or at the facility and must be made available to the department representative upon request.

2. If a facility is not the primary work place for a person, the facility may keep copies on site, if there is:

- a. Documentation of the place where original background check records are kept; and
- b. Copies of the sworn disclosure statement or affirmation, criminal history record report with a statement that the facility designee has viewed and verified the original, and the child protective services central registry check form must be kept on site.

B. Contracting organizations and voluntarily registered family day homes certified eligible for registration by contracting organizations must keep background check records.

1. The contracting organization must keep:

- a. The original criminal history record report and sworn statement or affirmation for the voluntarily registered provider;
- b. The original or a copy of the central registry findings; and
- c. A copy of the criminal history record report and central registry findings for all provider assistants, substitute providers, and central registry findings for persons aged 14 and older residing in the home.

2. The voluntarily registered family day home provider must keep:

- a. The original criminal history record report and sworn statement of affirmation for any provider assistant, substitute provider, and any adult residing in the home; and

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b. The original or a copy of the central registry finding for any provider assistant, substitute provider or any person aged 14 and older residing in the home; and

c. Copies of the provider's own background check records.

C. Family day systems and family day homes approved by family day systems must keep background check records. The requestor identified on the form must keep the original criminal history record check result and the original or copy of the child protective services central registry finding, and the other party keeps copies. The family day system must keep the original sworn disclosure statement or affirmation.

D. A voluntarily registered family day home must keep all background check information for two years after a person required to provide background check terminates his duties with a facility or no longer resides in the home. All other facilities must keep all background check information for one year after a person required to provide background checks terminates his duties with a facility or no longer resides in the home.

E. The sworn statement or affirmation, criminal history record report, and central registry finding must be kept in locked files. Applicants and agents, and their designees, are the only facility staff who may have access to these documents. The board president must have access to these documents.

F. If a person is denied licensure, registration, or approval, or is denied employment or volunteer service because of information on a sworn statement or affirmation, a central registry finding, or criminal history record report, the facility must provide a copy of the documentation to the person. A facility must also release a copy of the information when the subject of the information requests it. Further dissemination of the background check information is prohibited other than to the commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination. (See the provisions at 22 VAC 40-191-60 E.)

22 VAC 40-191-80 through 22 VAC 40-191-100. [No change from proposed.]

22 VAC 40-191-110. Describing the contents of a waiver application.

A. The waiver application is a personally prepared application.

B. The waiver application must be submitted in typewritten form [or neatly printed] and must include:

1. A statement that the request was solely and personally prepared by the requester, or other adult living in a family day home, as applicable, and has not been edited or changed by anyone else. Exception: the document may be typed by another person;

2. A statement that the requester understands that the waiver will be available for inspection by the public and that the facility will provide a copy of the waiver to every parent and guardian if the waiver is granted;

3. A statement that the requester understands that information in the waiver application package will be made available by the commissioner to any person upon request if the waiver is granted;

4. Personal and employment information;

5. If the request is for a family day home, all members of the household and their relationship to the requester;

6. A factual account of the crime of the person with the disqualifying conviction;

7. The current status and history with justice systems of the person with the disqualifying conviction;

8. Other information the person with the disqualifying background wants the commissioner to consider in evaluating the waiver request;

9. An explanation of why the waiver should be granted; and

10. Seven attachments:

a. A nonrefundable check, made payable to the "Treasurer of Virginia," for waiver application processing;

b. For the person with the disqualifying conviction:

(1) A "Current Employment and Employment History Form";

(2) A copy of the current sworn statement or affirmation;

(3) A copy of the current criminal history record report;

(4) A copy of all necessary documents verifying the person's statements regarding past and current involvement with adult or juvenile justice systems within or outside the Commonwealth;

(5) At least four references by disinterested individuals who will vouch for the "good moral character and reputation" of the person with the disqualifying conviction;

(6) The Sponsoring Agency Statement; and

(7) A notarized signature page.

B. If the waiver application is for another adult living in a family day home, the department conducts a home study to:

1. Assess the safety of children placed in the home; and

2. Determine that the offender is now a person of good moral character and reputation.

22 VAC 40-191-120 through 22 VAC 40-191-150. [No change from proposed.]

FORMS [No change from proposed.]

VA.R. Doc. No. R03-43; Filed January 21, 2004, 9:35 a.m.



FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

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

Title of Regulation: 18 VAC 10-10. Public Participation Guidelines (amending 18 VAC 10-10-10, 18 VAC 10-10-30, 18 VAC 10-10-40 and 18 VAC 10-10-90).

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Public Hearing Date: N/A - Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: In 18 VAC 10-10-10 the definition of "agency" is amended for clarification. 18 VAC 10-10-30 and 18 VAC 10-10-40 are amended for clarification. 18 VAC 10-10-90 is amended to update citations to the Administrative Process Act.

Issues: The primary advantage to the public will result in a more cost effective and efficient way of interacting with list

members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (board) proposes to amend its Public Participation Guideline regulations for clarity.

Estimated economic impact. The board proposes to amend regulatory language for clarity. For example, the proposed regulations specify that the term "agency" refers to the board. The proposed changes will have no economic impact.

Businesses and entities affected. The proposed regulations affect the 33,000¹ architects, professional engineers, land surveyors, certified interior designers, landscape architects, and associated firms that are regulated by the board, as well as other parties interested in the board's regulations.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.

¹ Approximate figure from the Department of Professional and Occupational Regulation

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18 VAC 10-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.~~

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 10-10-30. Placement on ~~the mailing a notification list;~~ deletion.

Any person or organization wishing to be placed on a notification list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Each person and organization on the list will be provided all information stated in 18 VAC 10-10-20. A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over two 24-hour periods at least one week apart, ~~individuals and organizations will the person or organization may~~ be deleted from the list.

18 VAC 10-10-40. Petition for rulemaking.

Any person or organization may petition the agency to consider or review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition pursuant to § 2.2-4007 A of the Code of Virginia. The agency shall have sole authority to dispose of the petition.

18 VAC 10-10-90. Applicability.

18 VAC 10-10-20, 18 VAC 10-10-30, 18 VAC 10-10-40, 18 VAC 10-10-60, and 18 VAC 10-10-70 shall apply to all regulations promulgated and adopted in accordance with § 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-86; Filed January 12, 2004, 2:49 p.m.

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Title of Regulation: 18 VAC 15-10. Public Participation Guidelines (amending 18 VAC 15-10-10 through 18 VAC 15-10-90).

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-501 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-501 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 15-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 15-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 15-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more

cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Asbestos, Lead, and Home Inspectors (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that

parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect asbestos, lead, and home inspectors and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) permit requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 15-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Asbestos, Lead, and Home Inspectors.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 15-10-20. Mailing list Notification lists.

The agency will maintain ~~a list~~ lists of persons and organizations who will be mailed the following documents, or

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notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq of the Code of Virginia).

18 VAC 15-10-30. Placement on the mailing a notification list; deletion.

Any person or organization wishing to be placed on the mailing a notification list may do so by electronic notification or by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person and organization on the list will be provided all information stated in 18 VAC 15-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.

18 VAC 15-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt~~ consider or ~~amend~~ review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 15-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14-7.1~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 15-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on the existing regulation. Notice of such proceedings shall be

transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 15-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes with ~~have~~ substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 15-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of the proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and~~ or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 15-10-90. Applicability.

18 VAC 15-10-20, 18 VAC 15-10-30, 18 VAC 15-10-40, 18 VAC 15-10-60, and 18 VAC 15-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4~~ § 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018 or 2.2-4025 of the Administrative Process Act.

AUCTIONEERS BOARD

Title of Regulation: 18 VAC 25-10. Public Participation Guidelines (amending 18 VAC 25-10-10 through 18 VAC 25-10-90).

Statutory Authority: §§ 2.2-4007 and 54.1-602 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-602 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process.

Substance: 18 VAC 25-10-10 will be amended to provide a definition of "Administrative Process Act" and to amend the definition of "agency" for clarity. Minor clarifying changes are made to other sections.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the changes will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but

need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Auctioneers Board (board) proposes to amend its Public Participation Guideline regulations for clarity.

Estimated Economic Impact. The board proposes to amend regulatory language for clarity. For example, the proposed regulations specify that the term "agency" refers to the board. The proposed changes will have no economic impact.

Businesses and entities affected. The proposed changes will affect auctioneers and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.

18 VAC 25-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases the Auctioneers Board.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

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"Organization" means any one or more ~~associations~~ *association*, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 25-10-20. Notification lists.

The agency will maintain lists of persons and organizations who will be mailed the following documents, or notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 25-10-30. Placement on the ~~mailing a notification list~~; deletion.

Any person *or organization* wishing to be placed on a notification list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 25-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, ~~individuals and organizations~~ *will the person or organization* may be deleted from the list.

18 VAC 25-10-40. Petition for rulemaking.

Any person *or organization* may petition the agency to ~~adopt~~ *consider* or ~~amend~~ *review* any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition pursuant to § 2.2-4007 A of the Code of Virginia. The agency shall have sole authority to dispose of the petition.

18 VAC 25-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of

Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 25-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 25-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes ~~with~~ *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 25-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists, ~~and~~; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 25-10-90. Applicability.

18 VAC 25-10-20, 18 VAC 25-10-30, 18 VAC 25-10-40, 18 VAC 25-10-60, and 18 VAC 25-10-70 shall apply to all regulations promulgated and adopted in accordance with § 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-88; Filed January 12, 2004, 2:48 p.m.

BOARD FOR BARBERS AND COSMETOLOGY

Title of Regulation: 18 VAC 41-10. Public Participation Guidelines (amending 18 VAC 41-10-10 through 18 VAC 41-10-60, 18 VAC 41-10-80 and 18 VAC 41-10-90).

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 41-10-10 will be amended to clarify definitions of agency and organization. 18 VAC 41-10-30 and 18 VAC 41-10-40 will be amended for clarity.

Issues: The primary advantage to the public, the agency and the Commonwealth is that regulations will be clarified, which will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Barbers and Cosmetology (board) proposes to amend its Public Participation Guideline regulations for clarity.

Estimated economic impact. The board proposes to amend regulatory language for clarity. For example, the proposed regulations specify that the term "agency" refers to the board. The proposed changes will have no economic impact.

Businesses and entities affected. The proposed changes will affect barbers, cosmetologists, and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.

18 VAC 41-10-10. Definitions.

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

Fast-Track Regulations

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ *the Board for Barbers and Cosmetology*.

"Notification lists" means lists used by the board to notify persons pursuant to ~~these rules~~ *this chapter*. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more ~~associations, association, advisory councils, council, committees, committee, corporations, corporation, partnerships, partnership, governmental bodies, body~~ or legal ~~entities~~ *entity*.

"Person" means one or more individuals.

18 VAC 41-10-20. Notification lists.

The agency will maintain lists of persons and organizations who will be mailed the following documents, or notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 41-10-30. Placement on the mailing a notification list; deletion.

Any person or organization wishing to be placed on a notification list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons or organizations~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 41-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, ~~individuals and organizations~~ *will the person or organization* may be deleted from the list.

18 VAC 41-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt, consider or amend~~ *review* any regulations ~~regulation~~. ~~Petitions for rulemaking shall be processed in accordance with~~ *Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the*

petition pursuant to § 2.2-4007 of the Code of Virginia. The agency shall have sole authority to dispose of the petition.

18 VAC 41-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 41-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on an existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 41-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of the proposed regulation. *The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.*

When identifying potential advisory committee members, the agency may use the following:

1. Directories or organizations related to the profession;;
2. Industry, professional and trade associations' mailing lists; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 41-10-90. Applicability.

~~18 VAC 41-20-20, 18 VAC 41-20-30, 18 VAC 41-20-40, 18 VAC 41-20-60, and 18 VAC 41-20-70~~ *18 VAC 41-10-20, 18 VAC 41-10-30, 18 VAC 41-10-40, 18 VAC 41-10-60, and 18 VAC 41-10-70* shall apply to all regulations promulgated and adopted in accordance with ~~§§ 2.2-4011-B and 2.2-4012 and §§ 2.2-4002, 2.2-4005, 2.2-4006, 2.2-4011, 2.2-4018, and 2.2-4025~~ *§ 2.2-4012* of the Code of Virginia except those regulations promulgated in accordance with § 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018 or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-89; Filed January 12, 2004, 2:47 p.m.

CEMETERY BOARD

Title of Regulation: 18 VAC 47-10. Public Participation Guidelines (amending 18 VAC 47-10-10 through 18 VAC 47-10-90).

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-2313 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Sections 54.1-201 and 54.1-2313 of the Code of Virginia provide the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 47-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 47-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 47-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list

members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Cemetery Board (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one

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day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect cemetery company licensees and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 47-10-10. Definitions.

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

"Administrative Process Act" means Chapter 4-1:4 40 (§ 9-6-14:4 2.2-4000 et seq.) of Title 9 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, office, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ *the Cemetery Board.*

"Notification lists" means *lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.*

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 47-10-20. Mailing list Notification lists.

The agency will maintain a ~~list~~ *lists* of persons and organizations who will be mailed the following documents, or

notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act, ~~Chapter 4-1:4 (§ 9-6-14:4 2.2-4000 et seq.) of Title 9~~ of the Code of Virginia).

18 VAC 47-10-30. Placement on the mailing a notification list; deletion.

Any person *or organization* wishing to be placed on the ~~mailing a notification~~ *mailing a notification* list may do so *by electronic notification* or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 47-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 47-10-40. Petition for rulemaking.

Any person *or organization* may petition the agency to ~~adopt~~ *consider* or ~~amend~~ *review* any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 47-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period ~~form~~" and proposed regulations as required by § 9-6-14.7-4 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 47-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment

on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of *Regulations* for inclusion in The Virginia Register of *Regulations*. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 47-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of *Regulations* for inclusion in The Virginia Register of *Regulations*.

If ~~there are~~ one or more changes ~~with~~ *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 47-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and or~~
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 47-10-90. Applicability.

18 VAC 47-10-20, 18 VAC 47-10-30, 18 VAC 47-10-40, 18 VAC 47-10-60, and 18 VAC 47-10-70 shall apply to all regulations promulgated and adopted in accordance with ~~§ 9-6-44-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with ~~§ 9-6-44-4-4~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

BOARD FOR CONTRACTORS

Title of Regulation: **18 VAC 50-10. Public Participation Guidelines (amending 18 VAC 50-10-10 through 18 VAC 50-10-90).**

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-1102 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 50-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 50-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 50-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more

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cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Contractors (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that

parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect contractors and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 50-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Contractors.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 50-10-20. Mailing-list Notification lists.

The agency will maintain ~~a list~~ lists of persons and organizations who will be mailed the following documents, or

notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 50-10-30. Placement on the mailing a notification list; deletion.

Any person or organization wishing to be placed on the ~~mailing a notification~~ list may do so by electronic notification or by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person or organization on the list will be provided all information stated in 18 VAC 50-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 50-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt~~ consider or ~~amend~~ review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 50-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14-7.4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 50-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be

transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 50-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes with *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 50-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists, ~~and~~ ; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 50-10-90. Applicability.

18 VAC 50-10-20, 18 VAC 50-10-30, 18 VAC 50-10-40, 18 VAC 50-10-60, and 18 VAC 50-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

Fast-Track Regulations

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BOARD FOR GEOLOGY

Title of Regulation: 18 VAC 70-10. Public Participation Guidelines (amending 18 VAC 70-10-10 through 18 VAC 70-10-90).

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-1402 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-1402 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 70-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 70-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 70-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more

cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Geology (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic

notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect geologists and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 70-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases the Board for Geology.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 70-10-20. Mailing list Notification lists.

The agency will maintain a list of persons and organizations who will be mailed the following documents, *or notification of*

how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 70-10-30. Placement on the mailing a notification list; deletion.

~~Any person or organization~~ wishing to be placed on the ~~mailing a notification~~ list may do so *by electronic notification or* by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 70-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 70-10-40. Petition for rulemaking.

~~Any person or organization~~ may petition the agency to ~~adopt~~ *consider or amend* review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 70-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14:7.4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 70-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be

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transmitted to the Registrar of *Regulations* for inclusion in The Virginia Register of *Regulations*. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 70-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of *Regulations* for inclusion in The Virginia Register of *Regulations*.

If ~~there are~~ one or more changes with ~~with~~ have substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 70-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and~~ or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 70-10-90. Applicability.

18 VAC 70-10-20, 18 VAC 70-10-30, 18 VAC 70-10-40, 18 VAC 70-10-60, and 18 VAC 70-10-70 shall apply to all regulations promulgated and adopted in accordance with ~~§ 9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with ~~§ 9-6-14-4-1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

BOARD FOR OPTICIANS

Title of Regulation: **18 VAC 100-10. Public Participation Guidelines (amending 18 VAC 100-10-10 through 18 VAC 100-10-90).**

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 100-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists; to add a definition of "Administrative Process Act"; and to amend the definition of "agency" for clarity. 18 VAC 100-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 100-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG

list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Opticians (board) proposes to modify its public participation guidelines to permit requests to be placed on its public participation notification list via electronic means, and to send regulatory notifications to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that

parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect opticians and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 100-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Opticians.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more ~~associations~~ association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 100-10-20. Mailing list Notification lists.

The agency will maintain a list of persons and organizations who will be mailed the following documents, or notification of

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how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 100-10-30. Placement on the mailing a notification list; deletion.

Any person or organization wishing to be placed on the mailing a notification list may do so by electronic notification or by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person and organization on the list will be provided all information stated in 18 VAC 100-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.

18 VAC 100-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt~~ consider or ~~amend~~ review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 100-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14-7.1~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 100-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be

transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 100-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes with ~~have~~ substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 100-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;;
2. Industry, professional and trade associations' mailing lists, ~~and~~; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 100-10-90. Applicability.

18 VAC 100-10-20, 18 VAC 100-10-30, 18 VAC 100-10-40, 18 VAC 100-10-60 and 18 VAC 100-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: 18 VAC 120-10. Public Participation Guidelines (amending 18 VAC 120-10-100 through 18 VAC 120-10-180).

Statutory Authority: §§ 2.2-4007, 54.1-201, 54.1-831 and 54.1-1802 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Sections 54.1-201, 54.1-831 and 54.1-1802 of the Code of Virginia provide the authority for the director of the department to promulgate regulations. The content of the regulations is determined at the discretion of the director, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 120-10-100 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 120-10-110 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 120-10-120 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept

requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Department of Professional and Occupational Regulation (department) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the department's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the department proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the

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sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect persons or entities interested in the board's regulations. The department estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the department's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 120-10-100. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Department of Professional and Occupational Regulation, *including staff*.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 120-10-110. ~~Mailing list~~ Notification lists.

The agency will maintain a ~~list~~ *lists* of persons and organizations who will be mailed the following documents, or

notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act, ~~Chapter 1.1:4 (§ 9-6-14:1 2.2-4000 et seq.) of Title 9~~ of the Code of Virginia).

18 VAC 120-10-120. Placement on the ~~mailing a notification list~~; deletion.

Any person *or organization* wishing to be placed on the ~~mailing a notification list~~ may do so *by electronic notification or by writing the agency*. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 120-10-110. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 120-10-130. Petition for rule making.

Any person *or organization* may petition the agency to ~~adopt~~ *consider or amend* review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia~~. The agency shall have sole authority to dispose of the petition.

18 VAC 120-10-140. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14:7.1 2.2-4007~~ of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 120-10-150. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be

transmitted to the Registrar of Regulations for inclusion in The Virginia Register of *Regulations*. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 120-10-160. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes ~~with~~ *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 120-10-170. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and~~ or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 120-10-180. Applicability.

18 VAC 120-10-110, 18 VAC 120-10-120, 18 VAC 120-10-130, 18 VAC 120-10-150, and 18 VAC 120-10-160 shall apply to all regulations promulgated and adopted in accordance with ~~§ 9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with ~~§ 9-6-14-4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

REAL ESTATE APPRAISER BOARD

Title of Regulation: **18 VAC 130-10. Public Participation Guidelines (amending 18 VAC 130-10-10 through 18 VAC 130-10-90).**

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-2013 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-2013 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 130-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 130-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 130-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more

Fast-Track Regulations

cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Real Estate Appraiser Board (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that

parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect real estate appraisers and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 130-10-10. Definitions.

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

"Administrative Process Act" means Chapter 4-1:4 40 (§ ~~9-6.14:1~~ 2.2-4000 et seq.) of Title 9 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ *the Real Estate Appraiser Board.*

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 130-10-20. Mailing list.

The agency will maintain ~~a list~~ *lists* of persons and organizations who will be mailed the following documents , or

notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 130-10-30. Placement on the mailing a notification list; deletion.

Any person or organization wishing to be placed on the ~~mailing a notification~~ list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person and organization on the list will be provided all information stated in 18 VAC 130-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.

18 VAC 130-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt~~ consider or ~~amend~~ review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 130-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14-7.4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 130-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be

transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 130-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes with ~~have~~ substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 130-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists, ~~and~~ ; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 130-10-90. Applicability.

18 VAC 130-10-20, 18 VAC 130-10-30, 18 VAC 130-10-40, 18 VAC 130-10-60, and 18 VAC 130-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

Fast-Track Regulations

VA.R. Doc. No. R04-95; Filed January 12, 2004, 2:41 p.m.

REAL ESTATE BOARD

Title of Regulation: 18 VAC 135-10. Public Participation Guidelines (amending 18 VAC 135-10-10 through 18 VAC 135-10-90).

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-2105 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-2105 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 135-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists; to provide a definition of "Administrative Process Act"; and to amend the definition of "agency" for clarity. 18 VAC 135-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 135-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept

requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Real Estate Board (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or

organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect individuals and businesses associated with real estate and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 135-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means any authority, instrumentality, office, board, or other unit of state government empowered by the basic laws to make regulations or decide cases the Real Estate Board.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 135-10-20. Mailing list Notification lists.

The agency will maintain a ~~list~~ *lists* of persons and organizations who will be mailed the following documents, *or notification of how to obtain a copy of the documents electronically*, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act, ~~Chapter 4-4-4 (§ 9-6-14:4 2.2-4000 et seq.)~~ of Title 9 of the Code of Virginia).

18 VAC 135-10-30. Placement on the mailing a notification list; deletion.

Any person *or organization* wishing to be placed on the ~~mailing a notification~~ *mailing a notification* list may do so *by electronic notification or by writing the agency*. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 135-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 135-10-40. Petition for rulemaking.

Any person *or organization* may petition the agency to ~~adopt~~ *consider* or ~~amend~~ *review* any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 135-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14:7.4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 135-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need.

Fast-Track Regulations

The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of *Regulations*. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 135-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of *Regulations*.

If ~~there are~~ one or more changes ~~with~~ *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 135-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession,;
2. Industry, professional and trade associations' mailing lists, ~~and~~ ; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 135-10-90. Applicability.

18 VAC 135-10-20, 18 VAC 135-10-30, 18 VAC 135-10-40, 18 VAC 135-10-60, and 18 VAC 135-10-70 shall apply to all regulations promulgated and adopted in accordance with ~~§ 9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with ~~§ 9-6-14-4~~ 2.2-

4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of Administrative Process Act.

VA.R. Doc. No. R04-96; Filed January 12, 2004, 2:42 p.m.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: 18 VAC 145-10. Public Participation Guidelines (amending 18 VAC 145-10-10 through 18 VAC 145-10-90).

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 145-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists. 18 VAC 145-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 145-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept

requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Professional Soil Scientists (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as

undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect soil scientists and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 145-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Professional Soil Scientists.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

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18 VAC 145-10-20. Mailing list.

The agency will maintain ~~a list~~ *lists* of persons and organizations who will be mailed the following documents, *or notification of how to obtain a copy of the documents electronically*, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ *a person or organization* to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 145-10-30. Placement on ~~the mailing a notification list~~; deletion.

Any person *or organization* wishing to be placed on ~~the mailing a notification~~ list may do so *by electronic notification or* by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ *Each person and organization* on the list will be provided all information stated in 18 VAC 145-10-20. ~~Individuals and organizations~~ *A person or organization* periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ *the person or organization* will be deleted from the list. *When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.*

18 VAC 145-10-40. Petition for rulemaking.

Any person *or organization* may petition the agency to ~~adopt consider or amend~~ review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 145-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by § ~~9-6-14-7.1~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 145-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need.

The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on the existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 145-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes ~~with~~ *have* substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 145-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of the proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and~~ *or*
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 145-10-90. Applicability.

18 VAC 145-10-20, 18 VAC 145-10-30, 18 VAC 145-10-40, 18 VAC 145-10-60 and 18 VAC 145-10-70 shall apply to all regulations promulgated and adopted in accordance with § ~~9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4.1~~ 2.2-

4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-97; Filed January 12, 2004, 2:39 p.m.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Title of Regulation: 18 VAC 155-10. Public Participation Guidelines (amending 18 VAC 155-10-10 through 18 VAC 155-10-80; adding 18 VAC 155-10-5).

Statutory Authority: §§ 2.2-4007, 54.1-201 and 54.1-2211 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-2211 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 155-10-5 will be added to provide definitions for terms used throughout the regulations. 18 VAC 155-10-10 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 155-10-20 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept

requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Waste Management Facility Operators (board) proposes to modify its Public Participation Guidelines for clarity.

Estimated economic impact. The board proposes to amend regulatory language for clarity. For example, the proposed regulations specify that the term "agency" refers to the board. The proposed changes will have no economic impact.

Businesses and entities affected. The proposed changes will affect waste management facility operators and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. The proposed changes will not affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to affect the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means and (ii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 155-10-5. Definitions.

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

Fast-Track Regulations

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Board for Waste Management Facility Operators.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more association, advisory council, committee, corporation, partnership or governmental body.

"Person" means one or more individuals.

18 VAC 155-10-10. Mailing-list Notification lists.

~~The Board for Waste Management Facility Operators (the agency) will maintain a list lists of persons and organizations who will be mailed the following documents, or notification of how to obtain a copy of the documents electronically, as they become available:~~

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings, ~~the subject of which is proposed or existing regulations.~~
3. Notice that the final regulations have been adopted.

~~Failure of these persons and organizations a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (Chapter 1-1-1, § 9-6-14-1 2.2-4000 et seq. of Title 9 of the Code of Virginia).~~

18 VAC 155-10-20. Placement on a notification list; deletion.

~~Any person or organization wishing to be placed on the mailing a notification list may do so by writing the agency. In addition, the agency may, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons Each person and organization on the list will be provided all information stated in 18 VAC 155-10-10. Individuals and organizations will be A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.~~

18 VAC 155-10-30. Petition for rulemaking.

~~Any persons person or organization may petition the agency to adopt consider or amend review any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days pursuant to § 2.2-4007 A of the Code of Virginia. The agency shall have sole authority to dispose of the petition.~~

18 VAC 155-10-40. Notice of intent.

~~At least 30 days prior to the publication of filing the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6-14-7.1 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or from (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.~~

18 VAC 155-10-50. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 155-10-60. Notice of formulation and adoption.

~~At any meeting of the agency or any subcommittee where it is anticipated the formulation formation or adoption of the regulations will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.~~

~~If there are one or more changes with have substantial impact on a regulation, then any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, then the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.~~

~~If the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, then he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.~~

~~A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.~~

18 VAC 155-10-70. Advisory committees.

~~The board intends to appoint advisory committees as it deems necessary to provide for adequate participation in the formation, promulgation, adoption, and review of regulations. Some committees are particularly appropriate when other interested parties may possess specific expertise in the area~~

of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; ~~and or~~
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 155-10-80. Applicability.

~~18 VAC 155-10-10 through 18 VAC 155-10-30 and , 18 VAC 155-10-20, 18 VAC 155-10-30, 18 VAC 155-10-50, and 18 VAC 155-10-70~~ 18 VAC 155-10-60 shall apply to all regulations promulgated and adopted in accordance with § ~~6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with § ~~9-6-14-4-1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-98; Filed January 12, 2004, 2:39 p.m.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation: **18 VAC 160-10. Public Participation Guidelines (amending 18 VAC 160-10-10 through 18 VAC 160-10-90).**

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 9, 2004.

(See Calendar of Events section for additional information)

Effective Date: April 24, 2004.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, e-mail Karen.O'Neal@dpor.virginia.gov.

Basis: Section 54.1-201 of the Code of Virginia provides the authority for the board to promulgate regulations. The content of the regulations is determined at the discretion of the board, but shall not be in conflict with the purposes of the statutory authority. Section 2.2-4007 of the Code of Virginia provides further authority for the promulgation of Public Participation Guidelines. The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the board in soliciting, receiving and considering public comments.

Purpose: The Public Participation Guidelines are statutorily mandated and ensure the protection of the public's health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. The amendments further increase the

agency's efficiency in seeking public input into the regulatory process.

Rationale for Using Fast-Track Process: Section 2.2-4012.1 of the Code of Virginia permits the use of the fast-track rulemaking process for regulations that are expected to be noncontroversial. The amendments to the regulations do not substantively change the rules for providing public input into the regulatory process. The amendments permit persons and organizations to use additional options to be placed on a notification list while increasing the agency's efficiency by decreasing costs associated with mailing notifications.

Substance: 18 VAC 160-10-10 will be amended to provide a definition of "notification lists," which includes electronic mailing lists as well as regular mailing lists; to add a definition of "Administrative Process Act"; and to amend the definition of "agency." 18 VAC 160-10-20 will be amended to permit the agency to send notification of how to obtain a copy of documents electronically rather than sending the actual document. 18 VAC 160-10-30 will be amended to specify how persons or organizations are deleted from electronic lists.

Issues: The primary advantage to the public, the agency and the Commonwealth is that the agency will be able to accept requests to be placed on a notification list and to notify PPG list members via electronic means. This will result in a more cost effective and efficient way of interacting with list members. No disadvantages to the agency or the public have been identified.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board for Waterworks and Wastewater Works Operators (board) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the board's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated economic impact. Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public

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interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, "When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list." For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence "When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list." By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable over more than one day, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and entities affected. The proposed changes will affect waterworks and wastewater works operators and other persons or entities interested in the board's regulations. The Department of Professional and Occupational Regulation estimates that there are about 200 individuals and organizations that wish to be on the notification list.

Localities particularly affected. All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the board.

Projected impact on employment. The proposed changes are not projected to affect employment.

Effects on the use and value of private property. The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis.

Summary:

The amendments (i) allow requests to be placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

18 VAC 160-10-10. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means ~~any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases~~ the Board for Waterworks and Wastewater Works Operator.

"Notification lists" means lists used by the board to notify persons pursuant to this chapter. Such lists may include electronic mailing lists or regular mailing lists maintained by the board.

"Organization" means any one or more ~~associations~~ association, advisory council, committee, corporation, partnership, governmental body or legal entity.

"Person" means one or more individuals.

18 VAC 160-10-20. Mailing-list Notification lists.

The agency will maintain ~~a list~~ lists of persons and organizations who will be mailed the following documents, or notification of how to obtain a copy of the documents electronically, as they become available:

1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
2. "Notice of Comment Period" and public hearings.
3. Notice that the final regulations have been adopted.

Failure of ~~these persons and organizations~~ a person or organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 VAC 160-10-30. Placement on ~~the mailing a notification list~~; deletion.

Any person or organization wishing to be placed on ~~the mailing a notification~~ list may do so by electronic notification or by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. ~~Persons~~ Each person and organization on the list will be provided all information stated in 18 VAC 160-10-20. ~~Individuals and organizations~~ A person or organization periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the person or organization will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.

18 VAC 160-10-40. Petition for rulemaking.

Any person or organization may petition the agency to ~~adopt~~ consider or amend review any regulation. Any petition received shall appear on the next agenda of the agency. The

agency shall consider and respond to the petition ~~within 180 days pursuant to § 2.2-4007 A of the Code of Virginia.~~ The agency shall have sole authority to dispose of the petition.

18 VAC 160-10-50. Notice of intent.

At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations as required by ~~§ 9-6-14-7-4~~ 2.2-4007 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide ~~for~~ at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

18 VAC 160-10-60. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

18 VAC 160-10-70. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

If ~~there are~~ one or more changes ~~with~~ have substantial impact on a regulation, *then* any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, *then* the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to *the* proposed regulation, *then* he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

18 VAC 160-10-80. Advisory committees.

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations.

Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession,;
2. Industry, professional and trade associations' mailing lists, ~~and~~; or
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

18 VAC 160-10-90. Applicability.

18 VAC 160-10-20 ~~through~~, 18 VAC 160-10-30, 18 VAC 160-10-40, 18 VAC 160-10-60, and 18 VAC 160-10-70 shall apply to all regulations promulgated and adopted in accordance with ~~§ 9-6-14-9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in accordance with ~~§ 9-6-14-4-4~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-4025 of the Administrative Process Act.

VA.R. Doc. No. R04-99; Filed January 12, 2004, 2:38 p.m.



EMERGENCY REGULATIONS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-140. Regulation for Emissions Trading (adding 9 VAC 5-140-421).**

Statutory Authority: §§ 10.1-1308 and 10.1-1322.3 of the Code of Virginia; §§ 108, 109, 110 and 302 of the Clean Air Act (40 CFR Part 51).

Effective Dates: January 12, 2004, through January 11, 2005.

Agency Contact: Mary E. Major, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, or e-mail mlmajor@deq.state.va.us.

Preamble:

Subparagraph D 1 of Item 383 of Chapter 1042, 2003 Acts of Assembly, in part, provides the following: "The Department of Environmental Quality may auction the NO_x emissions credits allocated under the NO_x SIP call as set asides for new sources and any revenue generated shall be deposited to the general fund of the state treasury." Subparagraph D 2 continues on to say: "The State Air Pollution Control Board may promulgate emergency regulations to implement the provisions of the preceding subparagraph." Although there is no emergency situation, subparagraph D 2 provides explicit authority for the use of the emergency regulation procedure.

The regulation establishes a NO_x Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides including the following provisions: permitting allowance methodology, monitoring, banking, compliance supplement pool, compliance determination and opt-in provisions for sources not covered by the regulation.

Beginning May 31, 2004, electric generating units with a nameplate capacity greater than 25 MWe and non-electric generating units above 250 mmBtu will be subject to the provisions of the regulation. NO_x emissions from subject units shall be subject to a specific limited budget (measured in tons) during the summer months of May 1 through September 31, otherwise known as the control period. The NO_x budget shall be determined through a methodology based upon emission rates multiplied by heat input. If a unit does not use all of its allowances for a specific control period, those extra tons may be banked for future use or sold. If a unit exceeds the budget limit, additional allowances may be purchased or the source may use banked allowances to offset the amount of NO_x generated above the budget limit.

An allocation set-aside budget is available to accommodate new sources that receive permits and commence operation after the distribution to the qualifying units (those in operation at least two years before the distribution date).

Emissions will need to be monitored according to 40 CFR Part 75 for all sources subject to the regulation and for any sources wishing to opt-in to the program.

A compliance supplement pool is provided for sources that generate early reduction credits or demonstrate "undue risk." The allowances from the pool are good for only two years and cannot be banked after that two-year period.

Amendments to 9 VAC 5-140 (the addition of 9 VAC 5-140-421) provide for conducting an auction of the set-aside budget allowances. The amendments clearly identify that if an auction is conducted, the current process of requesting and receiving set aside allowances on a pro-rata basis (9 VAC 5-140-420) is vacated and identify the overriding legal authority to conduct an auction. The amendments also identify the parameters of how an auction will be conducted including, in part, who can bid in an auction, what will be auctioned, how the bids will be paid for and what happens to any unsold allowances.

9 VAC 5-140-421. Distribution of NO_x allocation set-aside budget.

A. The procedures for distribution of the NO_x allocation set-aside budget in 9 VAC 5-140-420 shall be vacated for any control period for which the distribution of any portion of the NO_x allocation set-aside budget takes place under this section.

B. Under the authority of the Appropriation Act or any other provision of the Code of Virginia, the department may auction the NO_x allocation set-aside budget.

C. Only NO_x authorized account representatives with an NO_x Allowance Tracking System account number may submit bids in the auction.

D. The department may set a reserve price for any auction and may hold additional auctions for any unsold allowances. For purposes of this section, reserve price is the minimum price that the department is willing to accept for an allowance. The reserve price is established prior to any auction, and the department is under no obligation to disclose the reserve price.

E. The auction will be limited to vintage 2004 and 2005 allowances.

F. Unsold allowances will be retired for environmental benefit.

G. Prospective bidders shall use the bid forms and procedures made available by the department or the contractor prior to the auction.

H. The total value of any bid shall be secured by a certified check, unless the department, upon public notice, allows other forms of payment.

I. Winning bids are legally enforceable and are firm, contractual obligations.

J. The department will return payment from unsuccessful bids.

K. The department may solicit and hire a contractor to conduct the auction.

/s/ Mark R. Warner
Governor

Date: January 6, 2004

VA.R. Doc. No. R04-85; Filed January 12, 2004, 4:35 p.m.

FORMS

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

EDITOR'S NOTICE: The following forms have been filed by the State Corporation Commission. The forms are available for public inspection at the State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the forms may be obtained from Raquel Pino-Moreno, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, P.O. Box 1157, Richmond, Virginia 23218, telephone (804) 371-9499 or e-mail rpino@sc.state.va.us.

Title of Regulation: **14 VAC 5-71. Rules Governing Viatical Settlement Providers and Viatical Settlement Brokers.**

FORMS

Requirements for Operating in Virginia, SCCBO133 (eff. 1/04).

Application for License as a Viatical Settlement Provider, SCCBO134 (eff. 1/04).



GOVERNOR

EXECUTIVE ORDER NUMBER 60 (2004)

FURTHERING THE VIRGINIA WATER SUPPLY INITIATIVE

By virtue of the authority vested in me as Governor under Article V and Article XI of the Constitution of Virginia and under the laws of the Commonwealth including, but not limited to, Chapter 1 of Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby set forth measures to further the Virginia Water Supply Initiative (Executive Order 39, 2003).

Importance of the Initiative

There is no more important public service than an adequate supply of clean, safe drinking water. Significant strides have been made in recent years towards improving water supply in Virginia. The Departments of Health, Housing and Community Development, and Environmental Quality, as well as the Virginia Resources Authority, all have achieved much in improving water supply in the Commonwealth. However, much remains to be done. The Commonwealth plays an important part in regulating and financing drinking water supplies. At present, urban, suburban, and rural residents alike face growing concerns about the long-term adequacy of their water supplies to meet public health, economic development, and agricultural needs.

Need for Aggressive Water Supply Financing

The continued need for clean, safe drinking water highlights the importance of making the most of the Commonwealth's available water supply financing and other resources. Current water supply needs exceed the available below-market funding. Water supply needs in the Commonwealth exceed \$300 million over the next four fiscal years. Southwest Virginia alone has needs in excess of \$500 million over the next decade.

With these significant needs in mind, a more aggressive approach to funding water supply requirements is warranted. The steps set out below will be taken to increase the financing resources available for water supply projects.

With the goal of funding as many water supply projects as possible firmly in mind, I hereby direct the Secretaries of Commerce and Trade, Health and Human Resources, and Natural Resources to work together and with the Board of Health and the State Water Control Board to develop a mutually agreeable approach to implement the following actions:

1. Leverage the Virginia Water Supply Revolving Fund and the Virginia Water Facilities Revolving Fund to the extent necessary to meet demand.
2. Share application information for water projects among the Department of Health, the Department of Environmental Quality, the Department of Housing and Community Development, and the Virginia Resources Authority to identify the best possible resources for meeting any given community's needs.

3. Amend the existing interest rate reduction policies for the revolving loan funds to implement a three percent net present value savings requirement in lieu of the current requirement for at least a one percent interest rate reduction.
4. Implement a fee structure to pay for the long-term financial administrative costs and other federally allowed activities of the revolving loan funds in such a way that the costs for localities shall not increase. Fees shall not exceed one tenth of one percent for ceiling rate or modified ceiling rate loans through the Virginia Water Facilities Revolving Fund and one half of one percent for all interest bearing loans through the Virginia Water Supply Revolving Fund. These fees shall be established for loan applications received during the FY 2004 funding cycle and beyond. They shall not cause any borrower to pay more over the life of the loan than otherwise would have been the case, because interest rates will be lowered to take into account the fees. No fee shall be charged on interest-free loans.
5. Identify opportunities for additional grant funds that can be directed to water projects.
6. Conduct aggressive outreach to make local communities aware of state financing and other resources for water supply projects.
7. Meet at least quarterly to measure progress towards the goal of providing 25,000 additional Virginians access to clean, safe drinking water by July 1, 2008. The secretaries shall jointly prepare an annual report on progress towards this goal by December 1 of each year beginning in 2004.

Applicability of the Order

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until June 30, 2006, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 6th day of January 2004.

/s/ Mark Warner
Governor

EXECUTIVE ORDER NUMBER 61 (2004)

THE OLMSTEAD INITIATIVE

Introduction

The U.S. Supreme Court's *Olmstead v. L.C.* decision brings into sharp focus the need to improve community services for disabled Virginians. A wide range of stakeholders have been meeting regularly to recommend state government's response to the *Olmstead* decision. The 2003 General Assembly approved my landmark mental health Community Reinvestment Initiative. The executive budget I presented on December 17, 2003, devotes \$42.5 million over the next

biennium to Olmstead implementation. These budget actions include:

- Developing a Medicaid “Buy-in” Program for disabled individuals;
- Funding 77 discharge assistance plans so that individuals in state mental health facilities may move to and stay in more integrated settings;
- Funding 160 additional mental retardation waiver slots to allow for more people with mental retardation to live in integrated settings;
- Creating three additional Programs of Assertive Community Treatment teams to prevent unnecessary re-institutionalization;
- Increasing community mental health services for children and adolescents to prevent unnecessary institutionalization;
- Increasing inpatient treatment purchased in community hospitals to prevent unnecessary placement in state facilities;
- Funding 25 new slots for individual and family developmental disabilities support waivers so that more people may move to and stay in integrated community settings;
- Expanding the public guardian and conservator program to assist individuals in making decisions about their services and supports; and
- Developing a waiver for persons with Alzheimer's disease and related dementias to prevent unnecessary institutionalization.

While much has been accomplished, much remains to be done. This executive order sets forth the Olmstead Initiative, additional actions to move the Commonwealth forward on Olmstead Implementation.

Director of Community Integration for People With Disabilities

There is hereby established in the Office of the Governor a Director of Community Integration for People With Disabilities, funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services, to direct and coordinate all Olmstead implementation and oversight activities. Julie A. Stanley of Hanover County is hereby appointed to this position. The duties of this position will be as follows:

1. Direct all activities to implement the recommendations in the Final Report of the Olmstead Task Force;
2. Convene and provide staff support to the Community Integration Implementation Team and the Community Integration Oversight Advisory Committee;
3. Compile and submit regular progress reports to the Governor, Cabinet and agency heads on the status of implementation efforts; and
4. Provide information on the Olmstead implementation process as requested by stakeholders and the general public.

The Director of Community Integration shall be assisted by a part-time administrative support position funded by the Department of Rehabilitative Services. An estimated 1,500

hours of staff time will be required to coordinate and support the Implementation Team and the Oversight Advisory Committee.

Olmstead Community Integration Implementation Team

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby establish the Community Integration Implementation Team.

The Community Integration Implementation Team shall consist of one representative of each of the following state agencies, who shall be designated by the agency head:

- Department for the Blind and Vision Impaired
- Department of Education
- Department of Housing and Community Development
- Department of Medical Assistance Services
- Department of Mental Health, Mental Retardation and Substance Abuse Services
- Department of Rail and Public Transportation
- Department of Transportation
- Department of Rehabilitative Services
- Department of Social Services
- Office of Comprehensive Services
- State Council of Higher Education for Virginia
- Virginia Board for People With Disabilities
- Virginia Commonwealth University HIV/AIDS Center
- Virginia Department for the Aging
- Virginia Department for the Deaf and Hard of Hearing
- Virginia Department of Health
- Virginia Fair Housing Office
- Virginia Housing Development Authority

The Secretaries of Commerce and Trade, Education, Health and Human Resources, and Transportation, or their designees, shall serve as ex officio, voting members of the Implementation Team. The Governor may appoint representatives of other agencies or institutions of higher education to the team at his discretion.

The Director of Community Integration for People With Disabilities in the Office of the Governor will chair the team. The vice-chair shall be selected based on a majority vote of the members of the team.

The purpose of this Team shall be to:

1. Cost out and update as necessary all recommendations in “One Community-The Report of the Olmstead Task Force”;
2. Identify and implement recommendations that can be implemented administratively within each agency;

Governor

3. Identify recommendations that will require new resources within each agency's budget, prioritize the timing with which those recommendations will be requested to be implemented, and prepare budget proposals for the Governor's consideration;
4. Identify recommendations that will require statutory changes and prepare legislative proposals for the Governor's consideration;
5. Identify recommendations that will require regulatory changes and oversee the process for adoption of regulations;
6. Identify all recommendations that will require action outside the agencies' authority and recommend to the Governor a process for implementation;
7. Seek advice from the Community Integration Oversight Advisory Committee; and
8. Report annually to the Community Integration Oversight Advisory Committee on the activities of the Team and the status of implementation of the *Olmstead* decision within the Commonwealth.

All executive branch agencies of the Commonwealth shall support the activities of the Team upon request.

The Oversight Advisory Committee

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia I hereby create the Governor's Olmstead Community Integration Oversight Advisory Committee (Oversight Advisory Committee).

The Oversight Advisory Committee is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purpose of this Committee shall be to:

1. Oversee the implementation of the *Olmstead v. L.C.* decision within the Commonwealth;
2. Advise the Governor's Community Integration Implementation Team;
3. Receive annual reports from the Governor's Community Integration Implementation Team; and
4. Report any recommendations to the Governor prior to the 2005 Session of the General Assembly, no later than October 21, 2004. The report shall detail the activities of the Committee and make such recommendations to the Governor as the Committee deems appropriate.

The Committee shall consist of 15 members to be appointed by the Governor and serving at his pleasure. The 15 members of the Committee shall represent individuals with disabilities, families of individuals with disabilities, advocates for persons with disabilities, and providers of community services and/or supports to individuals with disabilities. At least eight of the 15 members shall be individuals with disabilities and family members of individuals with disabilities; of these eight, at least five shall be individuals with disabilities. The Governor shall designate the Chair and Vice-Chair of the Committee.

The Governor may appoint additional members to the Committee at his discretion. Members of the Committee shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

All agencies of the Commonwealth shall support the activities of the Committee upon request.

Additional staff support as is necessary for the conduct of the Implementation Team and Oversight Advisory Committee's work during the term of their existence shall be furnished by the Office of the Governor and such other executive agencies as the Governor may designate. An estimated \$20,000 annually is required to support the work of the Committee and the Team. Such funding as is necessary for the term of the Committee's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of these bodies, as authorized by Section 2.2-135(B) of the Code of Virginia.

This Executive Order shall be effective January 6, 2004, and shall remain in full force and effect until January 6, 2005, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 6th day of January 2004.

/s/ Mark R. Warner
Governor

GUIDANCE DOCUMENTS

Sections 2.2-4008 and 2.2-4103 of the Code of Virginia require annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act and the Virginia Register Act. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

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

DEPARTMENT FOR THE AGING

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 5 p.m. in the office of the Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229. Copies may be obtained free of charge by contacting Janet Honeycutt, telephone (804) 662-9341, FAX (804) 662-9354, or e-mail janet.honeycutt@vda.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Janet Honeycutt, telephone (804) 662-9341, FAX (804) 662-9354, or e-mail janet.honeycutt@vda.virginia.gov.

Guidance Documents:

State Plan for Aging Services: October 1, 2003 - September 30, 2007, effective October 1, 2003, revised June 19, 2003, implementing Title III and Title VII of the Older Americans Act of 1965 (as amended), § 2.2.703 A 3

Title III and Title V Service Standards, revised October 1, 2003, interpreting 22 VAC 5-20-80

Case Management for Elderly Virginians Program, Policies and Procedures Manual, issued July 1994, revised October 1, 2003

Senior Community Services Employment Program (Title V), Plan Instruction, issued July 1, 2003, extended by the Department of Labor until April 1, 2004

Cost Sharing/Fee for Service Policy, implementing Title III and Title VII of the Older Americans Act of 1965 (as amended), Sections 315(a)(2), 315(a)(5), 315(c)(1), 315(c)(2), 315(a)(6) and 315(b)(4)(A); interpreting 12 VAC 5-200-110, 22 VAC 5-20-390.

Fee for Service Program Guidelines, issued 1995

Guidelines for a Client Appeals Process for Services Provided Under the Older Americans Act, implementing Title III and Title VII of the Older Americans Act of 1965 (amended), Section 306(a)(10) and Section 307(a)(5)(B), issued July 30, 2002

Title III-D Interim Guidelines, issued March 2001

Minimum Procurement Guidelines, issued June 1, 2003

National Family Caregiver Support Program Guidelines, implementing Title III-E of the Older Americans Act of 1965 (as amended), Sections 306(a)(4)(A)(i), 306(a)(4)(B)(i)(I),

372(3), 373, 373(b) and interpreting 22 VAC 5-20-250, revised April 28, 2003

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Guidance documents are available at the Washington Building; 1100 Bank Street; Richmond, VA or on the Regulatory Town Hall. For information about guidance documents of the Department of Agriculture and Consumer Services, including their interpretation, please contact:

For guidance documents relating to dairy and foods, contact Dr. Donald W. Butts, at (804) 786-2678.

For guidance documents relating to agricultural stewardship, contact Mr. Roy E. Seward at (804) 786-3538.

For guidance documents relating to all other matters (including ginseng), contact Dr. Marvin Lawson at (804) 786-3523.

Guidance documents pertaining to the agency - Department of Agriculture and Consumer Services

1115, Guidelines for Approving Industrial Co-Products for Agricultural Use under the Virginia Fertilizer & Agricultural Liming Materials Laws, 07/01/1994

1116, What is a Package?, 02/01/2000

1744, Agricultural Stewardship Act Guidelines (Part 2), 07/01/2000

441, Food Safety Manual, 03/20/1998

Guidance documents pertaining to specific boards or regulations under Department of Agriculture and Consumer Services

Department of Agriculture and Consumer Services

441, Food Safety Manual, 03/20/1998

740, Dairy Services Procedure Manual, 12/18/2002

750, Guidelines for the Virginia Ginseng Management Program, 12/11/2002

751, Guidelines for Participation in Virginia Cooperative Gypsy Moth Suppression Program, 09/01/2002

752, Invitation for Bids for the Gypsy Moth Trapping Program, 02/05/2002

Guidance Documents

753, Invitation for Bids for the Cotton Boll Weevil Monitoring Program, 05/03/2002

754, Food Inspection Field Operations Manual, 08/01/2002

1743, Agricultural Stewardship Act Guidelines (Part 1), 07/01/2000

1745, Agricultural Stewardship Act Guidelines (Part 2), 07/01/2000

Pesticide Control Board

702, Worker Protection Standard--Self Inspection Checklist, 09/01/1999

703, Interpreting PPE Standards on Pesticide Labels, 09/01/1999

704, Administrative Procedure for Processing Violations for Civil Penalty Assessment and Actions on Certificates, Licenses, and Registrations, 04/13/2000

705, USDA Restricted Use Pesticide Recordkeeping and WPS Pesticide Application Information Requirements, 12/01/1999

1303, Agents of the VA Cooperative Extension Program Proctoring Commercial Applicator Examinations, 05/05/2003

1304, Applicator Recertification Options; Approval Procedures for Recertification Courses, 05/25/2003

1305, Commercial Carpet Cleaners who Apply Pesticides for Flea and Tick Control, 05/05/2003

1306, Handling of Information Changes on Applications for Recertification, 05/05/2003

1307, Issuance of Duplicate Applicator Certificates and Business Licenses, 05/05/2003

1308, Requests for Lists of Certified Applicators; Licensed Pesticide Businesses, and/or Registered Pesticide Products, 05/20/2003

1309, Issuance, Use, and Handling of Letters of Authorization (LOA) to Take Commercial Pesticide Applicator Certification Examination, 03/26/2003

1310, Pesticide Applicator Reexamination Intervals, 05/05/2003

1311, How to Handle a Situation when a Person Applies for a Commercial Applicator Certificate and a Pesticide Business License at the Same Time, 05/05/2003

1312, Interpretation of Whether a Person Needs a Private Certificate or a Commercial Certificate to Engage in Producing Agricultural Commodities on Private Property, 05/05/2003

1313, How to Handle Requests for Reinstatement, without Reexamination, of Expired Certificates Beyond the 60-Day Grace Period, 05/05/2003

1314, Supervision of Registered Technicians (Including Government Employees and Not-for-Hire Individuals), 05/20/2003

1315, Answering Telephone Requests for Pesticide Applicator or Pesticide Business License Examination Scores, 05/05/2003

1316, Applicator Testing in Order to Recertify, 05/05/2003

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 5 p.m. in the office of the Virginia Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, VA 23220. Copies may be obtained free of charge from and questions regarding interpretation or implementation of these documents may be directed to Dorothy J. Hollahan, Senior Policy Analyst, at the same address, telephone (804) 213-4458, FAX (804) 213-4486 or e-mail at djholln@abc.state.va.us.

Guidance Documents:

Licensee Newsletters, issued quarterly

Application for License, revised January 1996, § 4.1-230

Retail Licensee Guide, Revised 2001, 3 VAC 5

The ABC Licensing Process, issued 1998, § 4.1-230

Licensee Bulletin, Vol. 56, No. 1, revised, 2000, 3 VAC 5

Licensee Bulletin, Vol. 56, No. 2, revised, 2000, 3 VAC 5

Licensee Bulletin, Vol. 56, No. 3, revised, 2000, 3 VAC 5

Licensee Bulletin, Vol. 56, No. 4, revised, 2000, 3 VAC 5

Wholesale Licensee Bulletin, revised Fall 1997, 3 VAC 5

Farm Winery Remote – Festivals Bulletin, issued March 2000, § 4.1-207

Circular Letter 84-3, issued November 1, 1984, § 4.1-216

Circular Letter 84-4, issued December 26, 1984, 3 VAC 5

Circular Letter 84-7, issued December 26, 1984, 3 VAC 5

Circular Letter 84-8, issued December 26, 1984, 3 VAC 5

Circular Letter 85-3, issued February 6, 1985, 3 VAC 5

Circular Letter 85-5, issued March 26, 1985, 3 VAC 5

Circular Letter 85-6, issued May 31, 1985, 3 VAC 5

Circular Letter 85-9, issued June 3, 1985, 3 VAC 5

Circular Letter 87-1, issued January 28, 1987, § 4.1-216

Circular Letter 87-2, issued March 19, 1987, 3 VAC 5

Circular Letter 88-2, issued July 22, 1988, § 4.1-239

Circular Letter 88-3, issued September 7, 1988, § 4.1-216

Circular Letter 89-1, issued April 14, 1989, 3 VAC 5

Circular Letter 89-4, issued October 13, 1989, § 4.1-225

Circular Letter 90-1, issued March 1, 1990, § 4.1-225

Circular Letter 90-2, issued March 1, 1990, 3 VAC 5

Circular Letter 90-4, issued June 27, 1990, 3 VAC 5
Circular Letter 92-1, issued May 22, 1992, § 4.1-225
Circular Letter 92-2, issued November 23, 1992, 3 VAC 5
Circular Letter 94-1, issued March 16, 1994, § 4.1-225
Circular Letter 98-1, issued Spring 1998, 3 VAC 5
Circular Letter 98-2, issued Spring 1998, § 4.1-207
Circular Letter 01-1, issued April 9, 2001, §§ 4.1-216 and 4.1-323, 3 VAC 5
Circular Letter 01-2, issued June 18, 2001, 3 VAC 5

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at fanbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board at the address above or by telephone at (804) 662-9111. Copies are free of charge.

Guidance Documents:

30-1, Order for Board of Audiology and Speech-Language Pathology v. Eve. H. Silverstein, case decision on practice using Auditory Integration Training ("AIT"), May 15, 1997
30-2, By-Laws of the Board of Audiology and Speech-Language Pathology, May 20, 1999

AUDITOR OF PUBLIC ACCOUNTS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Auditor of Public Accounts, 101 N. 14th Street, 8th Floor, Richmond VA 23219. Copies may be obtained by contacting Kim Via at P.O. Box 1295, Richmond, VA 23218; telephone (804) 225-3350 (ext. 360); or e-mail kwvia@apa.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Kim Via, Auditor, Auditor of Public Accounts, telephone (804) 225-3350 (ext. 360) or e-mail kwvia@apa.state.va.us.

Guidance Documents:

Specification for Audits of Counties, Cities, and Towns, periodically updated. \$20.00 for manual. This document sets standards for audits of Virginia local governments as required by Section 15.2-167 of the Code of Virginia

Specification for Audits of Authorities, Boards, and Commissions. \$20.00 for manual or available electronically at no charge on the Internet at http://www.apa.state.va.us/localgvt/manuals_section/download

ds/abcida.doc. This document sets standards for audits of Virginia governmental authorities, boards, and commissions as required by Section 30-140 of the Code of Virginia.

Uniform Financial Reporting Manual, periodically updated. \$20.00 for manual. This document provides reporting requirements for Virginia local governments to follow in the preparation and submission of their Comparative Report of Local Government Revenues and Expenditures' transmittal forms. Section 15.2-2510 of the Code of Virginia requires this submission of data.

Virginia Sheriffs Accounting Manual. \$10.00 for manual. This document prescribes accounting procedures for funds collected by Virginia's sheriffs

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. at the administrative headquarters building of the Virginia Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227. Please note that Policy and Procedures Directives are issued occasionally for the purpose of updating program service manuals. Copies of these documents, as well as those listed below, may be obtained at a cost of \$.10 per page by contacting William J. Pega at the same address, telephone (804) 371-3110, FAX (804) 371-3351 or e-mail pegawj@dbvi.state.va.us.

Questions regarding the interpretation or implementation of these documents may be directed to William J. Pega, Special Assistant to the Commissioner, Virginia Department for the Blind and Vision Impaired, Richmond, VA 23227, telephone (804) 371-3110, FAX (804) 371-3351 or e-mail pegawj@dbvi.state.va.us.

Guidance Documents:

Randolph-Sheppard Vending Facility Program Operators Manual, issue March 1992, 22 VAC 45-20

Rehabilitation Teaching and Independent Living Services Policy and Procedure Manual, revised September 2003, 22 VAC 45-70 and 22 VAC 45-80

Virginia Department for the Blind and Vision Impaired Library and Resource Application for Service, revised November 2003

Library and Resource Center Policy and Procedures Manual for Educators of the Visually Impaired, revised October 1999

Education Services Policy and Procedure Manual, revised November 2003, § 22.1-217

Virginia Rehabilitation Center for the Blind and Vision Impaired Operations Manual, revised July 1996, § 63.1-73.1

VRCBVI Student Handbook, revised October 2000

Vocational Rehabilitation Policies and Procedures Manual, revised August 2003, 22 VAC 45-50

Low Vision Policies and Procedures Manual, revised October 2001

Guidance Documents

Policy and Procedures Directives, issued periodically to update service program manuals

CERTIFIED SEED BOARD

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Certified Seed Board, 330 Smyth Hall, Blacksburg, VA 24061. Copies may be obtained free of charge by contacting Dr. Steve Hodges at the same address, telephone (540) 231-9775 or FAX (540) 231-3431.

Questions regarding interpretation or implementation of this document may be directed to David Whitt, Agricultural Program Manager, 9142 Atlee Station Road, Mechanicsville, VA 23116, telephone (804) 746-4884 or FAX (804) 746-9447.

Guidance Document:

State Certified Seed Board Annual Report, 2000

State Certified Seed Board Annual Report, 2001

State Certified Seed Board Annual Report, 2002 - 2003

DEPARTMENT OF CHARITABLE GAMING

Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the office of the Department of Charitable Gaming, James Monroe Building, 17th Floor, 101 North 14th Street, Richmond, VA 23219-3684. Copies may be obtained free of charge by contacting Frances Jones, Administrative Staff Assistant, at telephone (804) 786-3014, FAX (804) 786-1079, or via e-mail at frances.jones@dca.virginia.gov. This document is available on our web page at www.dca.state.va.us.

Questions regarding interpretation or implementation of this document may be directed to Clyde Cristman, Director of the Department of Charitable Gaming, at the address above or by telephone at (804) 786-0603, FAX (804) 786-1079, or via e-mail at clyde.cristman@dca.virginia.gov.

Guidance Document:

Guidelines for Permitted Use of Charitable Gaming Proceeds - An Interpretive Guide, Oct. 1999

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, Richmond, VA 23219. Copies of these documents may be obtained for the costs indicated by contacting the department at the above address, telephone (804) 225-3440 or FAX (804) 225-3447. Unless a specific cost is indicated, the cost will be at the rate of \$0.05 per page for copying, plus the mailing cost. If someone desires to view one or more of these documents at the department's office, please provide at least 24 hours notice of the desired time of the visit.

Questions regarding interpretation or implementation of these documents may be directed to Ron Wood, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 225-3442, FAX (804) 225-3447 or e-mail ron.wood@cblad.virginia.gov.

Attorney General Opinions:

1989 Atty. Gen. Ann. Rep, at 32 (to Delegate John G. Dicks, III, regarding vested rights), October 19, 1989, § 10.1-2115, 6 pages

1990 Atty. Gen. Ann. Rep, at 33 (to Prince William County Attorney Sharon E. Pandak, regarding septic system requirements), August 10, 1990, 9 VAC 10-20-120 (7), 3 pages

1991 Atty. Gen. Ann. Rep, at 31 (to Delegate John C. Watkins, regarding grandfathering), June 28, 1991, § 10.1-2115, 4 pages

1991 Atty. Gen. Ann. Rep, at 36 (to Delegate George F. Allen, regarding unconstitutional taking of agricultural land), July 2, 1991, 9 VAC 10-20-130 B 4, 6 pages

2001 Attorney General Opinion (letter to Michael D. Clower, CBLAD Executive Director) regarding the authority of the Chesapeake Bay Local Assistance Board to institute legal action to enforce the Chesapeake Bay Preservation Act and associated regulations, November 26, 2001, §§ 10.1-2103.10 and 10.1-2104, and 9 VAC 10-20-250, 6 pages

2002 Attorney General Opinion (letter to Leslie Kiduff, Jr., County Attorney for Northumberland County) regarding Equal Protection Clause of the Constitution of the United States, October 30, 2002, 9 VAC 10-20-120 and 9 VAC 10-20-130(5), 5 pages

Board Policies:

Board Determination of Consistency Regarding Local Designation of Resource Protection Areas, February 1992, 9 VAC 10-20-80

Procedural Policies for Local Program Review Policy, amended March 19, 2001, 9 VAC 10-20-231

Department Checklist Used to Evaluate the Consistency of Locally Adopted Ordinances With the Chesapeake Bay Preservation Act and CBLAB Regulations, § 10.1-2109 B

Department Checklist Used to Evaluate the Consistency of Locally Proposed or Adopted Comprehensive Plans, January 1992, § 10.1-2109 B

Board Document and Checklist: Local Program Compliance Evaluation Procedures, September 16, 2002

Board Guidance Document: Resource Protection Area – Onsite Buffer Area Delineation, September 16, 2002, 9 VAC 10-20-105

Board Guidance Document: Resource Protection Area – Buffer Area Encroachments, September 16, 2002, 9 VAC 10-20-130 (3)

Board Guidance Document: Stormwater Management Requirements, September 16, 2002, 9 VAC 10-20-120 (8)

Board Guidance Document: Agricultural Operations: Soil and Water Quality Conservation Assessment/Plans, December 9, 2002, 9 VAC 10-20-120 (9)

Board Guidance Document: Silvicultural Operations, September 16, 2002, 9 VAC 10-20-120 (10)

Board Guidance Document: Exceptions, September 16, 2002, 9 VAC 10-20-150 C

Board Guidance Document: Nonconforming Structures and Uses, September 16, 2002, 9 VAC 10-20-150 A

Board Guidance Document: Resource Protection Areas: Permitted Development Activities, September 15, 2003, 9 VAC 10-20-130

Board Guidance Document: Determinations of Water Bodies with Perennial Flow, September 15, 2003, 9 VAC 10-20-105

Board Guidance Document: Administrative Procedures for the Designation and Refinement of Chesapeake Bay Preservation Area Boundaries, September 15, 2003, 9 VAC 10-20-60

Specific Guidance – Septic Systems:

Letter to Mathews County, December 16, 1993, regarding septic system criteria, 9 VAC 10-20-120 (7), 2 pages

Letter to Fairfax County, January 12, 1994, regarding reserve drainfield requirements on existing lots, 9 VAC 10-20-120 (7), 3 pages

Letter to Virginia Department of Health, September 12, 1995, regarding septic pump-out provision for small spray irrigation systems, 9 VAC 10-20-120 (7), 2 pages

Letter to Mathews County, February 14, 1996, regarding application of septic system reserve drainfield requirement, 9 VAC 10-20-120 (7), 1 page

Specific Guidance – Resource Protection Areas:

Letter to the Town of Smithfield, April 5, 1994, regarding the inclusion of nontidal wetlands along intermittent streams as part of RPA, 9 VAC 10-20-80, 3 pages

Letter to Department of Environmental Quality, December 9, 1994, regarding delineation of RPA adjacent to new marina basin, 9 VAC 10-20-80, 2 pages

Letter to Fairfax County, October 2, 1995, regarding status of in-stream ponds as related to perenniality, 9 VAC 10-20-80, 2 pages

Letter to the Town of Smithfield, April 29, 1997, regarding fences within RPA buffers, 9 VAC 10-20-130, 1 page

Letter to Middlesex County, June 12, 1998, regarding buffer modifications, 9 VAC 10-20-130 B, 2 pages

Letter to Stafford County, November 16, 1998, regarding onsite RPA delineation, clarification of tributary streams, 9 VAC 10-20-110 B, 2 pages

Letter to James City County, November 30, 1998, regarding buffer modification and mitigation, 9 VAC 10-20-130 B, 3 pages

Letter to Arlington County, February 4, 1999, regarding buffer encroachment by cantilevers, 9 VAC 10-20-130 B, 1 page

Letter to City of Alexandria, June 28, 1999, regarding buffer modifications, 9 VAC 10-20-130 B, 2 pages

Letter to Chesterfield County, October 8, 1999, regarding buffer violation, 9 VAC 10-20-130 B, 2 pages

Letter to Caroline County, October 14, 1999, regarding expansion of RPA due to created wetlands, 9 VAC 10-20-80 B and 9 VAC 10-20-110 B, 2 pages

Letter to Henrico County, March 3, 2000, regarding the location of fences in the RPA, 9 VAC 10-20-130, 2 pages

Letter to Hanover County, April 20, 2000, regarding the location of fences in the RPA, 9 VAC 10-20-130, 1 page

Letter to Northampton County, August 28, 2000, regarding removal of buffer vegetation for fire protection, 9 VAC 10-20-130 B, 2 pages

Letter to City of Hampton, February 28, 2001, regarding removal of buffer vegetation, 9 VAC 10-20-130 B, 2 pages

Letter to Spotsylvania County, July 12, 2001, regarding onsite designation of RPA features, 9 VAC 10-20-110 B, 4 pages

Letter to Northampton County, October 23, 2001, regarding removal of vegetation through the use of herbicides in buffer, 9 VAC 10-20-130 B, 2 pages

Letter to City of Norfolk, January 24, 2002, regarding effective date of RPA buffer revisions, 9 VAC 10-20-130, 2 pages

Letter to Fairfax County, February 11, 2002, regarding appurtenant structures of sewage treatment facilities, 9 VAC 10-20-150 B, 2 pages

Letter to City of Poquoson, July 9, 2002, regarding tidal ditches, 9 VAC 10-20-80, 2 pages

Letter to Stafford County, September 19, 2002, regarding BMPs in RPAs, 9 VAC 10-20-130 1 e, 2 pages

Guidance Manual: Riparian Buffers Modification & Mitigation Manual, September 15, 2003, 9 VAC 10-20-130 5 a.

Other Programmatic Guidance:

Letter to Northumberland County, May 5, 1999, regarding expansions of nonconforming structures, 9 VAC 10-20-150 A, 2 pages

Letter to Mr. Robert Moses, June 16, 2000, regarding the exemption for public roads and appurtenant structures, 9 VAC 10-20-150 B, 2 pages

Letter to Fairfax County, October 10, 2000, regarding the exemption for public roads and appurtenant structures, 9 VAC 10-20-150 B, 2 pages

Memorandum of Understanding between the Chesapeake Bay Local Assistance Department and the Department of Forestry, December 15, 2000, 9 VAC 10-20-10, 3 pages

Guidance Documents

Letter to Chesterfield County, February 13, 2001, regarding stormwater management requirements for redevelopment, 9 VAC 10-20-120, 2 pages

Letter to York County, February 16, 2001, regarding clarification of water dependent facilities, redevelopment and expansion of nonconforming structures, 9 VAC 10-20, 2 pages

Letter to James City County, February 22, 2001, regarding agricultural land uses, 9 VAC 10-20 (9), 2 pages

Letter to Fairfax County, January 2, 2002, regarding exemptions for cellular facilities, 9 VAC 10-20-150 B 1, 2 pages

Letter to York County, January 9, 2002, regarding site-specific RPA determinations, 9 VAC 10-20-105, 2 pages

Letter to HRPDC, January 23, 2002, regarding IDAs, 9 VAC 10-20-100, 2 pages

Letter to Fairfax County, February 11, 2002, regarding appurtenant structures for public sewers, 9 VAC 10-20-150 B, 2 pages

Letter to City of Poquoson, March 15, 2002, regarding an exception request, 9 VAC 10-20-150 C, 2 pages

Letter to City of Poquoson, April 3, 2002, regarding permitted activities in RPAs, 9 VAC 10-20-130, 1 page

Letter to York County, May 14, 2002, regarding an exception request, 9 VAC 10-20-150 C, 3 pages

Letter to Mathews County, June 11, 2002, regarding an exception request, 9 VAC 10-20-150 C, 2 pages

Letter to City of Poquoson, July 9, 2002, regarding an exception request, 9 VAC 10-20-150 C, 2 pages

Letter to Caroline County, September 19, 2002, regarding BMPs in RPAs, 9 VAC 10-20-130 1 e, 2 pages

Letter to City of Poquoson, September 19, 2002, regarding an exception request, 9 VAC 10-20-150 C, 3 pages

Letter to James City County, April 23, 2003, regarding a silvicultural violation, 9 VAC 10-20-120 9, 2 pages

CHRISTOPHER NEWPORT UNIVERSITY

Copies of the following documents may be viewed on regular working days from 8 a.m. to 5 p.m. in the offices noted and in the Captain John Smith Library at Christopher Newport University, 1 University Place, Newport News, VA 23606. The documents may be viewed on the Christopher Newport University website(<http://www.cnu.edu>).

Questions regarding interpretation or implementation of these documents may be directed to Ms. Margaret Yancey, Director of Development, Christopher Newport University, 1 University Place, Newport News, VA 23606, telephone (757) 594-7942, FAX (757) 594-7713, or e-mail myancey@cnu.edu.

Guidance Documents:

University Handbook,
<http://www.cnu.edu/public/uhandbook/uhandbook04.pdf> -
Provost Office

Student Handbook, <http://www.cnu.edu/osl/> - Student Life
Office

Undergraduate Catalog, <http://www.cnu.edu/undergrad/> -
Admissions Office

Graduate Catalog,
<http://www.cnu.edu/public/gradcat04/gradcat04.pdf> - Graduate
Office

VIRGINIA CODE COMMISSION

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Terri Edwards at the same address, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail tedwards@leg.state.va.us. Internet addresses for accessing the documents are found below.

Questions regarding interpretation or implementation of these documents may be directed to Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

Guidance Documents:

Virginia Register Form, Style and Procedure Manual
(http://register.state.va.us/download/styl8_95.rtf), revised
August 1995, § 2.2-4104

Preparing and Filing Guidance Document Lists
(<http://register.state.va.us/guidadoc.htm>), revised October
2002, §§ 2.2-4008 and 2.2-4103

Fast-Track Rulemaking Procedures
([http://register.state.va.us/download/
2003FastTrackProcedure.htm](http://register.state.va.us/download/2003FastTrackProcedure.htm)), effective July 2003, § 2.2-
4012.1

VIRGINIA COMMISSION FOR THE ARTS

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Virginia Commission for the Arts, Lewis House, 2nd Floor, 223 Governor Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lorraine Lacy at the same address, telephone (804) 225-3132, FAX (804) 225-4327 or e-mail arts@state.va.us. The document may be found on the Virginia Commission for the Arts home page (<http://www.arts.virginia.gov>).

Questions regarding interpretation or implementation of this document may be directed to Peggy Baggett, Executive Director, at the address above, e-mail pbaggett.arts@state.va.us.

Guidance Document:

Guidelines For Funding, revised July 1, 2004 - June 30, 2006

VIRGINIA COMMUNITY COLLEGE SYSTEM

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Community College System, James Monroe Building, 101 N. 14th Street, 15th Floor, Richmond, Virginia 23219. Copies may be obtained by contacting Ms. Sharon Hutcheson at the same address, telephone (804) 819-4961, FAX (804) 819-4768 or e-mail shutcheson@vccs.edu. The documents may be downloaded from the Virginia Community College System home page (<http://www.vccs.edu>).

Questions regarding interpretation or implementation of these documents may be directed to Dr. Glenn DuBois, Chancellor, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, Virginia 23219, telephone (804) 819-4903, FAX (804) 819-4760, or e-mail gdubois@vccs.edu.

Guidance Documents:

Virginia Community College System Policy Manual, revised July 31, 2003, § 23-192 through 23-213, \$25.00 for Policy Manual (approximately 320 pages)

Commonwealth Classroom Fees and Scheduling Procedures, issued July 1, 1997, no charge

Guidelines for Out-Of-State Students Entitled to In-State Tuition Charges, Revised July 1, 1998, § 23-7.4:2 E, no charge

OFFICE OF COMPREHENSIVE SERVICES

Copies of the following document may be viewed or downloaded at <http://www.csa.state.va.us/> (under "publications") or viewed at the Office of Comprehensive Services, Wythe Building, Suite 137, 1604 Santa Rosa Road, Richmond, VA 23229-5008. Local Community Policy and Management Team Chairpersons in each locality also have copies of the documents. To identify the chairperson for your locality see "local contacts" at <http://www.csa.state.va.us/> or contact the Office of Comprehensive Services at (804) 662-9815. Copies of this information also may be obtained free of charge by providing a formatted disk to the Office of Comprehensive Services, Wythe Building, 1604 Santa Rosa Road, Richmond, VA 23229, telephone (804) 662-9815.

Questions concerning interpretation or implementation of this document may be directed to Phil Quinn, Office of Comprehensive Services, Wythe Building, Suite 137, 1604 Santa Rosa Road, Richmond, VA 23229, telephone (804) 662-9817 or e-mail phil.quinn@dss.virginia.gov.

Guidance Document:

CSA Publication, Comprehensive Services Act Manual, revised April 2003 (Code of Virginia §§ 2.2-5200 through 2.2-5214 and related §§ 2.2-212, 2.2-2648 and 2.2-2649).

DEPARTMENT OF CONSERVATION AND RECREATION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Office of the Director of the Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219. The Director's Office serves as the central repository for the Department of Conservation and Recreation, the Board of Conservation and Recreation, the Virginia Soil and Water Conservation Board, the Virginia Cave Board, the Virginia Scenic River Board, the Chippokes Plantation Farm Foundation, the Virginia Land Conservation Foundation, and the Virginia Outdoors Foundation. Individual copies of listed publications may be obtained free of charge, unless a price is listed, by contacting the Regulatory Coordinator at the above address, telephone (804) 786-6124 or FAX (804) 786-6141. Most manuals and reports listed without a price attached were produced in very limited quantities and are available for copying charges. For documents with a cost associated, please refer to the document listings. Individual copies of certain documents may also be viewed at the department's divisional headquarters and in some cases at regional or district offices or at Virginia State Parks.

Questions regarding interpretation or implementation of these documents may be directed to Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-4570 or FAX (804) 786-6141. Other staff may be assigned by the Director or Mr. App to answer specific questions regarding these documents.

Guidance Documents:**Division of Dam Safety and Floodplain Management**

Rodent Control on Earthfilled Dams, 04/01/1998, Department of Conservation and Recreation Fact Sheet No. 4, §§ 10.1-604 through 10.1-613, [DCR-DS-001]

Vegetation Control for Embankment Dams, 03/01/1998, Department of Conservation and Recreation Fact Sheet No. 3, §§ 10.1-604 through 10.1-613, [DCR-DS-002]

The Floodplain Management Plan for the Commonwealth of Virginia, April 29, 1991 (plan with 3-ring binder), 1991 plan out of print, revised plan pending, §§ 10.1-658 and 10.1-659, cost: per page for copying 1991 Plan

Division of Natural Heritage

Managing Invasive Alien Plants in Natural Areas, Parks, and Small Woodlands (booklet), §§ 10.1-209 through 10.1-217

Native Plants for Conservation, Restoration, and Landscaping, Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-001]

Native Plants for Conservation, Restoration, and Landscaping, Piedmont Region, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-004]

Guidance Documents

Native Plants for Conservation, Restoration, and Landscaping, Mountain Region, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-003]

Natural Heritage Technical Document No. 95-9, North Landing River Natural Area Preserve Resource Management Plan, First Edition, February 15, 1995, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

Natural Heritage Technical Document No. 95-10, Bethel Beach Natural Area Preserve Resource Management Plan, First Edition, February 15, 1995, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

Natural Heritage Ranks – Definition of Abbreviations Used on Natural Heritage Resource Lists of the Virginia Department of Conservation and Recreation, May 1996, §§ 10.1-209 through 10.1-217

Natural Heritage Resources of Virginia - Rare Vascular Plants, Natural Heritage Technical Report 03-08, 04/01/2003, §§ 10.1-209 through 10.1-217

Natural Heritage Resources of Virginia - Rare Animal Species, Natural Heritage Technical Report 03-04, 03/01/2003, §§ 10.1-209 through 10.1-217

The Natural Communities of Virginia: Classification of Ecological Community Groups, Natural Heritage Technical Report 01-1, January 2001, §§ 10.1-209 through 10.1-217

Natural Heritage Program Fact Sheet - Natural Heritage Information Services, §§ 10.1-209 through 10.1-217

Natural Area Protection - Natural Area Dedication, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-007]

Natural Area Protection- Natural Area Management Agreements, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-008]

Natural Heritage Program Fact Sheet - Natural Area Registry, 06/01/1997, §§ 10.1-209 through 10.1-217

Natural Area Stewardship- Ecological Management, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-009]

Natural Areas Management Techniques – Fire and Natural Areas: An Overview, 06/01/1997 §§ 10.1-209 through 10.1-217, [DCR-NH-006]

Natural Heritage Resource Fact Sheet - Conserving Endangered Species (brochure), 07/01/1997, §§ 10.1-209 through 10.1-217

Natural Heritage Resources Fact Sheet- Barrier Beaches, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-011]

Natural Heritage Resources Fact Sheet – Virginia's Rare Natural Environments: Sea-level Fens, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-016]

Natural Heritage Resources Fact Sheet - Tidal Freshwater Marshes, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-013]

Natural Heritage Resources Fact Sheet – Virginia's Rare Natural Environments: Pocosins, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-015]

Natural Heritage Resources Fact sheet – Virginia's Rare Natural Environments: Baldcypress - Water Tupelo Swamps, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-014]

Natural Heritage Resources Fact Sheet – Virginia's Rare Natural Environments: Turkey Oak Sandhills, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-018]

Natural Heritage Resources Fact Sheet – Virginia's Rare Natural Environments: Seasonal Ponds, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-017]

Natural Heritage Resources Fact Sheet - Groundwater Seepage Wetlands of the Coastal Plain and Piedmont, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-012]

Natural Heritage Resources Fact Sheet - Conserving Virginia's Natural Communities ...Why?, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-010]

Natural Heritage Resource Fact Sheet - Rare Beach Nesting Birds, 07/01/1997, §§ 10.1-209 through 10.1-217

Natural Resources Fact Sheet - Rare Marsh Nesting Birds of Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-021]

Natural Resources Fact Sheet - Migratory Songbird Habitat in Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-020]

Natural Resources Fact Sheet - Rare Odonates Found in Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-019]

Natural Heritage Resources Fact Sheet - Sensitive Joint-veitch, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-023]

Natural Heritage Resources Fact Sheet - Spreading Pogonia, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-024]

Natural Heritage Resources Fact Sheet - Purple Pitcher Plant, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-022]

Natural Heritage Resources Fact Sheet - Swamp Pink, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-025]

Natural Heritage Resource Fact Sheet - Virginia Sneezeweed, 07/01/1997, §§ 10.1-209 through 10.1-217

Native Plants for Conservation, Restoration and Landscaping - Master List (comb-bound booklet), 07/01/1997, §§ 10.1-209 through 10.1-217

Native Plants for Conservation, Restoration and Landscaping - Riparian Forest Buffers, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-005]

Native Plants for Conservation, Restoration and Landscaping - Grasslands, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-002]

Virginia Natural Heritage Program Twelve Year Report, 06/01/1998, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-026]

Invasive Alien Plant Species of Virginia - Alligatorweed, 06/01/1996, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Aneilema, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-027]

Invasive Alien Plant Species of Virginia - Asiatic Sand Sedge, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-028]

Invasive Alien Plant Species of Virginia - Autumn Olive and Russian Olive, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-040]

Invasive Alien Plant Species of Virginia - Bush Honeysuckles, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-029]

Invasive Alien Plant Species of Virginia - Canada Thistle, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-030]

Invasive Alien Plant Species of Virginia - Chinese Lespedeza, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-031]

Invasive Alien Plant Species of Virginia - Chinese Privet, 01/01/1998, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Common Reed, 06/01/1996, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Crown Vetch, 06/01/1997 §§ 10.1-209 through 10.1-217, [DCR-NH-032]

Invasive Alien Plant Species of Virginia - Eurasian Water-milfoil, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-033]

Invasive Alien Plant Species of Virginia - Garlic Mustard, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-034]

Invasive Alien Plant Species of Virginia - Hydrilla, 06/01/1996, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Japanese Honeysuckle, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-035]

Invasive Alien Plant Species of Virginia - Japanese Knotweed, 06/01/1996, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Japanese Stilt Grass, 01/01/1998, §§ 10.1-209 through 10.1-217

Invasive Alien Plant Species of Virginia - Johnson Grass, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-036]

Invasive Alien Plant Species of Virginia - Kudzu, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-037]

Invasive Alien Plant Species of Virginia - Mile-a-Minute, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-038]

Invasive Alien Plant Species of Virginia - Multiflora Rose, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-039]

Invasive Alien Plant Species of Virginia - Oriental Bittersweet, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-041]

Invasive Alien Plant Species of Virginia - Parrot's Feather, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-042]

Invasive Alien Plant Species of Virginia - Porcelain Berry, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-043]

Invasive Alien Plant Species of Virginia - Purple Loosestrife, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-044]

Invasive Alien Plant Species of Virginia - Spotted Knapweed, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-045]

Invasive Alien Plant Species of Virginia - Tall Fescue, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-046]

Invasive Alien Plant Species of Virginia - Tree-of-Heaven, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-047]

Invasive Alien Plant Species of Virginia - Winged Burning Bush, 06/01/1997, §§ 10.1-209 through 10.1-217, [DCR-NH-048]

Canoe Trail Guide - Alton's Creek, North Landing River Natural Area Preserve (brochure), 03/01/1998, §§ 10.1-209 through 10.1-217

Canoe Trail Guide - Pocaty Creek, North Landing River Natural Area Preserve (brochure), 03/01/1998, §§ 10.1-209 through 10.1-217

Division of Planning and Recreation Resources

2002 Virginia Outdoors Plan, 2002 (a plan for meeting Virginia's outdoor recreational needs and conserving the environment (a 445 page document)), §§ 10.1-200 and 10.1-207, cost: \$20 plus \$7 for shipping and handling – CD Rom version available for \$10 plus \$1 shipping and handling

Virginia Recreational Trails Fund Program, Volume V (project application for the grant program established for the purposes of providing and maintaining recreational trails and trails-related facilities), § 10.1-200

Virginia Outdoors Fund Grant Program, January 1993 (describes the Virginia Outdoors Fund Grant Program and provides appropriate application instructions and forms), § 10.1-200

Virginia Outdoors Fund Revolving Loan Program, December 1992 (to facilitate the availability of outdoor recreation areas and facilities for all political jurisdictions in the Commonwealth of Virginia), Item 406, Chapter 893, Acts of Assembly of 1992

Virginia Land Conservation Foundation Manual, 2000 Virginia Land Conservation Fund Grant Program, October 2000 (provides grants for fee simple title to and interest in real property for land conservation purposes in specified categories of open space and parks, natural area protection, historic area protection and farmlands and forest preservation), §§ 10.1-1017 through 10.1-1026

Two page briefing on the Scenic River program and a list of the current components of the Virginia Scenic Rivers System, §§ 10.1-400 and 10.1-402

Evaluation Criteria (evaluating and ranking of streams according to relative uniqueness or quality), § 10.1-401

The Goose Creek Scenic River Advisory Board (brochure describing board responsibilities to state and county governments), §§ 10.1-400, 10.1-402 and 10.1-411

Guidance Documents

Open Space Land Within the Shenandoah River Corridor and Use-Value Assessment, §§ 10.1-417 and 58.1-3230

Bear Creek State Park Master Plan, Reviewed by the Board of Conservation and Recreation on September 6, 2002, and adopted by Joseph H. Maroon, December 6, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

Belle Isle State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

Caledon Natural Area Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

Chippokes State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 2, 1999, adopted by David G. Brickley, May 16, 2000, §§ 10.1-107, 10.1-200 and 10.1-200.1

Claytor Lake State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David Brickley, March 6, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

Douthat State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

False Cape State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

First Landing State Park Master Plan, Reviewed by the Board of Conservation and Recreation on September 27, 1999, and adopted by David G. Brickley, November 15, 1999, §§ 10.1-107, 10.1-200 and 10.1-200.1

Hungry Mother State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David G. Brickley, March 6, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

James River State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

Kiptopeke State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David G. Brickley, March 11, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

Lake Anna State Park Master Plan, Reviewed by the Board of Conservation and Recreation on November 30, 2001, and adopted by David G. Brickley, January 8, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

Mason Neck State Park Master Plan, Reviewed by the Board of Conservation and Recreation on November 7, 2002, §§10.1-107, 10.1-200 and 10.1-200.1

New River Trail State Park Master Plan, Reviewed by the Board of Conservation and Recreation on April 26, 1999, and adopted by David G. Brickley, November 15, 1999, §§ 10.1-107, 10.1-200 and 10.1-200.1

Natural Tunnel State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 2, 1999, and adopted by David G. Brickley, May 16, 2000, §§ 10.1-107, 10.1-200 and 10.1-200.1

Occoneechee State Park Master Plan, Reviewed by the Board of Conservation and Recreation on November 7, 2002, and adopted by Joseph H. Maroon, June 9, 2003, §§ 10.1-107, 10.1-200 and 10.1-200.1

Pocahontas State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

Raymond R. "Andy" Guest Jr./Shenandoah River State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David G. Brickley, March 11, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

Sailor's Creek State Park Master Plan, Reviewed by the Board of Conservation and Recreation on September 6, 2002, and adopted by Joseph H. Maroon, December 4, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

Sky Meadows State Park Master Plan, Reviewed by the Board of Conservation and Recreation on November 7, 2002, §§10.1-107, 10.1-200 and 10.1-200.1

Smith Mountain Lake State Park Master Plan, Reviewed by the Board of Conservation and Recreation on November 7, 2002, and adopted by Joseph H. Maroon, June 6, 2003, §§ 10.1-107, 10.1-200 and 10.1-200.1

Staunton River Battlefield State Park Master Plan, Reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

Wilderness Road State Park Master Plan (formerly Karlan State Park), Reviewed by the Board of Conservation and Recreation on June 30, 1998, and December 7, 1998, and adopted by David G. Brickley, on July 2, 1998, and December 14, 1998, updated March 21, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

Division of Soil and Water Conservation

Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, 4 VAC 5-30, §§ 10.1-560 through 10.1-571, cost: \$53 (shipping and handling included)

Virginia Erosion and Sediment Control Field Manual, Second Edition, 1995, 4 VAC 5-30, §§ 10.1-560 through 10.1-571, cost: \$25 (shipping and handling included)

Virginia Erosion and Sediment Control Handbook AutoCad Drawings, 4 VAC 5-30, §§ 10.1-560 through 10.1-571, cost: \$30 (shipping and handling included)

Virginia Nutrient Management Guidelines for Continuing Education Meetings, May 1997, 4 VAC 5-15-40 A

Virginia Nutrient Management Certification Education and Experience Guidelines, June 1997, 4 VAC 5-15-40 A

Virginia Nutrient Management Application Instruction Packet, October 1997, 4 VAC 5-15-40 A 1

Virginia Nutrient Management Standards and Criteria, November 1995, 4 VAC 5-15

Nutrient Management Handbook, Third Edition, 2002, 4 VAC 5-15, cost: \$10 (shipping and handling included)

Virginia Stormwater Management Handbook, 1999, § 10.1-603.1, cost: \$78 (shipping and handling included)

DCR Staff Guidance for Biosolids Use Regulations Site Reviews, October 1996, 12 VAC 5-585

DCR Staff Guidance for VPA Permit Nutrient Management Plans, October 2000, 9 VAC 25-192

DCR Guidance for Crop Nutrient Recommendations for Hay/Pasture Fields, January 2001, 4 VAC 5-15-150

DCR Guidance for Fall Applied Manure Nitrogen Rates for Small Grains, February 2001, 4 VAC 5-15-150

DCR Guidance for Manure Storage Facilities for Nutrient Management Plans Developed for a VPA Permit, January 2001, 9 VAC 25-192

DCR Guidance for Voluntary Nutrient Management Plans Developed for Non-permitted Operations Having Insufficient Manure Storage, January 2001, 4 VAC 5-15-150

DCR Guidance for Phosphorus Nutrient Management Planning Requirements of the Poultry Waste Management Act, August 2001, 9 VAC 25-630-70

Division of State Parks

The 2003 Virginia State Parks' Guide to Virginia State Parks, §§ 10.1-200 and 10.1-201

Virginia State Parks 2003 Outdoor Adventure Guide and Calendar, §§ 10.1-200 and 10.1-201

Virginia State Parks Fee Guide, April 2003, §§ 10.1-200 and 10.1-201

Virginia State Parks, Bear Creek Lake State Park, Cumberland Multi-Use Trail Map and Guide, April 2000, §§ 10.1-200 and 10.1-201

Virginia State Parks, Bear Creek Lake State Park Guide, revised [09/01/2003], §§ 10.1-200 and 10.1-201, [DCR-SP-001]

Virginia State Parks, Belle Isle State Park Guide, [05/01/1995], §§ 10.1-200 and 10.1-201, [DCR-SP-002]

Virginia State Parks, Breaks Interstate Park & Conference Center Brochure, November 1999, §§ 10.1-200 and 10.1-201

Virginia State Parks, Caledon Natural Area, Boyd's Hole Trail Guide, 1995, §§ 10.1-200 and 10.1-201

Virginia State Parks, Caledon Natural Area Guide, [06/01/1995], §§ 10.1-200 and 10.1-201, [DCR-SP-003]

Virginia State Parks, Caledon Natural Area, Deer Herd Management Brochure, 1995, §§ 10.1-200 and 10.1-201

Virginia State Parks, Chippokes Plantation State Park Guide, 06/01/2003, §§ 10.1-200 and 10.1-201

Virginia State Parks, Chippokes Farm and Forestry Museum, §§ 10.1-200 and 10.1-201

Virginia State Parks, Claytor Lake State Park Guide, 06/01/2002, §§ 10.1-200 and 10.1-201, [DCR-SP-005]

Virginia State Parks, Claytor Lake State Park, Shady Ridge Trail Interpretive Guide, 1988, §§ 10.1-200 and 10.1-201

Virginia State Parks, Claytor Lake State Park, William Christian Interpretive Brochure, 1992, §§ 10.1-200 and 10.1-201

Virginia State Parks, Douthat State Park Facilities Guide, 10/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-006]

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Virginia State Parks, Fairy Stone State Park Facilities Guide, 10/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-008]

Virginia State Parks, Fairy Stone State Park Trail Guide, 10/01/2003, §§ 10.1-200 and 10.1-201

Virginia State Parks, False Cape State Park Guide, 04/01/1993, §§ 10.1-200, 10.1-201, and 10.1-205, [DCR-SP-009]

Virginia State Parks, First Landing/Seashore State Park and Natural Area Trail System Guide, May 1996, §§ 10.1-200 and 10.1-201

Virginia State Parks, First Landing/Seashore State Park and Natural Area Trail System Fact Sheet, January 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, Grayson Highlands State Park Guide, 04/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-011]

Virginia State Parks, Grayson Highlands State Park Hunting Guide, February 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, Grayson Highlands State Park Horseback Riding Guide, February 1997, §§ 10.1-200 and 10.1-201.

Virginia State Parks, Grayson Highlands State Park Mountain Bike Guide, February 1997, §§ 10.1-200 and 10.1-201.

Virginia State Parks, Holliday Lake State Park Guide, 11/01/1996, §§ 10.1-200 and 10.1-201, [DCR-SP-012]

Virginia State Parks, Holliday Lake State Park, Sunfish Trail (Self-guided Boat Trail), §§ 10.1-200 and 10.1-201.

Virginia State Parks, Hungry Mother State Park Guide, February 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, James River State Park Guide, 07/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-014]

Guidance Documents

Virginia State Parks, Kiptopeke State Park Guide, 06/01/2002, § 10.1-200 and 10.1-201, [DCR-SP-015]

Virginia State Parks, Lake Anna State Park Guide, 06/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-016]

Virginia State Parks, Lake Anna State Park Guide Fortune's Wheel, A history of the land surrounding Lake Anna State Park, §§ 10.1-200 and 10.1-201

Virginia State Parks, Lake Anna State Park Old Pond Trail, Self guided trail, §§ 10.1-200 and 10.1-201

Virginia State Parks, Lake Anna State Park Trail Guide, 06/01/2000, §§ 10.1-200 and 10.1-201, [DCR-SP-016]

Virginia State Parks, Leesylvania State Park, A Potomac Legacy, §§ 10.1-200 and 10.1-201

Virginia State Parks, Leesylvania State Park, History of Leesylvania, §§ 10.1-200 and 10.1-201

Virginia State Parks, Leesylvania State Park, Lee's Woods Self Guided Trail, §§ 10.1-200 and 10.1-201

Virginia State Parks, Leesylvania State Park, 05/01/1999, §§ 10.1-200 and 10.1-201, [DCR-SP-017]

Virginia State Parks, Leesylvania State Park, Powells Creek Self Guided Trail, §§ 10.1-200 and 10.1-201

Virginia State Parks, Mason Neck State Park Guide, 02/01/1998, §§ 10.1-200 and 10.1-201, [DCR-SP-018]

Virginia State Parks, Natural Tunnel State Park Guide, 07/01/1996, §§ 10.1-200 and 10.1-201, [DCR-SP-019]

Virginia State Parks, New River Trail State Park Guide, 04/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-020]

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Virginia State Parks, Occoneechee State Park Guide, 06/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-021]

Virginia State Parks, Pocahontas State Park Bicycle Trails Guide, 1998, §§ 10.1-200 and 10.1-201

Virginia State Parks, Pocahontas State Park Guide, 06/01/2000, §§ 10.1-200 and 10.1-201, [DCR-SP-022]

Sailor's Creek, 72 Hours Before the End, 03/01/1996, §§ 10.1-200 and 10.1-201, [DCR-SP-023]

Shot Tower Historical State Park, 09/01/1998, §§ 10.1-200 and 10.1-201, [DCR-SP-025]

Virginia State Parks, Raymond R. "Andy" Guest, Jr./Shenandoah River State Park, 06/01/1997, §§ 10.1-200 and 10.1-201, [DCR-SP-024]

Virginia State Parks, Sky Meadows State Park Guide, 05/01/1996, §§ 10.1-200 and 10.1-201, [DCR-SP-026]

Virginia State Parks, Sky Meadows State Park, Sky Meadows Bird Checklist, 1992, §§ 10.1-200 and 10.1-201

Virginia State Parks, Sky Meadows State Park, 10 Good Reasons to Leash Your Dog, 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, Sky Meadows State Park, Seasonal Interpretive Program Brochure (2001), §§ 10.1-200 and 10.1-201

Virginia State Parks, Smith Mountain Lake State Park Guide, 06/01/2000, §§ 10.1-200 and 10.1-201, [DCR-SP-027]

Virginia State Parks, Staunton River Battlefield State Park, Civil-War Self-guided Trail Brochure Fact Sheet, January 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, Staunton River Battlefield State Park, Civil-War Trails (1999), §§ 10.1-200 and 10.1-201

Virginia State Parks, Staunton River Battlefield State Park, Edgewood Self-guided Interpretive Trail (1998), §§ 10.1-200 and 10.1-201

Virginia State Parks, Staunton River Battlefield State Park, Interpretive Programs Brochure (2001), §§ 10.1-200 and 10.1-201

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Virginia State Parks, Staunton River State Park Guide, 04/01/1994, §§ 10.1-200 and 10.1-201, [DCR-SP-028]

Southwest Virginia Museum Historical State Park, A Story To Tell, 06/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-029]

Southwest Virginia Museum Historical State Park, A Walk on the Grounds, 06/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-031]

Virginia State Parks, Southwest Virginia Museum, Victorian Parlor, 1999, §§ 10.1-200 and 10.1-201

Virginia State Parks, Twin Lakes State Park Guide, 07/01/2003, §§ 10.1-200 and 10.1-201, [DCR-SP-030]

Virginia State Parks, Twin Lakes State Park, Gallion Boot, Bike, Bridle Trail Guide, April 1997, §§ 10.1-200 and 10.1-201

Virginia State Parks, Westmoreland State Park, Big Meadows Interpretive Brochure, 1996, §§ 10.1-200 and 10.1-201

Virginia State Parks, Westmoreland State Park Guide, 06/01/1999, §§ 10.1-200 and 10.1-201, [DCR-SP-032]

Virginia State Parks, Westmoreland State Park Potomac River Retreat Publication, 1998, §§ 10.1-200 and 10.1-201

Wilderness Road State Park, 11/01/1999, §§ 10.1-200 and 10.1-201, [DCR-SP-033]

Virginia State Parks, York River State Park Guide, 06/01/2000, §§ 10.1-200 and 10.1-201, [DCR-SP-034]

Virginia State Parks, Become a Volunteer, January 1995, §§ 10.1-200 and 10.1-201

Virginia State Parks Facilities and Meeting Guide, August 1999, §§ 10.1-200 and 10.1-201

Virginia State Parks, Nature's Image, Photography Field Workshops, §§ 10.1-200 and 10.1-201

Virginia State Parks, Trail Facts, §§ 10.1-200 and 10.1-201

Board of Conservation and Recreation

General Information for Board Members (3-ring notebook), October 2003, §§ 10.1-105 through 10.1-107, cost: per page copying

Virginia Soil and Water Conservation Board

General Information for Board Members (3-ring notebook), October 2003, §§ 10.1-502 through 10.1-505, cost: per page copying

Virginia Soil & Water Conservation Board Policy on Financial Assistance for Soil & Water Conservation Districts, March 15, 2001, §§ 10.1-502 through 10.1-505

Virginia Cave Board

General Information for Board Members (3-ring notebook), May 2000, §§ 10.1-1000 through 10.1-1008, cost: per page copying

Virginia Scenic River Board

General Information for Board Members (3-ring notebook), October 2003, §§ 10.1-400 through 10.1-419, cost: per page copying.

Chippokes Plantation Farm Foundation

Chippokes Farm and Forestry Museum brochure, 1992, §§ 3.1-22.6 through 3.1-22.12

Chippokes Calendar of Events brochure, §§ 3.1-22.6 through 3.1-22.12

General Information for Board Members (3-ring notebook), May 1997, §§ 3.1-22.6 through 3.1-22.12, cost: per page copying

Group Tour Guide, Chippokes Plantation State Park, §§ 3.1-22.6 through 3.1-22.12

Teachers' Program Guide, Chippokes Farm and Forestry Museum, §§ 3.1-22.6 through 3.1-22.12

Volunteering at the Chippokes Farm & Forestry Museum, 2002, §§ 3.1-22.6 through 3.1-22.12

Virginia Land Conservation Foundation

General Information for Board Members (3-ring notebook), August 2003, §§ 10.1-1017 through 10.1-1026, cost: per page copying

Virginia Land Conservation Foundation Manual, 2000 Virginia Land Conservation Fund Grant Program, October 2000 (provides grants for fee simple title to and interest in real property for land conservation purposes in specified categories of open space and parks, natural area protection, historic area protection and farmlands and forest preservation), §§ 10.1-1017 through 10.1-1026

Virginia Outdoors Foundation

General Information for Board Members (3-ring notebook), May 1997, §§ 10.1-1800 through 10.1-1804, cost: per page copying

Open-Space Easements in Virginia (brochure), 2001, §§ 10.1-1800 through 10.1-1804

The Open-Space Lands Preservation Trust Fund (brochure), 1997, §§ 10.1-1800 through 10.1-1804

Open-Space Lands Preservation Trust Fund Application (to be completed by the landowner), 1997, §§ 10.1-1800 through 10.1-1804

Summary Ranking Sheet for Open Space Preservation Trust Fund, 1997, §§ 10.1-1800 through 10.1-1804

Easement Donation Guidelines, 12/01/2002, §§ 10.1-1800 through 10.1-1804, [DCR-VOF-001]

Easement Approval Guidelines, 06/01/2002, §§ 10.1-1800 through 10.1-1804, [DCR-VOF-002]

Template Conservation Easement, 07/01/2003, §§ 10.1-1800 through 10.1-1804, [DCR-VOF-003]

STATE CORPORATION COMMISSION

Office of the Clerk of the Commission

Copies of the following forms and documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the State Corporation Commission, Clerk's Office, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197. Copies may be obtained free of charge by contacting the Clerk's Office by telephone (804) 371-9733 or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9133. The forms may be downloaded from the Clerk's Office section on the State Corporation Commission's Home page (www.state.va.us/scc).

Questions regarding interpretation or implementation of these forms/documents may be directed to Joel H. Peck, Clerk of the Commission, State Corporation Commission, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9834 or toll-free in Virginia, (866) 722-2551, or FAX (804) 371- 9744. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197.

Guidance Documents:

SCC544, Articles of Incorporation - Professional Corporation, revised May 2002, § 13.1-544

SCC607/807, Guide for Articles of Correction, revised July 2003, §§ 13.1-607 and 13.1-807

SCC615/815, Notice of Assessment of Registration Fee, revised annually, §§ 13.1-615 and 13.1-815

SCC619, Articles of Incorporation of a Virginia Stock Corporation, revised February 2003, § 13.1-619

Guidance Documents

SCC631/830, Application for Reservation or for Renewal of Reservation of a Corporate Name, revised January 2003, §§ 13.1-631 and 13.1-830

SCC632/831, Application for Registration or for Renewal of Registration of a Corporate Name (foreign corporations), revised July 2003, §§ 13.1-632 and 13.1-831

SCC635/834, Statement of Change of Registered Office/Registered Agent of a Corporation, revised July 2003, §§ 13.1-635 and 13.1-834

SCC636/835, Statement of Resignation of Registered Agent of a Corporation, revised July 2003, §§ 13.1-636 and 13.1-835

SCC710, Guide for Articles of Amendment - Stock Corporation, revised September 2003, § 13.1-710

SCC710N, Articles of Amendment – Changing the Name of a Virginia Stock Corporation By Unanimous Consent of the Shareholders, revised September 2003, § 13.1-710

SCC720, Guide for Articles of Merger or Share Exchange - Stock Corporation, revised June 2002, § 13.1-720

SCC722.4, Guide for Articles of Domestication (Foreign stock corporation to be domesticated as a Virginia corporation), revised July 2003, § 13.1-722.4

SCC722.5, Guide for Articles of Incorporation Surrender (Virginia stock corporation to be domesticated under the laws of another jurisdiction), revised July 2002, § 13.1-722.5

SCC722.12 – CORP, Guide for Articles of Entity Conversion (Virginia limited liability company converting to a Virginia corporation), revised July 2002, § 13.1-722.12

SCC722.12 – LLC, Guide for Articles of Entity Conversion (Virginia corporation converting to a Virginia limited liability company), revised July 2002, § 13.1-722.12

SCC743, Articles of Dissolution - Stock Corporation, revised July 2003, § 13.1-743

SCC744, Articles of Revocation of Dissolution - Stock Corporation, revised June 2002, § 13.1-744

SCC750, Articles of Termination of Corporate Existence - Stock Corporation, revised July 2003, § 13.1-750

SCC751, Articles of Termination of Corporate Existence - By the Initial Directors or the Incorporators - Stock Corporation, revised July 2003, § 13.1-751

SCC759/921, Application for a Certificate of Authority to Transact Business in Virginia, revised May 2002, §§ 13.1-759 and 13.1-921

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SCC767/929, Application for a Certificate of Withdrawal, revised October 2003, §§ 13.1-767 and 13.1-929

SCC819, Articles of Incorporation - Virginia Nonstock Corporation, revised July 2003, § 13.1-819

SCC888, Guide for Articles of Amendment - Nonstock Corporation, revised June 2002, § 13.1-888

SCC896, Guide for Articles of Merger - Nonstock Corporation, revised June 2002, § 13.1-896

SCC898.4, Guide for Articles of Domestication (Foreign nonstock corporation to be domesticated as a Virginia corporation), revised July 2003, § 13.1-898.4

SCC898.5, Guide for Articles of Incorporation Surrender (Virginia nonstock corporation to be domesticated under the laws of another jurisdiction), revised July 2003, § 13.1-898.5

SCC904, Articles of Dissolution - Nonstock Corporation, revised July 2003, § 13.1-904

SCC905, Articles of Revocation of Dissolution - Nonstock Corporation, revised June 2002, §13.1-905

SCC912, Articles of Termination of Corporate Existence - Nonstock Corporation, revised July 2003, § 13.1-912

SCC913, Articles of Termination of Corporate Existence by the Initial Directors or the Incorporators - Nonstock Corporation, revised July 2003, § 13.1-913

SCC1, Corporate Annual Report of Principal Office and Officers/Directors, revised annually, §§ 13.1-775 and 13.1-936

LPA-73.3, Application for Reservation or for Renewal of Reservation of Limited Partnership Name, revised January 2003, § 50-73.3

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LPA-73.54, Application for Registration of a Foreign Limited Partnership, revised July 2003, § 50-73.54

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LPA-73.58, Foreign Limited Partnership Certificate of Cancellation, revised May 2002, § 50-73.58

LPA-73.67, Notice of Assessment of Registration Fee, revised annually, § 50-73.67

LPA-73.77, Amended and Restated Certificate of Limited Partnership, revised July 2003, § 50-73.77

LLC-1010.1, Conversion of a Domestic or Foreign Partnership or Limited Partnership to a Limited Liability Company, revised January 2003, § 13.1-1010.1

LLC-1011, Articles of Organization, revised May 2002, § 13.1-1011

LLC-1011.1, Guide for Articles of Correction to the Articles of Organization of a Domestic Limited Liability Company, July 2003, § 13.1-1011.1

LLC-1013, Application for Reservation or Renewal of Reservation of Limited Liability Company Name, revised January 2003, § 13.1-1013

LLC-1014, Guide for Articles of Amendment to Amend and/or Restate the Articles of Organization of a Domestic Limited Liability Company, revised July 2003, § 13.1-1014

LLC-1016, Statement of Change of Registered Agent/Registered Office of a Limited Liability Company, revised July 2003, § 13.1-1016

LLC-1017, Statement of Resignation of Registered Agent of a Limited Liability Company, revised June 2002, § 13.1-1017

LLC-1050, Certificate of Cancellation of a Limited Liability Company, revised August 2003, § 13.1-1050

LLC-1050.1, Articles of Reinstatement of a Domestic Limited Liability Company (Voluntarily Canceled), August 2003, § 13.1-1050.1

LLC-1052, Application for Registration as a Foreign Limited Liability Company, revised October 2003, § 13.1-1052

LLC-1055, Certificate of Correction for a Foreign Limited Liability Company, revised June 2002, § 13.1-1055

LLC-1056, Certificate of Cancellation of a Certificate of Registration to Transact Business in Virginia as a Foreign Limited Liability Company, revised October 2003, § 13.1-1056

LLC-1062, Notice of Assessment of Registration Fee, revised annually, § 13.1-1062

LLC-1103, Articles of Organization for a Domestic Professional Limited Liability Company, revised May 2002, § 13.1-1103

UPA-93, Statement of Partnership Authority, revised July 2003, § 50-73.93

UPA-94, Statement of Denial for a Partnership, revised October 2001, § 50-73.94

UPA-115, Statement of Dissociation for a Partnership, revised July 2003, § 50-73.115

UPA-121, Statement of Dissolution of a Partnership, revised October 2001, § 50-73.121

UPA-83D-CANC, Statement of Cancellation of Partnership Statement (of any statement filed), revised October 2001, § 50-73.83 D

UPA-83D-AMEND, Statement of Amendment of Partnership Statement (of any statement filed), revised October 2001, § 50-73.83 D

UPA-83D-RENEW, Renewal of a Statement of Partnership Authority, revised July 2003, § 50-73.83 D

UPA-125, Certificate of Limited Partnership of a Partnership Converting to a Limited Partnership, revised July 2003, § 50-73.125

UPA-132, Statement of Registration as a Domestic Registered Limited Liability Partnership, revised July 2003, § 50-73.132

UPA-134, Annual Continuation Report of a Domestic or Foreign Registered Limited Liability Partnership, revised June 2002, § 50-73.134

UPA-135, Certificate of Change of Registered Agent/Registered Office of a Registered Limited Liability Partnership, revised September 2002, § 50-73.135

UPA-135-RESIGN, Certificate of Resignation of Registered Agent of a Registered Limited Liability Partnership, revised June 2002, § 50-73.135

UPA-136, Statement of Amendment of a Statement of Registration of a Domestic or Foreign Registered Limited Liability Partnership, revised September 2003, § 50-73.136

UPA-137, Statement of Cancellation of a Statement of Registration of a Domestic Registered Limited Liability Partnership, revised March 2003, § 50-73.137

UPA-138, Statement of Registration as a Foreign Registered Limited Liability Partnership, revised July 2003, § 50-73.138

UPA-139, Statement of Cancellation of Registration as a Foreign Registered Limited Liability Partnership, revised October 2001, § 50-73.139

BTA1212, Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1212

BTA1213, Guide for Articles of Correction to the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1213

BTA1215, Application for Reservation or for Renewal of Reservation of a Business Trust Name, revised October 2003, § 13.1-1215

BTA1216, Guide for Articles of Amendment to the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1216

BTA1217, Guide for Articles of Restatement of the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1217

BTA1221, Statement of Change of Registered Agent/Registered Office of a Business Trust, revised October 2003, § 13.1-1221

BTA1222, Statement of Resignation of Registered Agent of a Business Trust, revised October 2003, § 13.1-1222

BTA1238, Articles of Cancellation of a Domestic Business Trust, revised October 2003, § 13.1-1238

BTA1239, Articles of Reinstatement of a Domestic Business Trust (Voluntarily Canceled), revised October 2003, § 13.1-1239

BTA1242, Application for Registration as a Foreign Business Trust, revised October 2003, § 13.1-1242

BTA1245, Certificate of Correction for a Foreign Business Trust, revised October 2003, § 13.1-1245

Guidance Documents

BTA12246, Articles of Cancellation of a Certificate of Registration as a Foreign Business Trust, revised October 2003, § 13.1-1246

SOP-19.1, Service of Process, Notice, Order or Demand on the Clerk of the State Corporation Commission as Statutory Agent, revised August 2003, § 12.1-19.1

Charter/Entrance Fee and Annual Registration Fee Schedule, revised July 2002, §§ 13.1-615.1, 13.1-616, 13.1-775, 13.1-775.1, 13.1-815.1, 13.1-816, 13.1-936, and 13.1-936.1

Business Registration Guide, A Cooperative Effort by the State Corporation Commission, The Virginia Employment Commission and the Department of Taxation, 6th Edition, revised 2002

General Fee Schedule, revised July 2002

Name Distinguishability, revised February 1991, §§ 13.1-630 and 13.1-829

Division of Communications

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in office of the Division of Communications, State Corporation Commission, 9th Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained by contacting Ms. Judy Shapard at the same address, telephone (804) 371-9421, FAX (804) 371-9069 or e-mail (jshapard@scc.state.va.us). Questions regarding interpretation or implementation of these documents may also be directed to Ms. Judy Shapard. There is no charge for copies of documents.

Guidance Documents:

Operating Service Criteria for Virginia Telephone Utilities, Revised 1985, Guidelines For Telecommunications Companies Operating In The State of Virginia Under The Jurisdiction of The Virginia State Corporation Commission, Supplemented By Rules At 20 VAC 5-400-80.

Letter, Director of Communications, Dated October 25, 1990, Advising All Companies That All Local and Toll Billing Must Be Kept For A Minimum of Three Years.

Letter, Director of Communications, Dated October 21, 1997, Advising All Telecommunications Companies That: (1) No Applicant Can Be Refused Telephone Service Because of Another Person's Indebtedness, And (2) A Utility May Not Disconnect Local Service For Nonpayment of International And/Or Interstate Dial-A-Porn/Pay-Per-Call Telephone Charges Billed By A Regulated Or Nonregulated Long Distance Carrier Since These Are Nonregulated Services.

Letter, Director of Communications, Dated August 17, 1999, Concerning and Clarifying the State Corporation Commission's new rules, effective October 1, 1999, on Disconnection of Local Exchange Telephone Service in Virginia for Nonpayment, 20 VAC 5-400-151 (currently 20 VAC 5-413-10).

Letter, Director of Communications, dated April 19, 2001, Concerning Interconnection Agreements Filed with the SCC. It

gives direction on (i) names on agreements, (ii) timely filing of agreements, (iii) notice requirements, and (iv) replacing existing agreements.

Letter, Director of Communications, Dated December 16, 2003, Concerning Annual Payphone Service Provider Registration for 2004 including the letter and the forms for the payphone service provider annual registration.

Letter, Director of Communications, Dated December 16, 2003, Concerning Annual Operator Service Provider Registration for 2004 including the letter and the forms for the operator service provider annual registration.

Division of Economics and Finance

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Division of Economics and Finance, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained free of charge by contacting Brenda Smith at the same address, telephone (804) 371-9295, FAX (804) 371-9935 or e-mail (econfin@scc.state.va.us).

Questions regarding interpretation or implementation of these documents may be directed to Howard Spinner, Director of the Division of Economics and Finance, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9295, FAX (804) 371-9449 or e-mail (econfin@scc.state.va.us). The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Interest Rate to be Paid on Customer Deposits, revised January 8, 2002, 20 VAC 5-10-20, updated annually

Electric Utility Resource Planning Information Requirements, revised December 5, 2001, § 56-234.3

Gas Utility Five-Year Forecast Information Requirements, revised September 17, 1998, § 56-248.1

Filing Securities Applications by Investor-Owned Utilities Instructions, revised June 20, 2000, § 56-60

Filing Securities Applications by Electric Cooperative Utilities Instructions, revised June 20, 2000, § 56-60

Instructions for Submitting Annual Financing Plans by Investor-Owned Utilities, revised June 20, 2000, § 56-56

Instructions for Submitting Annual Financing Plans by Electric Cooperative Utilities, June 20, 2000, § 56-56

Division of Energy Regulation

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the SCC's Division of Energy Regulation, 4th Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained at a charge of \$1.00 each for the first two pages and \$0.50 for each page thereafter. Contact Sandy

Estes at the same address, telephone number (804) 371-9611, FAX (804) 371-9350 or e-mail sestes@scc.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Tim Faherty, Manager, Consumer Services, at the above address and telephone number.

Guidance Documents:

Memorandum to All Electric Utilities re: Underground electric distribution facilities, July 10, 1970, §§ 56-265.1 et seq., 2 pages

Memorandum to All Electric Utilities re: Utility Facilities Act, July 14, 1972, §§ 56-265.1 et seq., 21 pages

Letter to electric, gas, telephone, water and sewer utilities re: Filing of Complaint Procedures, April 29, 1977, § 56-247.1, 4 pages

Guidelines re: application requirements for a certificate of public convenience and necessity for water and sewerage utilities, October 17, 1988, §§ 56-265.1 et seq., 2 pages

Tree Trimming Guidelines, September 1, 1996, House Joint Resolution No. 155 - 1989 Acts of Assembly, 1 page

Guidelines of Minimum Requirements for Transmission Line Applications, May 10, 1991, §§ 56-46.1 and 56-265.1 et seq., 22 pages

Letter to all electric and gas utilities re: collection of monthly bills (cold weather - termination of service), November annually, § 56-247.1, 1 page

Letter to electric cooperatives re: tree trimming items required to be compiled on an annual basis, February 26, 1990, House Joint Resolution No. 155 - 1989 Acts of Assembly, 2 pages

Letter to electric companies re: data required annually for tree trimming for utility line clearance, December 8, 1993, House Joint Resolution No. 155 - 1989 Acts of Assembly, 1 page

Bureau of Financial Institutions

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office the Bureau of Financial Institutions, Tyler Building, 8th Floor, 1300 E. Main Street, Richmond, VA 23219. The mailing address is P.O. Box 640, Richmond, VA 23218-0640. Copies may be obtained free of charge by contacting Mary Lou Kelly at the same address, telephone (804) 371-9659, FAX (804) 371-9416 or e-mail MLKelly@scc.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to E. J. Face, Jr., Commissioner of Financial Institutions, Bureau of Financial Institutions, Tyler Building, 8th Floor, 1300 E. Main Street, Richmond, VA 23219, telephone (804) 371-9659, FAX (804) 371-9416 or e-mail bfquestions@scc.state.va.us. The mailing address is P.O. Box 640, Richmond, VA 23218-0640.

Guidance documents and other information are available online at the Bureau's website: <http://www.state.va.us/scc/division/banking/index.htm>.

Guidance Documents:

BFI-AL-0201, Application for a Branch Office, revised and reissued July 1, 1999, §§ 6.1-39.3 and 6.1-194.26

BFI-AL-0202, Investments by Banks in Shares of Investment Companies, issued August 10, 1987, § 6.1-60.1

BFI-AL-0203, Loans Secured by Stock of Financial Institutions Holding Company, revised January 22, 1996, §§ 6.1-60.1, 6.1-194.69 and 6.1-194.136

BFI-AL-0204, Investment in Community Development Corporations, issued September 8, 1988, § 6.1-60.1

BFI-AL-0205, Securities Rating Services, issued June 21, 1978, § 6.1-61

BFI-AL-0206, Loans in Violation of Section 6.1-61, issued December 16, 1977, § 6.1-61

BFI-AL-0207, Obligations Subject to the Limits Specified, issued November 1, 1978, § 6.1-61

BFI-AL-0208, Exceptions to Lending Limits for State-Chartered Banks, issued December 16, 1977, §§ 6.1-61 A(2) and 6.1-61 A(7)

BFI-AL-0209, Right of Offset by Holders of Subordinated Bank Debt, issued November 9, 1981, §§ 6.1-61 and 6.1-78

BFI-AL-0210, Loans Secured by Real Estate, revised and reissued March 21, 1994, §§ 6.1-63 through 6.1-66

BFI-AL-0211, Graduated-Payment Mortgage Loans, revised and reissued November 2, 1987, § 6.1-63 B

BFI-AL-0212, Outside Auditor Access to Virginia Examination Reports, revised and reissued September 30, 2002, §§ 6.1-90 and 6.1-194.79

BFI-AL-0214, Responsibility of Directors for Legal Lending Limit Violations, issued May 7, 1991, § 6.1-61 D

BFI-AL-0215, Bank-Owned Life Insurance, issued August 30, 2002, §§ 6.1-6, 6.1-11, 13.1-627 A 14, 13.1-627 A 15, and 38.2-302 A 3

BFI-AL-0301, Investment in Capital Stock of USL Savings Institutions Insurance Group, Ltd., issued February 12, 1987, §§ 6.1-194.4 and 6.1-194.69, subdivision 15

BFI-AL-0303, Investment by Virginia Savings Institutions in Shares of Open-end Management Investment Companies, issued August 12, 1987, § 6.1-194.69, subdivision 14

BFI-AL-0401, Investments of Funds by State-Chartered Credit Unions, revised and reissued May 17, 1999, § 6.1-225.57

BFI-AL-0601, Sales of Automobile Club Memberships, revised and reissued September 30, 2002, § 6.1-267

BFI-AL-0701, Judgment Rate of Interest; Excessive Deferrals, revised and reissued September 30, 2002, § 6.1-330.54

BFI-AL-0702, Charges on Subordinate Mortgage Loans by Certain Lenders, revised and reissued September 30, 2002, § 6.1-330.71

Guidance Documents

BFI-AL-0703, Rebate of Unearned Installment Loan Interest by Banks--Rule of 78, revised July 1, 1990, §§ 6.1-330.84, 6.1-330.85, 6.1-330.86 and 6.1-330.89

BFI-AL-1601, Mortgage Brokers as Named Payee on Mortgage Loan Notes, revised and reissued September 30, 2002, § 6.1-409

BFI-AL-1603, Compensating, or Offering to Compensate, Unlicensed Mortgage Brokers, issued July 3, 1990, § 6.1-409

BFI-AL-1604, Funds Available to Licensed Mortgage Lenders for Business Operation, issued March 21, 1991, §§ 6.1-415 and 6.1-425

BFI-AL-1605, Compensation of Unlicensed Mortgage Brokers, revised and issued September 30, 2002, § 6.1-429

BFI-AL-1606, Charging "Assignment Fees" to Borrowers, revised and reissued September 30, 2002, § 6.1-330.70

BFI-AL-1607, Fees Charged by Mortgage Brokers, issued December 1, 1995, § 6.1-422 B 4

BFI-AL-1608, Exemption from Chapter 16 for Subsidiaries and Affiliates of Certain Depository Institutions, issued November 9, 1998, § 6.1-411

BFI-AL-1609, Minimum Mortgage Lender and Broker Surety Bond, issued May 22, 2001, § 6.1-413

"The Compliance Connection," a newsletter for consumer finance companies and mortgage lenders and brokers, published quarterly

"The Credit Union Reflection," a newsletter for state chartered credit unions, published quarterly

"The Virginia State Banker," a newsletter for state-chartered banks, published quarterly

Bureau of Insurance

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 4:30 p.m. in the office of the State Corporation Commission Bureau of Insurance, Tyler Building, 6th Floor, 1300 East Main Street, Richmond, Virginia 23219. The mailing address is P. O. Box 1157, Richmond, Virginia 23218. For general information call the Bureau of Insurance (Bureau) at (804) 371-9741 or for in-state calls use the toll free number (800) 552-7945.

Questions regarding interpretation or implementation of these documents may be directed to Van Tompkins, Special Assistant to the Commissioner of Insurance. Single copies of each document listed may be obtained free of charge by contacting Ms. Tompkins at the Bureau's mailing address, by telephone (804) 371-9694 or by FAX (804) 371-9873. Many of these documents are available online at the Bureau's Website <http://www.state.va.us/scc/division/boi>.

Administrative Letters:

Administrative Letter 1977-2, Monitoring Price Changes for Homeowners, Automobile Liability (B.I., P.D., etc.), and Automobile Physical Damage Coverage, issued February 25, 1977

Administrative Letter 1977-3, Insurance Problems Encountered by Handicapped or Disabled Persons, issued March 7, 1977

Administrative Letter 1977-4, 1977 Insurance Legislation, issued April 15, 1977

Administrative Letter 1977-5, Readable Insurance Policies - Automobile, Fire, and Homeowners Policies, issued May 9, 1977, §§ 38.2-2107 (formerly § 38.1-367.1) and 38.2-2224 (formerly § 38.1-387.1)

Administrative Letter 1977-6, 1977 Acts of the General Assembly of Virginia, issued May 9, 1977, §§ 38.2-2201 (formerly §38.1-380.1), 38.2-2202 (formerly §38.1-380.2) and 46.2-465 (formerly §46.1-497.1)

Administrative Letter 1977-7, Assignment of Driving Record Points, issued May 9, 1977, § 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1977-8, 1977 Acts of the General Assembly of Virginia, issued May 12, 1977, §§ 38.2-2118 (formerly § 38.1-279.49:1), 38.2-2204 (formerly § 38.1-381), 38.1-389.3 (Repealed 1996) and 38.2-2807 (formerly § 38.1-781)

Administrative Letter 1977-9, 161 Private Passenger Car Class Plan, issued May 26, 1977, §§ 38.2-1904 (formerly § 38.1-279.33), 38.2-1910 (formerly § 38.1-279.38) and 38.2-2213 (formerly § 38.1-381.6)

Administrative Letter 1977-10, Lawyers Professional Liability Insurance, issued May 26, 1977

Administrative Letter 1977-11, Automobile Rate Classification Statement, issued July 15, 1977, § 38.2-2214 (formerly § 38.1-381.7)

Administrative Letter 1977-12, Automobile Rating Territories, issued May 23, 1977

Administrative Letter 1977-13, Medical Expense and Loss of Income Coverages, issued July 25, 1977, §§ 38.2-1928 (formerly § 38.1-279.56), 38.2-2201 (formerly § 38.1-380.1), 38.2-2202 (formerly § 38.1-380.2) and 46.2-465 (formerly § 46.1-497.1)

Administrative Letter 1977-14, Assignment of Driving Record Points, issued July 26, 1977, §§ 38.2-1904 (formerly § 38.1-279.33) and 38.2-1928 (formerly § 38.1-279.56)

Administrative Letter 1977-15, Amendment of Section 38.1-348.7 of the Code of Virginia Relating to Coverages for Mental Emotional or Nervous Disorders, Alcoholism and Drug Addiction, issued October 11, 1977, § 38.2-3412 (formerly § 38.1-348.7)

Administrative Letter 1977-16, 10% Set-Aside Clause - Local Public Works Act of 1977, issued November 14, 1977

Administrative Letter 1977-17, Medical Malpractice Liability Insurance Claims Report, issued December 21, 1977

Administrative Letter 1978-1, Use of Standard Automobile Insurance Forms Adopted by the State Corporation Commission, issued February 16, 1978, § 38.2-2220 (formerly § 38.1-384)

Administrative Letter 1978-2, 1978 Acts of the General Assembly of Virginia, issued May 31, 1978

Administrative Letter 1978-3, Notification Forms Regarding Refusal to Renew and Cancellation of Automobile, Fire and Homeowners Insurance Policies Pursuant to Section 38.1-381.5 and Section 38.1-371.2 of the Code of Virginia, issued May 25, 1978, §§ 38.2-2212 (formerly § 38.1-381.5) and 38.2-2114 (formerly § 38.1-371.2)

Administrative Letter 1978-4, Implementation of Section 38.1-52.11 of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued May 31, 1978, §§ 38.2-500 et seq. (formerly §§ 38.1-49 et seq.) and § 38.2-512 (formerly § 38.1-52.11)

Administrative Letter 1978-5, (1) Amendment of Sections 38.1-348.7 and 38.1-348.8 of the Code of Virginia Relating to Coverages for Mental, Emotional or Nervous Disorders, Alcohol and Drug Dependence; (2) Enactment of Section 38.1-348.9 of the Code of Virginia Relating to Optional Obstetrical Services Coverages in Group Insurance Plans and Policies; and (3) Enactment of Section 38.1-348.10 of the Code of Virginia to Prohibit Exclusion or Reduction of Benefits Under a Group Accident and Sickness Insurance Policy on a Group Prepaid Service Plan Issued Pursuant to Title 32.1 of the Code of Virginia on the Basis of Such Benefits Being Also Payable Under an Individual Policy or Contract, issued June 15, 1978, §§ 38.2-3412 (formerly § 38.1-348.7), 38.2-3413 (formerly § 38.1-348.8), 38.2-3414 (formerly § 38.1-348.9) and 38.2-3415 (formerly § 38.1-348.10)

Administrative Letter 1978-6, Motor Vehicle Safety Responsibility Act Financial Responsibility Requirements, issued June 8, 1978, §§ 38.2-2206 (formerly § 38.1-381 (b)) and 46.2-100 (formerly § 46.1-1 (8))

Administrative Letter 1978-7, Policy Form Filings (for Maintenance of Mutual Assessment Fire Insurance Company Policy Form Filings), issued June 8, 1978

Administrative Letter 1978-8, The Use and Filing of Policy Forms (for Title Insurance Policies and Interim Binders), issued July 31, 1978, § 38.2-1003 (formerly § 38.1-76)

Administrative Letter 1978-9, Supplementary Guideline Number One Regarding Implementation of Section 38.1-52 (11) of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued August 14, 1978, § 38.2-512 (formerly § 38.1-52 (11))

Administrative Letter 1978-10, Notice of Refusal to Renew, issued September 12, 1978, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1978-11, Supplementary Guideline Number One Regarding Implementation of Section 38.1-52 (11) of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued October 5, 1978, § 38.2-512 (formerly § 38.1-52 (11))

Administrative Letter 1978-12, ISO Copyright on Standard Forms, issued October 11, 1978

Administrative Letter 1978-13, Street Address of Branch Offices, issued October 25, 1978

Administrative Letter 1978-14, Special Call for Workmen's Compensation Insurance Experience Data, issued October 27, 1978, §§ 38.2-1300 et seq. (formerly §§ 38.1-159 et seq.)

Administrative Letter 1978-15, Surety Bond Guarantee Program - Small Business Administration (SBA), issued December 1, 1978

Administrative Letter 1978-16, Motor Vehicle Safety Responsibility Act Financial Responsibility Requirements, issued November 29, 1978

Administrative Letter 1979-1, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-2, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-3, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-5, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 19, 1979

Administrative Letter 1979-7, Protection Against Uninsured Motorists Insurance, issued March 12, 1979

Administrative Letter 1979-8, Temporary Licenses for Life Agents, issued April 4, 1979, §§ 38.2-1830 (formerly § 38.1-310.4)

Administrative Letter 1979-9, Charges for Motor Vehicle Accident and Conviction Reports, issued March 19, 1979, §§ 38.2-310 (formerly § 38.1-337) and 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1979-10, Amendment to Administrative Letter 1979-7, issued March 27, 1979

Administrative Letter 1979-11, Amendments to Administrative Letters 1979-7 and 1979-10, issued March 30, 1979

Administrative Letter 1979-12, 1979 Acts of the General Assembly of Virginia, issued April 13, 1979

Administrative Letter 1979-13, Qualification and Licensing of Agents, issued May 3, 1979, §§ 38.2-1800 et seq. (formerly §§ 38.1-327 et seq.)

Administrative Letter 1979-14, 1979 Legislation Pertaining to Life Insurance and Accident/Sickness Insurance, issued May 10, 1979, §§ 38.2-508.3 (formerly § 38.1-52 (7) (c)), 38.2-3407 (formerly § 38.1-347.2), 38.2-3408 (formerly § 38.1-347.1), 38.2-3412 (formerly § 38.1-348-7) and 38.2-3541 (formerly § 38.1-348-11)

Administrative Letter 1979-15, 1979 Legislation Pertaining to Fire Insurance, Homeowners Insurance and Motor Vehicle Insurance, issued May 18, 1979, §§ 38.2-2105 (formerly § 38.1-366), 38.2-2206 (formerly § 38.1-381), 38.2-2214 (formerly § 38.1-381.7), 8.01-66, 8.01-66.1 and 46.2-372 (formerly § 46.1-400)

Administrative Letter 1979-16, Revisions in the NAIC Program to Implement the President's Anti-Inflation Program, issued May 18, 1979

Guidance Documents

Administrative Letter 1979-17, Single Interest Coverage, issued June 4, 1979

Administrative Letter 1979-18, Commercial Multiple Peril Licensing and Filing Requirements, issued August 13, 1979

Administrative Letter 1979-19, Commercial Multiple Peril Licensing and Filing Requirements, issued August 14, 1979

Administrative Letter 1979-20, Adoption of Actuarial Guidelines by the Bureau of Insurance (for All Foreign Life Insurance Companies Licensed in Virginia), issued August 14, 1979, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456(6))

Administrative Letter 1979-21, Adoption of Actuarial Guidelines for Domestic Life Insurance Companies by the Bureau of Insurance (for All Domestic Life Insurance Companies Licensed in Virginia), issued August 14, 1979, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456(6))

Administrative Letter 1979-22, The Arson Reporting-Immunity Act, issued August 30, 1979

Administrative Letter 1979-23, Readability of All Insurance (property and casualty) Policies in Virginia, issued September 27, 1979

Administrative Letter 1979-24, Readability of All Insurance (life and health) Policies in Virginia, issued September 27, 1979

Administrative Letter 1979-25, Single Interest, issued October 2, 1979

Administrative Letter 1980-1, Adoption of 14 VAC 5-320-10 et seq. (formerly Insurance Regulation No. 15): "Rules Governing Reserve Standards for Accident and Sickness Insurance Policies," issued January 18, 1980, 14 VAC 5-320-10 et seq. (formerly Insurance Regulation No. 15)

Administrative Letter 1980-2, Homeowners Insurance (Offer As An Option a Provision Insuring Against Loss Caused or Resulting From Water Which Backs Up Through Sewers or Drains), issued March 31, 1980, § 38.2-2120 (formerly § 38.1-335.2)

Administrative Letter 1980-5, 1980 Legislation by the General Assembly of Virginia, issued May 9, 1980

Administrative Letter 1980-6, Homeowners Insurance (Filing Rate Adjustments for Having Smoke Detectors), issued May 13, 1980

Administrative Letter 1980-9, Certification of Insurance, issued July 7, 1980, §§ 38.2-513.2 (formerly § 38.1-52 (10a)) and 38.2-2105 (formerly § 38.1-366)

Administrative Letter 1980-10, 1980 Revisions in the NAIC Program to Implement the President's Anti-Inflation Program (COWPS), issued July 30, 1980

Administrative Letter 1980-11, Modification of Agents' Examination Schedule, issued August 29, 1980

Administrative Letter 1980-12, Assignment of Points - Safe Driver Insurance Plan, issued November 10, 1980, §§ 38.2-1904 (formerly § 38.1-279.33) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1980-13, Deductibles and Coinsurance Options Required - Accident and Sickness Insurance and Prepaid Hospital, Medical, Surgical, Dental or Optometric Service Plans (Virginia Senate Bill 184-1980), issued November 17, 1980, § 38.2-3417 (formerly § 38.1-348.12)

Administrative Letter 1981-1, Termination of the President's Anti-Inflation Program (COWPS), issued March 10, 1981

Administrative Letter 1981-2, Deductible and Coinsurance Options, issued March 23, 1981, Repeals § 38.1-348.12 and Enacts § 38.2-3417 (formerly § 38.1-348.12:1)

Administrative Letter 1981-3, 1981 Legislation by the General Assembly of Virginia (Pertaining to All Insurance Companies, Fraternal Benefit Societies and Prepaid Health Care Plans Licensed in Virginia), issued May 1, 1981

Administrative Letter 1981-4, Virginia Insurance Information and Privacy Protection Act, issued May 13, 1981, §§ 38.2-600 (formerly § 38.1-52.14), 38.2-601 through 38.2-613 (formerly §§ 38.1-57.4 through 38.1-57.16), 38.2-617 (formerly § 38.1-57.24) and 38.2-618 (formerly § 38.1-57.25)

Administrative Letter 1981-5, 1981 Legislation - Effective July 1, 1981 (House Bill 1024/Pertaining to the Regulation of Insurance Premium Finance Companies) issued June 5, 1981, §§ 38.2-4700 et seq. (formerly §§ 38.1-735 through 38.1-745)

Administrative Letter 1981-6, 1981 Legislation - Effective July 1, 1981 (Reimbursement to Members for Expense Incurred for Emergency Road Service or Towing Service), issued June 5, 1981, § 13.1-400.1

Administrative Letter 1981-9, Mortgage Guaranty Insurance Policies, issued August 19, 1981

Administrative Letter 1981-10, Risk Sharing Arrangements (replacement for Administrative Letter 1980-7), issued August 13, 1981, § 38.2-1314 (formerly § 38.1-173)

Administrative Letter 1981-11, Filing Affidavits in Compliance with Surplus Lines Insurance Law, issued August 18, 1981, § 38.2-4806 (formerly § 38.1-327.52)

Administrative Letter 1981-12, Mortgage Guaranty Insurance on Variable Rate Mortgages (clarification of Administrative Letter 1981-9), issued September 11, 1981

Administrative Letter 1981-13, Cancellation of Motor Vehicle Liability Policy for Non-Payment at the Request of Premium Finance Company, issued October 30, 1981, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-14, Mortgage Guaranty Insurance on Variable Rate Mortgages Allowing Negative Amortization, issued September 30, 1981

Administrative Letter 1981-15, Adverse Underwriting Decision Notice, issued October 15, 1981, §§ 38.2-608 (formerly § 38.1-57.11), 38.2-610 (formerly § 38.1-57.13), 38.2-2114 (formerly § 38.1-371.2) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-16, Adverse Underwriting Decision Notice (additional instructions to Administrative Letter 1981-15), issued October 22, 1981, §§ 38.2-608 (formerly § 38.1-

57.11), 38.2-610 (formerly § 38.1-57.13), 38.2-2114 (formerly § 38.1-371.2) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-19, Notice to Be Provided to the Insured Pursuant to Section 38.1-327.52 of the Code of Virginia, issued November 30, 1981, § 38.2-4806 (formerly § 38.1-327.52)

Administrative Letter 1981-20, Adoption Date for the Revised "License Request" Form PIN050-A and Definition of the Conditions Under Which an "Interim Appointment" Form May be Utilized, issued December 16, 1981, § 38.2-1826 (formerly § 38.1-327.37)

Administrative Letter 1982-1, Notice to be Provided to the Insured Pursuant to Section 38.1-327.52 of the Code of Virginia, issued January 7, 1982, § 38.2-1826 (formerly § 38.1-327.52)

Administrative Letter 1982-2, Credit Life and Health Insurance, issued January 19, 1982, § 38.2-3729 (formerly § 38.1-482.8)

Administrative Letter 1982-3, 14 VAC 5-340-10 et seq. (formerly Insurance Regulation No. 17) and the Commissioner's Order Entered May 19, 1981 in Case No. INS800067 - Minimum Standards for Coverage Content of Fire and Homeowner Insurance Policies, issued February 19, 1982, 14 VAC 5-340-10 et seq. (formerly Insurance Regulation No. 17)

Administrative Letter 1982-4, Cancellation of Motor Vehicle Liability Insurance Policies by Insurers for Nonpayment of Premium Installments; or at the Request of Premium Finance Companies Because of Nonpayment of Premium Loan Installments, issued April 28, 1982, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1982-5, 1982 Legislation by the General Assembly of Virginia, issued April 30, 1982

Administrative Letter 1982-7, Competitive Pricing Rating Law Chapter 201 (S117), 1982 Acts of Assembly Rate-Making and Rate-Filing Obligations, issued May 28, 1982, §§ 38.2-1904 (formerly § 38.1-279.33) and 38.2-1908 (formerly § 38.1-279.36)

Administrative Letter 1982-9, Uninsured Motorists Rule and Rate Revisions - Revision to Forms VA CP-19 and VA CP-20, issued May 28, 1982

Administrative Letter 1982-10, Motor Vehicle Service Contracts, issued May 20, 1982, §§ 38.2-124 and 38.2-125 (formerly § 38.1-21)

Administrative Letter 1982-13, Competitive Pricing Rating Law Chapter 226 (H213), 1982 Acts of Assembly Rate Standards - Motor Vehicle Insurance, issued May 28, 1982, § 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1982-14, Collection of Unearned Commissions, issued November 5, 1982

Administrative Letter 1982-15, Administrative Order 7582, Entered August 6, 1982 - Uninsured Motorists Premium Modification Rule, issued November 15, 1982

Administrative Letter 1982-16, Vehicle Service Contract Reimbursement Policies - Contractual Liability Insurance, issued December 21, 1982

Administrative Letter 1982-17, Compilation of Experience Sections 38.1-261 and 38.1-279.46, issued December 21, 1982, §§ 38.2-2012 (formerly § 38.1-261) and 38.2-1919 (formerly § 38.1-279.46)

Administrative Letter 1983-1, 14 VAC 5-110-10 et seq. (formerly Insurance Regulation No. 18), 14 VAC 5-140-10 et seq. (formerly Insurance Regulation No. 19), (formerly Insurance Regulation No. 20, repealed), 14 VAC 5-120-10 et seq. (formerly Insurance Regulation No. 21), and 14 VAC 5-130-10 et seq. (formerly Insurance Regulation No. 22), issued March 31, 1983, 14 VAC 5-110-10 et seq. (formerly Insurance Regulation No. 18), 14 VAC 5-140-10 et seq. (formerly Insurance Regulation No. 19), 14 VAC 5-120-10 et seq. (formerly Insurance Regulation No. 21) and 14 VAC 5-130-10 et seq. (formerly Insurance Regulation No. 22)

Administrative Letter 1983-2, Bracketed by Duration Credit Accident and Sickness Rates, issued March 31, 1983, § 38.2-3725 (formerly § 38.1-482.7:1 D)

Administrative Letter 1983-3, 1983 Legislation by the General Assembly of Virginia, issued April 8, 1983

Administrative Letter 1983-6, Adoption of New Mortality Tables Under 1982 Amendments to the Standard Nonforfeiture Law: Sections 38.1-456, 38.1-461, 38.1-462 and 38.1-464 through 38.1-467 of the Code of Virginia, as amended, issued July 28, 1983, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456), 38.2-3200 et seq. (formerly §§ 38.1-461, 38.1-462, and 38.1-464 through 38.1-467) of the Code of Virginia, as amended

Administrative Letter 1983-7, Property and Casualty Rule, Rate and Form Filings: Life, Accident and Sickness and All Other Filings Required by Section 38.1-342.1 of the Code of Virginia, issued October 19, 1983, § 38.2-316 (formerly § 38.1-342.1)

Administrative Letter 1983-8, Administrative Order No. 8255, issued October 19, 1983, § 38.2-317 (formerly § 38.1-279.48:1)

Administrative Letter 1983-9, Experience/Schedule Rating Plans - Application of Credits and Debits: Schedule Rating Plans - Expense Modification Application, issued November 4, 1983

Administrative Letter 1983-10, Company/Rate Service Organization Filing Effective Date Rules, issued November 4, 1983

Administrative Letter 1983-12, Manual Rules Which Waive Premium Refunds or Changes, issued December 7, 1983

Administrative Letter 1983-13, Surplus Lines Brokers - Gross Premium Tax Report Calendar Year - 1983, issued December 30, 1983

Administrative Letter 1984-1, 1984 Legislation by the General Assembly of Virginia, issued April 27, 1984

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Administrative Letter 1984-2, Administrative Letter 1983-10 - Company/Rate Service Organization Filing Effective Date Rules, issued April 30, 1984

Administrative Letter 1984-3, Form Approval Requirements as Provided by Section 38.1-342.1 of the Code of Virginia, issued June 18, 1984, § 38.2-316 (formerly § 38.1-342.1)

Administrative Letter 1984-5, Virginia Insurance Rating Laws (for all companies licensed to write property and casualty insurance in Virginia), issued June 25, 1984, § 38.2-1831 (formerly § 38.1-327.43)

Administrative Letter 1984-6, Hospital Billing Procedures Commencing October 1, 1984, issued September 18, 1984

Administrative Letter 1985-1, Surplus Lines Brokers Gross - Premium Tax Report Calendar Year - 1984, issued January 18, 1985, § 38.2-4807 (formerly § 38.1-327.53)

Administrative Letter 1985-2, Safe Driver Insurance Plans Section 38.1-279.33(c) of the Code of Virginia, issued January 31, 1985, § 38.2-1904 (formerly § 38.1-279.33 (c))

Administrative Letter 1985-3, Application for License as Surplus Lines Broker, issued February 4, 1985

Administrative Letter 1985-4, Misstatement of Age or Sex Adjustments in Universal Life Insurance Policies, issued February 21, 1985

Administrative Letter 1985-5, Liability Policies - Defense Costs/Claims Expenses Included in the Limit of Liability - Liability Policies - Deductible Applying to Defense Cost/Claims Expense, issued February 25, 1985

Administrative Letter 1985-6, Copayment Requirements, issued March 1, 1985, § 38.2-4300 (formerly § 38.1-863)

Administrative Letter 1985-7, Revised Procedures for Reviewing Public Record Information - Rates and Forms Sections, issued March 1, 1985

Administrative Letter 1985-8, Revised Instructions for Filing the "Declaration of Estimated License Tax and Estimated Assessment," issued March 1, 1985, §§ 38.2-407 (formerly § 38.1-48.2), 58.1-2501 and 58.1-2520

Administrative Letter 1985-9, Legislation Enacted by the 1985 Session of the General Assembly of Virginia, issued April 23, 1985

Administrative Letter 1985-10, Pollution Liability Exclusion Endorsement, issued May 23, 1985

Administrative Letter 1985-11, "Refer to Company" Designations, issued May 30, 1985, § 38.2-1906 (formerly § 38.1-279.34)

Administrative Letter 1985-12, Improper Rules/Rating Plans Which Exempt the Filing of Rates - Facultative Reinsurance Costs-Automobile Liability and General Liability, issued May 30, 1985, § 38.2-1906 (formerly § 38.1-279.34)

Administrative Letter 1985-14, Alteration of Administrative Letter 1985-10 on Pollution Liability Exclusion Endorsement, issued July 8, 1985

Administrative Letter 1985-15, New Regulatory Requirements, issued July 22, 1985, §§ 38.2-4902 (formerly § 38.1-957) and 38.2-4905 (formerly § 38.1-960)

Administrative Letter 1985-16, Administrative Order Number 8926 - Revised Uninsured Motorists Rates, issued August 12, 1985

Administrative Letter 1985-17, Appraisal Conditions, issued October 10, 1985

Administrative Letter 1985-19, Changes in the Licensing Procedure of Agents in Accordance with House Bill 1715, issued December 19, 1985, § 38.2-218 (formerly § 38.1-40)

Administrative Letter 1986-1, New Monthly Report Form for Surplus Lines Brokers, issued January 10, 1986

Administrative Letter 1986-2, Surplus Lines Brokers - Gross Premiums Tax Report - Calendar Year 1985, issued January 10, 1986, § 38.2-4807 (formerly § 38.1-327.53)

Administrative Letter 1986-3, Application for License as Surplus Lines Broker, issued January 22, 1986, § 38.2-1800 (formerly § 38.1-327.1)

Administrative Letter 1986-4, Virginia Market Assistance Plan, issued January 31, 1986

Administrative Letter 1986-5, Prohibition Against Insuring Lives or Persons of Residents of States in Which Insurer Is Not Licensed, issued April 30, 1986, § 38.2-3102 (formerly § 38.1-433)

Administrative Letter 1986-6, Legislation Enacted by the 1986 Session of the General Assembly of Virginia, issued May 11, 1986

Administrative Letter 1986-7, Cancellation of Vanpool Vehicles, issued May 19, 1986, § 38.2-2217.1 (formerly § 38.1-381.11)

Administrative Letter 1986-8, Appraisal Conditions, issued May 19, 1986

Administrative Letter 1986-9, Surplus Lines Insurance Law Effective July 1, 1986, issued May 27, 1986

Administrative Letter 1986-10, Cancellation of Commercial Liability Other Than Automobile Insurance Policies, issued June 4, 1986, § 38.2-231 (formerly § 38.1-43.01)

Administrative Letter 1986-11, Health Agent Study Course and Examination, issued June 4, 1986, §§ 38.2-1815 and 38.2-1816

Administrative Letter 1986-12, Guidelines for Approval of Copayment Requirements, issued June 20, 1986, §§ 38.2-4300 and 38.2-4302

Administrative Letter 1986-13, Requirements for Coverage for Mental Illness and Substance Abuse, issued June 26, 1986, §§ 38.2-3412, 38.2-3413 and 38.2-4300

Administrative Letter 1986-14, Senate Bill 250, Recodification of the Insurance Code - Title 38.2, issued July 1, 1986

Administrative Letter 1986-15, Health Agent Study Course - Administrative Letter 1986-11, issued June 30, 1986

Administrative Letter 1986-16, Administrative Order No. 9177 - Mobile Home Owners Policy - MH(C), Virginia Amendatory Endorsement - MH(C)-1, issued July 1, 1986

Administrative Letter 1986-18, Notice of Termination of Commercial Liability Other Than Automobile Insurance Policies, issued July 1, 1986, §§ 38.2-117 (formerly § 38.1-15) and 38.2-118 (formerly § 38.1-16)

Administrative Letter 1986-19 Prohibition Against the Payment or Receipt of Title Insurance Kickbacks, Rebates, Commissions and Other Payments, issued October 10, 1986, § 38.2-4614

Administrative Letter 1986-20, New Regulatory Requirements, revised November 10, 1986, § 38.2-4904.1

Administrative Letter 1986-21, Variable Contracts Examination, issued October 23, 1986, § 38.2-1817

Administrative Letter 1986-22, 1980 Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits, issued December 18, 1986, §§ 38.2-3130.1 and 38.2-316

Administrative Letter 1986-23, Title Insurance Agents Examination, issued December 29, 1986, § 38.2-1814.1

Administrative Letter 1987-1, Gross Premiums Tax Report - Calendar Year 1986 Application for License, issued January 15, 1987

Administrative Letter 1987-2, § 55-210.4:01 of the Code of Virginia - Unclaimed Property - Change of Beneficiary Forms, issued March 3, 1987, § 55-210.4:01

Administrative Letter 1987-3, Chapter 12 of Title 37.1 of the Code of Virginia - Disclosure of Patient Information to Third Party Payors by Professionals, issued March 9, 1987, §§ 37.1-225 et seq. and 38.2-600 et seq.

Administrative Letter 1987-4, Appointment of the Clerk of the Commission as Agent for Service of Process, issued March 13, 1987, § 38.2-1216

Administrative Letter 1987-5, 14 VAC 5-350-10 et seq. (formerly Insurance Regulation No. 25) - Rules Governing Surplus Lines Insurance, issued March 26, 1987, 14 VAC 5-350-10 et seq. (formerly Insurance Regulation No. 25)

Administrative Letter 1987-6, Dissolution of the Virginia Market Assistance Plan, issued April 16, 1987

Administrative Letter 1987-7, Legislation Enacted by the 1987 Session of the General Assembly of Virginia, issued April 30, 1987

Administrative Letter 1987-9, Report of Acts Deemed Larceny, issued May 22, 1987, §§ 38.2-1810 and 18.2-111

Administrative Letter 1987-10, Revised Law and Procedures for Licensing and Appointment of Insurance Agents, issued June 1, 1987, §§ 38.2-126, 38.2-1800, 38.2-2503 and 38.2-3902

Administrative Letter 1987-11, Implementation of House Bill 1235, issued June 15, 1987, §§ 38.2-1904, 38.2-1912, 38.2-2003, 38.2-2005 and 38.2-2006

Administrative Letter 1987-12, Revision to Title Insurance Financial Responsibility Requirement, issued September 10, 1987, §§ 38.2-1814.1 and 38.2-1833

Administrative Letter 1987-13, Request for Assistance in Updating Agent Address Records, issued September 16, 1987, § 38.2-1826

Administrative Letter 1987-14, Implementation of Section 38.2-231 of the Code of Virginia, issued October 6, 1987, §§ 38.2-231, 38.2-311 and 38.2-1912

Administrative Letter 1987-15, 14 VAC 5-210-10 et seq. (formerly Insurance Regulation No. 28), issued October 7, 1987, § 38.2-4311 and 14 VAC 5-210-10 et seq. (formerly Insurance Regulation No. 28)

Administrative Letter 1987-16, Revised Form for the Appointment of Insurance Agents, issued November 24, 1987, § 38.2-1826

Administrative Letter 1988-1, Gross Premiums Tax Report - Calendar Year 1987 Application for License, issued January 15, 1988, §§ 38.2-400 and 38.2-403

Administrative Letter 1988-2, Report of Certain Liability Claims as Required by Virginia Code Section 38.2-2228.1, issued January 26, 1988, §§ 38.2-117, 38.2-118 and 38.2-2228.1

Administrative Letter 1988-3, Supplemental Report for Certain Lines and Subclassifications of Liability Insurance as Required by Virginia Code Section 38.2-1905.2, issued January 26, 1988, §§ 38.2-117, 38.2-118, 38.2-1905.1 and 38.2-1905.2

Administrative Letter 1988-4, Withdrawal of Administrative Letter 1983-5 dated June 1, 1983 and Amendments to Administrative Letter 1983-5 dated August 22, 1983, issued March 15, 1988

Administrative Letter 1988-5, Title Insurance Agent Examination, issued April 5, 1988, § 38.2-1814.1

Administrative Letter 1988-6, Legislation Enacted by the 1988 Session of the General Assembly of Virginia, issued May 25, 1988

Administrative Letter 1988-7, Virginia Birth-Related Neurological Injury Compensation Program, issued May 10, 1988, § 38.2-5002

Administrative Letter 1988-8, Report of Certain Liability Claims Required by Virginia Code Section 38.2-2228.1, issued May 25, 1988, §§ 38.2-2228.1 and 38.2-2500

Administrative Letter 1988-9, Implementation of 14 VAC 5-210-10 et seq. (formerly Insurance Regulation No. 28) - Reporting Dates, issued June 1, 1988, 14 VAC 5-210-10 et seq. (formerly Insurance Regulation No. 28)

Administrative Letter 1988-10, House Bill 176 Requiring Notice to Accompany Policies, issued June 2, 1988, §§ 38.2-300 and 38.2-305

Administrative Letter 1988-11, Administrative Letter 1988-10 (rescinds the application of Administrative Letter 1988-10), issued June 30, 1988, § 38.2-305

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Administrative Letter 1988-12, Withdrawal of Administrative Letter 1987-8, issued August 9, 1988, §§ 38.2-136 and 38.2-513

Administrative Letter 1988-13, Copayments for Inpatient Mental and Nervous Disorders, issued August 4, 1988

Administrative Letter 1988-14, Adoption of New Mortality Tables Pursuant to the 1982 Amendments to the Standard Nonforfeiture Law - Section 38.2-3209 K of the Code of Virginia, as amended, issued August 5, 1988, § 38.2-3209 K

Administrative Letter 1988-16, Modifications of Agent Licensing and Appointment Procedures, issued October 14, 1988, §§ 38.2-1812, 38.2-1825 A and 38.2-1836

Administrative Letter 1988-17, Delayed Effect of Rate Filings and Certain Form Filing Requirements, issued November 3, 1988, §§ 38.2-1903 and 38.2-1912

Administrative Letter 1989-1, Supplemental Report for Certain Lines and Subclassifications of Liability Insurance as Required by Virginia Code Section 38.2-1905.2, issued February 1, 1989, §§ 38.2-117, 38.2-118, 38.2-218, 38.2-1905.1 and 38.2-1905.2

Administrative Letter 1989-2, Report of Certain Liability Claims as Required by Virginia Code Section 38.2-2228.1, issued February 1, 1989, §§ 38.2-117, 38.2-118, 38.2-218 and 38.2-2228.1

Administrative Letter 1989-3, Additional Instructions for Completion of Administrative Letter 1989-1 Regarding the Filing of Supplemental Reports Required by Virginia Code Section 38.2-1905.2, issued March 10, 1989, § 38.2-1905.2

Administrative Letter 1989-5, Insurance Company Expenses, issued March 31, 1989, § 38.2-1904

Administrative Letter 1989-6, Market Conduct Examinations, issued April 21, 1989, §§ 38.2-200, 38.2-515, 38.2-614, 38.2-1317, 38.2-1809, and 38.2-4315

Administrative Letter 1989-7, Legislation Enacted by the 1989 Session of the General Assembly of Virginia, issued June 23, 1989

Administrative Letter 1989-9, Approval of Living Benefit Provisions Attached to or Included in Life Insurance Policies, issued May 25, 1989, §§ 38.2-102 and 38.2-3503

Administrative Letter 1989-10, Rate Filings Subject to the Provisions of Virginia Code Sections 38.2-1906 or 38.2-2003, issued June 5, 1989, §§ 38.2-1906, 38.2-1912, 38.2-2003 and 38.2-2005

Administrative Letter 1989-11, Reporting of Medical Malpractice Claims Pursuant to Virginia Code Section 38.2-2228, issued November 8, 1989, § 38.2-2228

Administrative Letter 1989-12, Long-Term Care Insurance Consumer's Guide, issued October 27, 1989, § 38.2-5207

Administrative Letter 1989-13, Delayed Effect of Rate Filings, issued December 18, 1989, § 38.2-1912

Administrative Letter 1989-14, Accelerated Approval Procedure for Medicare Supplement Forms and Rates Filings, issued December 21, 1989

Administrative Letter 1990-1, Supplemental Report for Certain Lines and Subclassifications of Liability Insurance as Required by Virginia Code Section 38.2-1905.2 Due May 1, 1990, issued January 29, 1990, §§ 38.2-117, 38.2-118 and 38.2-1905.1

Administrative Letter 1990-2, Report of Certain Liability Claims as Required by Virginia Code Section 38.2-2228.1 Due September 1, 1990, issued January 29, 1990, §§ 38.2-117, 38.2-118 and 38.2-2228.1

Administrative Letter 1990-3, Policy Effective Dates, issued January 26, 1990

Administrative Letter 1990-4, Workers' Compensation Insurance Rates, issued March 12, 1990

Administrative Letter 1990-5, Prospective Loss Costs Filing Procedures, issued May 2, 1990, § 38.2-1906

Administrative Letter 1990-6, Workers' Compensation and Employers' Liability Insurance Rate Deviations, issued May 4, 1990, § 38.2-2009

Administrative Letter 1990-7, Legislation Enacted by the 1990 Session of the General Assembly of Virginia, issued June 15, 1990

Administrative Letter 1990-9, Point Assignment Under a Safe Driver Insurance Plan, issued July 13, 1990, § 38.2-1905

Administrative Letter 1990-10, Rate Filings Subject to the Provisions of Virginia Code Section 38.2-1912 F, issued July 10, 1990, §§ 38.2-1322, 38.2-1905.1, and 38.2-1912

Administrative Letter 1990-11, Deductibles Reducing Policy Limits, issued July 17, 1990, § 38.2-317

Administrative Letter 1990-12, Senate Bill 131 - Coverage for Child Health Supervision Services, issued September 11, 1990, § 38.2-3411.1

Administrative Letter 1990-13, Annual Statement Filing by Certain Insurers in Machine-Readable Format: Diskettes Required, issued October 12, 1990, § 38.2-1300

Administrative Letter 1990-14, Clarification of Virginia Insurance Code Section 38.2-4904 - Annual Disclosure Statements, issued August 17, 1990, § 38.2-4904

Administrative Letter 1990-15, Allocation of Group Premiums for Multijurisdictional Health Maintenance Organizations, issued October 1, 1990, § 38.2-400

Administrative Letter 1990-17, Foreign and Alien Life Insurer's Reserve Valuation Certificate Requirements, issued October 12, 1990, §§ 38.2-3127 and 38.2-3143

Administrative Letter 1990-18, Underwriting Military Personnel, issued October 10, 1990

Administrative Letter 1990-20, Delayed Effect of Rate Filings, issued November 1, 1990, § 38.2-1912

Administrative Letter 1990-21, Revisions to VA CP-12 (12/90), VA CP-19 (12/90), VA CP-20 (12/90) (and Revisions to Filing Procedures of These Forms), issued December 19, 1990

Administrative Letter 1990-22, Proposed Rules Governing Private Review Agents, issued November 13, 1990, § 38.2-5300

Administrative Letter 1990-23, Long-Term Care Insurance Consumer's Guide, issued December 7, 1990, § 38.2-5207

Administrative Letter 1991-1, Supplemental Reports for Potentially Noncompetitive Lines and Subclassifications of Commercial Liability Insurance as Required by Virginia Code Section 38.2-1905.2, issued January 29, 1991, §§ 38.2-1905.1 and 38.2-1905.2

Administrative Letter 1991-2, Report of Certain Liability Claims as Required by Virginia Code Section 38.2-2228.1 Due September 1, 1991, issued January 29, 1991, §§ 38.2-117, 38.2-118, 38.2-218 and 38.2-2228.1

Administrative Letter 1991-3, Premiums Charged for Credit Accident and Sickness Insurance, issued January 15, 1991, § 38.2-3710

Administrative Letter 1991-4, Administrative Letter 1990-6 - Workers' Compensation and Employers' Liability Insurance Rate Deviations, issued February 13, 1991

Administrative Letter 1991-5, Effective Date of New Section 38.2-508.1 of the Code of Virginia, issued April 19, 1991, § 38.2-508.1

Administrative Letter 1991-6, Workers' Compensation Insurance Rate Filings, issued April 16, 1991

Administrative Letter 1991-7, Contingency Reserve Funding Level Required by the Rules Governing Group Self-Insurers of Liability Under the Virginia Workers' Compensation Act, 14 VAC 5-370-10 et seq., (formerly Insurance Regulation No. 16), issued April 23, 1991, 14 VAC 5-370-10 et seq. (formerly Insurance Regulation No. 16)

Administrative Letter 1991-8, "Rules Governing Minimum Standards for Medicare Supplement Policies" - 14 VAC 5-170-10 et seq. (formerly Insurance Regulation No. 35), Effective December 1, 1990, issued June 10, 1991, 14 VAC 5-170-10 et seq. (formerly Insurance Regulation No. 35)

Administrative Letter 1991-9, Private Passenger Automobile Medical Expense Coverage Effective July 1, 1991, issued May 29, 1991, §§ 38.2-124 and 38.2-2201

Administrative Letter 1991-10, Virginia Workers' Compensation Profitability, issued June 3, 1991

Administrative Letter 1991-11, Legislation Enacted by the 1991 Session of the General Assembly of Virginia, issued June 17, 1991

Administrative Letter 1991-12, Unfair Trade Practices Concerning Automobile Glass Claims, issued October 31, 1991, § 38.2-510

Administrative Letter 1991-13, Preneed Funeral Contracts Funded by Life Insurance or Annuities, issued November 21, 1991, § 54.1-2820

Administrative Letter 1992-1, Supplemental Report for Certain Lines and Subclassifications of Liability Insurance as Required by Virginia Code Section 38.2-1905.2 Due May 1, 1992, issued January 17, 1992, §§ 38.2-117, 38.2-118, 38.2-218, 38.2-1905.1 and 38.2-1905.2

Administrative Letter 1992-2, Report of Certain Liability Claims as Required by Virginia Code Section 38.2-2228.1 Due September 1, 1992, issued January 17, 1992, §§ 38.2-117, 38.2-118, 38.2-218 and 38.2-2228.1

Administrative Letter 1992-3, Requirements for Reinsurers Desiring to Qualify as Acceptable Reinsurers under Virginia Code Section 38.2-1316.2 or 38.2-1316.3, issued January 21, 1992, §§ 38.2-1316, 38.2-1316.2 through 38.2-1316.5

Administrative Letter 1992-4, Revisions to VA CP-19 (2/92) and VA CP-20 (2/92) (and Annual Submission of VA CP-12 (12/90)), issued February 7, 1992, §§ 38.2-124 and 38.2-2201

Administrative Letter 1992-5, 14 VAC 5-190-10 et seq. (formerly Insurance Regulation No. 38): Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers, issued February 12, 1992, §§ 38.2-218, 38.2-3419.1 and 14 VAC 5-190-10 et seq. (formerly Insurance Regulation No. 38)

Administrative Letter 1992-6, Prohibition Against the Payment or Receipt of Title Insurance Kickbacks Rebates, Commissions and other Payments, issued February 19, 1992, §§ 38.2-509 and 38.2-4614

Administrative Letter 1992-8, Required Filings of Insurers That Are Members of an Insurance Holding Company System, issued March 6, 1992, § 38.2-1329

Administrative Letter 1992-9, Credit Accident and Sickness Insurance Rates, issued April 21, 1992, §§ 38.2-1301 and 38.2-3727

Administrative Letter 1992-10, Transactions Within a Holding Company System Involving Any Person Who Is Not an Affiliate, issued April 16, 1992, §§ 38.2-1331 and 38.2-4233

Administrative Letter 1992-11, Withdrawal of Administrative Letter 1992-7, issued May 15, 1992

Administrative Letter 1992-12, Legislation Enacted by the 1992 Session of the General Assembly of Virginia, issued July 16, 1992

Administrative Letter 1992-13, Mammogram Benefits in Medicare Supplement Policies, issued August 5, 1992, § 38.2-3418.1

Administrative Letter 1992-16, Analysis of Excess Capital and Surplus Investments, issued August 14, 1992

Administrative Letter 1992-17, Asset Protection Act, Virginia Code §§ 38.2-1446 and 38.2-1447, issued August 14, 1992, §§ 38.2-1446 and 38.2-1447

Administrative Letter 1992-18, New Chapter 37.1 of Title 38.2, Code of Virginia, issued August 31, 1992, §§ 38.2-3725, 38.2-3726, 38.2-3727 and 38.2-3730

Administrative Letter 1992-20, House Bill 660 - Effective July 1, 1992 - Modified Guaranteed Life Insurance and Modified

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Guaranteed Annuities, issued October 15, 1992, §§ 38.2-316 and 38.2-3113.1

Administrative Letter 1992-21, Hurricane Andrew, issued October 30, 1992

Administrative Letter 1992-22, Compliance with Virginia Code Section 38.2-4311, issued October 30, 1992, § 38.2-4311

Administrative Letter 1992-23, New Chapter 37.1 of Title 38.2, Code of Virginia issued November 25, 1992, § 38.2-3725

Administrative Letter 1992-24, Actuarial Opinion Submissions in Company Annual Statements, issued November 10, 1992

Administrative Letter 1992-25, Assignment of Points Under Safe Drive Insurance Plans, issued December 15, 1992, §§ 38.2-602, 38.2-608, 38.2-609, 38.2-610 and 38.2-1905

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Administrative Letter 1993-6, Installment Payment Plans, issued May 3, 1993

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Administrative Letter 1993-9, Building Ordinance or Law Coverage, issued April 19, 1993, § 38.2-2124

Administrative Letter 1993-10, Use of Final Rates Filed by Rate Service Organizations for Property and Casualty Lines of Insurance Other Than Workers' Compensation, issued April 29, 1993, § 38.2-1908

Administrative Letter 1993-11, Credit Involuntary Unemployment Insurance, issued May 27, 1993, §§ 38.2-122 and 38.2-233

Administrative Letter 1993-12, Long-Term Care Insurance Reporting Requirements, issued May 3, 1993

Administrative Letter 1993-13, Legislation Enacted by the 1993 Session of the Virginia General Assembly, issued June 3, 1993

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Administrative Letter 1994-8, Freedom of Choice Requirements - Pharmacies and Ancillary Service Providers, issued October 17, 1994, §§ 38.2-316, 38.2-3407.7, 38.2-3407.8, 38.2-4209.1, 38.2-4209.2, 38.2-4312.1, and 38.2-4312.2

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Rates and Refund Formulas, issued November 7, 1994, §§ 38.2-3725, 38.2-3728, 38.2-3729, and 38.2-3730

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Administrative Letter 1996-10, Termination of Policies Covering Churches and Other Places of Worship, issued June 21, 1996

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38.2-3408 through 38.2-3418.11, 38.2-3419.1 and 38.2-4221 and 14 VAC 5-190-10 et seq.

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Administrative Letter 2001-6, Rule, Rate and Form Submission Checklists, issued August 1, 2001

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Administrative Letter 2003-5, Legislation Enacted by the 2003 Virginia General Assembly, issued May 19, 2003

Administrative Letter 2003-6, Adverse Underwriting Decision Notices § 38.2-610 of the Code of Virginia, issued June 9, 2003, §§ 38.2-602 and 38.2-610

Administrative Letter 2003-7, Guaranteed Arrest Bond Certificates § 38.2-2407 of the Code of Virginia, issued June 2, 2003, §§ 13.1-400.1 et seq. and 38.2-2407

Administrative Letter 2003-8, Business Transacted with Producer-Controlled Property and Casualty Insurer Act (§ 38.2-1341 et seq. of the Code of Virginia, issued October 6, 2003, §§ 38.2-110 through 38.2-134, 38.2-1024, 38.2-1100 et seq., 38.2-1341 et seq., 38.2-1342, 38.2-1344, 38.2-1347 et seq., 38.2-1358 et seq., 38.2-1800 et seq., 38.2-2015, 38.2-2700 and 38.2-5101 and 15 U.S.C. § 3901 et seq.

Administrative Letter 2003-9, Time Requirements of § 38.2-5900 et seq. of the Code of Virginia (14 VAC 5-215-10 et seq.), issued October 17, 2003, § 38.2-5900 et seq., and 14 VAC 5-215 and 14 VAC 5-215-80

Administrative Letter 2003-10, Credit Life Insurance and Credit Accident and Sickness Insurance Premium Rates Effective January 1, 2004, issued October 30, 2003, §§ 38.2-3725, 38.2-3728, 38.2-3729 and 38.2-3730

Financial Regulation Unit Guidance Documents:

Letter re Future Year-end Reserve Valuation Submissions to the Virginia Bureau of Insurance, January 1993

Letter re Future Year-end Reserve Valuation Submissions Other Than by Hard Copy to the Virginia Bureau of Insurance, September 2002

Requirements for Organization and Licensing of a Home Protection Company, revised March 2001, §§ 38.2-1024 and 38.2-2603

Uniform Certificate of Authority Application, revised November 2003, §§ 38.2-1024 and 38.2-1206

Requirements for Organization and Licensing of a Captive Insurer, revised December 1996, § 38.2-1102

Requirements for Organization and Licensing of a Health Services Plan, revised, March 2001, § 38.2-4200

Requirements for Organizing and Licensing of a Health Maintenance Organization, revised, February 2001, § 38.2-4301

Requirements for Organizing and Licensing of a Limited Health Maintenance Organization, revised, February 2001, § 38.2-4301

Requirements for Organizing and Licensing of a Virginia Legal Services Plan, revised March 2001, § 38.2-4413

Requirements for Organization and Licensing of a Dental Services Plan, revised March 2001, § 38.2-4517

Requirements for Organization and Licensing of an Optometric Services Plan, revised March 2001, § 38.2-4517

Requirements for Admission to Transact Business as an Insurance Premium Finance Company in Virginia, revised February 2001, § 38.2-4701

Continuing Care Providers Registration and Disclosure Filing Guidelines, revised April 2000, § 38.2-4901

Viatical Settlement Provider Requirements for Operating in Virginia, revised July 2003, § 38.2-6002

Requirements for Organization and Licensing of an Automobile Club, revised September 2001, § 13.1-400.2

Multiple Employer Welfare Arrangements (MEWA) Statutory Guidelines and Information Packet, revised, January 2001, Article 3 of Chapter 34 of Title 38.2

Requirements for Accredited Reinsurers, June 1996, §§ 38.2-1316.2 and 38.2-1316.3

Requirements for Organizing and Licensing of a Group Self-Insurance Association, issued January 2000, § 65.2-802

Licensing Procedures for Managing General Agents to Obtain Authority in Virginia (Procedures, Application and Biographical Affidavit), September 2002

Letter to Insurers Prior to an Examination Specifying the Date of the Upcoming Examination and Requesting Specific Documentation the Insurer Is To Provide to the Bureau of Insurance Staff, revised 1997

C006, Annual Renewal Instructions - Multiple Employer Welfare Arrangements, December 2003, 14 VAC 5-410-40 D

C009, Annual Renewal Instructions - Purchasing Groups, August 2003, § 38.2-5108

E040, Annual Renewal Instructions - Foreign Life and Health Insurance Companies, December 2002, § 38.2-1025

E041, Annual Renewal Instructions - Foreign Property and Casualty Insurance Companies, December 2003, § 38.2-1025

E042, Annual Renewal Instructions - Risk Retention Groups, December 2003, § 38.2-5103

E043, Annual Renewal Instructions - Premium Finance Companies, December 2003, § 38.2-4703

E044, Annual Renewal Instructions - Workers' Compensation Group Self-Insurers, December 2003, § 65.2-802

E045, Annual Renewal Instructions - Accredited Reinsurers, December 2003, §§ 38.2-1316.2 and 38.2-1316.3

E046, Annual Renewal Instructions - Authorized Reinsurers, December 2003, §§ 38.2-1316.2 and 38.2-1316.3

E047, Annual Renewal Instructions - All Foreign Companies Except Foreign Property and Casualty and Foreign Life and Health, December 2003, § 38.2-1025

Guidance Documents

E048, Annual Renewal Instructions – Health Maintenance Organization, December 2003, § 38.2-4318

E049, Annual Renewal Instructions - All Domestic Companies, December 2003, § 38.2-1025

E053, Annual Renewal Instructions - Automobile Clubs, December 2003, § 13.1-400.3

Annual Renewal Instructions - Viatical Settlement Provider, issued December 2003, § 38.2-6002

Annual Filing Requirements - Viatical Settlement Provider, issued December 2003, § 38.2-6004

Market Regulation Unit Guidance Documents:

Common Problems Found During Agents Investigations, published September 2002

Common Problems Found During Life and Health Market Conduct Examinations, published September 2000

Common Problems Found During Property and Casualty Market Conduct Examinations, updated April 2002

Consumer Real Estate Settlement Protection Act (CRESPA), issued June 2001, §§ 6.1-2.19 et seq. and 14 VAC 5-395-10 et seq.

Forms/Reports for Insurers: Long Term Care (14 VAC 5-200), Small Employer (14 VAC 5-234), Medicare Supplement (14 VAC 5-170) and Mandated Benefits (Form MB-1 and instructions)

Letter to Newly Licensed Insurers Advising the Insurers of the Applicable Insurance Rules and Regulations in the Commonwealth of Virginia, revised 2001

NAIC Product Review Filing Checklists for Life and Health

NAIC Product Review Filing Checklists for Property and Casualty

Statistical Agent Reporting Form (VA SRF-2), Declaring the Name of the Statistical Agent to Whom the Insurer Reports its Statistics, revised October 2001, §§ 38.2-1919 and 38.2-2012

Virginia CP-9 Form, Which Permits Insurers to Use the Policy Forms and Endorsements Filed and Approved for a Rate Service Organization, such as the Insurance Services Office, issued June 1991

Virginia Property and Casualty Rules, Rates and Forms Filing Guidelines Handbook, published August 2001

Virginia Reference Filing Authorization Terrorism Exclusion Endorsements

Worker's Compensation Deductible Plans Filing Instructions, issued July 1997

Administration and Taxation Unit Guidance Documents:

Instructions for Filing the Virginia Declaration of Estimated License Tax and Estimated Assessment, revised December 2003

Virginia Premium License Tax/Assessments Reports for Year Ended December 31, 2002, revised December 2003

Virginia Surplus Lines Filing Instructions, revised September, 1996, electronic version revised February 2000

Consumer Guides:

Life and Health Guides

2003 Guide to Health Insurance for People with Medicare, updated 2003

2003 Virginia Medicare Supplement Insurance Premium Comparison Guide, updated April 2003

A Shopper's Guide to Long-Term Care Insurance, updated 2003

Consumer Complaint & Outreach Services Brochure, updated 2003

Helpful Coverage Tips for Parents of Special Needs Children, published October 2003

List of Carriers that have Registered with the State Corporation Commission as Small Employer Carriers, updated October 2003

List of Insurance Companies Licensed to Sell Individual Health Insurance, updated November 2003

List of Long-Term Care and Tax-Qualified Long-Term Care Policies in Virginia, update October 2003

List of Medicare Health Maintenance Organizations in Virginia, updated January 2003

List of Medicare Supplement and Medicare Select Insurance Companies in Virginia, update October 2003

Tips to Help You Appeal a Denial from Your Managed Care Health Insurance Plan (MCHIP), published May 2003

Tips to Help You Appeal a Prescription Medication Denial with Your Managed Care Health Insurance Plan, published January 2003

Tips to Help You Understand and Appeal Health Plan Decisions When the Coverage is Self-Insured, published September 2003

The Office of the Managed Care Ombudsman, published July 1999

The Office of the Managed Care Ombudsman - 10 Tips to Help you Understand Your Coverage and Rights Under Your Managed Care Health Insurance Plan, published October 1999

Prescription Drug Assistance Program in Virginia, updated April 2003

Virginia Health Insurance Guide for Consumers, updated May 2003

Virginia Life Insurance Consumer's Guide, published 1998

Property and Casualty Guides

Auto Insurance Consumer's Guide, updated 2003

Auto Insurance Sample Premium Tables 2003, updated 2003

Consumer Complaint & Outreach Services, updated 2003

Credit Scoring - How It Affects Your Automobile and Homeowners Insurance, updated 2003

Homeowners Insurance Consumer's Guide, updated 2003

Homeowners Insurance Sample Premium Tables 2002, published 2002

Renters Insurance - What Can You Afford To Lose?, published 2002

State Corporation Commission Bureau of Insurance Consumer Complaint Form

Teenager's Guide to Auto Insurance, updated 1999

Virginia Commercial Insurance Consumer's Guide, published 1995

When a Disaster Strikes: What To Do After an Insured Commercial Property Loss, updated 2003

When a Disaster Strikes: What To Do After an Insured Homeowners Loss, updated 2003

Forms and Instructions Respecting Licensing of Individuals and Agencies:

PIN3001, Application for Individual License, September 2002

PIN3701, Application for Consultants License and Viatical Settlement Brokers, December 2003

PIN3702, Application for Agency Consultants License and Viatical Settlement Brokers, September 2002

PIN4051, Application for Limited Lines License, December 2003

PIN4052, Application for Agency License, September 2002

PIN4151, Appointment Form, September 2002

PIN4921, Appointment Cancellation Form, September 2002

Information and Procedures for Becoming Licensed as an Insurance Consultant in Virginia, December 2003

Information and Procedures for Becoming Licensed as a Viatical Settlement Broker in Virginia, December 2003

Licensing Procedures for Nonresident Insurance Agents to Obtain Authority in Virginia, December 2003

Forms for Surplus Lines Insurance:

Form SLB-1, Application for Surplus Lines Broker License, February 2003

Form SLB-2, Bond for Surplus Lines Broker, January 2003

Form SLB-3, Quarterly Combined Affidavit by Surplus Lines Broker, revised October 2002

Form SLB-4, Annual Combined Affidavit by Surplus Lines Broker, revised October 2002

Form SLB-5, Surplus Lines Quarterly Report, effective September 1999

Form SLB-6, Surplus Lines Annual Report, effective September 1999

Form SLB-7, Quarterly Gross Premiums Tax Report, effective September 1999

Form SLB-8, Annual Gross Premium Tax Report, effective September 1999

Form SLB-9, Notice of Insured, effective September 1996

Form SLB-10, Commercial Insured Waiver, effective September 1996

Division of Public Service Taxation

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Public Service Taxation Division of the State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained free of charge by contacting Alene Katz at the same address, telephone (804) 371-9679, FAX (804) 371-9797, or e-mail AKatz@scc.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to R. H. Adams, Principal Utility Appraiser, Public Service Taxation Division, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9182, FAX 804 371-9797, or e-mail Radams@scc.state.va.us. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

State Tax Bills, all updated annually, Chapter 26 of Title 58.1

CCTD-3, Tax Report, Electric Companies, 2000, § 58.1-2628

CCTD-6, Tax Report, Telecommunications Companies, 2000, § 58.1-2628

CCTD-7, Tax Report, Gas Companies, 2001, § 58.1-2628

CCTD-8, Tax Report, Water Companies, 2000, § 58.1-2628

CCTD-9, Report for Certificated Motor Vehicle Carriers Rolling Stock Tax, 1963, § 58.1-2654

CCTD-10, Report for Special Tax on Common Carriers by Motor Vehicle, 1963, § 58.1-2663

CCTD-11, Report for Special Tax on Virginia Pilots Association, 1963, § 58.1-2663

CCTD-12, Report for Special Tax on Railroad Companies, 1963, § 58.1-2663

CCTD-ET-1, Declaration of Estimated Gross Receipts Tax, 1998, §§ 58.1-2640 and 58.1-2647

CCTD-DPR, Telecommunications Relay Service Monthly Report, 2001, § 56-484.6

CCTD-RVP, Registration Procedure for Persons subject to the Video Programming Excise Tax, revised 1998, § 58.1-3818.3 G

CCTD-EUCT, Electric Utility Consumption Tax Monthly Report, 2004, §§ 58.1-2901 and 58.1-2902

Guidance Documents

CCTD-NGCT, Natural Gas Consumption Tax Monthly Report, 2004, §§ 58.1-2905 and 58.1-2906

Real Estate Transaction Form for Purchase and Conveyance, 1998, § 58.1-2628

Motor Vehicle Carriers Rolling Stock, Tax Report, Urban-Suburban Statement for the Special Tax Exemption for Passenger Vehicles, 1963, § 58.1-2663

Division of Securities and Retail Franchising

Copies of the following document may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the State Corporation Commission's Division of Securities and Retail Franchising, Ninth Floor, Tyler Building, 1300 East Main Street. Copies may be obtained free of charge by contacting Ilse Goff at the same address, telephone number (804) 371-9784 or FAX (804) 371-9911. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Questions regarding interpretation or implementation of these documents may be directed to Amanda Blanks, Investor Education Coordinator, at the same address, telephone number (804) 371-9088 or FAX (804) 371-9911. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Capital Formation Alternatives for Small Business in Virginia, August 2002

Uniform Franchise Offering Circular Filing Reminders, February 1999, § 13.1-561

NASAA Statements of Policy, July 2003 (Virginia Securities Act, 21 VAC 5-30-80)

Investor Education Publications

Securities Consumer's Guide, March 2001 (Virginia Securities Act)

Securities Complaints, June 2003 (Virginia Securities Act)

Get the Facts about Investing Online, August 2003 (Virginia Securities Act)

Investor "Bill of Rights," September 2002 (Virginia Securities Act)

10 Do's and Don'ts for Investors, September 2002 (Virginia Securities Act)

When Your Broker Calls, Take Notes, September 2002 (Virginia Securities Act)

Understanding Your Brokerage Account Statements, September 2002 (Virginia Securities Act)

Forms: (Virginia Securities Act)

Broker-Dealer Forms

Uniform Application for Broker-Dealer Registration (Form # BD), May 2002

Broker-Dealer's Surety Bond (Form # S.A. 11), July 1999

Application for Renewal of a Broker-Dealer's Registration (Form # S.A. 2), July 1999

Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer (Form #BDW), November 2000

Broker-Dealer Agent Forms

Application for Renewal of Registration as an Agent of an Issuer (Form # S.D. 4), 1997

Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (Form #S.D. 4 A), 1974

Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (Form # S.D. 4 B). 1974

Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (Form # S.D. 4 C), 1974

Uniform Application for Securities Industry Registration or Transfer (Form # U-4), June 2003

Uniform Termination Notice for Securities Industry Registration (Form # U-5), June 2003

Agent Agreement for Inspection of Records (Form # Agentagree), July 2001

Affidavit Regarding SCOR Offering (Form # Aff), July 1999

Investment Advisor Forms

Uniform Application for Registration of Investment Advisors (Form # ADV), October 2003

IA Surety Bond Form (Form # IA-sure), July 1999

Notice of Withdrawal from Registration as Investment Advisor (Form # ADV-W), October 2003

Investment Advisor Representative Forms

Uniform Application for Securities Industry Registration or Transfer (Form # U-4), June 2003

Uniform Termination Notice for Securities Industry Registration (Form # U-5), June 2003

Affidavit for Waiver of Examination (Form # S.A. 3), July 1999

Investment Advisor Representative Multiple Employment Agreement (Form # S.A. 15), July 1998

Securities Registration Forms

Uniform Application to Register Securities (Form # U-1), July 1981

Uniform Consent to Service of Process (Form # U-2), July 1981

Uniform Form of Corporate Resolution (Form # U-2a), July 1999

Small Company Offering Registration (Form # U-7), September 1999

Registration by Notification – Original Issue (Form # S.A. 4), November 1996

Registration by Notification – Non-Issuer Distribution (Form # S.A. 5), November 1996

Registration by Notification – Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (Form # S.A. 6), 1989

Registration by Qualification (Form # S.A. 8), July 1991

Escrow Agreement (Form # S.A. 12), 1971

Impounding Agreement (Form # S.A. 13), July 1999

Notice of Limited Offering of Securities (Form # VA-1), November 1996

Uniform Investment Company Notice Filing (Form # NF), April 1997

Notice of Sale of Securities Pursuant to Regulation D (Form # SEC Form D), June 2002

Model Accredited Investor Exemption Uniform Notice of Transaction Form (Form # Model Form), July 1999

Application for Coordinated State Review (Form # CR-Equity-1), August 2003

Small Business Securities Offering Application for Mid-Atlantic Regional Review Form (Form # CR-SCOR Mid-Atlantic), May 2002

Franchise Forms

Facing Page – Uniform Franchise Registration Application (Form # A), July 1995

Supplemental Information (Form # B), July 1995

Certification – Disclosure Verification (Form # C), July 1999

Uniform Consent to Service of Process (Form # D), July 1999

Affidavit of Compliance – Franchise Amendment/Renewal (Form # E), July 1999

Guarantee of Performance (Form # F), July 1999

Franchise Surety Bond (Form # G), July 1999

Application for Coordinated Review of Franchise Registration (Form # CR-FRAN), June 1999

Trademarks/Service Marks

Application for Registration of a Trademark or Service Mark (Form # TM1), July 1999

Application for Renewal of a Trademark or Service Mark (Form # TM2), July 1999

Certificate of Name Change of an Applicant or Registrant (Form # TM3), July 1999

Division of Public Utility Accounting

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the Virginia State Corporation Commission's Division of Public Utility Accounting, 1300 East Main Street, 4th Floor, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Please contact Barbara Hayek at (804) 371-9700 to make an appointment. Copies may be obtained at the cost of

\$1.00 per page for the first 2 pages of each document and \$.50 for each additional page.

Questions regarding interpretation or implementation of these documents may be directed to Ronald A. Gibson, Director, Division of Public Utility Accounting, 1300 East Main Street, 4th Floor, Richmond, VA 23219, telephone (804) 371-9950 or FAX (804) 371-9447. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Uniform System of Accounts for Telecommunications Companies, Part 32 of Federal Communications Commission Rules and Regulations, revised October 1, 2002, § 56-249

Uniform System of Accounts for Electric Utilities, Part 101 promulgated by the Federal Energy Regulatory Commission, revised April 1, 2003, § 56-249

Uniform System of Accounts for Natural Gas Companies, Part 201 promulgated by the Federal Energy Regulatory Commission, revised April 1, 2003, § 56-249

Uniform System of Accounts for Class A Water Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 144 pages, § 56-249

Uniform System of Accounts for Class C Water Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 62 pages, § 56-249

Uniform System of Accounts for Class A Wastewater Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 145 pages, § 56-249

Uniform System of Accounts for Class C Wastewater Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 61 pages, § 56-249

Accounting Requirements for Rural Utilities Service Electric Borrowers, Electric Cooperatives, Part 1767 promulgated by the Department of Agriculture, revised January 1, 2003, § 56-249

Annual Financial and Operating Report for electric companies, consisting of the Federal Energy Regulatory Commission Form 1 and supplemental schedules, § 56-249. Length of report varies by company

Annual Financial and Operating Report for electric cooperatives, § 56-249. Length of report varies by company

Annual Financial and Operating Report for gas companies, consisting of the Federal Energy Regulatory Commission Form 2 and supplemental schedules, § 56-249. Length of report varies by company

Annual Financial and Operating Report for telephone companies, § 56-249. Length of report varies by company

Annual Financial and Operating Report for class A water and/or sewer companies, National Association of Regulatory Utility Commissioners Form, § 56-249. Length of report varies by company

Annual Financial and Operating Report for class C water and/or sewer companies, National Association of Regulatory

Guidance Documents

Utility Commissioners Form, § 56-249. Length of report varies by company

Guidelines on the recording and recovery of regulatory assets, issued March 29, 1995, 2 pages, § 56-249

Guidelines for Filing Affiliate/Merger Applications (Title 56, Chapter 4 (Public Utilities Affiliates Law) and Chapter 5 (Utility Transfers Act)) as follows:

Guidelines for Filing Applications, 1 page, §§ 56-76 through 56-92

Chapter 4 - Transaction Summary for applications involving the receipt of services/goods (including intangibles), 1 page, §§ 56-76 through 56-87

Chapter 4 - Transaction Summary for applications involving the provision of services/goods (including intangibles), 1 page, §§ 56-76 through 56-87

Chapter 5 - Transaction Summary, 1 page, §§ 56-88 through 56-92

Division of Utility and Railroad Safety

Copies of the following documents may be viewed during regular work days from 8:15 a.m. to 5 p.m. in the office of the Commission's Division of Utility and Railroad Safety, 4th Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained at a charge of \$1.00 each for the first two pages and \$.50 for each page thereafter. To obtain copies, contact Renee Salmon at the same address, telephone number (804) 371-9947, FAX (804) 371-9734 or e-mail rsalmon@scc.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to James Hotinger, Senior Utilities Engineer, Division of Utility and Railroad Safety, 1300 East Main Street, 4th Floor, Richmond, VA 23219, telephone number (804) 371-9843, FAX (804) 371-9734 or e-mail jhotinger@scc.state.va.us. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Gas Pipeline Safety Inspection Procedures, revised September 2000, § 56-5.1, 54 pages

Underground Utility Damage Prevention Investigation and Enforcement Procedures, May 1997, § 56-265.14, 22 pages

Damage Prevention Advisory Committee Bylaws, July 1999, § 56-265.31 et seq., 7 pages

Virginia Professional Excavation Manual, September 2002, 39 pages

Virginia Underground Utility Marking Standards, February 2003, 13 pages

**The State Corporation Commission issues an annual report each year which contains the leading matters disposed of by formal orders that year. The Annual Reports of the commission may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the State Corporation Commission Clerk's Office, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained for \$54

(price may vary depending on the year of the report) by contacting Rebecca Otey at the same address, telephone (804) 371-9030, or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9912.

Questions regarding interpretation of the annual reports may be directed to Joel H. Peck, Clerk of the Commission, State Corporation Commission, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9834, or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9912. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197.

BOARD OF COUNSELING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at coun@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the board at the address above or by telephone at (804) 662-9912. Copies are free of charge.

Guidance Documents:

115-2, Newsletters

115-2.1, Resolution that hypnosis is an appropriate counseling tool, an opinion that the term "psychotherapy" can be used by licensed professional counselors, and guidance in the use of educational credentials and unlicensed counselors, 1987

115-2.2, Guidance on when a fee can be charged, 1990

115-2.3, Guidance on supervision, 1991

115-2.4, Guidance on the supervision requirement, dual relationships, 1995

115-2.5, Summary of Virginia statutes regarding maintenance and release of client records, May 2000

115-2.6, Guidance on dual relationships, Part 1, Fall 2000

115-2.7, 2001 Guidance on dual relationships, Part 2, Fall 2001

115-3, Assistant Attorney General Opinions

115-3.1, Interpretation of statutes pertaining to marriage and family therapists licensure, August 9, 1995

115-3.2, Interpretation of statutes pertaining to release of health care records, April 7, 1997

115-3.3, Interpretation of statutes pertaining to rehabilitation provider certification (reviewed and approved by AAG, but issued through the board office), October 1997

115-3.4, Interpretation of Virginia's Health Records Privacy Act, January 1999

115-4, Minutes of Board Meetings

115-4.1, Guidance to the credentials reviewer to accept schools accredited by the Association of Theological Schools in the United States and Canada, February 17, 1995

115-4.2, Guidance that criminal history not be considered as a point of rejection for a certified substance abuse counselor, and that the board refer the application to the Credentials Review Committee to determine eligibility, May 19, 1995.

115-4.3, Regulatory Committee minutes - Assistant Attorney General interpretation of statutes pertaining to development of "substantially equivalent" requirements for licensure of substance abuse treatment practitioners and interpretation of scope of practice for these practitioners, October 27, 1998

115-4.4, Determination that a Bachelor of Individual Study degree from James Madison University would satisfy the degree requirement for rehabilitation provider certification, February 19, 1999

115-4.5, Credentials Committee minutes - Determination that applicants holding a marriage and family therapist license from California would not be automatically eligible for endorsement, but would be considered on a case-by-case basis for Virginia's marriage and family therapist license, May 14, 1999

115-4.6, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, August 27, 1999

115-4.7, Determination that licensed professional counselors who hold specialty designation in substance abuse counseling, but do not have 60 graduate hours in counseling would be considered on a case-by-case basis for endorsement as licensed substance abuse treatment practitioners, November 19, 1999

115-4.8, February 18, 2000. Attachment to minutes. Interpretation of the meaning of "state-approved facility" as used in § 54.1-3500, and interpretation of what type of facilities may hire certified substance abuse counselors.

115-4.9, May 5, 2000. Guidance regarding practica or internships completed in distance learning programs

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the office of the Department of Criminal Justice Services, 805 East Broad Street, 10th Floor, Richmond, Virginia 23219. Copies may be obtained by contacting Judy Kirkendall at the same address, telephone (804) 786-8003. Fees vary depending upon document. Questions regarding interpretation or implementation of these documents may be directed to Judy Kirkendall, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-8003 or e-mail jkirkendall@dcjs.state.va.us.

Guidance Documents:

Combined Training School Policy, revised September 1994, § 9.1-102

Training Exemption Guidelines, revised September 1998, § 9.1-116

Instructor Certification/Recertification Process, September 1999, 6 VAC 20-80

Partial In-service Credit Policy Guidelines, revised February 1993, 6 VAC 20-30

Q-Target Policy, revised November 1991, 6 VAC 20-30

Waiver of Minimum Qualifications Guidelines, revised May 1, 1994, § 15.2-1705

Electronic Media In-service Training Guidelines, issued December 1993, 6 VAC 20-30

Physical Examination Policy, revised September 1994, 6 VAC 20-20 and 6 VAC 20-50

Guidelines for Auxiliary and Part-time Officers, issued January 1993, §§ 9.1-114 and 15.2-1731

Academy Certification Standards, revised November 1997

Academy Recertification Standards, revised November 1997

Regional Academy Funding Policy, revised July 1998

Guidelines for Approval of College Courses and Programs, issued December 3, 1996, 6 VAC 20-30

Guidelines for Allowing Individuals to Attend Criminal Justice Mandated Training Prior to Employment, revised November 1994

Radar Operator Training Guidelines, revised March 15, 1995, § 9.1-102

Private Security Training Exemption Guidelines, revised November 13, 2003, 6 VAC 20-170

Private Security Criminal History Waiver Guidelines, issued December 10, 2003, 6 VAC 20-170

Private Security Sanctions Publication Guidelines, revised September 4, 2003, 6 VAC 20-170

Private Security Compliance Agent Experience Guidelines, issued February 10, 1997, 6 VAC 20-170

Topical Outlines and Learning objectives for Private Security, revised August 22, 2003, 6 VAC 20-170

Criminal Justice Services Board Regional Criminal Justice Training Academy Policy, revised May 3, 1995, 6 VAC 20-90

Grants for Community-Oriented Justice, issued December 1997

Child Witness Testimony in Court: Using Closed Circuit Equipment, revised July, 2002

Child Witness Testimony in Court: Protocol for Using Closed Circuit Equipment, to be reissued 2004

Guidance Documents

2000 Criminal History Records Improvement Program Guide, issued September 2001

An Informational Guide for Domestic Violence Victims in Virginia, issued 1997, updated 2000

An Informational Guide to Virginia's Crime Victim and Witness Rights Act, revised November 1997

STOP Violence Against Women Grant Program, issued July 18, 1997

Victim Assistance Program Guide and Application Procedures (FY 1998), issued March 10, 1997

Sexual Assault Grant Guidelines and application; issued February 2001

Supplemental Information Victim/Witness Grant Program, issued March 7, 1997

Victim/Witness Grant Program Codebook and Progress Report Forms, revised July 1996

Program Guide: Comprehensive Community Corrections Act for Local-Responsible Offenders and Pretrial Services Act, FY 2003-2004, issued March 2002, §§ 19.2-152.2 through 19.2-152.7 and 9.1-173 through 9.1-183.

Preparing a Community-Based Corrections Plan, issued April 4, 1995

Community Criminal Justice Boards of Virginia: Information and Ideas for New and Continuing Members, issued 2000, § 9.1-178

Monthly Reporting Requirements and Instructions: Pretrial Services Act and Comprehensive Community Corrections Act for Local-Responsible Offenders, issued July 1998, §§ 19.2-152.2 through §§19.2-152.7 and §§9.1-173 through §§ 9.1-183.

"Bench Card" for PSA and CCCA, revised March 2003, §§ 9.1-173 through 9.1-183, 19.2-303.2, and 19.2-152.2 through 19.2-152.7

Program Guide: Virginia School Resource Officer Incentive Grants Program Guidelines, issued 2001

Court Appointed Special Advocate (CASA) Program Guide, issued 1997, to be reissued 2004

Juvenile Justice and Delinquency Prevention (Title II) Program Guide and Grant Application Kit, issued 2003, to be reissued 2004

Juvenile Justice and Delinquency Prevention (Title V) Program Guide and Grant Application Kit, issued 2003

Juvenile Accountability Incentive Block Grant (JAIBG) Program Guide and Grant Application Kit, issued 2003

Child Abuse: Virginia Statutes and Case Law, 3rd revision, to be reissued 2004

Breath Test Operators Training Manual: Intoxilizer Model 5000, revised January 2004, § 18.2-268.9

Intoxilizer 5000 Monthly Preventive Maintenance/Simulator Solution Change Checklist, revised November 2003, §18.2-268.9

Operational Checklist for Intoxilizer 5000, issued August 1997, § 18.2-268.9

Intoxilizer 5000 Instructor Manual, revised January 2004, 6 VAC 20-190-120

Evidence Handling and Laboratory Capabilities Guide, revised November 2003

Serious or Habitual Offender Comprehensive Action Program (SHOCAP) Guidelines, issued April 1999, revised 2001

Forfeited Asset Sharing Program, issued 1990, § 18.2-249

Money Laundering, §18.2-246, issued July 1999

Sample Directives Manual for Law Enforcement Agencies, revised 1999, updated October 2001, available only on the DCJS website

School Resource Officer Facts Book, issued June 2000, reissue due March 2002

Evaluation of Grant Funded SRO Programs, issued March 2000, reissue due February 2002

Juvenile Law Handbook for School Administrators, issued 2001

Certified Crime Prevention Community Program Manual, updated 2001

School Resource Reporting Requirements Manual, issued June 2001

DEPARTMENT FOR THE DEAF AND HARD OF HEARING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the offices of the Virginia Department for the Deaf and Hard of Hearing (VDDHH), 1602 Rolling Hills Drive, the Ratcliffe Building, Suite 203, Richmond, VA 23229-5012. Copies may be obtained free of charge by contacting Leslie Hutcheson Prince at the same address, telephone (804) 662-9703 (V/TTY), FAX (804) 662-9718 or e-mail princelh@ddhh.state.va.us. Some of the documents may be available to be downloaded from the VDDHH Home page (<http://www.vddhh.org>).

Questions regarding interpretation or implementation of these documents may also be directed to Leslie Hutcheson Prince.

Guidance Documents:

VDDHH Policies and Procedures implementing 22 VAC 20-20 (Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices), revised December 1999 (as of 12/03, these policies and procedures are under review and revised policies are anticipated in 2004)

VDDHH Policies and Procedures implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised July 2002

Directory of Qualified Interpreters, implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised monthly

Virginia Quality Assurance Screening Applicant Packet, implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised 2002

BOARD OF DENTISTRY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at denna@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Sandra K. Reen, Executive Director of the board at the address above or by telephone at (804) 662-9906. Copies are free of charge.

Guidance Documents:

60-1, Board policy on confidential consent agreements, adopted July 11, 2003

60-7, Board guidance on practice names, adopted July 11, 2003

60-8, Special bulletin on clarification of general supervision, September 30, 2002

60-8.1, Bulletin article on general supervision, Spring 2003

60-9, Bulletin article regarding dental office inspection form, Fall/Winter 1996

60-10, Board minutes on Infection Control, October 1, 1993, September 14, 1991, and August 1, 1991

60-11, Board minutes, Completion of treatment of patient if fees not paid, October 1-2, 1997

60-16, Letter from Marcia J. Miller to Michael Vernon regarding sale of vitamins, December 10, 1997

60-17, Advertising Guidelines adopted by the Board of Dentistry, January 23, 1998

60-18, Letter from Howard Casway, Assistant Attorney General to Dr. M. Alan Bagden regarding Ownership of Dental Practices, February 23, 1998

60-19, Perio Guidelines Recommendations adopted by the Board of Dentistry, April 28, 2000.

60-20, Bulletin article-Notice to all licensees regarding Code of Virginia § 54.1-2718, April 28, 2000.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Copies of the following documents may be viewed on regular work days from 8:30 a.m. until 5 p.m. in the office of the

Virginia Economic Development Partnership, 19th Floor, Riverfront Plaza West, 901 East Byrd Street, Richmond, Virginia 23218. Requests for copies or questions regarding the interpretation or implementation of these documents may be directed to John B. Sternlicht, General Counsel and Legislative Director, at the same address, by telephone at (804) 371-8106, or by FAX at (804) 371-8112. Copies will be provided at no charge.

Guidelines for use of the Governor's Opportunity Fund, revised October 2002, § 2.2-115

Guidelines for use of the Virginia Investment Partnership, revised September 2003, § 2.2-5100-5104

DEPARTMENT OF EDUCATION

The documents may be viewed during regular work days from 8:30 a.m. to 5 p.m. at the Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219. Copies may be obtained at no cost by contacting Dr. Margaret N. Roberts at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540 or e-mail mroberts@mail.vak12ed.edu. Questions may also be directed to Dr. Roberts.

Guidance Documents:

Charter Schools

List of Board of Education Regulations Identified as Waivable for Charter School Purposes, June 1999

Comprehensive Services

Comprehensive Services Act (CSA) for At Risk Youth and Families Implementation Manual, revised 2001

Driver's Education

Curriculum and Administrative Guide for Driver Education in Virginia, 2001

Family Life Education

Board of Education Guidelines for Family Life Education Programs, 2002

Gifted Education Programs

The Virginia Plan for the Gifted, 2001

Governor's Schools

Procedures for Initiating an Academic Year Governor's School, 1998

Health and Physical Fitness

Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus (HIV), 1990

Virginia School Health Guidelines, 1998

Guidance Documents

Guidelines for Specialized Health Care Procedures: Superintendent's Memo number 196, 1996

Guidelines for Training of Public School Employees in the Administration of Insulin and Glucagon, July 1999

Guidelines for Suicide Prevention, September 1999

Licensure and Teacher Preparation

The Virginia License Renewal Manual, 1998

Local Eligibility License Guidelines, September 2000

Guidelines for the Evaluation of Superintendents, Teachers, and Administrators and Instructional Central Office Personnel, January 2000

Guidelines for Mentor Teacher Programs for Beginning and Experienced Teacher Participation, June 2000

Literary Fund

Use of Literary Fund Loan Proceeds, Supts. Memo. No. 6, Regulatory, May 31, 1996

Miscellaneous

Handbook for Homebound Service, January 1990

Guidelines for the Donation of Obsolete Educational Technology Hardware and Software by School Boards to Students, September 2000

Acceptable Use Policy: A Handbook, 2001

Guidelines: Minute of Silence, June 2000

Guidelines for Honorary High School diplomas for Veterans of World War II, the Korean War, and the Vietnam War, 2002

Pledge of Allegiance and Flag Etiquette

Guidelines on the Recitation of the Pledge of Allegiance, July 2001

Religious Activity in the Schools

Guidelines Concerning Religious Activity in Public Schools, June 22, 1995

School Nutrition Programs

Uniform Policy Statement for Free and Reduced Price Meals, Supts. Memo, 2002 (updated annually)

Guidelines for Accommodating Children with Special Dietary Needs in School Nutrition Programs, October 2002.

School Safety

Model School Crisis and Emergency Management Plan, November 2002

Virginia School Search Resource Guide, October 2000

School Safety audits: Protocol, Procedures, and Checklists, July 2000

Policy Regarding Medication Recommendation by School Personnel, August 2002.

Special Education

Rights and Procedural Safeguards for Special Education Related to Free and Appropriate Public Education, February 2001

Discipline of Students with Disabilities, 2000

Guidelines for the Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System, 2002

Guidelines for Participation of Students with Disabilities in Alternate Assessments, 2002

Standards of Accreditation

Guidelines Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia, November 30, 2000

Guidelines for Local School Boards to Award Verified Credits for the Standard Diploma to Transition Students, 2002

Guidelines for Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations, 2002

Interpretation of Regulations for Certain Transfer Students, 2002

Standards of Learning and Instructional Programs

Criteria for Character Education Programs, February 2000

Objectives for Personal Living and Finance, April 1999

Guidelines for the K-3 Record for Reading and Mathematics, May 1999

Guidelines for Banking-in-School Demonstration Partnership Programs, 2002

Standards of Learning Testing Program

Guidelines for Participation of Limited English Proficient Students in the SOL Assessments, October 1997

Student Discipline

Student Conduct Policy Guidelines, 2001

Student Records

Guidelines for the Management of the Student's Scholastic Record in Virginia Public Schools, July 1998

Student Transportation

Chassis Specifications for 2001 Model School Buses, October 2001 (updated annually)

Uniforms

Model Guidelines for the Wearing of Uniforms in Public Schools, May 23, 1996

Virginia State Assessment Program

Virginia State Assessment Program, Inclusion and Accommodation Guidelines for Students with Disabilities, February 1997

Implementation of the No Child Left Behind Act of 2001

Persistently Dangerous Schools and Unsafe School Choice options, 2002

Guidelines for the Provision of Public School Choice for Students in Title I Schools that are Identified for Improvement Status Under the No Child Left Behind Act of 2001, 2002

Criteria for the Providers of Supplemental Education Services Under the No Child Left Behind Act of 2001, 2002

Resolutions of the Board of Education

Subsequent to promulgating a regulation, additional questions may arise regarding the "intent" of the board regarding a regulation or section of a regulation. The Board of Education may then adopt a resolution to explain to the public its "intent" regarding the regulation or section of a regulation.

VIRGINIA EMPLOYMENT COMMISSION

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the central office of the Virginia Employment Commission, 703 East Main Street, Richmond, VA 23219. Copies of Unemployment Insurance Program documents may be obtained by contacting M. Coleman Walsh, Jr., at the Virginia Employment Commission, Office of Commission Appeals, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-7554 or FAX (804) 786-9034. Copies of Workforce Investment Act documents are available on the VEC's Internet site at <http://www.vec.state.va.us/wia.cfm?loc=wia&info=vaplans> or by contacting Caprichia Thurston at the Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 371-5365 or FAX (804) 225-2190. Unless otherwise indicated, there is a \$1.00 per document copying charge.

Questions regarding interpretation or implementation of Unemployment Insurance documents may be directed to M. Coleman Walsh, Jr., Chief Administrative Law Judge, Virginia Employment Commission, Office of Commission Appeals, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-7554 or FAX (804) 786-9034. Questions regarding interpretation or implementation of Workforce Investment Act documents may be directed to Caprichia Thurston at the Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 371-5365 or FAX (804) 225-2190.

Unemployment Insurance Guidance Documents:

Precedent Decision Manual, revised January 1997, § 60.2-100 et seq. and 16 VAC 5-10, \$90

Guide for Effective Unemployment Insurance Adjudication, revised September 1994, § 60.2-100 et seq., \$90

A Digest of Virginia Unemployment Insurance Tax Law, revised June 1990, Va. Code Anno., Title 60.2 Chapters 2 and 5, \$43

Field Operations Bulletin Manual, revised January 29, 1997, Title 60.2 Chapters 2 and 6, 16 VAC 5-10, \$10

Interoffice Communication on The 28-Day Rule, issued July 11, 1996, 16 VAC 5-60-10 F

Interoffice Communication on Interpretation of the Two-Week Limitation on Benefits Set Out in Section 60.2-612(8) of the Code of Virginia, issued January 3, 1997, § 60.2-612(8)

Interoffice Communication on Party Tape Recording Hearing, issued March 19, 1997, § 60.2-623

Commission Decision 54991-C, Meade v. Buster Brown Apparel, Inc., issued November 25, 1997, § 60.2-229(A)

Commission Decision 41251-C, Williams v. U. S. Army, issued March 19, 1993, § 60.2-604

Commission Decision 47602-C, Sikka v. Cater Air International Corp., issued March 22, 1995, § 60.2-604

Commission Decision 45419-C, In re Purvis, issued June 13, 1994, § 60.2-608

Commission Decision 12665-C, Picard v. Hayes, Seay, Mattern and Mattern, issued October 4, 1979, § 60.2-612

Commission Decision 22777-C, Moore v. Klate Holt Company, issued January 24, 1984, § 60.2-612

Commission Decision 25950-C, Heldreth v. Southwest Virginia Enterprise, issued July 11, 1986, § 60.2-612

Commission Decision 46472-C, Duncan v. Department of Corrections, issued November 15, 1994, § 60.2-612

Commission Decision 50908-C, In re Parnell, issued April 17, 1996, § 60.2-612(1)

Commission Decision 36809-C, Coy v. Philip Morris, Inc., issued November 20, 1991, § 60.2-612(5)

Commission Decision 23806-C, Sysco v. Virginia Stage Company, issued August 31, 1984, § 60.2-612(7)

Commission Decision 38556-C, Copeland v. U. S. Navy, issued July 1, 1992, § 60.2-612(7)

Commission Decision 47764-C, Lilliam v. Commonwealth Health Care, issued April 4, 1995, § 60.2-612(7)

Commission Decision 51212-C, Alderson v. Tultex Corporation, issued May 17, 1996, § 60.2-612(7)

Decision SUA-3, Fulk v. Rocco Farm Foods, issued August 11, 1975, § 60.2-612(7)

Guidance Documents

Decision UI-76-393, Corbett v. C and P Telephone Company, issued January 24, 1977, § 60.2-612(7)

Commission Decision 3153-C, Weaver v. Ideal Laundry and Dry Cleaners, issued October 16, 1957, § 60.2-618(1)

Commission Decision 5909-C, Mahew v. Capitol Concrete Rental Corporation, issued March 12, 1973, § 60.2-618(1)

Commission Decision 6514-C, Thompson v. Dow Badische Company, issued November 26, 1974, § 60.2-618(1)

Commission Decision 8298-C, Gross v. Command Deliveries, Inc., issued August 16, 1976, § 60.2-618(1)

Commission Decision 16998-C, Johnson v. Hall and Taylor Body Shop, issued November 6, 1981, § 60.2-618(1)

Commission Decision 24302-C, Young v. Mick or Mack, issued December 13, 1984, § 60.2-618(1)

Commission Decision 26561-C, Bartley v. Atlantic Research Corp., issued February 28, 1986, § 60.2-618(1)

Commission Decision 27729-C, Rasnake v. Pepsi Cola Bottling of Norton, issued July 31, 1987, § 60.2-618(1)

Commission Decision 33298-C, Pugh v. Christian Children's Fund, issued June 29, 1990, § 60.2-618(1)

Commission Decision 34957-C, Edwards v. Landmark Builders of the Triad, issued January 18, 1991, § 60.2-618(1)

Commission Decision 36673-C, Winisky v. Fauquier County School Board, issued December 2, 1991, § 60.2-618(1)

Commission Decision 37072-C, Boardwine v. Tennessee Investment Casting Company, issued December 20, 1991, § 60.2-618(1)

Commission Decision 37487-C, Beckner v. Harris Teeter Super Markets, issued April 2, 1992, § 60.2-618(1)

Commission Decision 38232-C, Wright v. Prince Edward County Department of Social Services, issued June 15, 1992, § 60.2-618(1)

Commission Decision 40365-C, Hampe v. Krisp-Pak Company, Inc., issued March 3, 1994, § 60.2-618(1)

Commission Decision 40827-C, Meador v. Bunker Hill Packing Corp., issued April 1, 1993, § 60.2-618(1)

Commission Decision 40968-C, Fields v. Bristol Home Health Services, issued May 12, 1993, § 60.2-618(1)

Commission Decision 41241-C, Jennings v. Craddock-Terry, Inc., issued March 24, 1993, § 60.2-618(1)

Commission Decision 43248-C, Zumbaugh v. GTE Government Systems, Inc., issued October 1, 1993, § 60.2-618(1)

Commission Decision 46659-C, Alsip v. Department of the Army, issued October 27, 1994, § 60.2-618(1)

Commission Decision 46964-C, Barrington v. Virginia Power, issued January 17, 1995, § 60.2-618(1)

Commission Decision 50372-C, Fedelez v. Bell Atlantic Virginia, Inc., issued March 9, 1996, § 60.2-618(1)

Commission Decision 5585-C, Newkirk v. Virginia National Bank, issued February 18, 1972, § 60.2-618(2)

Commission Decision 7340-C, Porter v. Wilson Trucking Company, issued January 5, 1976, § 60.2-618(2)

Commission Decision 7446-C, McAfee v. Harvey's Chevrolet Corp., issued February 2, 1976, § 60.2-618(2)

Commission Decision 11446-C, Wertz v. Russell Transfer, Inc., issued January 10, 1979, § 60.2-618(2)

Commission Decision 14088-C, Lee v. City of Roanoke, issued January 13, 1981, § 60.2-618(2)

Commission Decision 25853-C, Stevens v. Copy Systems, issued December 12, 1985, § 60.2-618(2)

Commission Decision 26734-C, Dawson v. Old Dominion Job Corps, issued March 28, 1986, § 60.2-618(2)

Commission Decision 28159-C, Cornett v. Harry C. Sutherland, CPA, issued April 23, 1987, § 60.2-618(2)

Commission Decision 28209-C, Garrett v. Chester Drugs, Inc., issued March 1, 1993, § 60.2-618(2)

Commission Decision 29748-C, Shelton v. Department of Labor, issued April 12, 1988, § 60.2-618(2)

Commission Decision 30052-C, Johnston v. Kennedy's Piggly Wiggly Stores, issued June 28, 1988, § 60.2-618(2)

Commission Decision 30317-C, Hodge v. Sentara Nursing Center, issued May 2, 1992, § 60.2-618(2)

Commission Decision 30397-C, Blount v. D.G.S.C., issued June 30, 1988, § 60.2-618(2)

Commission Decision 30470-C, Summers v. Turn-Key Homes, Inc., issued July 8, 1988, § 60.2-618(2)

Commission Decision 30524-C, Thomas v. Family Fashions by Avon, Inc., issued August 26, 1988, § 60.2-618(2)

Commission Decision 30609-C, Hogan v. Commonwealth of Virginia, issued September 12, 1988, § 60.2-618(2)

Commission Decision 30974-C, Garner v. Accomack County School Board, issued December 2, 1988, § 60.2-618(2)

Commission Decision 33438-C, Davis v. Stone Container Corp., issued January 18, 1991, § 60.2-618(2)

Commission Decision 34000-C, Busler v. Rapoca Energy Company, issued December 14, 1990, § 60.2-618(2)

Commission Decision 34061-C, Spencer v. Regis Hair Stylists, issued February 6, 1991, § 60.2-618(2)

Commission Decision 34343-C, Carr v. Conagra, Inc., issued November 9, 1990, § 60.2-618(2)

Commission Decision 34603-C, Lambert v. Department of the Army, issued November 29, 1990, § 60.2-618(2)

Commission Decision 35174-C, Thomas v. Steven J. Chavis, issued February 11, 1991, § 60.2-618(2)

Commission Decision 35294-C, Baker v. Norfolk Shipbuilding and Drydock, issued (unknown), § 60.2-618(2)

- Commission Decision 35309-C, Morrison v. J.T.M. Pizza, Inc., issued March 2, 1992, § 60.2-618(2)
- Commission Decision 35866-C, Bishop v. Crown Central Petroleum Corp., issued June 24, 1991, § 60.2-618(2)
- Commission Decision 35909-C, Culpepper v. Quality Cleaners, issued July 1, 1991, § 60.2-618(2)
- Commission Decision 35999-C, Simmons v. Numanco, issued July 11, 1991, § 60.2-618(2)
- Commission Decision 36195-C, Mallory v. J. A. Jones Construction Company, issued August 19, 1991, § 60.2-618(2)
- Commission Decision 36310-C, Holloway v. Pearle Vision Center and The Price Club, issued August 29, 1991, § 60.2-618(2)
- Commission Decision 36653-C, Parker v. Roadway Express, issued July 22, 1992, § 60.2-618(2)
- Commission Decision 36655-C, Simonson v. Sligh Plumbing and Heating Company, issued November 27, 1991, § 60.2-618(2)
- Commission Decision 36794-C, Jordan v. Newport News Shipbuilding, Inc., issued December 17, 1991, § 60.2-618(2)
- Commission Decision 37114-C, Neil v. Newport News Shipbuilding, Inc., issued December 24, 1991, § 60.2-618(2)
- Commission Decision 37615-C, Robinson v. Smithfield Packing Co., Inc., issued March 6, 1992, § 60.2-618(2)
- Commission Decision 37762-C, Critton v. Sola Optical U.S.A., issued April 25, 1992, § 60.2-618(2)
- Commission Decision 37934-C, Jefferson v. Heritage Garden Center, Inc., issued April 17, 1992, § 60.2-618(2)
- Commission Decision 39082-C, Perry v. Newport News Shipbuilding, Inc., issued September 12, 1992, § 60.2-618(2)
- Commission Decision 39702-C, Butts v. Jones, Blechman, Woltz and Kelly, P.C., issued October 15, 1992, § 60.2-618(2)
- Commission Decision 39703-C, Kao v. Gordon Boulevard Services, Inc., issued November 3, 1992, § 60.2-618(2)
- Commission Decision 39862-C, Lauzonis v. Holiday Inn-South, issued December 7, 1992, § 60.2-618(2)
- Commission Decision 40195-C, Slacum v. R. H. Walker and Associates, issued January 11, 1993, § 60.2-618(2)
- Commission Decision 41247-C, Osborne v. Transit Management of Alexandria, Inc., issued June 4, 1993, § 60.2-618(2)
- Commission Decision 41966-C, Cobble v. United Consumers, Inc., issued June 28, 1993, § 60.2-618(2)
- Commission Decision 42083-C, Girma v. News Emporium, Inc., issued June 7, 1993, § 60.2-618(2)
- Commission Decision 42091-C, Hurley v. Wallace, issued July 10, 1993, § 60.2-618(2)
- Commission Decision 42493-C, Layne v. Leslie G. Rowland, issued July 16, 1993, § 60.2-618(2)
- Commission Decision 42703-C, Lee v. Gam Industries, Inc., issued July 30, 1993, § 60.2-618(2)
- Commission Decision 42977-C, Bland v. Bristol Newspapers, Inc., issued August 28, 1993, § 60.2-618(2)
- Commission Decision 43306-C, Stover v. Pulaski Furniture Corporation, issued October 2, 1993, § 60.2-618(2)
- Commission Decision 43933-C, Yousef v. Avis Rent-A-Car System, Inc., issued January 7, 1994, § 60.2-618(2)
- Commission Decision 44291-C, Liberty v. Hampton Roads Vending and Food Service, Inc., issued February 12, 1994, § 60.2-618(2)
- Commission Decision 44375-C, Turner v. Christiansburg Garment Co., Inc., issued March 29, 1994, § 60.2-618(2)
- Commission Decision 45948-C, Robins v. Security Transcontinental, Inc., issued August 26, 1994, § 60.2-618(2)
- Commission Decision 45991-C, Sydenstricker v. Boddie-Noell Enterprises, issued July 28, 1994, § 60.2-618(2)
- Commission Decision 47019-C, Agnew v. Memorial Hospital of Martinsville, issued February 28, 1995, § 60.2-618(2)
- Commission Decision 49303-C, Broad v. Town of Grottoes, issued September 23, 1995, § 60.2-618(2)
- Commission Decision 49590-C, Vanwinkle v. Ammars, Incorporated, issued July 25, 1996, § 60.2-618(2)
- Commission Decision 50577-C, Billings v. Regional Enterprises, issued June 25, 1996, § 60.2-618(2)
- Commission Decision 52458-C, Larrabee v. The Sealaw Group, issued June 16, 1996, § 60.2-618(2)
- Commission Decision UCFE-246, Pryor v. Department of Defense, issued April 25, 1975, § 60.2-618(2)
- Commission Decision 34269-C, Coleman v. Clinchfield Coal Company, issued February 6, 1991, § 60.2-618(3)
- Commission Decision 43652-C, Hearn v. U. S. Army, issued November 30, 1993, § 60.2-618(3)
- Commission Decision 47442-C, Jones v. Northside Electric Company, issued March 27, 1995, § 60.2-618(3)
- Commission Decision 30679-C, Russell v. Richard T. Traylor, issued August 24, 1988, § 60.2-618(4)
- Commission Decision 39904-C, Warren v. Orion Associates, Inc., issued November 19, 1992, § 60.2-618(5)
- Commission Decision 45555-C, Fuller v. Banner Masonry, issued June 3, 1994, § 60.2-618(5)
- Commission Decision 10619-C, In re Ardizzone, issued August 2, 1978, § 60.2-619(A) and (C)
- Commission Decision 18398-C, Crone v. Kitchens Equipment Company, issued July 1, 1982, § 60.2-619(A) and (C)

Guidance Documents

Commission Decision 25734-C, Randolph v. Huff-Cook, MBA, issued July 11, 1986, § 60.2-619(A) and (C)

Commission Order 38616-C, Melton v. Monroe Systems for Business, Inc., issued June 26, 1992, § 60.2-619(A) and (C)

Commission Decision 43213-C, Forehand v. J. B. Denny Company, et al, issued September 10, 1993, § 60.2-619(C)

Commission Decision 51475-C, Crisman v. Select Staffing Services, Inc., issued June 14, 1996, § 60.2-619(C)

Commission Decision 53842-C, Wilson v. Four J's, Inc., issued December 12, 1997, § 60.2-619(C)

Commission Decision 40782-C, Luther v. Dynamic Engineering, Inc., et al, issued March 2, 1993, § 60.2-620(A)

Commission Decision 43043-C, Olabosipo v. Electronics Boutique, issued October 4, 1993, § 60.2-620(A)

Commission Order 42777-C, Royster v. Halifax-South Boston Community Hospital, § 60.2-620(A)

Commission Decision 33733-C, Gonzalez v. Thornhill, issued June 22, 1990, § 60.2-620(B)

Commission Decision 42124-C, Lasalle v. Great Falls Shell, issued June 29, 1993, § 60.2-620(B)

Commission Decision 51212-C, Alderson v. Tultex Corporation, issued May 17, 1996, 16 VAC 5-60-20 F

Commission Decision 39240-C, Edwards v. Newport News Shipbuilding, Inc., issued August 31, 1992, 16 VAC 5-80-20 I

Commission Decision 42406-C, Singleton v. Wilds, issued July 8, 1993, 16 VAC 5-80-20 I

Commission Decision 33733-C, Gonzalez v. Thornhill, issued June 22, 1990, 16 VAC 5-80-30 A 1

Workforce Investment Act Guidance Documents:

All documents provide interpretive guidance for P.L. 105-220 and 20 CFR Part 652.

Virginia's Negotiated Levels of Performance

Virginia's Unified WIA Plan, revised according to USDOL comments, and re-submitted on 5/30/200

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02-01 Processing Grievances and Complaints

02-02 Recaptured Workforce Investment Act Title I Local Formula Funds

Virginia Workforce Training Oversight Assessment Guide

PY03 Local Plan Guidance

PY2001-PY2003 Local Planning Guidance, as approved by the Virginia Workforce Council

Virginia Memorandum of Understanding Guide

FGM #00-01 Consumer Reports System

FGM # 00-02 Implementation of Interim Data Collection and Reporting System

FGM #01-01 Follow-up Services

FGM #01-02 Employed Worker Response

FGM #01-03 Memoranda of Understanding Guidelines

FGM #01-04 Local WIA Program Policy Implementation

FGM #02-01 FGM Board Staff Costs

FGM #02-02 Clarification of the Term "School Dropout"

FGM #02-03 Carrying Over WIA Funds

FGM #02-04 Local Area WIA Funds Transfer Procedures

FGM #02-05 Sanctions for Unacceptable Performance

FGM #02-06 2002 Poverty and 70% Lower Living Standard Income Levels

FGM #02-07 Definition of Family

Q&A DOL WIA Transition and Implementation Issues

Q&A WIA Local Roles and Responsibilities

Q&A WIA Title I Funding to Localities in Virginia

Q&A Transition to a One Stop System in Virginia
Q&A Youth and Summer Program 2000 Guidance
Q&A Transition to WIA
Q&A WIA Overview for Virginia

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has numerous documents in use which guide staff in the implementation of the regulations adopted by the three boards: State Air Pollution Control Board, Virginia Waste Management Board and State Water Control Board. In accordance with state law, the department will publish an annual list of guidance documents.

The list which follows contains documents prepared by the department. It does not include documents which merely restate regulatory provisions in a different format such as checklists or boilerplates, nor does it include guidance documents developed by other federal and state agencies.

The majority of the guidance documents are available, at no charge, on the Virginia Regulatory Town Hall website: www.townhall.state.va.us. Requests for copies of those documents not available electronically on the Town Hall or copies of any of the documents listed are considered a request for information under the Freedom of Information Act. There is a charge for copies. Unless a cost is specifically listed, the charge will be based on the department's FOIA Policy.

Requests for copies or questions regarding interpretation of Waste Division Guidance should be directed to: Central Office Waste Division, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 629-4147.

Requests for copies or questions regarding interpretation of the FOIA Policy should be directed to: Central Office FOIA Coordinator, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 629-4531 or (804) 698-4315.

Requests for copies or questions regarding interpretation of the Litter Prevention and Recycling documents should be directed to: Coordinator, Litter Control and Recycling, Department of Environmental Quality, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4003.

Requests for copies or questions regarding interpretation of any of the other guidance documents should be directed to the appropriate regional office:

Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24210, telephone (276) 676-4800.

Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7800.

Piedmont Regional Office, 4949 A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5020.

West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6700.

Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2000.

Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3800.

South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502 (434) 582-5120.

Copies may also be requested by writing to: FOIA Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Procedure for Environmental Impact Review 9/16/2003

Virginia Freedom of Information Act Compliance 11/16/2000

Enforcement Manual 12/1/1999

03-1999 Solid Waste Moratorium 7/23/1999

03-2003 Tax Certification for Pollution Control Materials and Equipment 6/18/2003

11-2002 Ability to Pay Guidance : Local Governments 7/1/2002

12-2002 Ability to Pay Guidance: Bankrupt Entities 1/1/2002

13-2002 Ability to Pay Guidance: Corporations 7/1/2002

14-2002 Ability to Pay Guidance: Individuals 7/1/2002

15-2002 Ability to Pay Guidance: Partnerships 7/1/2002

16-2002 Guidance for Certification of Waste Oil Burning Equipment for the State Income Tax Credit 8/1/2002

Air Pollution Control Board

APG-01 Emergency Generators-Permit Exemption Guidance - Memo No. 97-1001 1/22/1997

APG-03 EPA's White Papers on Title V Operating Permit Program - Memo No. 97-1004 8/19/1997

APG-04 Utilization of the Wood Furniture Manufacturing Title V Permit Boilerplate - Memo No. 98-1001 2/17/1998

APG-05 Common Control Determinations for Title V Permit Applicability - Memo No. 98-1002 3/5/1998

APG-06 Primary Authority for Implementation and Enforcement of 40 CFR Part 63 Standards in Virginia - Memo No. 98-1003 12/3/1998

APG-08 Promulgation of New Title V Procedures Manual - Memo No. 99-1002 6/15/1999

APG-10 Public Participation Requirements for Construction of New Major or Major Modification of an Existing Stationary Source - Memo No. 99-1004 8/19/1999

APG-11 Promulgation of State Operating Permits Manual - Memo No. 99-1006 10/21/1999

APG-13 Title V Air Permits Guidance Manual 6/15/1999

APG-14 State Operation Permits Manual 9/30/1999

APG-15 Promulgation of Municipal Solid Waste Landfill Procedures and Boilerplate Permits - Memo No. 99-1005 9/1/1999

Guidance Documents

APG-16 MOU with Shenandoah National Park regarding PSD Permitting Issues 3/31/1993

APG-17 MOU with Jefferson National Forest 3/30/1993

APG-18 NSR Permit Manual: New Source Review Permits Program Manual 9/7/2000

APG-19 112(g) Implementation Guidance 9/30/2000

APG-20 Municipal Solid Waste Landfill Procedures and Boilerplate Permits 9/1/1999

APG-21 Procedures for Permitting and other Activities Associated with Coal Processing Plants 4/22/1996

APG-22 Permit Rescission Guidance Document (APG 96-239) 8/26/1996

APG-23 Asphalt Plant Procedure for Writing New and Modified Permits 6/2/1999

APG-24 Stone Processing Procedure for Writing New and Modified Permits 4/21/1998

APG-24 Stone Processing Procedure for Writing New and Modified Permits 4/21/1998

APG-25 Coal Preparation Procedure for Writing New and Modified Permits 4/21/1998

APG-26 Concrete Plant Procedure for Writing New and Modified Permits 2/22/1999

APG-27 Incinerator Procedure for Writing New and Modified Permits 2/24/1998

APG-28 Miscellaneous Coatings Procedure for Writing New and Modified Permits 8/10/2000

APG-29 Natural Gas and Distillate Oil Procedure for Writing New and Modified Permits for Boilers 11/4/1998

APG-30 Printing Procedure for Writing New and Modified Permits 8/10/2000

APG-31 Residual Oil Procedure for Writing New and Modified Permits 9/17/1998

APG-32 Wood Fired Boiler Procedure for Writing New and Modified Permits 8/14/1998

APG-33 Wood Coating Procedure for Writing New and Modified Permits 11/5/1998

APG-34 Wood Working Procedure for Writing New and Modified Permits 11/5/1998

APG-35 Shell Building Memorandum 1/30/1987

APG-36 Air Permitting Guidelines 1/5/1996

APG-37 Evaluation and Air Permitting Requirements for Landfills in Virginia (ADP Statement No. 1-96) 4/23/1996

APG-38 CAM Guidance, Chapter 9 of the Title V Permit Writer's Manual - Memo No. 1-1001 9/25/2001

APG-39 Guidance on Permit Applicability - PM and PM-10 Sources 11/2/2001

APG-40 Revised Implementation Guidance for Incorporating State Toxics Requirements in Air Permits 2/11/2002

APG-41 Confidentiality Policy (Memo No. 02-1002) 3/29/2002

APG-42 Chapter 10 Procedure for State Only Changes (Memo No. 02-1003) 4/24/2002

APG-43 Procedure for Changing a Facility from a Major Title V Facility to a Synthetic Minor Facility 5/21/2002

APG-44 Boilerplate and Procedures for Poultry Incinerator Permits (Memo No. 02-1005) 7/11/2002

APG-45 Nitrogen Oxides Budget Trading Program State Implementation Plan - Permit Application (Memo No. 02-1006) 9/6/2002

APG-46 Title V Acid Rain Permit Conversion and Boilerplate (Memo No. 02-1007) 9/20/2002

APG-47 Permit Writer's Guide to the NO_x Budget Trading Program 6/9/2003

APG-48 Permit Writer's Guide to Acid Rain Permitting (Memo No. 03-1002) 3/26/2003

APG-49 Procedure for Renewal of Federal Operating Permits (Memo No. 03-1003) 6/10/2003

APG-50 Permit and BACT Applicability under Chapter 80 Article Permitting (Memo No. 03-1004) 9/26/2003

APG-51 Guidance on Confidential Information and Responding to FOIA Requests for Air Permitting Records, New Source Review Manual (Memo No. 03-1005) 8/1/2003

APG-52 Procedures for Shutting Down Sources 10/1/2003

APG-53 Exemption for Poultry Incinerators (Memo No. 03-1006) 10/31/2003

APG-54 Nitrogen Oxides Emissions during Fuel Transfers for GE Frame 7FA Turbines (Memo No. 03-10090 11/22/2003

AQP-01 Procedures for Texting Facilities Subject to Emission Standards for Volatile Organic Compounds 7/1/1991

AQP-02 Procedures for Determining Compliance with Volatile Organic Compound Emission Standards Covering Surface Coating Operations 7/1/1991

AQP-03 Procedures for the Measurement of Capture Efficiency for Determining Compliance with Volatile Organic Compound Emission Standards Covering Surface Coating Operations and Graphic Arts Printing Processes 4/1/1996

AQP-04 Procedures for Maintaining Records for Surface Coating Operations and Graphic Arts Printing Processes 7/1/1991

AQP-08 Procedures for Preparing and Submitting Emission Statements for Stationary Sources 1/1/1993

AQP-09 Procedures for Implementation of Regulations Covering Stage II Vapor Recovery Systems for Gasoline Dispensing Facilities 1/1/1993

AQP-11 Implementation of the Prevention of Significant Deterioration (PSD) of Air Quality Program 1/1/1993

- AQP-12 Factors to be Considered in Determining the Suitability of a Proposed Facility to Located at a Particular Site 1/1/1993
- AQP-14 Control Technology Requirements for Emissions of NO_x from Electric Generating Combined Cycle Turbines 12/1/2002
- ASOP-01 Complaints 8/9/2001
- ASOP-02 Inspections 9/14/2001
- ASOP-03 Vehicle Emissions Evaluations 3/20/2003
- ASOP-04 CEM Audit Evaluation 3/19/2003
- ASOP-05 Gasoline Delivery Tank Operation, Testing and Certification 10/23/1997
- ASOP-06 Title V Report/Certification of Evaluations 3/1/2002
- ASOP-07 VOC Testing 10/23/1997
- ASOP-08 Particulate Testing: Role of Agency Observer 5/26/1998
- ASOP-09 VOC Sampling and Analysis 3/28/2002
- ASOP-10 Review of CEM Reports 11/14/2002
- ASOP-11 The NO_x Trading Program 6/6/2003
- ASOP-17 Compliance Assistance 9/23/2003
- MSOP-01 Mobile Source Operations Section Operational Orders 8/22/2000
- MSOP-02 Mobile Source Operations Section Operational Orders 12/19/2000
- MSOP-03 Mobile Source Operations Section Operational Orders 8/17/2000
- MSOP-05 Mobile Source Operations Section Operational Orders 2/23/2001
- MSOP-06 Mobile Source Operations Section Operational Orders 8/11/2000
- MSOP-07 Mobile Source Operations Section Operational Orders 8/16/2000
- MSOP-08 Mobile Source Operations Section Operational Orders 3/1/2000
- MSOP-09 Mobile Source Operations Section Operational Orders 12/20/2000
- MSOP-10 Mobile Source Operations Section Operational Orders 8/17/2000
- MSOP-11 Mobile Source Operations Section Operational Orders 8/14/2000
- MSOP-12 Mobile Source Operations Section Operational Orders 7/24/2000
- SBAP-01 Small Business Assistance Program Modification Procedures for Modification of Work Practices, Technical Methods or Time Frame 10/28/1994
- SBAP-02 Guide to Compliance Requirements for Dry Cleaners 3/17/1994
- SBAP-03 Fact Sheet - Wood Furniture Operations 12/13/1996
- SBAP-04 Fact Sheet - Lithographic Printing Processes 7/1/1996
- SBAP-05 Fact Sheet - Flexographic, Rotogravure, and Publication Rotogravure Printing Lines 7/1/1996
- SBAP-06 Fact Sheet - Small Business Assistance Program 12/17/1997
- SBAP-07 Air Quality Self-Assessment for Small Businesses 3/3/1997
- SBAP-08 Automotive Refinishing Shops: Best Management Practices 2/5/1998
- SBAP-09 Offset Printing: Waste Reduction Tips 2/5/1998
- SBAP-10 Printing Industry: Best Management Practices and Water Based Ink and Cleaners 2/5/1998
- SBAP-11 Screen Printing: Waste Reduction Tips 2/5/1998
- SBAP-12 Service Stations and Automotive Repair Shops: Waste Reduction Tips 2/5/1998
- SBAP-13 Vapor Degreasing: Add on Controls 2/5/1998
- SBAP-14 Internet Guide for Virginia's Small Business Community 12/10/1998
- SBAP-15 Dry Cleaner Compliance Calendar, Subpart M of 40 CFT Part 62 1/1/2004
- SBAP-16 Virginia Vapor Recovery Program Compliance Calendar for Gasoline Dispensing Facilities 1/1/2004
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- Virginia Litter and Recycling Educational Projects 12/1/2003
- Litter Prevention and Recycling Grant Programs 12/1/2003
- 10-2002 Underground Storage Tank Financial Responsibility: Frequently Asked Questions 12/30/2003
- State Water Control Board
- Virginia Brownfield Remediation Loan Program Guidelines 5/1/2003
- Virginia Land Conservation Loan Program Guidelines 10/28/2003
- Virginia Water Quality Improvement Fund - Guidelines 11/1/1999
- Virginia Wastewater Revolving Loan Fund Program Design Manual 5/16/2001
- Procedural Guidelines for Virginia's Wastewater Revolving Loan Fund 3/1/2002
- Virginia Agricultural BMP Loan Program Guidelines - FY 2000 6/1/2001
- 00-2001 Revised Joint Permit Application Addendum for Virginia Water Protection Permit 1/21/2000
- 00-2002 Permit Reapplication Requirements for Municipal Separate Storm Sewer Systems 1/24/2000

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- 00-2003 Wetland Compensation Ratios 2/1/2000
- 00-2005 VPA General Permit Eligibility for Dairy Operations 3/23/2000
- 00-2006 Spiking Requirements for Metals Analysis 3/23/2000
- 00-2008 Notification of Acceptance for Coverage by a General Permit 5/12/2000
- 00-2010 Protocol for DEQ Action in the Event Unpermitted Discharges are Identified 8/22/2000
- 00-2011 Guidance on Preparing VPDES Permit Limits based on Water Quality Standards for Toxicants 8/24/2000
- 00-2011 QL Related Update to Guidance Memo 00-2011 - Amendment 4 (1-3 no longer effective) 4/10/2003
- 00-2012 Toxicants Management Program Implementation 8/24/2000
- 00-2015 Implementation Guidance for July 2000 Revisions to the VPDES Permit Regulation 9/27/2000
- 00-2016 Chain of Custody Policy and Procedures 10/23/2000
- 00-2018 Implementation of the VPA General Permit Regulation for Poultry Waste Management 11/30/2000
- 01-2001 Use of USGS 1980 Hydrologic Unit Map of the US to Determine Appropriate Hydrologic Unit Code for Compensatory Mitigation using Mitigation Bank Credits 1/8/2001
- 01-2002 Implementation Guidance for Financial Assurance Regulation 1/10/2001
- 01-2003 Standard Operating Procedures for Clean Metals Sampling - Amendment 1 4/10/2003
- 01-2003 Standard Operating Procedures for Clean Metals Sampling 3/5/2001
- 01-2005 Interim Guidance for Spray Irrigation and Reuse of Wastewater 1/18/2001
- 01-2006 Revised Commercial Laboratory Inspection Procedures 3/6/2001
- 01-2006 Revised Commercial Laboratory Inspection Procedures - Amendment 1 5/19/2003
- 01-2007 Implementation Guidance for December 2000 Revisions to the VPDES Permit Regulation 3/15/2001
- 01-2008 Numbering of Outfalls for VPDES Permits 3/21/2001
- 01-2010 VPDES Permit Manual 4/9/2001
- 01-2011 Monitoring Toxic Trace Metals in Surface Waters 4/16/2001
- 01-2012 Siting of Storm Water BMPs in Surface Waters and the Application of Temperature Standard to Impoundments 4/18/2001
- 01-2013 Checklists for Wastewater Laboratory Inspections 5/3/2001
- 01-2013 Checklists for Wastewater Laboratory Inspections - Amendment 2 5/10/2002
- 01-2016 Implementation Guidance for Reissuance of the General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD 5/15/2001
- 01-2016 Implementation Guidance for Reissuance of the General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD - Amendment 1 7/25/2001
- 01-2017 DEQ Staff Biosecurity Procedures and Response to Suspected and/or Confirmed Outbreak of Foot & Mouth Disease 5/21/2001
- 01-2018 Implementation of the Reissued VPDES General Permit Regulation for Seafood Processing Facilities 6/5/2001
- 01-2019 Implementation of Amendments to the VPA General Permit Regulation for Confined Animal Feeding Operations - New Registration Statement 7/17/2001
- 01-2020 Implementation of Amendments to the VPDES Permit Regulation and General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD - Local Government Ordinance Form 7/17/2001
- 01-2021 Virginia Department of Transportation Interagency Transfer Process for Permit Application Fees 7/26/2001
- 01-2024 Storage Tank Program Technical Manual, Third Edition 10/4/2001
- 01-2025 Petroleum Storage Tank Compliance Manual 10/12/2001
- 01-2027 EPA Review of VPDES Permit - Addendum 1 11/19/2002
- 02-2001 Confined Animal Feeding Operation (CAFO) Inspection Checklist 1/23/2002
- 02-2002 Fish Kill Guidance Manual Second Edition 3/4/2002
- 02-2003 2002 Water Quality Assessment Guidance Manual 4/8/2002
- 02-2003 2002 Water Quality Assessment Guidance Manual - Amendment #1 7/15/2002
- 02-2004 Targeted Lake and Reservoir Monitoring 4/8/2002
- 02-2005 Virginia Water Protection Permit Manual 5/1/2002
- 02-2006 VPDES-VPA Inspection Strategy 5/6/2002
- 02-2008 Authorization of Remediation Equipment for Reimbursement Using Lease Versus Purchase Analysis 5/23/2002
- 02-2009 Virginia Petroleum Storage Tank Fund Reimbursement Guidance Manual, Volume II, 4th Edition 5/23/2002
- 02-2010 Water Compliance Auditing Manual 7/3/2002

- 02-2011 Clarification of Farm or Stock Pond Exemption from Virginia Water Protection Permit Program Requirements 7/3/2002
- 02-2012 Determination of Service Areas for Compensatory Mitigation Banks 7/12/2002
- 02-2013 Evaluation of Vapor Monitoring Data for Petroleum Storage Tank Release Detection 7/17/2002
- 02-2015 Repeal of the Sewerage Regulations and VDH's Adoption of Sewage Collection and Treatment Regulations 8/7/2002
- 02-2016 Issuance of Virginia Water Protection Permits for Surface Water Impacts in the Potomac River 8/7/2002
- 02-2017 Implementation of the Reissued VPDES General Permit for Car Wash Facilities 8/21/2002
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- 02-2018 Implementation of the Reissued VPDES General Permit for Seafood Processing Facilities 6/5/2001
- 02-2018 Revision to Petroleum Clean-up AAF Verification Procedures 10/24/2002
- 02-2019 Virginia Petroleum Storage Tank Fund Reimbursement Guidance Manual, Volume II, 5th Edition 11/4/2002
- 02-2020 MTBE Corrective Action Requirements 11/20/2002
- 03-2001 Reporting Operator Misconduct or Convictions 1/7/2003
- 03-2002 Revised Joint Permit Application 1/16/2003
- 03-2003 Interpretation for Water Monitoring of Guidance Memo 00-2016 - Chain of Custody Policy and Procedures 1/24/2003
- 03-2004 Managing Water Monitoring Programs While Under Reduced Resources 2/10/2003
- 03-2005 Small MS4 General Permit Implementation Guidance 3/3/2003
- 03-2006 Permitting ISTEAs Exempted Municipally Owned Industrial Activity Storm Water Discharges 3/19/2003
- 03-2007 Implementation of bacteria standards in VPDES Permits 3/27/2003
- 03-2008 Significant Figures - Writing of Effluent Limits 4/10/2003
- 03-2009 Implementation Guidance for Reissuance of VPDES General Permit for Cooling Water Discharges 4/10/2003
- 03-2010 Procedures for Administering Refunds of Water Permit Fees 4/14/2003
- 03-2011 Implementation Guidance for Reissuance of the General VPDES Permit for Ready-Mixed Concrete Plants VAG 11 8/28/2003
- 03-2012 HSPF Model Calibration and Verification for Bacteria TMDLs 9/3/2003
- 03-2013 Method for Calculating E. Coli TMDLs based on Fecal Coliform Modeling 9/3/2003
- 03-2014 Reporting of Data Generated During Approved Training Program 9/10/2003
- 03-2015 Method for Representing WLAs in Bacteria TMDLs 11/25/2003
- 90-011 Interpretation of Nutrient Policy 4/20/1990
- 90-016 Use of State Model by Consultants 7/2/1990
- 91-004 Permits/Certificates Approved at Board Meetings 2/1/1991
- 91-006 Purchase of Sample Containers 2/20/1991
- 91-007 Sample Volumes for Nonmetals Lab 2/20/1991
- 91-020 Modifications to September 8, 1989 Guidance Memo VPDES Permitting Strategy for Discharges Resulting from UST Remediation Projects and Similar Projects 10/1/1991
- 91-026 Oil and Grease Analysis Manual 11/18/1991
- 91-028 Procedure for Assigning Numbers to Permits 12/10/1991
- 92-005 Pretreatment Program Priorities 2/27/1992
- 92-006 Authorization to Issue Certifications for Tax Exemptions 3/9/1992
- 92-006 Authorization to Issue Certifications for Tax Exemptions for Underground Storage Tanks - Addendum #5 11/4/1996
- 92-006e Authorization to Issue Certifications for Tax Exemptions 11/4/1996
- 92-013 Reporting of BOD5 Results for VPDES Monitoring 4/21/1992
- 92-016 Virginia Pollution Abatement (VPA) Permit Manual 6/1/1992
- 92-018 Virginia Pollution Abatement (VPA) Permit Program 8/28/1992
- 93-007 Virginia Pollution Abatement (VPA) Manual Update-New PAN Uptake Tables, Wells 4/7/1993
- 93-008 DEQ Water Division Water Purification Systems Contaminants 4/20/1993
- 93-020 VPDES and VPA Permit Manual, DEQ Revisions 7/26/1993
- 93-023 Procedures for Processing VPA Permits for the Food Processing Category 9/20/1993
- 93-029 Procedures for Implementing the Toxics Monitoring Program 12/20/1993
- 93-030 Procedures for Approving Plans and Specifications for Sewerage Systems and Sewage Treatment Works and CED for Industrial Facilities 12/21/1993
- 94-003 Classification of Effluent/Water Quality Limiting Segments and Relationship with Antidegradation Tiers 3/22/1994

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- 94-009 On-Site Disposal of Ground Water at Petroleum Contaminated Sites 7/29/1994
- 94-012 Calcium Carbonate Equivalence Testing Requirements 10/20/1994
- 94-014 Implementation of the VPA General Permit for Confined Animal Feeding Operations 11/16/1994
- 94-017 VPA Farm Fertilizer and Chemical Dealerships 12/22/1994
- 95-002 VPA Land Application of Water Treatment Plant Residuals 1/19/1995
- 95-006 Updated Technical Criteria for VPA Industrial Land Application Program 9/28/1995
- 95-008 General Permits 11/3/1995
- 95-009 Nutrient Management Plans for Activities Covered Under the VPA General Permit for Confined Animal Feeding Operations 11/6/1995
- 95-010 VPA Permit Application Forms Revision 11/6/1995
- 96-001 Storm Water Permitting 3/15/1996
- 96-002 OandG/TPH Limits for Certain Effluents 4/9/1996
- 96-006 Wastewater Works Licensed Operator Requirements 9/10/1996
- 96-007 Evaluation of Calibration Curve Linearity 9/18/1996
- 96-009 Obtaining Dissolved Metals Data 11/19/1996
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- 97-001 VPDES Toxic Management Program 1/3/1997
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- 97-2003 Standard Operating Procedure for the Electronic File Transfer of Data Sets from the National Computing Center STORET Database to a PC 9/12/1997
- 97-2005 Development of Total Maximum Daily Loads 10/16/1997
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- 99-2007 Implementation Guidance for Reissued VPDES General Permit for Nonmetallic Mineral Mining 6/29/1999
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- 99-2009 Implementation of the VPDES General Permit for Storm Water Discharges Associated with Industrial Activity 7/16/1999
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- WQS-1 Water Quality Standards Interpretation - New Standards (1992) 2/24/1992
- WQS-2 Water Quality Standards Interpretation of Biologically Based Flows, Low Flow Application and Mixing Zones 11/2/1992
- WQS-3 Water Quality Standards Interpretation of Fecal Coliform Bacteria and Mixing Zones 4/20/1993
- WQS-4 Water Quality Standards Interpretation of Cyanide Standard 11/2/1994
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- 01-1993 Permit Fees 2/18/1993
- 01-1994 Gas Condensate Recirculation 11/1/2002
- 01-1995 Policy for Handling Investigation Derived Waste 9/1/2003
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- 01-1997 Discarded Sandblast Grit Policy 2/14/1997

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- 01-2000 (Att) Waste Procedure #2 Attachment 8/8/2000
- 01-2001 Terminating Sites in the Voluntary Remediation Program 2/3/2001
- 01-2002(01) Submission Instruction 01 5/21/2002
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- 01-2002(04) Submission Instruction 04 5/21/2002
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- 01-2003 Solid Waste Annual Report Procedure 3/10/2003
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- 02-1994 Hazardous Waste Permit and Closure Plan Processing Guidelines 10/25/1994
- 02-1995 Two Tier Approach to Hazardous Waste ACLs and Reduction of the Post Closure Care Period 7/5/1995
- 02-1996 Activities Allowed on Pre-1971 Landfills 2/8/1996
- 02-1997 Activities on Closed Landfills 9/1/2003
- 02-1999 Special Provisions Regarding Wetlands 7/23/1999
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- 02-2002 Guidance Document Development 6/3/2002
- 02-2002(03) Submission Instruction 03 5/21/2002
- 02-2003 Guidance on Procedures for Reporting NPL-Caliber Landfills Progress to EPA 4/7/2003
- 03-1993 Clarification of Final Cover Designs and Alternate Designs 5/18/1993
- 03-1995 Sanitary Landfill Inspection Guidance 10/1/1995
- 03-1996 Permit Appeal Language for Solid Waste Permits 5/24/1996
- 03-1997 Notice of Expansion for Category 2 and Category 3 Facilities 8/17/1997
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- 03-2002 Guidance for Assessing Groundwater at Voluntary Remediation Sites 4/16/2002
- 04-1993 HELP Model - Leachate generation for tank design 6/1/2003
- 04-1994 Guidelines for Special Waste Disposal 9/1/2003
- 04-1994(SPSW-1) Guidelines for Special Waste Disposal (Form SPSW-1) 9/1/2003
- 04-1994(SPSW-2) Guidelines for Special Waste Disposal (Form SPSW-2) 9/1/2003
- 04-1994(SPSW-3) Guidelines for Special Waste Disposal (Form SPSW-3) 9/1/2003
- 04-1995 Solid Waste Landfill Closure Responsibilities 10/1/1995
- 04-1996 Addendum to Policy for Handling Investigation Derived Waste 7/24/1996
- 04-1999 Guidance for Facility Property Boundary Modifications 10/11/1999
- 04-2003(15) Submission Instruction 15 7/14/2003
- 04-2003(16) Submission Instruction 16 7/14/2003
- 04-2003(17) Submission Instruction 17 7/31/2003
- 05-1996 Siting Requirements for Hazardous Waste Management Facilities 7/26/1996
- 05-2001 Certification of Satisfactory Completion of Remediation 6/14/2001
- 05-2003 Solid Waste Permitting Manual 7/31/2003
- 06-1995 Definition of Appropriate Container 9/1/2003
- 06-1995 Closed Landfill Inspection Guidance 10/30/1995
- 06-1996 Disposal of Sharps 8/6/1996
- 06-2001 Guidance on the Director's Determination in § 10.1-1408.1 D 1 of the Code of Virginia 8/9/2001
- 06-2003 Brownfields Manual 8/11/2003
- 07-1993 Yard Waste Composting Facility Inspection Guidance 6/14/1993
- 07-1996 Closure Documents - Survey Plat Guidance 8/6/1996
- 07-2003 Permitting Guidance for the 10-Year Permit Review 8/27/2003
- 08-1993 P. E. Certifications Required for Permit by Rules 10/1/1993
- 08-1996 Inspection of Closed Solid Waste Management Facilities 12/12/1996
- 08-2001 Statement Regarding Data to be Incorporated into the Regulations for Solid Waste Management Planning 12/18/2001
- 09-1993 Thermal Treatment Facility Inspection Guidance 11/9/1993

Guidance Documents

09-2002(form) Guidance for Recycling Equipment Tax Credit 6/4/2002

09-2002(guide) Guidance for Recycling Tax Credit 6/4/2002

09-2002(instruction) Guidance for Recycling Equipment Tax Credit 6/4/2002

09-2003 Submission Instruction 18 10/10/2003

10-1993 CDD Landfill Inspection Guidance 11/9/1993

11-1993 Industrial Landfill Inspection Guidance 11/9/1993

12-1993 Materials Recovery Facility Inspection Guidance 11/9/1993

13-1993 Solid Waste Energy Recovery and Incineration Facility Inspection Guidance 11/9/1993

14-1993 Solid Waste Transfer Station Inspection Guidance 11/9/2003

17-2002 Solid Waste Financial Assurance Procedures 8/22/2002

18-2002 Hazardous Waste Financial Assurance Procedures 8/22/2002

EE-134 Virginia Waste Tire Program Waste Tire Amnesty Guidelines 10/1/1998

EE-151 Virginia Waste Tire Program - Waste Tire Certification Instructions 11/1/2003

EE-160 Virginia Waste Tire Program - Standards for Use of Tire Chips in a Residential Septic Drainfield 8/1/1997

EE-166 Virginia Waste Tire Program Utilization of Waste Tire Shred/Chips 8/1/2002

DEPARTMENT OF FORESTRY

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Department of Forestry, 900 Natural Resources Drive, Suite 800, Room 1144, Charlottesville, VA 22903. Copies of the Alternate Management Plans and Reforestation of Timberlands Policy may be obtained free of charge by contacting Becky Woodson at the same address, telephone (434) 977-6555 or FAX (434) 296-2369.

Questions regarding interpretation or implementation of Alternate Management Plans or Reforestation of Timberlands Policy may be directed to Phil Grimm, Department of Forestry, 900 Natural Resources Drive, Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369 or e-mail grimmp@dof.state.va.us.

Copies of the Water Quality Enforcement documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Department of Forestry, 900 Natural Resources Drive, Suite 800, Room 2108, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Brenda Taylor at the same address, telephone (434) 977-6555 or FAX (434) 977-7749.

Questions regarding interpretation or implementation of Water Quality Enforcement documents may be directed to Matt Poirot, Department of Forestry, 900 Natural Resources Drive, Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369 or e-mail poirotm@dof.state.va.us.

Guidance Documents:

Procedure, Alternate Management Plans (AMP) Form 3.74A, revised December 31, 2001, §§ 10.1-1162 et seq.

Procedure, Reforestation of Timberlands Policy, revised May 1, 2003, §§ 10.1-1170 et seq.

Procedure, Water Quality Enforcement, revised August 1, 2002, § 10.1-1181.1

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at fanbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board at the address above or by telephone at (804) 662-9907. Copies are free of charge.

Guidance Documents:

65-3, Board opinion on what constitutes training sites for resident trainee, adopted January 10, 1995

65-4, Board instituted procedure allowing funeral service establishment voluntary compliance of noted deficiencies during routine inspections, adopted September 12, 1995

65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors, adopted by Board on December 7, 1995

65-6, Board procedures on the application process of the Resident Trainee Program, adopted April 18, 1997

65-7, Memorandum of Understanding with the Virginia Department of Agriculture and Consumer Services, May 11, 1998

65-8, Board opinion on casket stores in the Commonwealth of Virginia, adopted on June 10, 1998

65-9, Memorandum of Understanding Between the Cemetery Board of the Department of Professional and Occupational Regulation and the Board of Funeral Directors and Embalmers of the Department of Health Professions, April 2, 1999

65-10, By-Laws of the Board, adopted March 8, 2000

65-11, Inspection Guidance Document, adopted January 17, 2001

DEPARTMENT OF GAME AND INLAND FISHERIES

Copies of the following Department of Game and Inland Fisheries (DGIF) guidance documents may be viewed during regular work days from 9 a.m. until 4 p.m. in the office of the Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230. Copies of most documents listed below may be obtained at no charge. Documents listed below which are followed by an indication of the number of pages may be obtained at a cost of \$0.25 per page for copying and handling.

Requests for copies, and questions regarding interpretation or implementation of these documents, may be directed to the agency policy analyst and regulatory coordinator, Phil Smith, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-0488.

Guidance Documents:

General (updated 2003)

Department of Game and Inland Fisheries Mission Statement, January 1990, § 29.1-103

Department of Game and Inland Fisheries Fiscal Year 2004 Planned Management Document, June 2003, § 29.1-103, approximately 80 pages

Board of Game and Inland Fisheries ("Board") Policy A-1-90, for Adoption of Policies, July 1990, § 29.1-103

Board Policy A-2-90, on Voting by Board Chairman, July 1990, § 29.1-103

Board Policy A-4-93, on Role and Responsibilities of the Board of Game and Inland Fisheries, August 1993, §§ 2.2-2100 and Title 29.1

Addendum #1 to Board Policy A-4-93 (Role and Responsibilities of the Board of Game and Inland Fisheries) on Operating Principles of the Board of Game and Inland Fisheries, March 1994, Title 29.1

Board Resolution conferring certain powers of the Board on the Director, August 1973, §§ 29.1-109 through 29.1-504 (various), 29.1-600, and 29.1-609

Regulatory Coordination (updated 2003)

Board Procedures for Wildlife Regulations, revised January 1997, §§ 29.1-103, 29.1-501 and 29.1-502

Citizen Participation in Wildlife Regulations brochure, revised March 2003, §§ 29.1-103, 29.1-501 and 29.1-502

Administrative (reviewed 2003)

Board Policy A-3-93, on Hunting and Fishing License Agent Appointment and Removal, July 1993, §§ 29.1-103 and 29.1-327

Board Policy A-5-93 on Financial Management Guidance, amended July 1997, §§ 29.1-101 and 29.1-101.1

Board Policy A-6-95, on Real Estate Authorizations and Documents, July 1995, § 29.1-103

Board Policy C-2-90, on Naming of Department Facilities, October 1990, § 29.1-103

Board Policy C-4-90, on Leasing of Antenna Sites, October 1990, §§ 29.1-103 and 29.1-105

Board Policy C-5-90, on Gating of Access Roads on Department Lands, October 1990, §§ 29.1-103 and 29.1-105

Board Policy Statement on Delegation of Leasing Authority for Leases of \$5000 or Less, July 1991, §§ 29.1-103 and 29.1-105

Capital Programs Administrative Procedures Manual (on capital budgeting, capital outlay, boating access site selection process, boating access maintenance, DGIF dam safety program, outdoor signage of department facilities, building permit policy for construction of state owned buildings and structures, environmental and historical investigation process, acquisition of real property, leasing real property, (real property) licenses and other temporary agreements, easements, trespass and boundary, surplus and disposal of real property, transfers to other state agencies, land record research, and real property management appendices; appendices include but are not limited to purchase contract, acquisition project statement, real property scoring worksheet, antennae policy, special use permit, shoreline management plan, trespass notice letter, and boundary marking guide sheets), October 2000, §§ 29.1-103 and 29.1-105, 325 pages

Administrative - Lifetime Hunting and Fishing Licenses (reviewed 2002)

Application for Lifetime Licenses, revised July 1, 2002, §§ 28.2-302.10:1 and 29.1-302.1

Application for Virginia Resident Disabled Veteran's Lifetime State License to Hunt and Freshwater Fish in Inland Waters and Virginia Resident Disabled Veteran's Lifetime State License to Trap, revised May 14, 2001, §§ 29.1-302 and 29.1-309.1

Application for Disabled Resident Special Lifetime Hunting, Trapping, Freshwater, Saltwater Fishing License, revised May 14, 2001, §§ 28.2-302.10, 29.1-302.1, 29.1-302.2, and 29.1-309.1

Disabled Resident Hunting and Freshwater Fishing Licenses Physician's Affidavits, revised May 18, 2000, §§ 29.1-302.1 and 29.1-302.2

Replacement Application for Disabled Resident Lifetime License or Saltwater Lifetime License, revised July 1, 2002, § 29.1-334

Game Wildlife (updated 2003)

Hunting and Trapping in Virginia, 2003-2004 Regulations, June 2003, §§ 29.1-103, 29.1-501 and 29.1-502

2003-2004 Virginia Migratory Waterfowl Seasons and Bag Limits, August 2003, § 29.1-103

2003-2004 Doves, Woodcock, Snipe, Rails, Falconry, September Canada Goose and September Teal (Virginia migratory game bird seasons and bag limits), July 2003, § 29.1-103

Virginia Migratory Game Bird Harvest Information Program brochure, 1998, § 29.1-103 and 4 VAC 15-290-140

Guidance Documents

Board Procedures for Non-Regulatory Matters and Migratory Bird Seasons and Bag Limits, January 1994, § 29.1-103

Virginia Deer Management Plan, July 1998, § 29.1-103

Restoring Our Wetlands (including Wetland Restoration Program Guide), 1998, § 29.1-103

A Guide to Virginia's Wildlife Management Areas, revised July 1996, § 29.1-103, 68 pages, five dollars

Fish (updated 2003)

2004 Virginia Freshwater Fishing Regulations, January 2004, §§ 29.1-103, 29.1-501 and 29.1-502

Board Policy B-1-90, on Wild Trout Conservation, October 1990, § 29.1-103

Board Policy C-3-90, on Management of Public Fishing Lakes, October 1990, § 29.1-103

2004 Catchable Trout Stocking Plan, January 2004, § 29.1-103

2004 Trout Guide, January 2004, § 29.1-103

Fish Division Procedure and Criteria for Issuing Fish Stocking Authorizations, revised July 31, 1998, § 29.1-103

Fish Division "Kid's Fishing Day" trout-stocking policy, July 31, 1998, § 29.1-103

Threatened and Endangered Species and Wildlife Diversity (updated 2003)

Board Policy E-1-90, on Permits to Take Threatened and Endangered Species, October 1990, §§ 29.1-563 through 29.1-568 and § 29.1-570

Threatened and Endangered Species Permit Application and Permit Information, revised November 27, 2002, §§ 29.1-412, 29.1-417, and 29.1-568

Threatened/Endangered Species Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, and 29.1-568

Special Status Species in Virginia, January 2001, §§ 29.1-563 through 29.1-568 and § 29.1-570

2001 Official Listing of Native and Naturalized Fauna in Virginia, January 2001, § 29.1-100

Bald Eagle Protection Guidelines for Virginia, last updated May 15, 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Plan to Provide Safe Harbor Assurances to Landowners in Virginia Who Voluntarily Agree to Enhance Habitat for the Endangered Red-Cockaded Woodpecker, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Evaluation Form for Virginia Landowners, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Cooperative Agreement for Landowners Near the Nature Conservancy's Piney Grove Preserve in Sussex County, Virginia, October 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Appalachian Water Shrew Recovery Plan, approved March 2, 1994, §§ 29.1-563 through 29.1-568 and § 29.1-570

Canebrake Rattlesnake Recovery Plan, approved February 1, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Eastern Big-Eared Bat Recovery Plan, approved July 16, 1990, §§ 29.1-563 through 29.1-568 and § 29.1-570

Wilson's Plover Recovery Plan, approved May 28, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Bog Turtle, No. 030061.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Canebrake Rattlesnake, No. 030013.1, October 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Eastern Hellbender, No. 020020.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Eastern Tiger Salamander, No. 020052.1, October 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Spotted Salamander, No. 020049.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Environmental Review (reviewed 2003)

Standard Environmental Review Procedures, adopted November 20, 1992, § 29.1-103

Permitting (updated 2003)

Animal Population Control Permit for Furbearing Animals, Application and Permit Information, August 30, 2000, § 29.1-501

Permit Application to Collect Snapping Turtles, Crayfish, and Hellgrammites for Sale, and Permit Conditions, revised January 1, 2003, § 29.1-412

Verification of Permanent Disability to Hunt with a Crossbow, revised July 8, 1998, § 29.1-519

Dog Field Trial Permit Application and Conditions, revised July 1, 2003, §§ 29.1-417 and 29.1-422

Permit Application to Exhibit Wild Animals in Virginia, and Permit Conditions, revised March 1, 2003, §§ 29.1-412 and 29.1-417

Import and Possess Certain Non-Native (Exotic) Wildlife in Virginia Permit Application and Permit Conditions, revised January 22, 2002, §§ 29.1-412, 29.1-417 and 29.1-542

Exotic Species - Import Certain Non-Native Wildlife (Tilapia, Clawed Frog) Permit Application and Permit Information, revised October 2, 1997, § 29.1-542

Exotic Species – Permit to Import Certified Triploid Grass Carp for Aquatic Vegetation Control in Private Ponds Application and Permit Information, revised March 7, 2003, § 29.1-542

Falconry Permit Application, revised March 1, 2003, §§ 29.1-412 and 29.1-419

Falconry Regulations, Facilities and Equipment Examination Guidance Document, March 1, 2003, §§ 29.1-412 and 29.1-419

Permit Application to Operate a Foxhound Training Preserve and Annual Reporting Form, revised July 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Permit Conditions for the Operation of Foxhound Training Preserves in Virginia. revised July 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Permit to Deal in Furs Application and Permit Conditions, revised May 6, 2002, Title 29.1, Chapter 4

Gill Net Permit Application and Permit Conditions, revised April 6, 2001, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Catch Minnows and Chubs for Sale Application and Permit Conditions, revised January 1, 2003, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Nongame Fish for Sale Application and Permit Conditions, revised August 1, 2002, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Fish for Personal Use Application and Permit Conditions, revised January 1, 2003, §§ 29.1-412 and 29.1-416

Permit to Hold and Sell Certain Fish, Snakes, Snapping Turtles, Crayfish, and Hellgrammites For Sale Application and Permit Conditions, revised August 1, 2002, §§ 29.1-412 and 29.1-417

Nonresident Harvester's Permit Application to Take or Catch Fish in Back Bay and its Tributaries, revised August 1, 2001, §§ 29.1-412 and 29.1-416

Permit to Possess, Propagate, Buy, and Sell Certain Wildlife in Virginia (Fisheries, Wildlife, Raptors) Application and Permit Conditions, revised January 1, 2003, November 20, 2002, and March 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Raccoon Hound Field Trial Permit Application and Permit Conditions, July 1, 2003, §§ 29.1-417 and 29.1-422

Wildlife Rehabilitator Permit Application, revised May 27, 2003, §§ 29.1-412 and 29.1-417

Wildlife Rehabilitator Permit Conditions, revised May 27, 2003, §§ 29.1-412 and 29.1-417

Scientific Collection or Salvage Permit Application and Permit Information, revised November 27, 2002, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Wildlife Salvage Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Supplemental Amendment Form for Scientific Collection or Salvage Permit, March 24, 1992, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection, Salvage, and T&E Annual Permit Report and Report Instructions, June 2003, §§ 29.1-412, 29.1-417, 29.1-418

Physician's Affirmation as to One's Permanent Inability to Walk to Shoot from a Stationary Vehicle, revised August 1994, § 29.1-521.3

Licensed Shooting Preserve Permit Application and Permit Conditions, revised May 1, 2003, §§ 29.1-514, 29.1-544

Striped Bass Fishing Tournament Application/Permit, 4 VAC 15-320-140

Permit to Stuff and Mount Birds, Animals, or Fish and Parts of Them for Sale or Compensation Application and Taxidermy Permit General Conditions, revised May 29, 2003, Title 29.1, Chapter 4

Boating (updated 2003)

Virginia Watercraft Owner's Handbook (online version only), revised 2003, § 29.1-701

Watercraft Dealer Licensing Fact Sheet, revised January 2000, § 29.1-818

Boat Virginia, A Course on Responsible Boating, 2001, § 29.1-701

Youth Boating and Water Safety Activities, Third and Fourth Grade Unit, June 1999, § 29.1-701

Personal Watercraft in Virginia, A Course for a Safe and Responsible Ride, 2003, § 29.1-701

Personal Watercraft - PWC - Safety Brochure, revised 2003, § 29.1-701

PWC (Personal Watercraft) Rental Information, January 2000, § 29.1-701

Boat Safe Without Drugs and Alcohol, 2003, § 29.1-701

Law Enforcement (updated 2003)

Board Policy B-2-90, on Game and Fish Replacement Values, July 1, 2001, § 29.1-551

Board Policy D-1-90, on Duties of Game Wardens, October 1990, §§ 29.1-103, 29.1-109 and 29.1-200 through 29.1-218

Sportsman's Pledge, Release of Landowner from Liability, and Landowner's Permission to Hunt card, 1992, §§ 29.1-103, 29.1-509 and 29.1-521

DEPARTMENT OF GENERAL SERVICES

Division of Engineering and Buildings

Bureau of Capital Outlay Management

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Capital Outlay Management, 8th Floor, 805 E. Broad Street, Richmond, VA 23219. Copies may be obtained for \$45 per copy by writing to the Department of General Services, Construction and Professional Services Manual (CPSM), 202 North 9th Street, Suite 209, Room 201,

Guidance Documents

Richmond, VA 23219, or by personal appearance at the same address. Payment can be made by check, money order, or cash. Checks and money orders should be made payable to the Treasurer of Virginia.

Questions regarding interpretation of these documents may be directed to William W. Scott, Director, Bureau of Capital Outlay Management, 8th Floor, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 786-6292, FAX (804) 225-4709 or e-mail bscott@dgs.state.va.us.

Guidance Documents:

Construction and Professional Services Manual for Architects/Engineers, December 1996, with Revisions 1 – 5, § 2.2-1132

Construction and Professional Services Manual for Agencies, December 1996, § 2.2-1132

Bureau of Facilities Management

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Bureau of Facilities Management, Zincke Building, Room 101, 203 Governor Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Janie Flannagan, 203 Governor Street, Richmond, VA 23219, telephone (804) 371-4807 or FAX (804) 371-7974.

Questions regarding interpretation or implementation of these documents may be directed to Bruce E. Brooks, Director, Bureau of Facilities Management, Zincke Building, Room 101, 203 Governor Street, Richmond, VA 23219, telephone (804) 371-4807, FAX (804) 371-7974 or e-mail bbrooks@dgs.state.va.us.

Guidance Documents:

Department of General Services Directive No. 14, Policies and Procedures for the Use of Parking Facilities, February 1, 1996

Department of General Services Directive 3-90, Cable Installation, March 1990, § 2.2-1129 et seq.

Department of General Services Directive No. 15, Indoor Clean Air, September 1, 1997, § 15.2-2800 et seq.

Bureau of Real Property Management

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219. Copies may be obtained for \$10 per copy by contacting Betty Hancock at the Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 371-7934, or e-mail bhancock@dgs.state.va.us. Payment can be made by check, money order, or cash. Checks and money orders should be made payable to the Treasurer of Virginia.

Questions regarding interpretation or implementation of these documents may be directed to John E. Forrest, Director, Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 371-7934 or e-mail eforrest@dgs.state.va.us.

Guidance Documents:

Department of General Services, Division of Engineering and Buildings, Directive No.1 (revised) dated June 15, 1984, Attachments K and L, revised August 12, 1986

Real Property Management Manual, Chapter One: Acquisition by Lease, issued December 15, 1993

Real Property Management Manual - Chapter 5 dated December 19, 1997, "Leasing Land And Space For Placement of Communication Towers And Antennas On State-Owned Property," issued December 19, 1997

Division of Purchases and Supply

The following document is available at no cost at www.state.va.us/dps. This publication is only available electronically.

Questions regarding interpretation or implementation of this document may be directed to Mark Bolton, Director, Bureau of Supply and Asset Management, 1910 Darbytown Road, Richmond, VA 23231, telephone (804) 236-3675, FAX (804) 236-3663 or e-mail mbolton@dgs.state.va.us.

Guidance Document:

DPS Surplus Showcase (Eligible participants in the federal surplus program)

The following document is available at no cost at www.eva.state.va.us. This daily publication of statewide procurement opportunities is only available in electronic format. Questions should be directed to Mary Fleming, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 786-1310, FAX (804) 225-3707 or e-mail mfleming@dgs.state.va.us.

Questions regarding interpretation of this document may be directed to Linda C. Hardwicke, Programs Manager, Marketing and Procurement Support, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3796, FAX (804) 371-8937 or e-mail lhardwicke@dgs.state.va.us.

Guidance Document:

Virginia Business Opportunities (VBO) Ads

DEPARTMENT OF HEALTH

Copies of the following documents are available for electronic viewing by setting an Internet browser to: www.townhall.state.va.us, and thereafter navigating the Virginia Regulatory Town Hall to the regulatory page of the State Board of Health, and clicking on "Guidance Documents." This is the most efficient means by which citizens may obtain access to these documents.

(Copies of the documents are also available from the various program offices of the Virginia Department of Health in Richmond, although a charge may apply. Contact the Regulatory Coordinator, Office of the State Health Commissioner, Virginia Department of Health, 109 Governor

Street, Richmond, VA 23219, telephone (804) 864-7001 or FAX (804) 864-7022. Copies may be viewed during regular work days, excluding state holidays, from 9 a.m. until 4:30 p.m. in the program offices of the Virginia Department of Health, 109 Governor Street, Richmond, VA 23219. Notice of intent to visit these offices for viewing will facilitate the availability of desired documents. The department requests such notice by contacting the Regulatory Coordinator at the address or a number listed above.)

Questions regarding interpretation or implementation of these documents may be directed to the Regulatory Coordinator at the address and numbers above.

Guidance Documents:

ADJ-003, Guidelines and Policies for Informal Fact-Finding Conferences (IFFCs) to Consider Applications for Certificates of Public Need (COPNs), revised effective November 1, 2002, § 32.1-102.6

CME-001, Handbook: the Medical Examiner's Handbook, issued 1982, §§ 32.1-277 through 32.1-288

CME-002 The Medical Examiner System Commonwealth of Virginia Pamphlet, revised 9/2002, §§ 32.1-277 through 32.1-288

CME-003 Questions and Answers about the Virginia State Anatomical Program Pamphlet, revised 4/2002, §§ 32.1-277 through 32.1-288

EMS-1001, Guide: Virginia Disaster Medical Response Operations Guide, issued October 27, 1997, §§ 44-146.18, 44-146.24 and 44-146.28:1

EMS-1002, Plan: Plan For Coordination of Health And Medical Response To Catastrophic Casualty Events, issued December 1, 1997, §§ 44-146.18 and 44-146.24. Revised October 1998

EMS-1004, Standard Operating Procedure: Standard Operating Procedure for Virginia Physician Strike Teams, issued February 7, 2002

EMS-1009, Standard Operating Procedure: Health And Medical Emergency Response Plan: Administrative Standard Operating Procedures, issued February 25, 2001

EMS-1010, Checklist: Virginia EMS Disaster Task Forces Task Force Commander Checklist, issued October 20, 1997, §§ 2.1-555, 2.1-557, 44-146.18, 44-146.24 and 44-146.28:1, Revised 1999

EMS-1011, Standard Operating Procedure: Standard Operating Procedure For Virginia EMS Task Forces, issued June 10, 1997, §§ 2.1-555, 2.1-557, 44-146.18 and 44-146.24, Revised November 30, 1999

EMS-1012, Standard Operating Procedure: Standard Operating Procedure, Emergency Health and Medical Coordination Team (C Team), issued November 21, 1997, §§ 2.1-555, 2.1-557, 44-146.18, 44-146.24 and 44-146.28:1, Revised April 12, 2002

EMS-1013, TRANSAID Voice Message Format Guide, Edition 1.1, issued February 1998, §§ 44-146.18 and 44-146.24, Revised March 13, 1998

EMS-1014, Standard Operating Procedure: Standard Operating Procedure, Critical Incident Stress Management Strike Teams, issued October 24, 2000, §§ 2.1-555, 2.1-557, 44-146.18, 44-146.24, and 44-146.28:1

EMS-1015, Standard Operating Procedure for Procedure for Virginia Massage Therapy Strike Teams for Responder Rehabilitation, issued April 16, 2002

EMS-1030, Standard Operating Procedure and Reference Guide: Standard Operating Procedure, Virginia Health and Medical Operations Center Staff, issued July 14, 2000, §§ 44-146.18 and 44-146.24

EMS-1030, Standard Operating Procedure and Reference Guide: Standard Operating Procedure, Virginia Health and Medical Operations Center Staff, issued July 14, 2000, §§ 44-146.18 and 44-146.24

EMS-3000, Continuing Education Booklets, (EMT-Basic, EMT-Shock Trauma, EMT-Cardiac, EMT-Paramedic, issued May 1, 1997, § 6.2, Part A, EMS Training Programs, Rules and Regulations Governing Emergency Medical Services

EMS-3001, Program Review for Paramedic Programs in Virginia, issued June 1, 1996, § 6.2, Part B, Standards for Approved Programs, Rules and Regulations Governing Emergency Medical Services

EMS-3002, EMS Training Program Administration Manual, effective January 1, 2003, § 32.1-111.5

EMS-3005, Consolidated Test Site and Certification Examiners Procedures Manual, effective November 1, 1998, § 32.1-111.5

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BOARD OF HEALTH PROFESSIONS

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Guidance Documents:

75-1, Recommended Policy and Procedures in Disciplinary Cases Involving Board Members, adopted October 1993

75-2, Appropriate Criteria in Determining the Need for Regulation of Any Health Care Occupation or Professions, adopted February 1998.

75-3, Mission and Vision of the Board of Health Professions, adopted April 1998

DEPARTMENT OF HEALTH PROFESSIONS

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Department Directives:

76-1, Mission Statement of the Department (Directive 1.1), September 15, 2003

76-2, Agency Staff Titles (Directive 1.4), September 1, 2002

76-2.1, Internet Privacy Policy (Directive 1.9), September 15, 2003

76-3, Promulgation of Rules (Directive 2.1), July 1, 1996

76-4, Publication of Regulations and Statutes (Directive 2.2), July 1, 1996

76-5, Execution of Disciplinary Orders (Directive 3.1), February 28, 2002

76-6, Petition for Reinstatement of License or Modification of Disciplinary Orders (Directive 3.2), July 1, 1996

76-7, Subpoenas for Disciplinary Hearings (Directive 3.3), October 1, 1996

76-8, Complainant Notification of Case Proceedings (Directive 3.4), July 1, 1996

76-9, Complaint Receipt and Investigation of Allegations of Misconduct (Directive 4.1), July 1, 1996

76-11, Reports to National Practitioner Data Bank (Directive 4.3), August 14, 1996

76-12, Requesting Information from The National Practitioner Data Bank (Directive 4.4), August 14, 1996

76-13, Tampering Threat Procedures (Directive 4.5), July 1, 1996

76-13.1, Agency Standards for Case Resolution (Directive 4.6), May 2, 2002

76-14, Procurement of Nonprofessional Services (Directive 5.1), July 1, 1996

76-15, Procurement of Goods (Directive 5.2), July 1, 1996

76-16, Sole Source Approval for Examination Services (Directive 5.3), July 1, 1996

76-16.1, Equal Opportunity in Agency Procurement (Directive 5.8), October 1, 2002.

76-17, Recruitment and Filling Vacant Positions (Directive 6.1), July 1, 1996

76-18, Indoor Clean Air (Directive 7.1), August 18, 1997
76-19, Records Management (Directive 7.3), July 1, 1996
76-25, Compensation for Members of Appointed Bodies (Directive 5.4), July 1, 1998
76-26, Compliance with Licensure Laws (Directive 4.7), October 21, 2003
76-27, Extension of Time for Active Duty Servicement (Directive 1.12), June 13, 2003
76-28, Disclosure of Information (Directive 1.6), September 15, 2003
76-29, Disclosure of Information to Health Practitioner Intervention Program (Directive 1.7), September 15, 2003
76-30, Conduct of Surveys (Directive 1.8), September 15, 2003
76-31, Principles/Establishment of Fees (Directive 5.5), November 8, 2000
76-32, Letter to Sentara on Confidentiality Agreements, April 24, 2002
76-33, Foreign Applicants; Requirement to Provide Social Security Numbers, September 5, 2002
76-34, Reporting by Hospitals and Other Health Care Institutions of Disciplinary Actions Against and Allegations of Misconduct by Certain Health Care Practitioners Pursuant to House Bill No. 1441 (2003 Session), July 23, 2003

Enforcement Documents:

76-20, Adjudication Manual - Disciplinary process, October 13, 1998.

Frequently-cited Inspection Deficiencies:

76-20.1, Community pharmacies, August 1, 2003
76-20.2, Hospital pharmacies, September 1, 2002
76-20.3, Funeral facilities, September 1, 2001

Inspection plans and Inspection Reports:

76-21.1 Board of Pharmacy, July 1, 1999
76-21.1:1, community pharmacy, October, 2003
76-21.1:2, hospital pharmacy, July 1990
76-21.1:3, physicians licensed to dispense drugs, January 1989
76-21.1:4, humane society, September 16, 2003
76-21.1:5, wholesaler, January 1989
76-21.1:6, medical equipment suppliers, September 16, 2003
76-21.1:7, warehouse
76-21.1:8, manufacturers, January 1989
76-21.1:9, practitioners licensed to sell controlled substances, November 2, 2003

76-21.1:10, controlled substance registration inspection report A, September 16, 2003
76-21.1:11, controlled substance registration inspection report B, September 16, 2003
76-21.1:12, robotic inspection report, September 16, 2003
76-21.1:13, sterile compounding report, September 16, 2003
76-21.1:14, automation report, September 16, 2003
76-21.2, Board of Veterinary Medicine, July 1, 1999
76-21.2:1, Animal facility inspection report, December 1997
76-21.3, Board of Funeral Directors and Embalmers, July 1, 1999
76-21.3:1, Funeral establishment inspection report, July 1, 2000
76-21.4, Compliance Notice, November, 2003
76-22, Case Intake Manual, 1998
76-23, Investigators Manual, 1993
76-24, Case Format Guidelines, February 1997
76-24.1, Inspection Guidelines, September 2000
76-24.2, Dental Office Inspection Report, July 12, 1993
76-24.3, Dental Office Inspection Report, July 12, 1993

(NOTE: 76-21 through 76-24 are maintained in the Enforcement Division of the Department. For copies or questions, contact Faye Lemon at the address above or at (804) 662-9902.)

DEPARTMENT OF HISTORIC RESOURCES

The documents in the following list represent publications, forms, and photocopied materials that provide guidance for the public on either how to interpret or implement statutes or regulations or how to use key agency programs. Copies of the following documents are available during regular work days from 8:30 a.m. until 4:30 p.m. in the main office of the Virginia Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221, or at any of its regional offices. Copying costs may apply for large orders or for documents that are out of print. Copies can be obtained by contacting the regional offices, from staff coordinating the program covered by particular documents, or from Pam Doak in the main office at the address above, telephone (804) 367-2323 x101 or FAX (804) 367-2391.

The department also prepares occasional research, survey and preservation planning reports of general interest and materials of an advisory or educational nature. For a listing of such publications with prices contact Deborah Woodward at the address above.

Agency forms, information in the documents listed below and the agency publication lists are also available on the agency website at <http://www.dhr.virginia.gov>.

Regional office addresses and phone numbers are as follows:

Guidance Documents

Portsmouth Regional Preservation Office, Department of Historic Resources, 612 Court Street, 3rd Floor, Portsmouth, VA 23704, telephone (757) 396-6709.

Roanoke Regional Preservation Office, Department of Historic Resources, 1030 Penmar Avenue, SE, Roanoke, VA 24013, telephone (540) 857-7585.

Winchester Regional Preservation Office, Department of Historic Resources, 107 N. Kent Street, Suite 203, Winchester, VA 22601, telephone (540) 722-3427.

Guidance Documents:

Virginia's Historical Registers: A Guide for Property Owners, prepared 1995, revised 2000, 17 VAC 5-30-10 and 17 VAC 10-20-10

Preliminary Information Forms for Archaeological Sites, Architectural Properties, and Historic Districts

State and Federal Regulations Related to the Preservation of Historic Properties in the Commonwealth of Virginia, prepared 1996, revised 2001

Rehabilitation Tax Credits: Frequently Asked Questions, issued 2000, updated 2002, § 58.1-339.2.

Tax Credit Information and Resources on the Internet, issued 2001, § 58.1-339.2.

Sample Description of Rehabilitation Proposal, updated August 1996, § 58.1-339.2.

Application Checklist (tax credit program), issued 1997, updated 2002, § 58.1-339.2.

Vision and Choice: Protecting Your Historic Landmark, published 1990, revised 2001, § 10.1-2202.9

Virginia's Cost Share Program, Virginia Department of Historic Resources, § 10.1-2202.6

The Certified Local Government Program in Virginia, 36 CFR Part 61

How to Apply for Designation as a Certified Local Government in Virginia, 36 CFR Part 61

State Grants for Historic Properties, § 10.1-2213

Application for Historic Preservation Funds, § 10.1-2213

How to Complete Virginia Department of Historic Resources Archaeological Site Inventory Forms, revised 1993, § 10.1-2202.6

Putting Virginia's History to Work: Virginia's Comprehensive Historic Preservation Plan, published 2001, 36 CFR Part 61

State-Owned Historic Landmarks Manual for Property Administrators: Review of Rehabilitation and Renovation Projects Pursuant to the 1990 Appropriations Act and Engineering and Building Directive #1, prepared 1990

Virginia Department of Historic Resources State Curation Standards, revised 1998, § 10.1-2202.15

Guidelines for Conducting Cultural Resource Survey in Virginia: Additional Guidance for the Implementation of the Federal Standards Entitled "Archaeology and Historic

Preservation: Secretary of the Interior's Standards and Guidelines (48 FR 44742, September 29, 1983), issued 1999, Revised 2001.

Permit Application for Archaeological Removal of Human Burials (Application Form), issued 1998, § 10.1-2305

Permit Application for Archaeological Investigations on State Lands (Application Form), issued 1998, § 10.1-2304.

Instructions for Completing the Project Review Application, issued 2000, 36 CFR Part 800.

Cell Tower Review Process and Application, issued 2001, 36 CFR Part 800.

Archives Search Request and User Agreement (form) issued 2000, revised 2001.

Criteria for Virginia Historical Highway Markers, issued December 1993, § 10.1-2204.

Virginia Historical Highway Marker Program: Procedure for Placement of New Markers, August 2002, § 10.1-2204.

Virginia Historical Highway Marker Program: Writing Style, August 2001, § 10.1-2204.

Virginia Historical Highway Marker Program: Criteria for Marker Placement, August 2002, § 10.1-2204.

Local Historical Highway Marker Programs, August 2002, § 10.1-2210.

Instructions for Release of State Grants to Nonstate Entities, issued July 2002 and Item 532 and § 4-5.07 of the 2002 Appropriation Act (Chapter 899 of the Acts of Assembly of 2002)

Virginia Department of Historic Resources, Data Sharing System User Manual, February 2002

Guidelines for electronic submission of Archaeological and Architectural Survey data, June 2002

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 5 p.m. at the Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia 23219. Copies may be obtained at agency cost by contacting Stephen W. Calhoun at the same address or by telephone (804) 371-7015.

Questions regarding interpretation or implementation of these documents may be directed to Stephen Calhoun at the above address or telephone number or by e-mail at scalhoun@dhcd.state.va.us. Guidance documents of the Commission on Local Government are listed separately.

Guidance Documents:

Single Family Regional Loan Fund Manual, revised September 2003

Affordable Housing Production and Preservation Manual, revised September 2003

State Homeless Housing Assistance Resources (SHARE) Program Manuals:

SHARE Expansion Program Manual, revised November 2003

SHARE Homeless Intervention Program Manual, revised July 2003

SHARE Federal Shelter Grant Manual, revised July 2003

SHARE Shelter Support Grant Manual, revised July 2003

Child Care for Homeless Children Manual, July 2003

HOME Match Funds for the Supportive Housing Program Manual, revised November 2003

Child Services Coordinator Program Manual, July 2003

Housing Opportunities for Persons with AIDS Program Manual, revised July 2002

Community Housing Development Organization Assistance Program Guide and Manual, revised November 2001

Pre-Development Loan Program Manual, revised November 2002

Emergency Home Repair Program Manual

Virginia Lead Safe Home Implementation Manual, October 2003

Home Investment Partnership Program Design Manual, August 2003

Weatherization and Low-Income Housing Energy Assistance Program Manual, December 2002

Virginia Community Development Block Grant Program: Program Design Manual, revised November 2002, 24 CFR Part 570

Community Improvement Grant Contract Negotiation Guide, revised September 2002, 24 CFR Part 570

Community Improvement Grant Management Manual, revised September 2002, 24 CFR Part 570

Planning Grant Management Manual, revised August 2002

Indoor Plumbing Rehabilitation Loan Program Management Manual, October 1999

Virginia Enterprise Zone Program Instruction and Application Manuals:

Instructions for Requesting State Tax Credits for Qualified Zone Investments, revised January 2003

Instructions for Requesting State Tax Credits for Real Property Improvements, revised January 2003

Instructions for Requesting State Tax Credits for New Businesses, revised January 2003

Instructions for Requesting State Tax Credits for Existing Businesses, revised January 2003

Instructions for Requesting State Tax Credits for State Job Grants, revised January 2003

Program Guidelines for the Regional Competitiveness Program, August 2001

Request for Qualification: Regional Competitiveness Program, August 2001

Request for Requalification, Regional Competitiveness Program, August 2001

Main Street Program Guidelines, August 2001

Virginia Enterprise Initiative Program Design, January 2003

Virginia Individual Development Account Program Design, February 2003

Handbook on State Certification for Code Officials and Inspectors, 2003

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the offices of the Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220. Copies may be obtained free of charge by contacting Judson McKellar at the same address or by telephone at (804) 343-5540.

Questions regarding interpretation or implementations of these documents may be directed to Judson McKellar at the above address or telephone number.

Guidance Documents:

3.1-3.23, Single-Family Processing Guide, April 1999, 13 VAC 10-40

Single-Family Exhibits Guide, May 2001, 13 VAC 10-40

Single-Family Loan Documents Guide, February 2001, 13 VAC 10-40

VHDA Homeownership Program Guidelines for Realtors and Lenders, May 2003, 13 VAC 10-40

Single-Family Policy and Procedures Manual, March 2001, 13 VAC 10-40

Single-Family Regional Loan Fund Administrative Procedures Manual (VHDA/DHCD), October 2000, 13 VAC 10-40 and Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia

Single-Family FasTrak Users Guide, March 28, 2000, 13 VAC 10-40

Single-Family Loan Reservation Systems Guide, April 4, 2000, 13 VAC 10-40

Single-Family Servicing Guide, April 1997, 13 VAC 10-40

Homeownership Education Guide, July 2002, 13 VAC 10-40

Single Family Consumer Guide-Making Homeownership a Reality, June 2003, 13 VAC 10-40

Home Improvement Loan Program Manual (Title I-FHA Program), May 21, 1996, 13 VAC 10-50

Home Improvement and Special Programs Procedure Manual, September 28, 1993, 13 VAC 10-50 and 13 VAC 10-60

Guidance Documents

Multi-Family Loan Policy and Lending Guidelines, May 15, 2001, 13 VAC 10-20

Asset Management Operations Manual, October 1, 2002, 13 VAC 10-20

Operating Procedures, Assisted Multi-Family Program Compliance, November 28, 2000, 13 VAC 10-20

Operating Procedures, Conventional Multi-Family Program Compliance, November 28, 2000, 13 VAC 10-20

Housing Choice Voucher Operations Manual, October 2003, 13 VAC 10-70 and 13 VAC 10-80

8-528-1, Subsidy Standards, August 1996, 13 VAC 10-70 and 13 VAC 10-80

8-910-1, Interim Reporting Requirements, January 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1002-1, Owner Termination of Tenancy Requirements, January 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1012-1, Crime and Alcohol Abuse by Family Member, July 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1040-1, Informal Reviews for Applicants, July 1996, 13 VAC 10-70 and 13 VAC 10-80

8-1041-1, Informal Hearing Procedures for Participants, July 1996, 13 VAC 10-70 and 13 VAC 10-80

8-1400-1, Portability Notice for Families, June 1996, 13 VAC 10-70

8-545-2, Family's Guide to Rental Vouchers, April 2002, 13 VAC 10-70

VHDA Administrative Plan for Tenant Based Rental Assistance, July 2003, 13 VAC 10-70

VHDA PHA Plan, July 2003, 13 VAC 10-70

Application Manual - Low Income Housing Tax Credit Program, January 7, 2003, 13 VAC 10-180

Federal Low-Income Housing Tax Credit Program, Compliance Monitoring Manual, January 2002, 13 VAC 10-180

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Office of Health Benefits, James Monroe Building, 13th Floor, 101 North 14th Street, Richmond, VA 23219. Copies may be obtained by contacting Linda Morton at the same address, e-mail lmorton@dhrm.state.va.us, telephone (804) 786-6432 or FAX (804) 371-0231. Unless otherwise noted, copies are available at no charge. Questions regarding interpretation or implementation of these documents may be directed to Linda Morton.

Guidance Documents:

Personnel Management Information System User's Manual, revised September 2000

Policies and Procedures Manual, revised September 1993

Human Resource Management Manual, revised 2000

Salary Structure, revised November 25, 2003

Job Structure, revised September 2000

Health Insurance Manual, revised January 2002, cost \$20

The Local Choice Administrative Manual, revised July 1997, cost \$20

Flexible Reimbursement Accounts Program Administrative Handbook for Benefits Administrators, revised January 2003, cost \$10

Workers' Compensation Claims Procedural Manual, revised July 2003

State Health Benefits Program

COVA Care Member Handbook, July 2003

State Retiree Health Benefits Program

Advantage 65 Member Handbook, January 2001

Amendment Effective January 1, 2004

Amendment Effective January 1, 2003

Medicare Retiree Dental/Vision Member Handbook, January 2001

Amendment Effective January 1, 2004

Amendment Effective January 1, 2003

Amendment Effective November 1, 2002

Medicare Complementary Option I Member Handbook, January 2001

Amendment Effective January 1, 2004

Amendment Effective January 1, 2003

Amendment Effective November 1, 2002

Medicare Supplemental Option II Member Handbook, January 2001

Amendment Effective January 1, 2004

Amendment Effective January 1, 2003

Amendment Effective November 1, 2002

The Local Choice Health Benefits Program

Key Advantage Member Handbook, July 1, 2000

Amendment Effective July 1, 2003

Key Advantage with Expanded Benefits Member Handbook, July 1, 2000

Amendment Effective July 1, 2003

Cost Alliance with Dental Member Handbook, July 2000

Amendment Effective July 1, 2003

KeyShare Member Handbook, July 1, 2002

Amendment Effective July 2003

KeyShare with Expanded Benefits Member Handbook, July 1, 2002

Amendment Effective July 2003

Value Alliance with Dental Member Handbook, July 1, 2002

Amendment Effective July 2003

Advantage 65 Member Handbook, January 1, 2001

Amendment Effective July 2003
Dental/Vision Member Handbook, January 2001
Amendment Effective July 2003
Medicare Complementary Option I Member Handbook,
January 1, 2001
Amendment Effective January 2003
Magellan Behavioral Health Member Handbook, July 1,
2001
Addendum I Effective July 1, 2002
Addendum II Effective July 1, 2002
Magellan Behavioral Health Employee Assistance, Mental
Health and Substance Abuse Information Guide, July 1,
2000

JAMES MADISON UNIVERSITY

Copies of the following documents are available by contacting the Office of University Communications at James Madison University. The address is MSC 5714, Medical Arts West, Suite 24, James Madison University, Harrisonburg, VA 22807. The telephone number is (540) 568-3474 and the FAX number is (540) 568-3634. Most of the documents are also available online.

Faculty Handbook - <http://www.jmu.edu/facultyhandbook/>

Financial Procedures Manual -
<http://www.jmu.edu/finprocedures/>

Manual of the Board of Visitors:
Manual of Policies and Procedures
<http://www.jmu.edu/JMUpolicy/>

Parking Regulations:
<http://web.jmu.edu/parking/regulations.asp>

Student Handbook:
<http://www.jmu.edu/judicial/handbook.shtml>

DEPARTMENT OF JUVENILE JUSTICE

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Ken Bailey at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0737 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of this document may be directed to Ken Bailey, Certification Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0737 or FAX (804) 371-0773.

Guidance Documents:

Standards Manual for Interdepartmental Regulation of Residential Facilities for Children, July 1, 2000, 22 VAC 42-10

Compliance Manual for Standards for Juvenile Residential Facilities as Applicable to Secure Detention Facilities, First Edition, June 1998, 6 VAC 35-140

Compliance Manual for Standards for Juvenile Residential Facilities as Applicable to Group Homes, June 1998, 6 VAC 35-140

Compliance Manual for Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts, 1998, 6 VAC 35-150

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Capital Outlay Office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lloyd Schiedge, Capital Outlay Unit, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-1107 or FAX (804) 786-1557.

Questions regarding interpretation or implementation of this document may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-5402 or e-mail millermg@djj.state.va.us.

Guidance Document:

Virginia Department of Juvenile Justice Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, revised January 10, 2001, § 16.1-309.5

(NOTE: This document is also included in the Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, which may be obtained from the department's Detention Specialist, Marilyn Miller, by calling (804) 786-5402 or e-mail, at millermg@djj.state.va.us).

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Research and Evaluation Section at the Central Office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lynette Greenfield at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of this document may be directed to Lynette Greenfield, Research and Evaluation Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 786-0773.

Guidance Documents:

Review and Approval of External Research Proposals, Procedure 07-006.1, effective October 10, 1998

Department of Juvenile Justice Grants Manual, June 2002 (revised)

Guidance Documents

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donald Carignan at the same address, telephone (804) 371-0743 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of these documents may be directed to Angela Valentine, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 225-3911 or FAX (804) 692-0865.

Guidance Document:

School Re-enrollment Plan Procedures, issued January 1997, § 16.1-293

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the certification unit, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge through e-mail (if available) or paper copy by contacting Donielle Langhorne, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or e-mail langhoda@djj.state.va.us.

Questions regarding interpretation or implementation of this document may be directed to Sue Ann Morgan, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 367-2220; Carolyn Stewart, 27 West Queensway, Suite 301, Hampton, VA 23669, telephone (757) 727-4730 or FAX (757) 727-4673.

Guidance Documents related to the Virginia Juvenile Community Crime Control Act (VJCCCA) (§ 16.1-309.2 et seq.):

VJCCCA: Local Plan Instructions, issued annually, with related forms

VJCCCA: Amendment and Fiscal Adjustment to Local Plans, issued annually

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, 700 East Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donielle Langhorne at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or e-mail langhoda@djj.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone 804- 786-5402 or e-mail millermg@djj.state.va.us.

Guidance Documents related to Detention and other programs:

Department of Juvenile Justice Procedure 02-004 Reportable Incidents (and required reporting forms), effective December 17, 2001

Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, revised March 2001, § 16.1-309.5

Annual Block Grant Expenditure Reports (for detention homes and former block grant programs), issued annually

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the State and Local Partnerships Unit of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Susan Gholston at the same address, telephone (804) 371-0745 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of the document may be directed to Susan Gholston, State and Local Partnerships Manager, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 371-0745 or FAX (804) 371-0773.

Guidance Document:

Virginia Department of Juvenile Justice Community Programs Reporting System and instructions for reporting community-based services and expenditures for programs funded through VJCCCA, State IV-E, 294, and state operated Halfway Houses, maintained on the CPR Website, § 16.1-322.3

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Interstate Compact Unit of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Michelle Latter at the same address, telephone (804) 692-0167 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of these documents may be directed to Michelle Latter, Interstate Compact Coordinator, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 692-0167 or FAX (804) 371-0773.

Guidance Documents:

Form I, Requisition for Runaway Juvenile or Child Removed from Jurisdiction of Court, revised August 2000, § 16.1-323

Form II, Requisition for Escape or Absconder, Requisition for Juvenile Charged With Being Delinquent (Rendition Amendment), revised August 2000, § 16.1-323

Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder, advised August 2000, § 16.1-323

Form IV, Parole or Probation Investigation Request, revised August 2000, § 16.1-323

Form V, Report of Sending State Upon Parolee or Probationer Being Sent To The Receiving State, revised August 2000, § 16.1-323

Form IA/VI, Application for Services and Waiver, revised August 2000, § 16.1-323

Form A, Petition for Requisition to Return a Runaway Juvenile, revised 2000, § 16.1-323

Out of State Travel Permit and Agreement To Return, revised August 2000, § 16.1-323

Home Evaluation Report, revised 2000

Quarterly Progress Report, revised 2000

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Program

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Virginia Department of Labor and Industry (DOLI) headquarters office at 13 South Thirteenth Street, Richmond, VA 23219 or at any DOLI regional office. Copies may be obtained free of charge from the headquarters office by contacting Jennifer Nolen at the same address or by telephone at (804) 786-8009 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to Jennifer Nolen, Apprenticeship Program Manager, at the same address, telephone (804) 786-8009 or FAX (804) 786-8418.

Guidance Documents:

Standards of Apprenticeship Nail Technicians developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised August 25, 1995, Title 40.1, Chapter 6, Code of Virginia

Standards of Apprenticeship for Cosmetologists developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised July 26, 1999, Title 40.1, Chapter 6, Code of Virginia

Standards of Apprenticeship for Barbers developed by the Virginia Board for Barbers and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised February 6, 1995, Title 40.1, Chapter 6, Code of Virginia

Standards of Apprenticeship for Opticians developed by the Virginia State Board of Opticians and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised January 1, 2002, Title 40.1, Chapter 6, Code of Virginia

Apprenticeship Opportunities brochure, 2003

Registered Apprenticeship Program brochure, 2003

Bylaws of the Virginia Apprenticeship Council, 1998

Cooperative Working Agreement between the State of Virginia Apprenticeship Council and the Bureau of Apprenticeship and Training, United States Department of Labor, revised July 23, 2002.

Apprenticeship Directive 81-4, Granting Credit for Previous Experience, May 21, 1981.

Apprenticeship Directive 86-4, Part-Time Cosmetology Student/Apprentices, September 15, 1986

Apprenticeship Directive 90-3, Participation by Minors Between the Ages of Sixteen and Eighteen in Certain Hazardous Occupations, April 27, 1990

Apprenticeship Directive 01-1, Signature on Standards, August 15, 2001

Apprenticeship Directive 03-3, Exemption from Full-Time Employment, June 1, 2003

Apprenticeship Directive 03-04, Temporary Staffing Agencies, March 21, 2002

Apprenticeship Directive 03-05 Guidelines Governing Out of State Businesses, March 21, 2002

Apprenticeship Directive 3-07, Registration for Barber, Cosmetology, Nail Technician, September 7, 1998

Apprenticeship Directive 03-09, Progressive Wage Policy, March 20, 2003

Boiler Safety Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the office of the Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219. Copies may be obtained from Sheila Taylor at the same address, telephone (804) 371-2321 or FAX (804) 371-2324.

Questions regarding interpretation or implementation of this document may be directed to Frederick P. Barton, Boiler Chief Inspector, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3262 or FAX (804) 371-2324.

Guidance Document:

Boiler and Pressure Vessel Safety Compliance, Operations Manual, Chapter One - Organization and Administrative Procedures, Chapter Four - Inspection Procedures, Chapter Seven - Penalties, Chapter Eight - Post Violation and Penalty Issuance Processes, and Chapter Nine - Legal Process, revised October 1, 1999, §§ 40.1-51.5 through 40.1-51.19, Code of Virginia, copies \$.10 per page, 21 pages.

State Labor and Employment Law Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Department of Labor and Industry, Central Office, 13 South Thirteenth Street, Richmond, VA 23219 or at any of the department's regional offices. Copies may be obtained by contacting Jeannine Rose

Guidance Documents

at the Central Office, telephone (804) 371-0463, FAX (804) 371-2324.

Questions regarding interpretation or implementation of these documents may be directed to Ellen Marie Hess, Labor and Employment Law, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3224 or FAX (804) 371-2324.

Guidance Documents:

Guide for the Employment of Teenagers (Child Labor), July 1, 2003; copies free.

Division of Labor and Employment Law Field Operations Manual, Chapter 1, Minimum Wage Act, 16 VAC 15-21, 16 VAC 15-40, 16 VAC 15-50, Chapter 2, Use of Polygraphs in Certain Employment Situations, 16 VAC 15-20, Chapter 3, Equal Pay, 16 VAC 15-50, Chapter 4, Prevention of Employment, 16 VAC 15-40, 16 VAC 15-50, Chapter 5, Payment of Medical Exams as a Condition of Employment, 16 VAC 15-50, Chapter 6, Right to Work, 16 VAC 15-40, Chapter 7, Garnishment, 16 VAC 15-21, Chapter 8, Day of Rest, 16 VAC 15-40, 16 VAC 15-50, Chapter 9, Child Labor, 16 VAC 15-30, 16 VAC 15-40, 16 VAC 15-50, Chapter 10, Payment of Wage, 16 VAC 15-40, 16 VAC 15-50, revised January 30, 2000.

Office of Cooperative Programs

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219. Documents are available at www.townhall.state.va.us.

Voluntary Protection Program

Copies of the Voluntary Protection Program Manual may be obtained free of charge by contacting Robert Rickman at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-4751 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of the program or use of the manual may be directed to Robert Rickman, VPP Coordinator, at the same address.

Guidance Document:

Revised Voluntary Protection Program (VPP) Policies and Procedures Manual, Revised January 1, 1999.

Consultation Program

Copies of the following documents may be obtained free of charge by contacting Warren Rice at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-6613 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of the program may be directed to Warren Rice, Consultation Program Manager at the same address.

Guidance Documents:

OSHA Instruction TED 3.6 Consultation Policy and Procedures Manual, July 1, 2003, available on OSHA website, www.osha.gov, under "compliance" click on "consultation," in the search box, enter TED 3.6 or www.townhall.state.va.us.

Job Safety and Health Poster, April 4, 2003, available on DOLI's website under publications, www.doli.state.va.us.

Training Requirements/OSHA Standards and Training Guidelines, July 1, 1998, 16 VAC 25-90 through 16 VAC 25-130, 16 VAC 25-175 and 16 VAC 25-190, available on OSHA's website at www.osha.gov, go to newsroom and click on publications or www.townhall.state.va.us.

Occupational Health Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the library of the Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219. Copies of requests up to 20 pages may be obtained free of charge, and for requests 21 pages or more for \$.05 per page by contacting the Occupational Health Compliance Division at the same address, telephone (804) 371-0295 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Occupational Health Compliance, Virginia Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-0574 or FAX (804) 371-6524.

Guidance Documents:

Virginia Occupational Safety and Health Program Interpretations of Health Standards, revised October 17, 2003, 16 VAC 25-90, 16 VAC 25-175.

Occupational Safety Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the library of the Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219. Copies of requests up to 20 pages may be obtained free of charge, and for requests 21 pages or more for \$.05 per page by contacting the program director at the same address, telephone (804) 786-2391 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Safety Compliance, Virginia Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2391 or FAX (804) 371-6524.

Guidance Documents:

Virginia Occupational Safety and Health Program Interpretations of Safety Standards, revised October 17, 2003, 16 VAC 25-90, 16 VAC 25-175.

Virginia Occupational Safety and Health Program

Documents are available at www.townhall.state.va.us. Documents may be requested on the department's home page <http://www.doli.state.va.us>. Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. at the Central Office of the Department, 13 South Thirteenth Street, Richmond, VA 23219, or at any of the regional or field offices of the department statewide. Copies may be obtained by contacting Regina Cobb at the above address, or at (804) 786-0610 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to John Crisanti, at the same address, or at (804) 786-4300 or FAX (804) 786-8418.

Guidance Documents:

Virginia Occupational Safety and Health Program Directives Manual, revised April, 1, 2003, 16 VAC 25-10 through 16 VAC 25-30 and 16 VAC 25-60 through 16 VAC 25-190, copies \$.10 per page, 7,515 pages

VOSH Field Operations Manual, revised March 1, 2003, 16 VAC 25-10 through 16 VAC 25-30 and 16 VAC 25-60 through 16 VAC 25-190, copies \$.10 per page, 439 pages

Virginia Migrant and Seasonal Farmworkers Board

Copies of the Virginia Migrant and Seasonal Farmworkers Board and Interagency Migrant Worker Policy Committee documents may be obtained free of charge by contacting Betty B. Jenkins, Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2391 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to Betty B. Jenkins, Administrator, Migrant and Seasonal Farmworkers Board, at the same address.

Guidance Documents:

Migrant and Seasonal Farmworkers Board By-Laws, amended December 2, 1998, Title 2.2, Chapter 24, Code of Virginia

Migrant and Seasonal Farmworkers Board Policy No. 2-92, Consideration of Grant Applications/Proposals, effective April 8, 1992, (rescinded Board Policy Statement No. 1-90), Title 2.2, Chapter 24, Code of Virginia

Gubernatorial Memorandum Establishing Interagency Migrant Worker Policy Committee, Outlining Responsibilities and Composition of Same, March 31, 1995

THE LIBRARY OF VIRGINIA

Library Development and Networking Division

Copies of the following documents may be viewed during regular work days from 9 a.m. until 4:30 p.m. at the Office of the Librarian of Virginia, Library of Virginia, 800 E. Broad Street, Richmond, VA 23219-8000. Copies may be obtained free of charge for 10 pages and for requests of 11 pages or more for \$.25 per page by contacting Nelson Worley, at the

above address, telephone (804) 692-3773, FAX (804) 692-3771, e-mail nworley@lva.lib.va.us.

Questions regarding interpretation or implementation of this document may be directed to Wayne Modlin, Public Library Consultant, Library Development and Networking, at the above address, telephone (804) 692-3763, FAX (804) 692-3771, e-mail wmodlin@lva.lib.va.us.

Information Regarding Public Library Trustees:

Virginia Public Library Trustees Handbook, 1999

Questions regarding interpretation or implementation of these documents may be directed to Nelson Worley, Director, Library Development and Networking, at the above address, telephone (804) 692-3773, FAX (804) 692-3771, e-mail nworley@lva.lib.va.us.

Information Regarding Public Libraries:

Public Library Directors' Manual, 2000

Planning for Library Excellence, 2000

Records Management and Imaging Services Division

Copies of the following documents may be viewed during regular work days from 9 a.m. until 4:30 p.m. at the Office of the Librarian of Virginia, Library of Virginia, 800 E. Broad Street, Richmond, VA 23219-8000.

Copies may be obtained free of charge for 10 pages and for requests of 11 pages or more for \$.25 per page by contacting John Breeden, Records Analysis Director, at the above address, telephone (804) 692-3612, FAX (804) 692-3603 or e-mail jbreedden@lva.lib.va.us or Robert Nawrocki, Electronic Records Coordinator, at the above address, telephone (804) 692-3505, FAX (804) 692-2603 or e-mail mawrocki@lva.lib.va.us.

Information Regarding Records Management and Imaging:

Questions regarding interpretation or implementation of this document may be directed to either John Breeden, Records Analysis Director, at the above address, telephone (804) 692-3612, FAX (804) 692-3603 or e-mail jbreedden@lva.lib.va.us or Robert Nawrocki, Electronic Records Coordinator, at the above address, telephone (804) 692-3505, FAX (804) 692-2603 or e-mail rnawrocki@lva.lib.va.us.

Imaging Services Branch Procedural Manual, revised September 1997

COMMISSION ON LOCAL GOVERNMENT

Copies of the following documents may be reviewed during regular work days from 8:30 a.m. to 5 p.m. in the office of the Commission on Local Government, 205 N. 2nd Street, Richmond, VA 23219-1321. Copies may be obtained free of charge by contacting Ted McCormack at the same address, telephone (804) 786-6508, FAX (804) 371-7090 or e-mail tmccormack@dhcd.state.va.us.

Guidance Documents

Questions about interpretation or implementation of these documents may be directed to Ted McCormack, Associate Director for the Commission on Local Government, 205 N. 2nd Street, Richmond, VA 23219-1321, telephone (804) 786-6508, FAX (804) 371-7090 or e-mail tmccormack@dhcd.state.va.us.

Guidance Documents:

Guidelines for Advisory Review of Voluntary Economic Growth-Sharing Agreements, adopted November 1996, § 15.2-1301

Guidelines for Submissions in City-to-Town Transitions, adopted January 1997, §§ 15.2-2907, 15.2-2908 and 15.2-4100 et seq.

Guidelines for Review of Annexations Initiated by Voters or Property Owners, adopted May 2003, § 15.2-2302

Information Sheets:

1. Agreements Defining Town Annexation Rights, March 2003
2. Alternative Approaches To Interlocal Concerns, May 2002
3. Alternative Forms of County Government in Virginia, July 2003
4. Annulment of Town Charter, March 2003
5. Boundary Changes of Towns and Cities, March 2003
6. Boundary Line Adjustment by Agreement, March 2003
7. Consolidation of Local Governmental Units, March 2003
8. Functional Authority of Virginia Local Governments, May 2003
9. Post-Boundary Change Actions, March 2003
10. Reversion of a City to Town Status, March 2003
11. Taxing Powers Granted to Virginia Counties, Cities, and Towns, May 2003
12. Town Incorporation, March 2003
13. Voluntary Settlements of Annexation, Transition, or Immunity Issues, March 2003
14. Discretionary Authorities and Special Districts Available to Local Governments in Virginia, September 2001

STATE LOTTERY DEPARTMENT

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Legislative and Regulatory Affairs Office of the State Lottery Department, 900 East Main Street, Richmond, VA 23219. Questions regarding interpretation or implementation of these documents and requests for copies may be directed to Frank S. Ferguson, General Counsel and Director, Legislative and Regulatory Affairs; at the same address, telephone (804) 692-7901, FAX (804) 692-7603 or e-mail fferguson@valottery.state.va.us.

Director's Orders:

All director's orders are issued by the department's director as administrative orders. These orders interpret and implement the Virginia Lottery's regulations relating to the licensing of lottery sales agents (11 VAC 5-31-10 through 11 VAC 5-31-190) and the games conducted by the Virginia Lottery (11 VAC 5-41-10 through 11 VAC 5-41-340). The following director's orders are active as of the date of this filing:

31(94), Special Licensing Program: Virginia Department of Alcoholic Beverage Control, issued 08/15/94

48(97), Virginia Lottery Retailer Cashing Bonus Program and Rules, issued 12/01/97

02(99), Establishment of a Sliding Scale for Surety Bonding Requirements, issued 02/22/99

37(99), Virginia's Third On-Line Game Lottery; "Pick 4," Final Rules for Game Operation; Second Revision, issued 09/17/99

59(99), Virginia's Instant Game Lottery 445; "Super BlackJack," Final Rules for Game Operation, issued 09/21/99

26(00), Virginia's Instant Game Lottery 186; "Double Doubler," Final Rules for Game Operation, issued 04/28/00

28(00), Virginia's Instant Game Lottery 451; "\$100,000 Jackpot," Final Rules for Game Operation, issued 05/08/00

41(00), Virginia's Instant Game Lottery 460; "Jumbo Bucks," Final Rules for Game Operation, issued 07/28/00

59(00), Virginia's Instant Game Lottery 469; "High Stakes," Final Rules for Game Operation, issued 10/18/00

66(00), Virginia's Instant Game Lottery 471; "Cowboy Cash," Final Rules for Game Operation, issued 11/21/00

04(01), Virginia's Instant Game Lottery 205; "Crazy 8's," Final Rules for Game Operation, issued 01/29/01

10(01), Virginia's Instant Game Lottery 208; "Kickin' Cash," Final Rules for Game Operation, issued 01/30/01

15(01), Virginia's Instant Game Lottery 478; "Looking for the Green," Final Rules for Game Operation, issued 02/26/01

17(01), Virginia's Instant Game Lottery 203; "Blackjack," Final Rules for Game Operation, issued 03/06/01

18(01), Virginia's Instant Game Lottery 480; "Lucky 7's Blackjack," Final Rules for Game Operation, issued 03/06/01

20(01), Virginia's Instant Game Lottery 210; "Congratulations," Final Rules for Game Operation, issued 04/02/01

23(01), Virginia's Instant Game Lottery 211; "Fast 50's," Final Rules for Game Operation, issued 04/13/01

24(01), Virginia's Instant Game Lottery 213; "Sunny Money," Final Rules for Game Operation, issued 04/23/01

26(01), Virginia's Instant Game Lottery 481; "Lucky Jackpot," Final Rules for Game Operation, issued 05/14/01

28(01), Virginia's Instant Game Lottery 483; "Diamond Doubler," Final Rules for Game Operation, issued 05/14/01

- 31(01), Virginia's Instant Game Lottery 485; "Super Lucky 7's," Final Rules for Game Operation, issued 05/22/01
- 32(01), Virginia's Instant Game Lottery 216; "Money Money Money," Final Rules for Game Operation, issued 05/25/01
- 33(01), Virginia's Instant Game Lottery 487; "Roll Them Bones," Final Rules for Game Operation, issued 05/31/01
- 41(01), Virginia's Instant Game Lottery 489; "Slots of Cash," Final Rules for Game Operation; Revised, issued 07/27/01
- 44(01), Virginia's Instant Game Lottery 212; "Cha-Ching!," Final Rules for Game Operation; Revised, issued 07/27/01
- 45(01), Virginia's Instant Game Lottery 215; "Hot Cards," Final Rules for Game Operation; Revised, issued 07/27/01
- 47(01), Virginia's Instant Game Lottery 214; "Ace in the Hole," Final Rules for Game Operation, issued 09/04/01
- 48(01), Virginia's Instant Game Lottery 317; "Classic Bingo," Final Rules for Game Operation, issued 09/04/01
- 51(01), Virginia's Instant Game Lottery 493; "Virginia's Lucky 13 Anniversary Celebration," Final Rules for Game Operation, issued 09/04/01
- 53(01), Virginia's Instant Game Lottery 496; "High Roller," Final Rules for Game Operation, issued 09/04/01
- 54(01), Virginia's Instant Game Lottery 220; "Wizard of Odds," Final Rules for Game Operation, issued 09/04/01
- 57(01), Virginia's Eighth On-Line Game Lottery; "Lotto South," Final Rules for Game Operation, issued 09/01/01
- 58(01), Virginia's Instant Game Lottery 219; "Double Down," Final Rules for Game Operation, issued 09/10/01
- 59(01), Virginia Lottery Retailer "Big Game" and "Lotto South" Bonus Program and Rules, issued 09/04/01
- 61(01), Virginia's First On-Line Lottery Game; "Pick 3," Final Rules for Game Operation; Sixth Revision, issued 09/09/01
- 62(01), Virginia's Fourth On-Line Lottery; "Cash 5," Final Rules for Game Operation; Sixth Revision, issued 09/09/01
- 64(01), Virginia's Instant Game Lottery 497; "Elvis," Final Rules for Game Operation, issued 09/21/01
- 68(01), Virginia's Instant Game Lottery 495; "3 Card Cash," Final Rules for Game Operation, issued 10/10/01
- 69(01), Virginia's Instant Game Lottery 222; "Pure Platinum," Final Rules for Game Operation, issued 10/24/01
- 70(01), Virginia's Instant Game Lottery 318; "Lots O' Spots Bingo," Final Rules for Game Operation, issued 10/24/01
- 73(01), Virginia's Instant Game Lottery 501; "Lottery Lucky Stars," Final Rules for Game Operation, issued 10/30/01
- 74(01), Virginia's Instant Game Lottery 223; "Cut the Deck," Final Rules for Game Operation, issued 11/05/01
- 75(01), Virginia's Instant Game Lottery 225; "Dollars and Scents," Final Rules for Game Operation, issued 11/07/01
- 76(01), Virginia's Instant Game Lottery 502; "Hot Dice," Final Rules for Game Operation, issued 11/07/01
- 77(01), Virginia's Instant Game Lottery 504; "Sweet Rewards," Final Rules for Game Operation, issued 11/07/01
- 78(01), Virginia's Instant Game Lottery 505; "The Whole Enchilada," Final Rules for Game Operation, issued 11/28/01
- 79(01), Virginia's Instant Game Lottery 484; "\$1,000,000 Blackjack," Final Rules for Game Operation, issued 11/28/01
- 80(01), Virginia's Instant Game Lottery 503; "Poker Night," Final Rules for Game Operation, issued 11/28/01
- 82(01), Virginia's Instant Game Lottery 224; "Magic Money," Final Rules for Game Operation, issued 12/05/01
- 83(01), Virginia's Instant Game Lottery 227; "Aces and 8's," Final Rules for Game Operation, issued 12/19/01
- 84(01), Virginia's Instant Game Lottery 507; "Go For The Green," Final Rules for Game Operation, issued 12/19/01
- 01(02), Virginia's Instant Game Lottery 509; "Tons of Cash," Final Rules for Game Operation, issued 01/11/02
- 02(02), Virginia's Instant Game Lottery 226; "Bank Shot," Final Rules for Game Operation, issued 01/11/02
- 03(02), Virginia's Instant Game Lottery 319; "Special Edition Bingo," Final Rules for Game Operation, issued 01/11/02
- 04(02), Virginia's Instant Game Lottery 506; "Fat Cat Cash," Final Rules for Game Operation, issued 01/28/02
- 06(02), Virginia's Instant Game Lottery 228; "Heads or Tails," Final Rules for Game Operation, issued 02/08/02
- 07(02), Virginia's Instant Game Lottery 500; "Paydirt," Final Rules for Game Operation, issued 02/11/02
- 08(02), Virginia's Instant Game Lottery 229; "Wild Hare," Final Rules for Game Operation, issued 02/11/02
- 10(02), Virginia's Instant Game Lottery 508; "Fast Cash," Final Rules for Game Operation, issued 03/05/02
- 11(02), Virginia's Instant Game Lottery 512; "Monte Carlo," Final Rules for Game Operation, issued 03/05/02
- 12(02), Virginia's Instant Game Lottery 511; "Face Cards," Final Rules for Game Operation, issued 03/08/02
- 14(02), Virginia Lottery "Million Dollar Bonus," Promotional Rules, issued 03/01/02
- 15(02), Virginia's Instant Game Lottery 230; "Nifty 50's," Final Rules for Game Operation, issued 04/02/02
- 16(02), Virginia's Instant Game Lottery 513; "Triple Tripler," Final Rules for Game Operation, issued 04/02/02
- 18(02), Virginia's Instant Game Lottery 231; "Luck of the Dice," Final Rules for Game Operation, issued 04/30/02
- 19(02), Virginia's Instant Game Lottery 514; "10 Times the Money," Final Rules for Game Operation, issued 04/30/02
- 20(02), Virginia's Instant Game Lottery 515; "Cash Blast," Final Rules for Game Operation, issued 05/02/02

Guidance Documents

- 21(02), Virginia's Instant Game Lottery 518; "Solitaire," Final Rules for Game Operation, issued 05/02/02
- 22(02), Virginia's Instant Game Lottery 519; "Wild Money," Final Rules for Game Operation, issued 05/02/02
- 23(02), Virginia's Instant Game Lottery 516; "Las Vegas Boulevard," Final Rules for Game Operation, issued 05/08/02
- 24(02), Virginia's Instant Game Lottery 490; "Hidden Treasures," Final Rules for Game Operation, issued 05/16/02
- 25(02), Virginia's Instant Game Lottery 491; "\$100,000 Casino," Final Rules for Game Operation, issued 05/16/02
- 26(02), Virginia's Ninth Online Game Lottery; "Mega Millions," Final Rules for Game Operation, issued 05/14/02
- 28(02), Virginia's Instant Game Lottery 320; "Bonus Number Bingo," Final Rules for Game Operation, issued 05/22/02
- 29(02), Virginia's Instant Game Lottery 232; "Give Me Five," Final Rules for Game Operation, issued 05/30/02
- 30(02), Virginia's Instant Game Lottery 235; "Blackjack," Final Rules for Game Operation, issued 05/30/02
- 31(02), Virginia's Instant Game Lottery 233; "Fish Bowl," Final Rules for Game Operation, issued 06/20/02
- 33(02), Virginia's Instant Game Lottery 538; "Blackjack Bonanza," Final Rules for Game Operation, issued 07/17/02
- 34(02), Virginia's Instant Game Lottery 234; "Red Hot \$100's," Final Rules for Game Operation, issued 07/23/02
- 35(02), Virginia's Instant Game Lottery 520; "Win For Life," Final Rules for Game Operation, issued 08/01/02
- 36(02), Virginia's Instant Game Lottery 521; "Double Luck," Final Rules for Game Operation, issued 08/09/02
- 37(02), Virginia's Instant Game Lottery 522; "75 Grand," Final Rules for Game Operation, issued 08/01/02
- 38(02), Virginia's Instant Game Lottery 523; "\$500,000 Table Stakes," Final Rules for Game Operation, issued 07/23/02
- 39(02), Virginia's Instant Game Lottery 533; "Monster Money," Final Rules for Game Operation, issued 07/31/02
- 40(02), Virginia's Instant Game Lottery 237; "Rock Paper Scissors," Final Rules for Game Operation, issued 08/01/02
- 41(02), Virginia's Instant Game Lottery 526; "Triple Roll," Final Rules for Game Operation, issued 08/01/02
- 42(02), Virginia's Instant Game Lottery 236; "Card Shark," Final Rules for Game Operation, issued 08/09/02
- 43(02), Virginia's Instant Game Lottery 510; "Money Bags," Final Rules for Game Operation, issued 08/09/02
- 44(02), Virginia's Instant Game Lottery 541; "Gold Rush," Final Rules for Game Operation, issued 08/09/02
- 45(02), Certain Virginia Instant Game Lotteries; End of Games, issued 08/23/02
- 46(02), Virginia's Instant Game Lottery 531; "Millionaire Party II," Final Rules for Game Operation, issued 09/23/02
- 47(02), Virginia's Instant Game Lottery 240; "Diamond Card," Final Rules for Game Operation, issued 09/30/02
- 48(02), Virginia's Instant Game Lottery 527; "Money Talks," Final Rules for Game Operation, issued 09/30/02
- 49(02), Virginia's Instant Game Lottery 528; "\$20,000 Cashword," Final Rules for Game Operation, issued 09/30/02
- 50(02), Virginia's Instant Game Lottery 535; "Season's Greetings," Final Rules for Game Operation, issued 09/30/02
- 51(02), Virginia's Instant Game Lottery 536; "Winter Action," Final Rules for Game Operation, issued 09/30/02
- 52(02), "Jingle Bills" Virginia Lottery Retailer Incentive Program Rules, issued 10/25/02
- 53(02), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 10/10/02
- 54(02), Virginia's Instant Game Lottery 532; "Blazin Eights," Final Rules for Game Operation, issued 10/11/02
- 55(02), Virginia's Instant Game Lottery 238; "Lucky Break," Final Rules for Game Operation, issued 10/25/02
- 56(02), Virginia's Instant Game Lottery 530; "Joker's Wild," Final Rules for Game Operation, issued 10/25/02
- 57(02), Virginia's Instant Game Lottery 534; "24K," Final Rules for Game Operation, issued 10/25/02
- 58(02), Virginia's Instant Game Lottery 539; "\$25,000 Jackpot," Final Rules for Game Operation, issued 10/25/02
- 59(02), Virginia's Instant Game Lottery 517; "One for the Money," Final Rules for Game Operation, issued 10/31/02
- 60(02), Virginia's Instant Game Lottery 524; "Lucky Shuffle," Final Rules for Game Operation, issued 10/31/02
- 61(02), Virginia's Instant Game Lottery 525; "Ancient Treasures," Final Rules for Game Operation, issued 10/31/02
- 62(02), Virginia's Instant Game Lottery 529; "Beetle Bailey," Final Rules for Game Operation, issued 10/31/02
- 63(02), Virginia's Instant Game Lottery 239; "Happy Holidays," Final Rules for Game Operation, issued 11/07/02
- 64(02), Virginia's Instant Game Lottery 537; "Cash Vault," Final Rules for Game Operation, issued 11/21/02
- 65(02), Virginia's Instant Game Lottery 540; "Lucky Dice," Final Rules for Game Operation, issued 11/21/02
- 66(02), Virginia's Instant Game Lottery 241; "3 Sows & Bucks," Final Rules for Game Operation, issued 11/21/02
- 67(02), Virginia's Instant Game Lottery 550; "Bouquet of Bucks," Final Rules for Game Operation, issued 11/25/02
- 68(02), Virginia's Instant Game Lottery 542; "Harley Davidson," Final Rules for Game Operation, issued 12/18/02
- 69(02), Virginia's Instant Game Lottery 242; "Cold Hard Cash," Final Rules for Game Operation, issued 12/31/02

- 70(02), Virginia's Instant Game Lottery 545; "Looking For More Green," Final Rules for Game Operation, issued 12/31/02
- 71(02), Virginia's Instant Game Lottery 540; "Lucky Dice," Final Rules for Game Operation, issued 12/31/02
- 72(02), Virginia's Instant Game Lottery 543; "Slingo," Final Rules for Game Operation, issued 12/31/02
- 73(02), Virginia's Instant Game Lottery 544; "10 Times Lucky," Final Rules for Game Operation, issued 12/31/02
- 01(03), "The Big One" Virginia Lottery Retailer Incentive Program Rules, issued 01/16/03
- 02(03), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 01/21/03
- 03(03), Virginia's Instant Game Lottery 244; "Double Your Luck," Final Rules for Game Operation, issued 01/21/03
- 04(03), Virginia's Instant Game Lottery 246; "Cash Tripler," Final Rules for Game Operation, issued 01/21/03
- 05(03), Virginia's Instant Game Lottery 546; "Super Bucks," Final Rules for Game Operation, issued 01/21/03
- 06(03), Virginia's Instant Game Lottery 548; "Poker Royale," Final Rules for Game Operation, issued 01/21/03
- 07(03), Virginia's Instant Game Lottery 321; "\$100,000 Bingo," Final Rules for Game Operation, issued 02/21/03
- 08(03), Virginia's Instant Game Lottery 547; "Vegas," Final Rules for Game Operation, issued 02/21/03
- 09(03), Virginia's Instant Game Lottery 560; "Rainbow Riches," Final Rules for Game Operation, issued 03/04/03
- 10(03), Virginia's Instant Game Lottery 551; "\$25,000 Diamonds," Final Rules for Game Operation, issued 03/11/03
- 11(03), Virginia's Instant Game Lottery 561; "Mega Bucks," Final Rules for Game Operation, issued 03/11/03
- 12(03), Virginia's Instant Game Lottery 562; "Magic Numbers," Final Rules for Game Operation, issued 03/11/03
- 13(03), Virginia's Instant Game Lottery 552; "Double Down Doubler," Final Rules for Game Operation, issued 03/28/03
- 14(03), Virginia's Instant Game Lottery 553; "Red Hot 5's," Final Rules for Game Operation, issued 03/28/03
- 15(03), Virginia's Instant Game Lottery 549; "In The Money," Final Rules for Game Operation, issued 03/28/03
- 16(03), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 04/09/03
- 17(03), Virginia's Instant Game Lottery 559; "Double Blackjack," Final Rules for Game Operation, issued 04/11/03
- 18(03), Virginia's Instant Game Lottery 555; "Deal Me In," Final Rules for Game Operation, issued 04/17/03
- 19(03), Virginia's Instant Game Lottery 567; "Triple 7's," Final Rules for Game Operation, issued 04/28/03
- 20(03), Virginia's Instant Game Lottery 520; "Win for Life," Final Rules for Game Operation, issued 05/06/03
- 21(03), Virginia's Instant Game Lottery 570; "Lucky Dog," Final Rules for Game Operation, issued 05/07/03
- 22(03), Virginia's Instant Game Lottery 247; "Hot \$100's," Final Rules for Game Operation, issued 05/29/03
- 23(03), Virginia's Instant Game Lottery 251; "9's in a Line," Final Rules for Game Operation, issued 05/29/03
- 24(03), Virginia's Instant Game Lottery 554; "Bank Roll," Final Rules for Game Operation, issued 05/29/03
- 25(03), Virginia's Instant Game Lottery 558; "Money Tree\$," Final Rules for Game Operation, issued 05/29/03
- 26(03), Virginia's Instant Game Lottery 566; "Super Cash," Final Rules for Game Operation, issued 05/29/03
- 27(03), Virginia's Instant Game Lottery 569; "Frankencash," Final Rules for Game Operation, issued 05/29/03
- 28(03), "Thanks 2 You" Virginia Lottery Retailer Incentive Program Rules, issued 05/29/03
- 29(03), Virginia's Instant Game Lottery 248; "Reel Cash," Final Rules for Game Operation, issued 06/09/03
- 30(03), Virginia's Instant Game Lottery 249; "Quick 7's," Final Rules for Game Operation, issued 06/09/03
- 31(03), Virginia's Instant Game Lottery 563; "Lucky Loot," Final Rules for Game Operation, issued 06/09/03
- 32(03), Virginia's Instant Game Lottery 568; "Big Money Spectacular," Final Rules for Game Operation, issued 06/30/03
- 33(03), Virginia's Instant Game Lottery 557; "Extreme Green," Final Rules for Game Operation, issued 06/30/03
- 34(03), Virginia's Instant Game Lottery 576; "Corvette Summer," Final Rules for Game Operation, issued 06/30/03
- 35(03), Virginia's Instant Game Lottery 564; "15 Grand Years," Final Rules for Game Operation, issued 07/28/03
- 36(03), Virginia's Instant Game Lottery 556; "\$40,000 Cash Bonanza," Final Rules for Game Operation, issued 07/08/03
- 37(03), Virginia's Instant Game Lottery 253; "Wild Card," Final Rules for Game Operation, issued 07/08/03
- 38(03), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 07/08/03
- 39(03), Virginia's Instant Game Lottery 254; "Count De Money," Final Rules for Game Operation, issued 07/29/03
- 40(03), Virginia's Instant Game Lottery 258; "Snake Eyes," Final Rules for Game Operation, issued 07/29/03
- 41(03), Virginia's Instant Game Lottery 565; "Casino Royale," Final Rules for Game Operation, issued 07/29/03
- 42(03), Virginia's Instant Game Lottery 577; "Gold Card," Final Rules for Game Operation, issued 07/29/03

Guidance Documents

43(03), Virginia's Instant Game Lottery 257; "Ace of Spades," Final Rules for Game Operation, issued 08/20/03

44(03), Virginia's Instant Game Lottery 575; "High 5's," Final Rules for Game Operation, issued 08/20/03

45(03), Virginia's Instant Game Lottery 255; "Queen of Hearts," Final Rules for Game Operation, issued 08/26/03

46(03), Virginia's Instant Game Lottery 574; "Up The Ante," Final Rules for Game Operation, issued 08/26/03

47(03), Virginia's Instant Game Lottery 583; "Holiday Tripler," Final Rules for Game Operation, issued 08/26/03

48(03), Virginia's Instant Game Lottery 252; "Break The Bank," Final Rules for Game Operation, issued 08/27/03

49(03), Virginia's Instant Game Lottery 572; "Ruby Red 7's," Final Rules for Game Operation, issued 08/27/03

50(03), Virginia's Instant Game Lottery 573; "Turkey Tripler," Final Rules for Game Operation, issued 08/27/03

51(03), Virginia's Instant Game Lottery 261; "Holiday Critters," Final Rules for Game Operation, issued 09/26/03

52(03), Virginia's Instant Game Lottery 571; "Player's Choice," Final Rules for Game Operation, issued 09/26/03

53(03), Virginia's Instant Game Lottery 580; "Royal Flush," Final Rules for Game Operation, issued 09/26/03

54(03), Virginia's Instant Game Lottery 581; "The Price Is Right," Final Rules for Game Operation, issued 09/26/03

55(03), Virginia's Instant Game Lottery 582; "\$100,000 Riches," Final Rules for Game Operation, issued 09/26/03

56(03), Virginia's Instant Game Lottery 594; "Silver Slots," Final Rules for Game Operation, issued 09/26/03

57(03), Virginia's Instant Game Lottery 584; "Jingle Bucks," Final Rules for Game Operation, issued 09/26/03

58(03), Virginia's Instant Game Lottery 595; "Money Talks," Final Rules for Game Operation, issued 10/02/03

59(03), Virginia's Instant Game Lottery 324; "E Z Bingo," Final Rules for Game Operation, issued 10/14/03

60(03), Virginia's Instant Game Lottery 323; "Bingo Night," Final Rules for Game Operation, issued 10/08/03

61(03), Virginia's Instant Game Lottery 322; "Bingo Blast," Final Rules for Game Operation, issued 10/08/03

62(03), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 10/08/03

63(03), Virginia's Instant Game Lottery 597; "Lucky Blackjack," Final Rules for Game Operation, issued 10/24/03

64(03), Virginia's Instant Game Lottery 579; "Super Monopoly," Final Rules for Game Operation, issued 11/06/03

65(03), Virginia's Instant Game Lottery 585; "Spicy Hot Cash," Final Rules for Game Operation, issued 11/06/03

66(03), Virginia's Instant Game Lottery 260; "21," Final Rules for Game Operation, issued 11/17/03

67(03), Virginia's Instant Game Lottery 262; "Hot Hand," Final Rules for Game Operation, issued 11/17/03

68(03), Virginia's Instant Game Lottery 586; "Bonu\$ Ca\$hword," Final Rules for Game Operation, issued 12/08/03

69(03), Virginia's Instant Game Lottery 600; "Pot of Gold," Final Rules for Game Operation, issued 12/08/03

01(04), Virginia Instant Game Lottery 256; "Double Wild 8'S," Final Rules for Game Operation, issued 01/13/04

Policies/Procedures:

Clerk Activated Terminal Policy, issued 07/01/01, 11 VAC 5-40-10 et seq.

Criteria for Lottery Advertising, issued 07/31/99, 11 VAC 5-20-60

Lotto South Drawings, issued 09/04/01, 11 VAC 5-40-40

Mail Claims Processing, issued 01/01/97, 11 VAC 5-30-330 through 740 and 11 VAC 5-40-310 through 690

On-Line Game Drawings (#007, rev. 8), issued 09/07/01, 11 VAC 5-40-40

Release of Payroll and Other Personal Data, issued 08/09/96, DPT Policy #6.05

Regional Scratch Ticket Sales to Retailers, issued 05/01/00, 11 VAC 5-30-300

Scratch Ticket Returns, issued 12/03/01, 11 VAC 5-30-320

Virginia Lottery Retailer Manual, issued 2001, 11 VAC 5-30-10 et seq. and 11 VAC 5-40-10 et seq.

Lottery Prize Assignment Registration information, posted on the Virginia Lottery website 7/01/03

MARINE RESOURCES COMMISSION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the offices of the Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607. Copies may be obtained free of charge by contacting Wilford Kale at the same address, telephone (757) 247-2269 or FAX (757) 247-2020.

Habitat Documents:

Questions regarding interpretation or implementation of habitat documents may be directed to Robert W. Grabb, Chief, Habitat Management Division, Marine Resources Commission, Newport News, VA 23607, telephone (757) 247-2252 or FAX (757) 247-8062.

Wetlands Guidelines, revised December 1982, § 28.2-1301 D

Subaqueous Guidelines subtitled Guidelines for the Permitting of Activities which Encroach In On or Over the Submerged Lands of the Commonwealth of Virginia, revised February 1986, § 28.2-1200 et seq.

Coastal Primary Sand Dune/Beaches Guidelines subtitled Guidelines for the Permitting of Activities which Encroach into

Coastal Primary Sand Dunes/Beaches, revised June 1986, § 28.2-1401 C

Law Enforcement Document:

Questions regarding interpretation or implementation of law-enforcement documents may be directed to Colonel Steve Bowman, Chief, Law Enforcement Division, Marine Resources Commission, Newport News, VA 23607, telephone (757) 247-2278 or FAX (757) 247-2020.

Guidelines on Repeat Offenders, revised July 1996, § 28.2-232

MARY WASHINGTON COLLEGE

Copies of the following document may be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of Human Resources, 1301 College Avenue, George Washington Hall, Room 24, Fredericksburg, Virginia 22401. Copies may be obtained free of charge by contacting Sabrina Johnson, Assistant Vice President for Human Resources, at the same address, telephone (540) 654-1046.

Questions regarding interpretation or implementation of this document also may be directed to Sabrina Johnson, Assistant Vice President for Human Resources, at the same address.

Guidance Document:

Smoking Policy, August 15, 1989

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. to 5 p.m. in the office of the Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219. Copies of the Medicaid Memos, booklets, and brochures may be obtained at the specified charge by contacting the Freedom of Information Act (FOIA) staff at the same address, telephone (804) 371-6391 or FAX (804) 371-4981. Copies of the provider manuals and updates may be downloaded free of charge from the Internet at www.dmas.state.va.us or printed copies may be purchased by calling Commonwealth Mailing at (804) 780-0076 to obtain an order blank. The order blank includes the manual prices for both paper and compact disc (CD) copies. The paper copies of manuals are priced individually (as noted by each manual on this list), and CDs are \$18 per CD. Charges for paper copies are the cost of the individual manual, plus 4.5% sales tax, and \$5.00 per manual for shipping and handling. Charges for CDs are \$18 per CD, plus 4.5% sales tax and \$5.00 for shipping and handling regardless of the quantity of CDs ordered. Provider manual updates are also available on the Internet free of charge (at the web address above) and from Commonwealth Mailing for \$15 per update, plus 4.5% sales tax, and \$5.00 shipping and handling per manual update.

Questions regarding interpretation or implementation of policies contained in these documents should be directed to the FOIA staff, at the numbers specified above, who will

determine the appropriate staff person to respond and then direct the caller to that appropriate individual.

DMAS Medicaid Memos, Booklets, and Brochures:

Special 7/31/95 Medicaid Memo, Nursing Facility and Community-Based Care Enrollment, Reimbursement, and Provision of Community-Based Care Services, issued July 31, 1995, 12 VAC 30-60-360 and 12 VAC 30-120 Part I, no charge for copy

Special 9/1/95 Medicaid Memo, Change in Coordination of Benefits Procedures, issued September 1, 1995, 12 VAC 30-80-170, no charge for copy

Special 2/16/96 Medicaid Memo, Time Frames by Which Cases Remanded by the Department of Medical Assistance Services (DMAS) Hearing Officers Must Be Completed, issued February 16, 1996, 12 VAC 30-110, unavailable in electronic format

Special 9/13/96 Medicaid Memo, Contents of Notices to Medicaid Recipients, issued September 13, 1996, 12 VAC 30-10-410, no charge for copy

Brochures 8/1/01, You Are Being Enrolled in the Medicaid Client Medical Management Program, issued December 5, 1996, 12 VAC 30-130-800 et seq., no charge for copy

Booklet 5/1/97, Virginia Medicaid Handbook, issued May 1, 1997, 12 VAC 30-10, revised annually, no charge for copy

Special 5/21/97 Medicaid Memo, Certification of Coverage Required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), issued May 21, 1997, Public Law 104-191, no charge for copy

Special 7/14/97 Medicaid Memo, Reimbursement to Audiologists for Services Provided to Adults, issued July 14, 1997, 12 VAC 30-50-95 et seq., no charge for copy, not available electronically

Special 1/16/98 Medicaid Memo, Placement of Individuals with Mental Retardation and Mental Illness in the Elderly and Disabled Waiver, issued January 16, 1998, 12 VAC 30-120-10 et seq., no charge for copy

Letter 5/26/99, HCFA Report for the Elderly and Disabled Waiver, issued May 26, 1999, 12 VAC 30-120-10 through 12 VAC 30-120-70, no charge for copy

Special 5/29/98 Medicaid Memo, Use of the Uniform Assessment Instrument for Preadmission Screening for the AIDS Waiver and Technology Assisted Waiver, issued May 29, 1998, 12 VAC 30-120-140 through 12 VAC 30-120-200 and 12 VAC 30-120-70 through 12 VAC 30-120-130, no charge for copy

Special 7/13/98 Medicaid Memo, Billing for the Completion of the Assessment of Active Treatment Needs for Individuals With MI or MR Who Request Services Under the Elderly and Disabled Waiver and New Order Number for the Revised Assessment Document, issued July 13, 1998, 12 VAC 30-120, no charge for copy

Special 11/15/00 Medicaid Memo, Hospital-Based Ambulance Services Changes, issued November 15, 2000, 12 VAC 30-50-300 and 12 VAC 30-50-530, no charge for copy

Guidance Documents

Special 01/18/01 Medicaid Memo, School-Based Health Services Recognized by the Department of Medical Assistance Services, issued January 18, 2001, 12 VAC 30-50-229.1, no charge for copy

Special 5-4-01 Medicaid Memo, Systems Specifications for Point of Services Claims Submission Information Alert, issued May 4, 2001, 12 VAC 30-80-40, no charge for copy

Special 10-22-01 Medicaid Memo Medallion II Expansion Within Virginia, issued October 22, 2001, 12 VAC 30-120-360 through 12 VAC 30-120-420, no charge for copy

Special 4/26/2002 Medicaid Memo Clarification of Medicaid Reimbursable Transportation Services, issued April 26, 2002, 12 VAC 30-50-510, no charge for copy

Special 5/21/2002 Medicaid Memo, Clarification of DMAS Reimbursement of School-Based Services, issued May 21, 2002, 12 VAC 30-50-229.1, no charge for copy

Special 8/8/2002 Medicaid Memo, New Virginia Medicaid Management Information System (MMIS) and HIPAA Update, issued August 8, 2002, 42 CFR 433.10 et seq., no charge for copy

Special 10/18/2002 Medicaid Memo, Implementation of the New Virginia Medicaid Management Information System (MMIS), issued October 18, 2002, 42 CFR 433.10 et seq., no charge for copy

Special 11/8/2002 Medicaid Memo, Changes in the Distribution of Virginia Medicaid Provider Manuals, issued November 8, 2002, 42 CFR 431.18, no charge for copy of memo.

Special 12/03/02 Medicaid Memo, Preauthorization of Outpatient and Orthotic Services, issued December 3, 2002, 12 VAC 30-50-110, no charge for copy

Special 12/24/02 Medicaid Memo HIPAA Transactions and Code Sets, Public Law 104-191; no charge for copy

Special Revisions to the Pharmacy Claim Form and Introduction of a Pharmacy Compound Claim Form (ID # 04-16-2003); 12 VAC 30-50; no charge for copy.

Special Implementation of the New Virginia Medicaid Management Information Systems (MMIS) (ID #'s 05-01-2003-01, 05-01-2003-02, 05-01-2003-03, 05-01-2003-04); 12 VAC 30-10; no charge for copy.

Special Telemedicine Services (ID # 06-10-2003-01); 12 VAC 30-50; no charge for copy.

Special Pharmacy Claims Processing Information in NCPDP Version 5.1 (ID # 06-10-2003-02); 12 VAC 30-80; no charge for copy.

Special Medicaid and FAMIS New ID Cards and Eligibility Verification (ID # 08-01-2003); 12 VAC 30-10 and 12 VAC 30-141; no charge for copy.

Special Escalation of HIPAA Transactions and Codes (ID # 08-08-2003); Public Law 104-191; no charge for copy.

Special Implementation of New Virginia Medicaid Management Information Systems (MMIS) (ID # 08-15-2003-01); 12 VAC 30-10; no charge for copy.

Special Changes to Residential Treatment Services Billing Process (ID # 09-01-2003); 12 VAC 30-50; no charge for copy.

Special Trading Partner Contingency Plan for HIPAA Transactions and Code Sets (ID # 09-16-2003-01); Public Law 104-191; no charge for copy.

Special Change in Payment Cycle (ID # 09-17-2003)

Special Revised Effective Date for Changes to Residential Treatment Services Billing Process (ID # 10-01-2003); 12 VAC 30-50; no charge for copy.

Special VAMMIS Issues Resolution (ID # 10-08-2003); 12 VAC 30-10; no charge for copy.

Special Clarification of Billing for Residential Treatment Services for Children and Adolescents (ID # 02-27-2003); 12 VAC 30-50; no charge for copy.

Special Prior Authorization of Non-Emergency, Outpatient MRI, PET and CAT Scans (ID # 06-01-2003); 12 VAC 30-50; no charge for copy.

Special Revised Effective Date for Prior Authorization of Non-Emergency, Outpatient MRI, PET and CAT Scans (ID # 07-01-2003); 12 VAC 30-50; no charge for copy.

Special Community Mental Health Services FAMIS Coverage (ID # 07-25-2003); 12 VAC 30-141; no charge for copy.

Special Clarification of New Pre-Authorization Requirements for Outpatient Psychiatric Services (Revised) (ID # 08-15-2003); 12 VAC 30-50; no charge for copy.

Special Changes to Billing for EPSDT Services and Summary of Blood Lead Screening Requirements (ID # 09-12-2003); 12 VAC 30-50; no charge for copy.

Special 12/12/2003 Waiver Prior Authorization Extensions; 12 VAC 30-120; no charge for copy.

Special 12/1/2003 Prescriber ID Numbers for Pharmacy Claims; 12 VAC 30-50; no charge for copy.

Special 11/25/2003 Introduction of Virginia Medicaid Preferred Drug List (PDL) Program for Pharmacy Services; 12 VAC 30-50; no charge for copy.

Special 11/20/2003 Mandatory Use of ASC X12 Formats for Electronic Transactions; 12 VAC 30-10; no charge for copy.

Special 10/28/2003 Changes in Billing for Medicare "Crossover" Claims; 12 VAC 30-80; no charge for copy.

Special 10/24/2003 Acknowledgement of BabyCare VAMMIS Issues; 12 VAC 30-50; no charge for copy.

HMO Project Managers Memos (various topics and dates); 12 VAC 30-120; no charge for copies;

Emergency room procedure codes policy (9/25/2003); 12 VAC 30-50 and 12 VAC 30-80; no charge for copy.

DMAS Provider Manuals:

Manual # 8024, AIDS Waiver Case Management Services Manual, issued 1988/substantially revised 1991/continuously revised, 12 VAC 30-120 Part III, \$20

Manual # 8031, Assisted Living Services Manual, second edition issued November 1, 2000/continuously revised, 12 VAC 30-120-450 through 12 VAC 30-120-480, \$24

Manual # 8018, BabyCare Manual/second edition issued June 24, 1999/continuously revised, 12 VAC 30-50; \$24

Manual #8035, Community Mental Health Rehabilitative Services Manual, first edition issued August 1, 2000/continuously revised, 12 VAC 30-50; \$24

Manual #8007, Dental Manual # 8007, Dental Manual, second edition issued July 15, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8010, Freestanding Renal Dialysis Clinic Manual, second edition issued May 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8006, Durable Medical Equipment and Supplies Manual second edition issued February 1, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual #8021, Elderly and Disable Waiver Manual, first edition issued July 1, 2002/continuously revised, 12 VAC 30-120; \$28

Manual # 8029, Elderly Case Management Services Manual, second edition issued September 8, 2000/continuously revised, 12 VAC 30-50-460, \$20

Manual # 8014, Home Health Manual, second edition issued June 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8023, Hospice Manual, second edition issued April 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8001, Hospital Manual, second edition issued November 1, 2000/continuously revised, 12 VAC 30-50-95 et seq. and 12 VAC 30-70 Part V, \$32

Manual # 8008, Independent Laboratory Manual, second edition issued June 15, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$23

Manual # 8009, Mental Health Clinic Manual, second edition issued April 14, 2000/continuously revised, 12 VAC 30-50; \$24

Manual #8036, Mental Retardation Community Services, first edition issued May 1, 2001/continuously revised, 12 VAC 30-50; \$28

Manual # 8017, Nursing Home Manual, second edition issued April 15, 2000/continuously revised, 12 VAC 30-90 Part II, \$32

Manual # 8019, Nursing Home Pre-Admission Screening Manual second edition issued June 7, 2000/continuously revised, 12 VAC 30-130 Part III, \$24

Manual #8005, Personal/Respite Care, first edition issued February 1, 1994, 12 VAC 30-120; \$28

Manual # 8015, Pharmacy Manual, second edition issued April 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$25

Manual # 8002, Physician Manual, second edition issued February 15, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$32

Manual # 8012, Podiatry Manual, second edition issued May 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$25

Manual # 8020, Prosthetic Device Manual, second edition issued January 4, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$20

Manual # 8029, Psychiatric Services Manual, second edition issued April 28, 2000/continuously revised, 12 VAC 30-50; \$24

Manual # 8013, Rehabilitation Manual, second edition issued February 1, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8027, School Division Provider Manual, second edition issued June 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual #8034, State/Local Hospitalization Program Manual, second edition issued December 1998/continuously revised, 12 VAC 30-50-100 et seq., \$24

Manual # 8026, Technology-Assisted Waiver and Private Duty Nursing Services Manual, first edition issued November 1, 2000/continuously revised, 12 VAC 30-120 Part II, \$24

Manual # 8004, Transportation Manual, second edition issued February 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

Manual # 8003, Vision Manual, second edition issued July 15, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24

BOARD OF MEDICINE

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's web page at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at edbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to William L. Harp, M.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9908. Copies are free of charge.

Guidance Documents:

85-1 Listing of examinations which are accepted for each of the professions regulated by the Board of Medicine, revised October 1995

85-2 Assistant Attorney General opinion of October 25, 1986 on who can do a school physical examination

Guidance Documents

85-3 Listing of foreign medical schools whose graduates are required to provide additional information, revised March 1996

85-4 Listing of approved schools for physician assistant licensure and prescriptive authority, September 2003

85-5 Staff guide for responding to calls concerning medical records, December 2003

85-6 Board Briefs #60, Summer 2000, Section III.F, Ownership of health care records

85-7 Board Briefs #52, Spring 1997, Pharmacotherapy for weight loss

85-8 Board Briefs #60, Summer 2000, Section III.C, Physician/patient relationship and the prescribing of drugs for family and self

85-9 Board Briefs #49, Spring 1995, Pain management

85-10 Board Briefs #43, Fall 1991, Recommendation for preventing transmission of HIV or hepatitis B virus to patients during exposure, prone invasive procedures

85-12 Consumer Guide to the Virginia Board of Medicine, approved by the board at its meeting on February 5, 1998

85-14 Board Briefs #54, Spring 1998, Pain Management Guidelines

85-15 Board Briefs #56, Spring 1999, Guidelines Concerning the Ethical Practice of Surgeons and Surgery Interns and Residents

85-16 Board Briefs #59, Winter 1999, Questions and Answers on Continuing Competency Requirements for the Virginia Board of Medicine

85-17 Rules for the placement and use of equipment necessary for recording or broadcasting a hearing, revised 12/2000

85-18 Practitioners' Help Section, June 3, 2003 - Definitions and explanations for terminology used in Practitioner Profile System and Frequently Asked Questions

85-19 Practitioner Information System, July 2003 - Glossary of Terms

85-20 Official Opinion of the Attorney General, December 1992 on employment of surgeon by a nonstock, nonprofit corporation

85-21 Official Opinion of the Attorney General, May 1995 on employment of physician by a for profit corporation

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the DMHMRSAS library on the 3rd floor of the Jefferson Building, 1220 Bank Street, Richmond, VA. Copies may be obtained by contacting Wendy Brown, Office of Planning and Development, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

Questions regarding interpretation or implementation of these documents may be directed to the staff persons listed with each document. Any cost for obtaining copies is listed with each document.

Guidance Documents:

Admission and Discharge Protocols for Persons with Mental Retardation Served in Mental Retardation Facilities, issued March 26, 2003, §§ 37.1-98 and 37.1-197.1, no cost, contact Cynthia Smith (804) 786-0946

CSB Procurement Procedures Manual, revised 2002, §§ 37.1-198 and 37.1-248.1, no cost, contact Horace Ford, (804) 786-5812

Community Services Board Waiting List, Service Wait Times, and Prevention Priorities Database, Guidance for Input to the Comprehensive State Plan for 2004-2010 and the Olmstead's Task Force's Populations & Services Information, issued December 11, 2002, § 37.1-48.1, no cost, contact Charline Davidson (804) 786-7357

Comprehensive State Plan 2004-2010, issued December 12, 2003, § 37.1-48.1, no cost, contact Charline Davidson (804) 786-7357

Discharge Protocols for Community Services Boards and State Mental Health Facilities, issued November 5, 2001, §§ 37.1-98 and 37.1-197.1, no cost, contact Russell Payne, (804) 786-1395

Early Childhood Transition From Part C Early Intervention to Part B Special Education and Other Services for Young Children with Disabilities, Technical Assistance Document, Infant and Toddler Connection of Virginia, issued August 2003, no cost, contact Shirley Ricks (804) 786-0992

Financial Management Standards/Accounts Receivable and Reimbursement Procedures, Volume III, issued May 27, 2003, § 37.1-197.7, no cost, contact John F. Jackson or Barry A. Mason, (804) 786-3942

Financial Management Standards Guide for Community Services Boards, revised July 2002, no cost, contact Ken Gunn, (804) 786-1555

Guidance on Contents of Local Interagency Agreements and Contracts, Infant & Toddler Connection of Virginia, issued August 2003, no cost, contact Shirley Ricks, (804) 786-0992

Guidelines for the Management of Individuals Found Not Guilty by Reason of Insanity, revised May 28, 2003, Chapter 11.1 of Title 19.2 of the Code of Virginia, §30, contact Kathleen Sadler, (804) 786-8044

Human Rights Regulations-Restrictions on the Use of Telephones and Visitation Privileges, Office of Substance Abuse Services Guidance Bulletin No. 2003-02, issued April 2, 2003, 12 VAC 35-115, no cost, contact Kathy Fornili, (804) 786-4301

Individualized Part C Early Intervention Supports and Services in Everyday Routines, Activities and Places, Infant & Toddler Connection of Virginia, issued September 2003, no cost, contact Shirley Ricks (804) 786-0992

Managed Withdrawal Training Manual, Office of Substance Abuse Services Guidance Bulletin No. 2003-01, issued March 31, 2003, no cost, contact Kathy Fornili, (804) 786-4301

Office of Human Rights, Protocols, Procedures and Practices Manual, revised effective January 2002, § 37.1-84.1 and § 37.1-84.3, no cost, contact Margaret Walsh, (804) 786-3988

Office of Licensing: Protocols, latest revision December 26, 2001, § 37.1-179.1 and § 37.1-182, no cost, contact Leslie Anderson, (804) 786-1747

Policies and Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act (IDEA), last revision date August 2002, 34 CFR 303; §§2.2-5300 through 2.2-5308 and § 2.2-2664 no cost, contact Shirley Ricks, (804) 786-0992

Policy Clarification and Technical Assistance on the Implementation of Requirements for Vision and Hearing Components of the Part C Evaluation and Assessment, Infant & Toddler Connection of Virginia, revised October 2003, no cost, contact Shirley Ricks, (804) 786-0992

Priority Populations Implementation Guidelines, Issued July 1, 2001, no cost, contact James Evans, M.D., (804) 786-4301

Prevention Services and Personnel Supported by the Substance Abuse Prevention and Treatment Block Grant Prevention Set-Aside, Office of Substance Abuse Services Guidance Bulletin No. 2003-03, issued August 1, 2003, no cost, contact Kathy Fornili, (804) 786-4301

Procedures for Continuity of Care Between Community Services Boards and State Psychiatric Facilities, revised February 3, 1997, §§ 15.2-1704, 15.2-1710, 15.2-1724, 15.2-1727, 16.1-275, 16.1-280, 16.1-338, 16.1-339, 16.1-341 through 16.1-345, 19.2-169.6, 19.2-177.1, 37.1-48 through 37.1-197.1, 63.1-174.001, no cost, contact Michael Shank, (804) 371-2480

Required Activities for Prevention Services Units Funded Wholly or in Part by the Substance Abuse Prevention and Treatment Block Grant Prevention Set-Aside, Office of Substance Abuse Services Guidance Bulletin No. 2003-04, issued August 1, 2003, contact Kathy Fornili (804) 786-4301

Requirements for Federally Mandated Independent Peer Review, Office of Substance Abuse Services Guidance Bulletin No. 2002-01, issued October 7, 2002, 45 CFR 96.136, no cost, contact Kathy Fornili, (804) 786-4301

SFY 2003 Community Services Performance Contract Package, issued May 6, 2002, § 37.1-198, no cost, contact Paul R. Gilding, (804) 786-4982

STATE MILK COMMISSION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the State Milk Commission, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 1019, Richmond, Virginia 23218. Copies may be obtained free of charge by contacting Edward C. Wilson at the

same address, telephone (VOICE/TTY) (804) 786-2013, FAX (804) 786-3779, or e-mail ewilson@smc.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Edward C. Wilson, Deputy Administrator, State Milk Commission, Washington Building, 1100 Bank Street, Suite 1019, Richmond, Virginia 23218, telephone (VOICE/TTY) (804) 786-2013, FAX (804) 786-3779, or e-mail ewilson@smc.state.va.us.

Guidance Documents:

Virginia State Milk Commission Monthly Report Audit Manual, May 1970, 2 VAC 15-20-70

Informational Memorandum VASMC B92-1, March 13, 1992, 2 VAC 15-20-40

Informational Memorandum VASMC 92-2, March 13, 1992, 2 VAC 15-20-100

Informational Memorandum VASMC 93-2, June 18, 1993, 2 VAC 15-20-70

Informational Memorandum VASMC 93-3, June 18, 1993, 2 VAC 15-20-110

Informational Memorandum VASMC 93-4, June 18, 1993, 2 VAC 15-20-90

Informational Memorandum VASMC 93-5, June 18, 1993, 2 VAC 15-20-70

DEPARTMENT OF MILITARY AFFAIRS

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Department of Military Affairs, Building 316, Fort Pickett, Blackstone, Virginia, 23824. Copies may be obtained free of charge by contacting Mary Sunderlin at the same address, telephone (804) 298-6103, FAX (804) 298-6250 or e-mail mary.sunderlin@va-arng.ngb.army.mil.

Questions regarding interpretation or implementation of these documents may be directed to Mary Sunderlin, Administrative Assistant to the Adjutant General at the address above.

Guidance Documents:

VaARNG Regulation No. 56-3/VaANG Instruction No. 24-301, Registration of Privately Owned Vehicles by Virginia National Guard Personnel (Special Virginia National Guard License Plates), revised May 1, 2000, §§ 46.2-725, 46.2-744 and 46.1-105.9

VaARNG Regulation No. 56-5/VaANG Instruction No. 24-3011, Registration of Privately Owned Vehicles by Retired Virginia National Guard Personnel (Special Virginia National Guard License Plates), revised May 1, 2000, §§ 46.2-725, 46.2-726 and 46.2-765.5

VaARNG Regulation Number 621.1, Education, Virginia National Guard Tuition Assistant Program, May 1, 2000, § 23-7.4:2

VaARNG Regulation Number 405-1, Armory Management, Army Control Board and Non-Military Use of Armories, July 15, 1994, § 44-135.1

Guidance Documents

DEPARTMENT OF MINES, MINERALS AND ENERGY

The list is divided into sections by DMME division and type of document. Forms used by agency staff are listed by form number. The list provides, as applicable, the document number, document name, date issued or last revised, statute or regulation that the document interprets or implements, and the number of pages. The locations where these guidance documents are available for public inspection and the name of the person to contact with questions regarding the documents are provided in each section of this list.

Unless otherwise noted, the first 20 pages of any guidance document or group of documents needing to be copied are free of charge, and subsequent pages cost \$.25 per page.

This list meets the requirements of §§ 2.2-4008 and 2.2-4101 of the Code of Virginia. Questions regarding this list of guidance documents may be directed to Paul McCann, Department of Mines, Minerals and Energy, 202 North Ninth Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-3212, FAX (804) 692-3237, or paul.mccann@dmme.virginia.gov.

For TTY contacts to the department regarding all guidance documents on this list, call the Virginia Relay Center at 1-800-828-1120.

General DMME Documents

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy's Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Copies may be obtained by contacting Lola Varner or Cindy Ashley at the same address, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Mike Abbott, Public Relations Manager, Department of Mines, Minerals and Energy, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8146 or FAX (276) 523-8148.

Guidance Documents:

Responding to Requests for Information, revised October 23, 2002, § 2.1-340 et seq., 7 pages

DMME-IR-1, Requests for Information Under FOIA, December 28, 1999, § 2.1-340 et seq., 1 page

Minerals Management Plan, revised May 1991, § 2.1-512.1, 59 pages (Also see the Subaqueous Minerals Management Plan of the Marine Resources Commission, April 1991, § 28.2-1208, 6 pages)

Division of Mines (DM)

Board of Coal Mining Examiners

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. by contacting Lola Varner or Cindy Ashley at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219,

telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Frank A. Linkous, Chairman, Board of Coal Mining Examiners, Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8226 or FAX (276) 523-8239.

Guidance Documents:

List of Board of Coal Mining Examiners Certification Requirements, revised 3/6/2001, 4 VAC 25-20:

Advanced First Aid, September 2002, 2 pages

Advanced First Aid Instructor, September 2000, 2 pages

Automatic Elevator Operator, 7/1/1999, 1 page

Board of Coal Mining Examiners Instructor, March 2001, 2 pages

Chief Electrician (Surface), April 2001, 2 pages

Chief Electrician (Surface and Underground), April 2001, 2 pages

Memorandum of Agreement, Coal Mine Electrical Certification/Qualification Program, 4/2002, 8 pages

Dock Foreman, April 2001, 1 page

Electrical Maintenance Foreman (Surface), April 2001, 2 pages

Electrical Maintenance Foreman (Surface and Underground), April 2001, 2 pages

First Class Mine Foreman, June 2002, 2 pages

First Class Shaft or Slope Foreman, April 2001, 2 pages

General Coal Miner, November 2001, 1 page

Hoisting Engineer, April 2001, 1 page

Mine Inspector, July 2001, 2 pages

Preparation Plant Foreman, May 2002, 1 page

Qualified Gas Detection, November 2002, 1 page

Surface Blaster, April 2001, 1 page

Surface Electrical Repairman, October 2001, 2 pages

Surface Facilities Foreman for Shops, Labs, and Warehouses, April 2001, 1 page

Surface Foreman, April 2002, 1 page

Top Person, April 2001, 1 page

Underground Diesel Engine Mechanic, April 2001, 2 pages

Underground Diesel Engine Mechanic Instructor, April 2001, 2 pages

Underground Electrical Repairman, March 2002, 2 pages

Underground Shot Firer, April 2001, 1 page

Notice to All Applicants for Certification Examination, May 1999, 1 page

Division of Mines Study and Instruction Material

The following study and instruction materials are available on diskette, free of charge, at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding the interpretation or implementation of this material may be directed to Carroll Green, Inspector Supervisor, Division of Mines, at the same address, telephone (276) 523-8232 or FAX (276) 523-8239; or Rebecca Moore, Office Services Specialist, Division of Mines, at the same address, telephone (276) 523-8227, same FAX number.

Guidance Documents:

Surface Mine Foreman Continuing Education, September 2001, Board of Coal Mining Examiners' Requirements

First Class Underground Mine Foreman Continuing Education, March 2001, Board of Coal Mining Examiners' Requirements

Gas Detection Packet, January 1999, § 45.1-161.37, Coal Mine Safety Laws of Virginia

General Coal Miner Surface and Underground Certification, Coal Mine Safety Laws of Virginia, 5/1/2003, § 45.1-161.37

Diesel Engine Mechanic Instructor Certification Requirements Manual, June 1998, Board of Coal Mining Examiners' Requirements, 178 pages

Surface General Coal Miner Certification for Surface and Auger Mines (Manual), 5/1/2003, 33 pages

Advanced First Aid Manual, June 2003

Underground Annual Retraining Instructor Manual, January 1998

Surface Annual Retraining Instructor Manual, January 1998

Advanced First Aid Certification, Instructor, 24 Hour Class (Outline), June 1996, § 45.1-161.199

Division of Mines Notices and Memoranda To Operators

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these documents may be directed to Frank A. Linkous, Chief, Division of Mines, at the same address, telephone (276) 523-8226, or FAX (276) 523-8239.

Guidance Documents:

Department of Mines, Minerals and Energy, Division of Mines Personnel with Assigned Area and Telephone Numbers (Updated as changes to DM personnel occur. Copies are either mailed or hand-delivered by DM personnel to coal mine operators.), § 45.1-161.97 A, C, and D, 1 page

Memorandum of Agreement, Mine Fatality Accident Investigations, 1/3/2003, 3 pages

Memorandum of Agreement, MSHA /DMME Inspection Coordination, January 2003, 2 pages

Memorandum to Operators 03-01, DM/MSHA regarding Mine Rescue Teams, 1/29/2003, 2 pages

Memorandum to Operators 03-02, First Class Mine Foreman and Surface Foreman, 3/14/2003

Memorandum of Agreement regarding Small Operator Assistance Training, 9/1/1997, 1 page

Memorandum of Agreement, DM/DMLR (Blasting), January 1997, 2 pages

Memorandum of Understanding Between the Virginia Department of Mines, Minerals and Energy Divisions of Mined Land Reclamation and Mines and the U.S. Department of Labor Mine Safety and Health Administration District 5, Norton, Virginia, 12/5/2002, 3 pages

Memorandum of Understanding between DMME/DM and MSHA (Mine Rescue), April 2002, 2 pages

Memorandum of Understanding, (DM/DMLR) Reclamation Activities at Previously Licensed Coal Mine Sites, 9/1/2000, 1 page

Memorandum of Agreement, (DM/DMLR) Refuse Piles, Water and Silt Retaining Dams, May 1997, 2 pages

Memorandum of Agreement between DMME's DM and West Virginia's DM Certification of Reciprocity, May 15, 2001, 2 pages

Operator Memorandum, DM 02-07, Submittal of Annual Report and Tax Affidavits, December 16, 2002, 2 pages (updated annually)

Operator Memorandum DM 02-05, DMME-Division of Mines Rescue and Recovery Plan, October 28, 2002 (updated annually), 8 pages

Operator Memorandum DM 02-04, 2003 Certification Examination Schedule, September 13, 2002, 1 page (updated annually)

Operator Memorandum DM 02-01, State-Designated Mine Rescue, January 29, 2002, 6 pages (updated annually)

Operator Memorandum DM 01-07, Surface Mining Within 200 Feet of a Gas Well or Pipeline, December 17, 2001, 1 page

Operator Memorandum DM 01-04, Verification of Current Mine Foreman Certifications, October 3, 2001, 1 page

Operator Memorandum DM 00-02, On-Shift Examination of All Mobile Equipment, January 4, 2000, 1 page

Operator Memorandum DM 99-08, Update of Virginia's Mine Foremen Continuing Education Activities, October 1, 1999, § 45.1-161.33 and Board of Coal Mining Examiners Requirements, 2 pages

Operator Memorandum DM 99-06, Practical Exercises For Examinations, May 14, 1999, Board of Coal Mining Examiners, 4 pages

Guidance Documents

Operator Memorandum DM 99-05, Reciprocity Agreement With West Virginia, May 7, 1999, § 45.1-161.33 and Board of Coal Mining Examiners Requirements, 4 VAC 25-20-40, 4 pages

Operator Memorandum DM 99-03, Required Submittal of Annual Affidavits to the Department of Mines, Minerals and Energy, February 26, 1999, 1 page

Operator Memorandum DM 97-18, Advanced First Aid Trainees, December 12, 1997, § 45.1-161.199, 10 pages

Operator Memorandum DM 97-17, On-Site Examination of Mine Foremen by a Mine Inspector, December 5, 1997, § 45.1-161.35, 12 pages

Operator Memorandum DM 97-15, Certification Examination - First Aid Section, December 2002, 4 VAC 25-20-10, 2 pages

DMME-Division of Mines, Mine Emergency Directory, revised April 1, 2002, § 45.1-161.77 F, 22 pages

Division of Mines Procedures

The following procedures may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these procedures may be directed to Frank A. Linkous, Chief, Division of Mines, at the same address, telephone (276) 523-8226, or FAX (276) 523-8239. These procedures are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Guidance Documents:

Procedure No. 1.03.01, Emergency Response Team, January 1, 1999, 10 pages

Procedure No. 1.03.02, Rescue and Recovery Plan, revised October 1, 2000, 6 pages (updated plan only)

Procedure No. 1.03.03, State Designated Mine Rescue, January 1, 1997, 4 pages

Procedure No. 1.04.01, Inspections of Coal Mines, October 1, 2000, 3 pages

Procedure No. 1.04.02, 5-Day Spot Inspection, January 13, 1999, 4 pages

Procedure No. 1.04.03, Reopening Inspection, August 18, 1998, 5 pages

Procedure No. 1.04.04, Regular Inspections, October 1, 2000, 7 pages

Procedure No. 1.04.05, Spot Inspection, October 1, 2000, 2 pages

Procedure No. 1.04.06, Risk Assessment, January 1, 1997, 3 pages

Procedure No. 1.04.07, Independent Contractors, January 1, 1997, 2 pages

Procedure No. 1.04.08, Smoking Articles Inspection, January 27, 2000, 5 pages

Procedure No. 1.04.09, Administrative Review of Notices of Violation, January 1, 1997, 8 pages

Procedure No. 1.04.10, Impoundment Inspections, July 18, 2001, 2 pages

Procedure No. 1.05.01, Investigation of Accidents and Incidents, October 1, 2000, 2 pages

Procedure No. 1.05.02, Inundation of Water and Gas, October 1, 2000, 2 pages

Procedure No. 1.05.03, Methane Ignition, October 1, 2000, 3 pages

Procedure No. 1.05.04, Serious Personal Injury, October 1, 2000, 2 pages

Procedure No. 1.05.05, Unintentional Roof Falls, October 1, 2000, 2 pages

Procedure No. 1.05.06, Unlicensed Mine Sites, October 1, 2000, 2 pages

Procedure No. 1.05.07, Safety Complaints, October 1, 2000, 2 pages

Procedure No. 1.05.08, Blasting Complaints, January 1, 1997, 1 page

Procedure No. 1.05.09, Investigation Documents File, May 3, 1999, 2 pages

Procedure No. 1.05.10, Safety Issues Involving Coal Mines and Gas Well Activities, August 1, 2000, 3 pages

Procedure No. 1.06.01, Plan Approvals, September 1, 2002, 3 pages

Procedure No. 1.06.02, Map Submittals, October 1, 2000, 3 pages

Procedure No. 1.06.03, Mining Near Gas Wells, October 1, 2000, 4 pages

Procedure No. 1.07.01, Technical Instruction, January 29, 1999, 3 pages

Procedure No. 1.07.02, Small Mine Safety Service, January 29, 1999, 4 pages

Procedure No. 1.07.03, Training and Accident Reduction, January 29, 1999, 3 pages

Procedure No. 1.08.01, Licensing, October 1, 2000, 4 pages

Procedure No. 1.08.02, Licensing Through Initial Reclamation of Mine Sites, October 1, 2000, 2 pages

Procedure No. 1.08.03, Requests Through the Freedom of Information Act, April 30, 2002, 2 pages

Procedure No. 1.08.04, Other Requests for Assistance, October 1, 2000, 2 pages

Procedure No. 1.09.01, Certification of Miners, October 1, 2000, 5 pages

Procedure No. 1.09.02, Recertification Requirements, January 1, 1997, 3 pages

Procedure No. 1.09.03, Revocation of Certification, January 1, 1997, 1 page

Procedure No. 1.09.04, Certification Requiring On-Site Observation, January 1, 1997, 1 page

Division of Mines Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these forms may be directed to John Thomas, same address, telephone (276) 523-8228 or FAX (276) 523-8239. These forms are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Guidance Documents:

DM-CM-3S, Inspection Report, March 1999, 1 page

DM-C1-1S, Complaint Investigation, March 1999, 1 page

DM-DC-01, Operator Assistance Request Form, November 2001, 1 page

DM-DE-01-S, Diesel Equipment Approval, April 1999, 1 page

DM-F-1-S, Accident Investigation Report, March 1999, 1 page

DM-F-2-S, Roof Fall Investigation Report, March 1999, 1 page

DM-IGN-1-S, Ignition Investigation Report, March 1999, 1 page

DM-IMP-1-S, Impoundment Inspection Form, March 1999, 1 page

DM-IU-1-S, Inundation Investigation Report, March 1999, 1 page

DM-LIC-01, License to Operate a Mine, January 1997, 1 page

DM-RAS-1-S, Surface Mine, Auger, Highwall Miner Risk Assessment, April 1999, 1 page

DM-RAU-1-S, Underground Mine Risk Assessment, April 1999, 1 page

DM-RV-1-S, Report of Violation, March 1999, 1 page

DM-TS-1-S, Field Report, March 1999, 1 page

DM-V-1-S, Notice of Violation, March 1999, 2 pages

DM-V-1-S-CO, Closure Order, March 1999, 1 page

DM-V-2-S, Correct, Modify, Vacate, Continue, March 1999, 1 page

DM-WI-1-S, Special Written Instructions, March 1999, 1 page

Guidelines For Application of Regulatory Standards

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405

Mountain Empire Road, P. O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these documents may be directed to John Thomas, same address, telephone (276) 523-8228 or FAX (276) 523-8239. These documents are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Chapter 14.2, Article 3, § 45.1-161.37 A, General Coal Miner Certification, April 10, 2000, 1 page

Chapter 14.3, Article 2, § 45.1-161.109 A, Roof Control Plans, August 1, 2001, 3 pages

Chapter 14.3, Article 11, § 45.1-161.193, Electric Equipment, August 1, 2001, 2 pages

Chapter 14.3, Article 11, § 45.1-161.195 A, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, September 30, 2002, 1 page

Chapter 14.3, Article 11, § 45.1-161.195 B, C, D, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, April 10, 2000, 2 pages

Chapter 14.3, Article 12, § 45.1-161.199, Certified Emergency Medical Services Personnel, April 10, 2000, 5 pages

Chapter 14.3, Article 13, § 45.1-161.207 B, Welding and Cutting, August 1, 2001, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Accidents, April 10, 2000, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Operator, April 10, 2000, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Surface Coal Mine and Underground Coal Mine, April 10, 2000, 1 page

Chapter 14.2, Article 1, §§ 45.1-161.8, 45.1-161.28 through 161.30, Operator/Independent Contractor (Examinations and Record Keeping), September 30, 2002, 2 pages

Chapter 14.2, Article 2, § 45.1-161.23, Technical Specialist, April 10, 2000, 1 page

Chapter 14.2, Article 3, § 45.1-161.30 A, Performance of Certain Tasks by Uncertified Persons; Penalty, April 10, 2000, 1 page

Chapter 14.2, Article 3, § 45.1-161.38 A, First Class Mine Foreman Certification, April 10, 2000, 1 page

Chapter 14.2, Article 5, § 45.1-161.57 A, License Required for Operation of Coal Mines; Term, April 10, 2000, 1 page

Chapter 14.2, Article 5, § 45.1-161.63 B, C, Notices to Department: Resumption of Mining Following Discontinuance, April 10, 2000, 2 pages

Chapter 14.2, Article 7, § 45.1-161.77 A, Reports of Explosions and Mine Fires, April 10, 2000, 1 page

Chapter 14.2, Article 7, § 45.1-161.78 A, Operator's Reports of Accidents; Investigations; Reports by Department, April 10, 2000, 2 pages

Guidance Documents

Chapter 14.2, Article 8, § 45.1-161.83, Review of Inspection Reports and Records, April 10, 2000, 1 page

Chapter 14.2, Article 8, § 45.1-161.84 A, Advance Notice of Inspections; Confidentiality of Trade Secrets, April 10, 2000, 1 page

Chapter 14.2, Article 8, § 45.1-161.85 A, Scheduling of Inspections, April 10, 2000, 1 page

Chapter 14.2, Article 9, § 45.1-161.90 A, Notices of Violation, April 10, 2000, 3 pages

Chapter 14.3, Article 2, § 45.1-161.115 D, Supplies of Materials for Supports, April 10, 2000, 1 page

Chapter 14.3, Article 4, § 45.1-161.124 A, Shop and Other Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 5, § 45.1-161.129, Blasting Practices: Penalty, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.139, Inspection of Underground Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.141 E, Self-Propelled Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.143 A, B, Transportation of Material, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.147, Operation of Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.149, Availability of Mantrips, April 10, 2000, 1 page

Chapter 14.3, Article 7, § 45.1-161.159 A & C, Hoisting Engineer, April 10, 2000, 1 page

Chapter 14.3, Article 8, § 45.1-161.162 A, Mine Openings, September 30, 2002, 1 page

Chapter 14.3, Article 8, § 45.1-161.165, Maintenance of Mine Openings, April 10, 2000, 1 page

Chapter 14.3, Article 11, § 45.1-161.189 E, Circuit Breakers and Switches, September 30, 2002, 1 page

Chapter 14.3, Article 11, § 45.1-161.196, Repairs to Circuits and Electric Equipment, September 30, 2002, 1 page

Chapter 14.3, Article 12, § 45.1-161.197, First Aid Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 13, § 45.1-161.202 B, Emergency Response Plans; List of Next of Kin, April 10, 2000, 1 page

Chapter 14.3, Article 13, § 45.1-161.205 F, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.3, Article 13, § 45.1-161.206, Diesel Powered Equipment, September 30, 2002, 2 pages

Chapter 14.3, Article 14, § 45.1-161.209, On-Shift Examinations, April 10, 2000, 2 pages

Chapter 14.3, Article 14, § 45.1-161.210 J, Weekly Examinations, April 10, 2000, 1 page

Chapter 14.3, Article 14, § 45.1-161.221 D, Coursing of Air, April 10, 2000, 1 page

Chapter 14.3, Article 14, § 45.1-161.222, Actions for Excessive Methane, April 10, 2000, 2 pages

Chapter 14.3, Article 15, § 45.1-161.238 D, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.3, Article 16, § 45.1-161.251 A, Employment of Inexperienced Underground Miners, April 10, 2000, 1 page

Chapter 14.4, Article 2, §§ 45.1-161.256, and 45.1-161.257, Safety Examinations, April 10, 2000, 2 pages

Chapter 14.4, Article 2, § 45.1-161.258, Areas with Safety or Health Hazards, April 10, 2000, 1 page

Chapter 14.4, Article 4, § 45.1-161.262, First Aid Equipment, April 10, 2000, 2 pages

Chapter 14.4, Article 5, § 45.1-161.267 L, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.4, Article 12, §§ 45.1-161.288 and 45.1-161.290, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, April 10, 2000, 1 page

Division of Mined Land Reclamation (DMLR)

Division of Mined Land Reclamation Memoranda

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8157 or FAX (276) 523-8163.

Guidance Documents:

Memorandum No. 5-02, Updated Application Submittal Procedures, December 9, 2002, 4 VAC 25-130-773.13, 2 pages

Guide to Water Replacement and Subsidence Repair, December 1, 2002, 4 VAC 25-130-816/817.41 and 4 VAC 25-130-817.121, 10 pages

Memorandum No. 4-02, Approximate Original Contour Guidelines, March 22, 2002, 9 pages

Memorandum No. 2-01, Reforestation Reclamation Practices, May 29, 2001, 8 pages

Memorandum No. 3-01, Permit Applications/Priority Reviews, December 12, 2001, 3 pages

Memorandum No. 3-99, Groundwater Monitoring Frequency, revised October 1, 2001, 1 page

Memorandum No. 2-99, Reduction in Copies of Complete Application Submittal, revised October 1, 2001, 1 page

Memorandum No. 9-98, Permit Streamline Procedures – Forms, revised October 1, 2001, 4 VAC 25-130-773, 4 VAC 25-130-774.11, 4 VAC 25-130-774.15, 2 pages

Memorandum No. 5-98, Permit Information – Acreage Amendments, revised October 1, 2001, 4 VAC 25-130.774.13, 1 page

Memorandum No. 4-98, Remining Incentives, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-98, Permit Streamline Procedures, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-96, Guidelines for Husbandry and Reclamation Practices, revised October 1, 2001, 4 VAC 25-130-816/817.116, 2 pages

Memorandum No. 6-95, Biosolids Use Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-95, Highwall Settlement Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-95, Coal Combustion By-Products Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 12-94, Application (Corrections) Submittal; Anniversary Fees, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 11-94, Public Notice and Comment Periods, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 7-94, NPDES Monitoring and Reporting Requirements, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 9-93, Company Structure Master File, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-93, Contractor Information in Public Notices, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 9-92, DMLR Blasters Enforcement Certification, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 8-92, NPDES Permits for Storm Water Discharges, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 7-92, Public Notices, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-92, Updating Ownership and Control Information, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-91, Certification of Maps, Plans and Cross-Sections, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-91, Cost Bond -- Long-Term Facilities, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 3-90, Standardized Reporting Form (Quarterly Acid-Base Monitoring), revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 1-90, Baseline Hydrologic Data Requirements (PHC Assessment), revised October 1, 2001, 4 VAC 25-130, 2 pages

Memorandum 9-89, Mining Operations Near Facilities (Oil and Gas Lines, Telephone Lines, etc.), revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-89, Filing Application--Public Participation Process, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 6-88, Waivers to Mine Within 300 Feet, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 1-87, Significant and Insignificant Revisions, revised October 1, 2001, 4 VAC 25-130, 2 pages

Memorandum No. 13-86, Application Processing Time Limit, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 8-85, NPDES Enforcement Policy, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 4-85, Notice of Effluent Non-Compliance Reports, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-85, Confidential Information, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-84, Reclamation Fees, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 4-84, Permit Renewals, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 12-83, Permit Revisions, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 3-83, Certificates of Deposits, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 11-82, Archaeological Sites or Historic Places, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 8-82, Air Pollution Control Plan, revised October 1, 2001, 4 VAC 25-130, 1 page

Division of Mined Land Reclamation Procedures

The following documents may be viewed or copied during regular work hours from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, (276) 523-8157 or FAX (276) 523-8163.

Guidance Documents:

Procedure No. 1.2.01, Threatening, Abusing, or Impeding a Division Employee, revised March 12, 1997, § 45.1-257, 2 pages

Guidance Documents

Procedure No. 1.2.02, Hazardous/Toxic Waste Reporting, revised August 18, 2000, § 45.1-228, 2 pages

Procedure No. 2.1.03, Unpermitted/Exempted Sites, revised March 12, 1997, § 45.1-234, 4 pages

Procedure No. 2.1.04, Exemption for Extraction of Coal when it is Incidental to Extraction of other Minerals, revised March 12, 1997, 4 VAC 25-130-702, 2 pages

Procedure No. 2.1.06, Exemptions for Government Financed Projects, revised March 12, 1997, 4 VAC 25-130-707, 4 pages

Procedure No. 2.2.01, Permit Review Quality and Completeness Check, revised October 7, 2002, § 45.1-238, 8 pages

Procedure No. 2.2.02, Confidentiality of Permit Application Information, revised March 12, 1997, § 45.1-235 F, 2 pages

Procedure No. 2.2.03, Proof of Application Filing, revised March 12, 1997, 4 VAC 25-130-773.13(a), 1 page

Procedure No. 2.2.04, Application Processing Time Limit, revised March 12, 1997, 4 VAC 25-130-773.15, 1 page

Procedure No. 2.2.05, Applicant Violator System (AVS) and Ownership/Control, revised August 18, 2003, § 45.1-238 C, 6 pages

Procedure No. 2.2.05A, AVS-O/C Investigations, revised August 18, 2000, § 45.1-238 C, 5 pages

Procedure No. 2.2.06, Applications with Violations, revised March 12, 1997, § 45.1-238 C, 1 page

Procedure No. 2.2.07, Relinquishments, revised August 18, 2000, 4 VAC 25-130-774.13, 1 page

Procedure No. 2.2.08, Corrections on Applications, revised August 18, 2000, 4 VAC 25-130-773.15, 1 page

Procedure No. 2.2.09, Name Changes on Applications, revised August 18, 2000, 4 VAC 25-130-773.15, 2 pages

Procedure No. 2.2.10, Mining Under State Boundaries, revised August 17, 2000, 4 VAC 25-130-773.12, 2 pages

Procedure No. 2.2.11, Priority Review of Applications, revised March 12, 1997, 4 VAC 25-130-773.15, 2 pages

Procedure No. 2.2.12, Terms of Issuance (TOI) Terms of Approval (TOA), revised August 18, 2000, 4 VAC 25-130-773.17, 2 pages

Procedure No. 2.3.01, Permanent Program - Revision Applications, revised August 18, 2000, 4 VAC 25-130-774.13, 3 pages

Procedure No. 2.3.02, Permittee - Official Changes, revised March 12, 1997, 4 VAC 25-130-774.13, 1 page

Procedure No. 2.3.03, Anniversary Fees/Reports, revised March 12, 1997, § 45.1-235 E, 1 page

Procedure No. 2.3.04, Temporary Cessation, revised August 18, 2000, 4 VAC 25-130-816.131 and 4 VAC 25-130-817.131, 3 pages

Procedure No. 2.3.05, Midterm Permit Evaluation, revised June 20, 2002, 4 VAC 25-130-774.11, 3 pages

Procedure No. 2.3.06, Permit Renewals, revised August 2, 1999, 4 VAC 25-130-774.15, 3 pages

Procedure No. 2.3.07, Completion Letters, revised August 18, 2000, § 45.1-235 E, 2 pages

Procedure No. 2.3.08, Completion Review, revised August 18, 2000, § 45.1-235 E, 1 page

Procedure No. 2.3.09, Bond Release, revised August 18, 2000, § 45.1-247, 4 VAC 25-130-800.40 and 4 VAC 25-130-801.17, 4 pages

Procedure No. 2.3.10, Permit -Transfers, Assignments, or Sale of Rights, revised March 12, 1997, 4 VAC 25-130-774.17, 1 page

Procedure No. 3.1.06, Citizen Complaint Investigation, revised August 18, 2000, 4 VAC 25-130-842, 6 pages

Procedure No. 3.3.01, Permanent Program (Chapter 19) Enforcement and Inspection Procedures, revised August 18, 2000, 4 VAC 25-130-840 through 4 VAC 25-130-843, 5 pages

Procedure No. 3.3.03, Approving Regrading, revised September 26, 2002, 4 VAC 25-130-816.102 and 4 VAC 5-130-817.102, 3 pages

Procedure No. 3.3.04, Water Rights and Replacement, revised October 1, 1998, 4 VAC 25-130-816.41(h)/817.41(j), 3 pages

Procedure No. 3.3.05, NPDES Permits, revised August 18, 2000, 4 VAC 25-130-816/817.42, 3 pages

Procedure No. 3.3.06, Coal Exploration, revised August 18, 2000, 4 VAC 25-130-772, 4 pages

Procedure No. 3.3.07, Certification of Ponds, Roads, Fills, etc., revised August 10, 2000, 4 VAC 25-130-816/817.49; 71; 83; 107; 150, 3 pages

Procedure No. 3.3.08, Alternative Enforcement Actions, revised March 12, 1997, § 45.1-245, 1 page

Procedure No. 3.3.09, Forfeiture of Performance Bond, revised February 11, 2002, 4 VAC 25-130-800.50 and 4 VAC 5-130-801.19, 3 pages

Procedure No. 3.3.10, Show Cause Order, Permit Suspension/Revocation, revised February 11, 2002, 4 VAC 25-130-843.13, 4 pages

Procedure No. 3.3.11, Operations on Federal Lands, revised March 12, 1997, 4 VAC 25-130, Part 740, 4 pages

Procedure No. 3.3.12, Coal Surface Mining Reclamation Fund Tax Reporting/Payment, revised February 27, 2002, 4 VAC 25-130-801.14, 3 pages

Procedure No. 3.3.13, Third Party Disturbance of Reclaimed Sites, revised August 18, 2000, 4 VAC 25-130-843.13(a)(1) and 4 VAC 25-130-843.18, 1 page

Procedure No. 3.3.14, Certificate of Liability Insurance, revised August 18, 2000, §§ 45.1-235 G and 45.1-258 E, 1 page

Procedure No. 3.3.15, Temporary Structures, September 26, 2002, 4 VAC 25-130-816/817.133, 1 page

Procedure No. 3.4.01, Suspension and Revocation of DMLR Blaster Endorsement Certification, revised August 18, 2000, 4 VAC 25-130-850.15(b), 4 pages

Procedure No. 3.5.01, Bond Forfeiture Reclamation, revised September 24, 2001, § 45.1-247, 6 pages

Procedure No. 3.6.01, Certification of Pollution Control Equipment, revised March 12, 1997, § 58.1-3660, 1 page

Procedure No. 4.1.01, Reclamation Project - Eligibility, revised March 12, 1997, § 45.1-262, 1 page

Procedure No. 4.1.02, Realty Procedures, May 28, 1998, § 45.1-263 A, 7 pages

Guide to Bond Reduction/Release, revised December 2002, 4 VAC 25-130-800.40 and 4 VAC 25-130-801.18, 24 pages

Administrative Hearings Manual, revised March 27, 2002, § 9-6.14.1 et seq., and §§ 45.1-239, 45.1-240, 45.1-246, 45.1-249, 45.1-250, 45.1-251, 9 pages

Civil Penalty Assessment Manual, revised November 2002, 4 VAC 25-130-845 and 4 VAC 25-130-846, 24 pages

A Citizen's Guide to Coal Mine Complaint Resolution, December 2002, 4 VAC 25-130-842, 2 pages

General Instructions for Electronic Application Preparation, August 2002, 4 VAC 25-130-772 through 4 VAC 25-130-795, 77 pages

Division of Mined Land Reclamation -- Other Documents

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of the following documents may be directed to Roger L. Williams, Abandoned Mined Land Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8208 or FAX (276) 523-8247.

Guidance Documents:

Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation Abandoned Mine Reclamation Plan, revised 9/1/1999, Article IV of Chapter 19 of Title 45.1, 60 pages

Abandoned Mined Land Water Project Review Manual, revised July 1, 2003, Article 4 of Chapter 19 of Title 45.1, 14 pages

DMLR Guidance Memorandum No.6-03, Permit Fees, 5/12/2003, 1 page

Payments/Coal Surface Mining Reclamation Fund Collections

The following document may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of

Mines, Minerals and Energy, Office of Financial Services, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of this document may be directed to Frank M. Hampton, Fiscal Director, same address, telephone (276) 523-8107 or FAX (276) 523-8111.

Guidance Documents:

Bond Administration to Include Coal Surface Mining Reclamation Fund Procedures/Tax Collection, revised May 15, 2002, Article 5 of Chapter 19 of Title 45.1, 7 pages

Division of Mined Land Reclamation Forms

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8157 or FAX (276) 523-8163. These forms are used by agency staff to implement 4 VAC 25-130.

Guidance Documents:

DMLR-AML-001, AML Project Approval Sheet, revised April 1, 1997, 1 page

DMLR-AML-007, AML-External Mine Portal Investigation (Bat Habitat Suitability), 7/1/2003, 2 pages

DMLR-AML-056, Notice of Award, July 1, 2003

DMLR-AML-090, Standard Bid Bond, 7/1/2002, 2 pages

DMLR-AML-130, Reclamation Construction Inspection Report (Abandoned Mined Lands), April 1, 1997, 1 page

DMLR-AML-147, Complaint Investigation Report, April 1, 1997, 3 pages

DMLR-AML-168, AML Suspend/Resume Work Order, April 1, 1997, 1 page

DMLR-AML-170, Notice of Bond Release, April 1, 1997, 1 page

DMLR-AML-171, Reclamation Construction Final Inspection Report, July 1, 2003, 1 page

DMLR-AML-260, AML Site Evaluation Matrix, March 1, 1998, 2 pages

DMLR-AML-301, Public Notice of Intent to Enter to Conduct Reclamation Activities (Virginia Abandoned Mine Land Program), March 1, 1998, 2 pages

DMLR-AML-302, Landowner Contact, March 1, 1998, 1 page

Guidance Documents

DMLR-AML-303, Realty Completion Memorandum, March 1, 1998, 1 page

DMLR-AML-304, Notice of Lien, March 1, 1998, 2 pages

DMLR-AML-305, Lien Waiver, March 1, 1998, 1 page

DMLR-AML-306, Request for Title Search Services, March 1, 1998, 2 pages

DMLR-AML-307, Property Owner List, March 1, 1998, 1 page

DMLR-AML-308, Lien Determination, March 1, 1998, 1 page

DMLR-AML-309, Estates to be Appraised, March 1, 1998, 1 page

DMLR-AML-310, Review of Appraisal Report, March 1, 1998, 2 pages

DMLR-AML-311, Realty Analysis Justification of Lien Waiver, March 1, 2000, 3 pages

DMLR-DT-000, Certification Checklist: Pollution Control Equipment and Facilities, § 58.1-3660, February 1, 1996, 1 page

DMLR-ENF-032S, Complaint Investigation, September 1, 1998, 2 pages

DMLR-ENF-044S, Inspection Report, September 1, 1998, 1 page

DMLR-ENF-045S, Notice of Violation, September 1, 1998, 2 pages

DMLR-ENF-046S, Cessation Order, September 1, 1998, 2 pages

DMLR-ENF-047S-RON, Revision Order, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-047S-NOV, Notice of Violation, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-047S-CO, Cessation Order, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-099, Addendum – Complaint Form (Blasting), June 1, 1997, 2 pages

DMLR-ENF-194S, Revision Order Notice, September 1, 1998, 2 pages

DMLR-PT-008, Application Checklist & Routing Slip, revised September 1, 2000, 2 pages

DMLR-PT-019, Combined Permit To Conduct Coal Surface Mining Operations (CSMO) and to Discharge Under the National Pollutant Discharge Elimination System (NPDES), January 1993, 1 page

DMLR-PT-026, Example (form letter to banks issuing a certificate of deposit as performance bond), August 1, 2003, 1 page

DMLR-PT-026A, Form Letters to Banks Issuing a CD for Coal Operator, Federal Lands, August 2003

DMLR-PT-028, Anniversary Notification, January 1, 1999, 1 page

DMLR-PT-237, Written Findings, 4 VAC 25-130-773.15 (c), September 2002, 14 pages

DMLR-PT-256, Midterm Review Checklist, revised February 1999, 2 pages

Division of Mineral Mining (DMM)

Division of Mineral Mining Documents and Communication Memoranda

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Tina R. Knight at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these documents may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325.

Guidance Documents:

2002 Risk Assessment, July 26, 2002, § 45.1-161.292:55, 8 pages

Division of Mineral Mining Rescue and Recovery Plan, November 20, 2002, § 45.1-161.292:50 F, 14 pages

Communication Memorandum No. 10-00; Employee Exposure to Noise Limits, 4 VAC 25-40-770, September 13, 2000, 2 pages

Communication Memorandum No. 03-99; pertains to submittal of contractor information needed to perform risk assessments; July 16, 1999, § 45.1-161.292:32 A 5 and § 45.1-161.292:55, 4 pages

Communication Memorandum No. 02-99; pertains to reporting of contractor information required as part of the mine license application; July 16, 1999, § 45.1-161.292:32 A 3, 3 pages

Communication Memorandum No. 01-99; pertains to reporting of non-serious and non-fatal personal injuries; June 14, 1999, 4 VAC 25-40-50, 6 pages

Communication Memorandum No. 01-98; pertains to reporting of serious and/or potentially serious personal injuries; November 11, 1998, 4 VAC 25-40-50, 3 pages

Communication Memorandum No. 2-93; pertains to temporary cessation, May 12, 1993, 4 VAC 25-30-400, 3 pages

Communication Memorandum No. 01-93; Reclamation Schedule, March 20, 1993, 4 VAC 25-30-170, 6 pages

Record Book for Mineral Mine Operators; a book of forms and information to assist mine operators in the keeping of required mine records; June 1, 1999, Mineral Mine Safety Laws of Virginia-1999 Edition—various code sections as identified in the Record Book, 64 pages

Contractors Memorandum: Independent Contractors Annual Report to the Division of Mineral Mining, December 29, 2000, § 45.1-161.292:32.3, 3 pages

Operators Memorandum addressing proof of the legal authority of persons signing permit applications and alternative blasting criteria, March 1, 1990, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 4 pages

Operators Memorandum: Transferability of Mineral Mining Permits, June 28, 1996, § 45.1-181, 9 pages

Operators Memorandum: Waste Materials Brought onto Mine Sites, January 25, 1993, §§ 45.1-182.1 and 45.1-184, 1 page

Surface Foreman Certification Study Guide; March 1, 2002, § 45.1-161.292:19, 115 pages

Surface Blaster's Certification Guide, March 1, 2001, § 45.1-161.292:19, 78 pages

General Mineral Miner Training Course Guide, March 2001, § 45.1-161.292:28 and 4 VAC 25-35-120, 48 pages

Board of Mineral Mining Examiners Certification Requirements (Summary Sheets), September 1, 2001, 2 pages

Surface and Underground Foreman Certification, July, 1996, 4 VAC 25-35-10 and 4 VAC 25-35-20; 4 VAC 25-35-50 and 4 VAC 25-35-60, 1 page

Surface and Underground Blaster Certification, 3/1/2001, 4 VAC 25-35-10 and 4 VAC 25-35-20; 4 VAC 25-30-80 and 4 VAC 25-35-90, 1 page

Mineral Mine Electrician Certification Directions, 5/1/2003, § 45.1-161.292:19 and 4 VAC 25-35-100, 4 pages

Waivered Program Performance Evaluation, revised November 1997, § 45.1-197, 4 pages

Non-Point Source Pollution Protocol and Orphaned Mined Land Site Investigation Report, revised October 2000, § 45.1-197.3 through 45.1-197.7, 22 pages

Orphaned Mined Land Advisory Committee By-Laws, revised June 14, 2000, §§ 45.1-197.3 through 45.1-197.7, 3 pages

Public Hearings Informational Brochure, revised January 1998, § 45.1-184.1 et seq., 2 pages

Education and Training Plan for Mineral Mining, January 1, 1996, §§ 45.1-161.292:71 and 45.1-161.292:72, 50 pages

Information for Mine Maps, December 9, 1994, revised October 11, 1995, § 45.1-161.292:37, 8 pages

Underground Blaster Certification Study Guide, November 1994, § 45.1-161.292:19, 42 pages

Inspectors' Guidelines for Materials Brought onto Mine Sites, February 1993, 4 VAC 25-30-170, 7 pages

Excavation Activity Evaluation Chart, February 20, 1991, § 45.1-180 et seq., 1 page

Internal Communication and Directive Regarding Broken or Damaged Windows on Mobile Equipment and Haulroad Dust Control Measures, August 20, 1990, 4 VAC 25-40-1360, 2 pages

Acknowledgment of Certificate of Deposit as Bond, issued prior to 1989, 4 VAC 25-30-170, 1 page

DMM Abandoned Mineral Mining Inventory Protocol, June 2003, 28 pages

DMM Certification Requirements for Blaster, 3/1/2001, 1 page

DMM Mineral Mine Operators and Mineral Mine Contractors Memorandum, 4/25/2003, 6 pages

Division of Mineral Mining Procedures

The following procedures may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O.Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Tina R. Knight at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these procedures may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325. These procedures are used by agency staff to implement 4 VAC 25-30 and 4 VAC 25-40.

Guidance Documents:

Procedure No. 2.1, Operator Assistance, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.4, Inspections, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.5, Inspection Frequency: Safety, May 21, 1997, § 45.1-161.292:1 et seq., 3 pages

Procedure No. 2.6, Inspection Frequency: Reclamation, revised May 21, 1997, § 45.1-180 et seq., 1 page

Procedure No. 2.7, Inspection Reports, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 2.8, Special Orders/Notices of Violation, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 2.9, Notice of Non-Compliance, revised May 21, 1997, § 45.1-180 et seq., 2 pages

Procedure No. 2.10, Closure Orders, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.11, Recommending Bond Forfeitures, revised May 21, 1997, § 45.1-180 et seq., 2 pages

Procedure No. 2.12, Safety/Health/Reclamation Complaints, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Procedure No. 2.13, Blasting Complaint Investigations, revised May 21, 1997, § 45.1-161.292:1 et seq., 2 pages

Procedure No. 2.14, Accident/Fire Investigations, revised May 21, 1997, § 45.1-161.292:1 et seq., 6 pages

Procedure No. 2.15, Unlicensed Mine Sites, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Guidance Documents

Procedure No. 3.1, General Procedures for Reclaiming Orphaned Land Sites, revised February 24, 1998, § 45.1-180 et seq., 1 page

Procedure No. 4.1, Relinquishments and Repermitting, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.2, Permit Renewal and Progress Reports, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 4.3, Additional Bond Required at Anniversary Time, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No 4.4, Bond Reduction and Release, revised September 10, 1991, § 45.1-180 et seq., 2 pages

Procedure No. 4.5, Completion Material/Permit Close-out, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.6, Amendments, 1/8/1996, § 45.1-180 et seq., 1 page

Procedure No 4.7, Change in Operating Officials, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.8, Temporary Cessation of Surface Mines, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.9, Exemption for Extraction of Coal Incidental to the Extraction of Other Minerals, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.10, Field Approval, January 8, 1996, § 45.1-180 et seq., 4 pages

Procedure No. 4.11, Initial Site Inspection, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.12, Mineral Mining Quarrying Schedule (Tonnage Report), revised September 10, 1991, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.13, Permit Application Review, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Procedure No. 4.14, Hearing Procedures, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 6 pages

Procedure No. 4.15, Termination of License Requirement, October 24, 1995, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.18, Contractor Information, January 8, 1996, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.19, Confidential Files, March 24, 1997, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.20, Permit Transfers, January 8, 1996, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 5.1, Training and Certification of Mineral Mining Personnel, September 12, 2002, § 45.1-161.292:1:1 et seq., 4 pages

Procedure No. 5.2, Certification of Mineral Mining Industry Personnel by the Board of Mineral Mining Examiners, September 1, 2002, § 45.1-161.292:1 et seq., 9 pages

Procedure No. 5.6, Accident Reports and Posting, September 12, 2002, § 45.1-161.292:1 et seq., 2 pages

Procedure No. 5.7, Education and Training Plan and Service, September 12, 2002, § 45.1-161.292:1 et seq., 1 page

Division of Mineral Mining Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Anne Grassler at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these forms may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325. These forms are used by agency staff to implement 4 VAC 25-30 and 4 VAC 25-40.

Guidance Documents:

DMM -101, Permit/License Application for Mineral Mining, September 2003, 4 pages

DMM -102, Initial Site Investigation, revised September 1999, 2 pages

DMM - 103, Notice of Application to Mine, September 2003, 2 pages

DMM-104, Inspection Report, July 1, 1994, 1 page

DMM-104A, Inspection Report Continuation Sheet, July 1, 1994, 1 page

DMM-104B, Notice/Order Form, June 1, 1997, 1 page

DMM-104BS, Violation Form - Computer Generated Form Used To Generate Special Orders, Non-Compliance, Violations, And Closure Orders From The Automated DMM Enforcement System, October 1998, 5 pages

DMM-104C, Accident Report, revised May 1, 1999, 1 page

DMM-104D, Bond Release Inspection, September 1999, 1 page

DMM-104E, Blasting Complaint Investigation Data, December 1994, 1 page

DMM-104F, Complaint Investigation Form, December 1994, 1 page

DMM-104FS, Complaint Investigation - Computer Generated Form Used To Generate Complaint Investigation Reports From The Automated DMM Enforcement System. This Form Is Used For All Complaints Including Blasting Complaints, October 1998, 2 pages

DMM-104s-s, Inspection Report, Computer generated form used to generate inspection reports from the automated DMM inspection system, December 2003, 1 page

DMM-104s, Inspection Report (Carbon Copy-field use), October 1998, 1 page

DMM-106, Renewal - Special Order Notice, 4/1/2002, 1 page

DMM-106a, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106b, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106c, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106e, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106f, Renewal Notice, December 1, 1995, 1 page

DMM-106g, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106h, Renewal - Minerals Reclamation Fund, December 1, 1995, 1 page

DMM-106I, Renewal - Bond/No License, December 1, 1995, 1 page

DMM-106j, Renewal - Restricted Permit/No License, December 1, 1995, 1 page

DMM-106k, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106m, Renewal - Reclamation Fund 1st Year, December 1, 1995, 1 page

DMM-106n, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106p, Renewal - Restricted/No License, December 1, 1995, 1 page

DMM-107 Surety Bond Form, October 2003, 5 pages

DMM - 109, Revised map legend form, September 2003, 1 page

DMM-110, Notice of Non-Compliance, September 1999, 1 page

DMM-111, Release of Bond, January 2001, 1 page

DMM-112, Relinquishment of Mining Permit, September 2003, 1 page

DMM-115, Permit/License for Mineral Mining, July 1, 1994, 1 page

DMM-135, Reclamation Construction Inspection Report, 6/13/2003, 1 page

DMM-141, Final Inspection Report, September 1, 1989, 1 page

DMM-146, Operators Memorandum: Annual Tonnage Reports, January 2, 2003, 4 pages

DMM-148, DMM Application Checklist, revised December 2001, 6 pages

DMM-153, Red Tag Closure Order, March 1, 1991, 1 page

DMM-161, Permit Transfer Acceptance, September 2003, 1 page

DMM-162s, Contractor Contact Report, January 2002, 1 page

DMM-163, Permit Renewal Checklist, October 2002, 2 pages

DMM-164, Certification of No Changes in Permit Map, September 2003, 1page

DMM-165, Mineral Mine Contractor Annual Report WorkSheet, October 2002, 1 page

DMM-166, Contractor Identification Form, 10/31/2002, 1 page

DMM-167, Surety Bond Rider, 10/2003, 1 page

DMM-168, General Permit for Sand and Gravel Operations less than 10 acres, September 2003, 6 pages

DMM-169, Certificate of Deposit form example, October 2003, 1 page

Division of Gas and Oil (DGO)

Division of Gas and Oil Memoranda to Operators and Bulletins

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Drive, P.O. Box 1416, Abingdon, VA 24212. Copies may be obtained by contacting Diane Davis at the same address, telephone (276) 676-5423 or FAX (276) 676-5459.

Questions regarding interpretation or implementation of these documents may be directed to Bob Wilson, Director, Division of Gas and Oil, same address and telephone.

Guidance Documents:

Client Assistance Bulletin, Landfarming of Drill Cuttings, December 2002, 2 pages

Safety Memorandum of Understanding between DOLI and DMME, Rev. 6/1/2001, 2 pages

DGO Complaint Procedure by Landowners with Suspected Water Loss, Rev. 1/1/1999, 4 pages

Division of Gas and Oil Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Drive, P.O. Box 1416, Abingdon, VA 24212. Copies may be obtained by contacting Diane Davis at the same address, telephone (276) 676-5423 or FAX (276) 676-5459.

Questions regarding interpretation or implementation of these forms may be directed to Bob Wilson, Director, Division of Gas and Oil, same address and telephone.

Guidance Documents:

DGO-11-S, Incident Report, February 1991, 1 page

DGO-GO-AP, Application for Payment, November 1996, 1 page

DGO-CI-S, Complaint Investigation, February 1999, 1 page

Guidance Documents

DGO-CO, Closure Order, February 1999, 1 page
DGO-CO-E, Expiration of Closure Order, February 1999, 1 page
DGO-CO-L, Lifting of Closure Order, February 1999, 1 page
DGO-CO-M, Modification of Closure Order, February 1999, 1 page
DGO-CO-V, Vacation of Closure Order, February 1999, 1 page
DGO-IR-S, Inspection Report, October 2001, 1 page
DGO-NOV, Notice of Violation, November 1998, 1 page
DGO-NOV-C, Cancellation of Violation, February 1999, 1 page
DGO-NOV-E, Extension of Violation, February 1999, 1 page
DGO-NOV-M, Modification of Violation, February 1999, 1 page
DGO-NOV-V, Vacation of Violation, February 1999, 1 page
DGO-P, Permit for Gas and Oil Operations, December 1, 1991, 1 page
DGO-GO-PA, Approval of Payment, February 1996, 1 page
DGO-ROWB, Release of Well Operator's Bond, August 2, 1993, 1 page

MOTOR VEHICLE DEALER BOARD

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Motor Vehicle Dealer Board's (MVDB) Office, 2201 W. Broad Street, Suite 104, Richmond, VA 23220. Copies may be obtained free of charge by contacting Alice Weedon at the same address, telephone (804) 367-1100, ext. 3001 or toll free at 877-270-0203, ext. 3001, e-mail dboard@mvb.state.va.us or FAX (804) 367-1053.

Questions regarding interpretation or implementation of these documents may be directed to Bruce Gould, Executive Director, Motor Vehicle Dealer Board, at the same address and telephone numbers noted above.

Guidance Documents: Dealer Practices

PR010-97, Variance for Hours of Operation, May 1997, § 46.2-1533
PR020-97, Off-Site Storage of Records, May 1997, § 46.2-1529
PR030-97, Temporary Supplemental Licenses for Used Car Sales, December 1997, § 46.2-1516; and Temporary Supplemental Licenses for Used Car Sales (Rev.1), August 2000
PR050-97, Wholesale Sales Agreement, December 1997, § 46.2-1530
"Dealers Who Are Not Maintaining Hours," MVDB Meeting Summary from July 1998

"Procedures For Violations of Minimum Hours And Established Place of Business," MVDB Meeting Summary from July 1998.

Guidance Documents: Dealer Licensing

LI010-97, Certificate of Qualification, December 1997, §§ 46.2-1511 and 46.2-1512
LI020-01, Dual Licensing Process, July 2001
"Guidelines for Review of Applicants Who Have a Criminal History" (March 17, 1998)
"Process for Determining Sanctions" (July 1999)
"Salesperson and Dealer-Operator Test," MVDB Meeting Summaries from March 1996, May 1996 and September 1996.
"Review of the Dealer's Buyer's Order," MVDB Meeting Summary from January 1996, § 46.2-1530
"Delegation of Authority to the Executive Director and Office Manager," Meeting Summaries from March 1996, September 1996, September 1997 and July 1999
"Bonding Requirements," Memorandum from the executive director to the members of the Board dated October 27, 2000

Guidance Documents: Dealer Advertising

AV010-00, Deviations from Standard Practices June 2000
"Delegation of Authority to the Executive Director and Office Staff for Enforcing Regulations and Determining Civil Penalties," MVDB Meeting Summaries, January 1996, and November 1998.

Guidance Documents: Administration

AD010-95, Board Meetings (Parliamentary Guidelines), May 1997
AD020-95, Board Meetings (Public Comment), May 1997
AD030-96, Board Meetings (Meeting Documentation), Rev. Dec 2002
AD040-95, Board Meetings (Vice-Chair), May 1997
AD050-96, Board Meetings (Meeting Dates and Times), December 2001
AD060-95, Executive Director (Office Supplies), May 1997
AD070-95, Executive Director (Board Guidance), May 1997
AD075-99, MVDB 800 Toll Free Customer Service Line, May 1999
AD080-00, MVDB American Express Purchase Policy, September 2000
AD090-00, MVDB Annual Loss Analysis Policy, September 2000
AD0100-00, MVDB Internet Privacy Policy, October 2000
AD0-105-01, MVDB Purchasing Policy
AD110-02, MVDB, Internal Database System Data Manipulation, Storage, Mainframe and Record Deletion Policy

AD111-02, MVDB Freedom of Information Act Compliance
AD120-02, MVDB Minority, Women & Small Business Source
Procurement Policy

Guidance Documents: Internal Process

MVDB-01, Qualifications, October 1999
MVDB-02, Initial Salesperson Licensing, October 1999
MVDB-03, Monthly Renewals, November 1999
MVDB-04, Dealer Licensing, October 1999
MVDB-05, Nonprofit Organization Consignment Processing,
April 2000
MVDB-06, Permanent and Temporary Supplemental
Licensing, May 2000
MVDB-07, Field Inspections, June 2000
MVDB-08, Plate and Decal Inventory, August 2000

DEPARTMENT OF MOTOR VEHICLES

Copies of the following documents may be viewed during regular business hours, Monday through Friday, 8:30 a.m. until 5 p.m. in Legislative Services, Room 724, at the Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220. Copies totaling under 10 pages may be obtained for no charge. Copies totaling 10 pages or more may be obtained at a cost of \$.50 a page. Requests for copies of these documents may be made by contacting Marc Copeland at the same address, telephone (804) 367-1875, FAX (804) 367-6631 or e-mail dmvjmc@dmv.state.va.us.

Guidance Documents:

1999 Personal Property Tax Relief Guidelines for Local Government Officials, revised September 2001, § 58.1-3532
1999 Technical Specifications for the Personal Property Tax Relief Guidelines for Local Government Officials, revised September 2001, § 58.1-3532
A DMV Guide for Family Members and Friends of the Recently Deceased, revised July 2000
AD 107, Request for Use of DMV Facilities, revised April 25, 1994
AD 305, Resolving Contractual Disputes, revised January 14, 1984, § 11-69
AD 305.1, Resolving Contractual Disputes: How to Handle Contractual Disputes, issued October 14, 1983
AD 307, Contractor Contracts: Bids for Contracts Under \$100,000, issued December 6, 1985, § 11-57
AD 308, Contractor Contracts: Negotiations with Low Bidder, issued December 6, 1985
AD 309, Procurement Records Searching and Copying Charges, issued December 6, 1985, § 2.1-342
AD 509, CommuniPlate Issuance Guidelines, issued October 30, 1997, § 46.2-726

DMV Seizure/Black-out Policy, revised November 1986, § 46.2-322

DOIM-HQ, Dissemination of Information/Materials on DMV Property, issued March 1, 1993

Driver Licensing Guide, updated on a regular basis, as necessary

Financial Responsibility Insurance Filing Via Internet, Issued January 1999

Instructions to Contracted Hearings Officers, revised September 1997, § 46.2-1566

Insurance Verification Activities Annual Report

Licensee Responsibilities Regarding Recordkeeping Requirements in Accordance with the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA), issued June 1996

MCTS247, Motor Carrier Guidelines, revised July 2002, §§ 58.1-2700 et. al, 46.2-703, 46.2-2000 et. al, and 46.2-2100 et. al

MED 5, Minimum Vision Requirements for Licensed Drivers of Motor Vehicles, revised August 2003, § 46.2-311

MED 12, Virginia Parking Placards and Plates for Customers with Disabilities, revised July 2003, §§ 46.2-731, 46.2-732, 46.2-739 and 46.2-1241.

MED 31, Conditions of Variance for CDL Drivers to Haul Hazardous Materials, revised September 1998, §§ 10.1-1402 (11), 10.1-1405, 10.1-1450 and 46.2-341.9:1.

MED 44, Driver Licensing Information for Wearers of Biotpic Telescopic Lens, revised June 2001, § 46.2-312

Memorandum from Richard D. Holcomb to All DMV Investigators Re: Sale of Trailer Kits and Trailers, dated August 13, 1996, § 46.2-1992.6 et seq.

Memorandum from Richard D. Holcomb to All On-line Dealers Re: Processing Fee, dated November 21, 1995

Memorandum from Richard D. Holcomb to Holders of Drive-Away License Plates Re: Drive-Away License Plate Usage, dated May 23, 1994, § 46.2-733

Memorandum from Richard D. Holcomb to Motor Vehicle Dealers, DMV Personnel, CVR Personnel Re: Transfer of License Plates to Leased Vehicles, dated September 7, 1995

DMV 2, Virginia Motorcycle Operator Manual, July 2003

DMV 7, Virginia webCAT – Virginia's Electronic Motor Carrier Solution, April 2003

DMV 16, Parents in the Driver's Seat, July 2003

DMV 30, Legal Presence Frequently Asked Questions, October 2003, § 46.2-105.2

DMV 32, Alternative Services card, January 2003

DMV 33, Self-Service Center brochure, April 2003

DMV 34, Alternate Motorcycle Skill Test, January 2003

Guidance Documents

DMV 34A, Alternate Motorcycle Skill Test (for smaller testing area), January 2003

DMV 35, Your driver's license expires on your birthday! card, September 2003

DMV 39, Virginia Driver's Manual – Rules of the Road, July 2003

DMV 39S, Manual del Conductor de Virginia – Reglas de la Carretera 2003-2004, Julio de 2003

DMV 51, Legal Presence affects you. insert, September 2003, § 46.2-105.2

DMV 51S, La Presencia Legal lo afecta a usted., Septiembre 2003, § 46.2-105.2

DMV 52, Saving lives through organ and tissue donation/Legal Presence, September 2003

DMV 60, Virginia Commercial Driver's Manual, July 2000

DMV 72, Automobile Liability Insurance Reporting Requirements/Reporting Guide for Insurance Companies, May 2003

DMV 105, DMV Guide for family members and friends of the recently deceased, September 2003

DMV 106, What Can I Do Online?, February 2003

DMV 109, Virginia's Size, Weight, and Equipment Requirements for Trucks, Trailers, and Towed Vehicles, August 2002

DMV 114, A Different Kind of Crash Course, The Virginia DI Program, July 2003, § 46.2-489 et seq.

DMV 115, Moving Violations and Point Assessments, The Virginia DI Program, July 2003, §§ 46.2-491 through 46.2-494

DMV 137, What is the Personal Property Tax Relief Act?/Legal Presence, September 2003

DMV 138, Congratulations on your new driver's license!, July 2002

DMV 140, New to Virginia?, August 2003

DMV 141, Acceptable Documents for Obtaining a Driver's License or Photo Identification Card, effective January 1, 2004

DMV 141S, Documentos aceptables para obtener una licencia de conductor o una tarjeta de identificación con foto, (Vigente el 1ro de enero de 2004)

DMV 142, Basic Steps to your Driver's License, effective January 1, 2004

DMV 142S, Pasos basicos para obtener su licencia de conducir o tarjeta de identificación con foto, (Vigente el 1ro de enero de 2004)

DMV 143, Re-Establishing your Virginia Residency or Qualifying for a Virginia Address Requirement Exception, July 2002, § 46.2-323.1

DMV 144, If you hold a photo ID card.../Legal Presence, September 2003, § 46.2-345

DMV 166, Are You Covered? To protect our citizens, Virginia law requires insurance coverage for all motor vehicles, July 2003

DMV 168, Virginia is Tough on drunk and drugged drivers, July 2003

RDT131, International Fuels Tax Agreement Guidebook, July 2002, §58.1-2700 et seq.

Recommended Guidelines of the Medical Control Advisory Board, Administrative Procedures, revised November 1995, §§ 46.2-200, 46.2-203, 46.2-204 and 46.2-322.

SB97-005A, Mechanics and Storage Lien: Program Enhancements Special Bulletin, issued August 15, 1997, §§ 43-32 through 43-34

Special Employee Identification Card Program for Agencies/Organizations in State and Local Governments Information Sheet, revised July 2003, § 46.2-345

US531A, Information Use Agreement, revised February 2003, § 46.2-208

US531E, Application for Extranet Transaction Access, revised February 2003, § 46.2-208

Vehicle Registration Guidebook, updated on a regular basis, as necessary

Virginia Fuels Tax Act Guidelines, dated August 2000, § 58.1-2200 et. al

Virginia International Registration Plan, issued September 1997, § 46.2-703

Virginia Fuels Tax Act Guidelines, dated August 2000

Virginia International Registration Plan, issued September 1997

Virginia Motor Vehicle Dealer Manual, revised July 1997

Virginia Department of Motor Vehicles Electronic Liens Participant Package, issued June 1, 1998, §§ 46.2-216.1 and 46.2-216.2

Virginia Motor Vehicle Rental Tax Questions and Answers Guidelines for Rentors, revised July 1997, §§ 58.1-2400 through 58.1-2426, 24 VAC 20 -100 through 24 VAC 20-100-540

In addition to the above documents, the following documents are continuously updated:

Notices Relating to Fuels Tax Issues and Requirements, updated throughout the year

Bulletins Relating to Motor Carrier Issues and Requirements, updated throughout the year

The following is continuously updated throughout the year on a daily basis.

DMV Website – contents as of December 2003 include:

DMV HOME

Important Notices
DMV Headlines
Multimedia

- Sample Knowledge Exams
- Create a Plate
- How Do I?
- Habla Expanol?
- La Presencia Legal
- Manual de Conductor
- Contact Us
- Office Locations
- Site Map
- About Us
- Search

ONLINE TRANSACTIONS

- Address Change
- Administrative Hearing Request
- Compliance Summary Request – New
- Customer Summary Request
- Disabled Parking Placard Renewal
- Driver's License Renewal
- Driver's License Replacement
- Insurance Verification
- Organ Donor Status Change
- PIN Administration
- Plate Purchase
- Prospective Purchaser Inquiry
- Record Request
- Registration Card Replacement
- Report a Vehicle Sold or Traded
- Souvenir Plate Orders
- Sample Knowledge Exam
- Trip Permit Purchase
- Vehicle Registration Renewal
- What Have I Done Online

CITIZEN SERVICES

DRIVER'S SERVICES

Driver's License

- Eligibility
- Applying for a Driver's License
- Driver License Renewal
- Driver License Replacement
- Driver Education Requirements
- Virginia Driver's Manual
- Sample Knowledge Exam
- Manual de Conductor de Virginia
- Do You Know Your Signs
- Images of Driver's Licenses & Identification Cards

Learner's Permit

- Eligibility
- Learner's Permit Information
- Apply for a Learner's Permit
- Virginia Driver's Manual
- Manual de Conductor de Virginia
- Sample Knowledge Exam
- Do You Know Your Signs

Young Drivers

- Parents in the Driver's Seat
- Young Driver's Safety
- Young Driver's Study

Commercial Drivers License

- What is a Commercial Motor Vehicle
- Who are Commercial Drivers
- Applying for a Commercial Driver's License or Instruction Permit

- CDL Classifications, Endorsements and Restrictions
- CDL Disqualification's
- Taking the CDL Test
- Virginia Commercial Driver's Manual
- Sample CDL Knowledge Exam

Motorcycle License

- Operating a Motorcycle in Virginia
- Obtaining a Motorcycle License
- Motorcycle Learner's Permit
- Registering Your Motorcycle
- Virginia Motorcycle Operator Manual
- Sample Motorcycle Knowledge Exam
- Motorcycle Safety
- Mobile Motorcycle Training Unit
- Virginia Rider Training Program

General Driver Information

- Identify Theft
- Medical Information
- Organ Donation
- Points and Violations
- Habitual Offender
- VA Crash Facts
- HOV Lane Rules
- Online Record Request

Driver Safety

- Aggressive Driver
- Driver Safety
- Mature Driver Safety

Driver Improvement

- Driver Improvement Program
- Driver Improvement Clinics
- Commercial Driver Improvement Clinics
- Computer-based Driver Improvement Clinics

VEHICLE SERVICES

Vehicle Titling

- Titling a Vehicle in Virginia
- Titling an Imported Vehicle
- Replacement Titles
- Substitute Titles
- Lien on a Title
- Motor Vehicle Sales and Use Tax
- Abandoned Motor Vehicles

Vehicle Registration

- Vehicle Registration Information
- Registration Renewal Online
- Insurance Requirements
- Emissions Inspections
- Local Vehicle Registration Program (LVR)
- Vehicle Color Codes
- Antique Motor Vehicle
- Trailer Registration
- Trip Permit
- Overload Permits
- Personal Property Tax Relief

License Plates

- Develop a New License Plate
- Create A Personalized Plate
- Search/View Specialized Plates
- Clean Special Fuel Vehicle/Plates
- Souvenir Plate Orders
- Disabled Placards/Plates
- Purchase License Plates

Guidance Documents

Surrender of License Plates

General Vehicle Information

Buying/Receiving a Vehicle
Selling/Donating a Vehicle
Leasing a Vehicle
Safety Inspection
Manufactured (Mobile) Homes and Mobile Offices
Medical Sun-shading Allowances
Online Record Request
Lemon Law
HOV Lane Rules
Boats, Jet Skis, Personal Watercraft, etc
Vehicle Consumer Information
Insurance Consumer Information

ID SERVICES

Adult I.D. Cards
Children's I.D. Cards
Hearing Impaired Photo I.D. Cards
Obtaining a Photo I.D. Card

DISABILITY PROGRAMS

Parking Placards and Plates
Assistance for DMV customer's visiting our offices or taking the driver's license exam
Special Assistance for hearing impaired customers

FAMILY OF DECEASED

Clearing the Driver's License or Photo I.D. Card Record
Transferring Vehicle Ownership
Transferring the Vehicle Registration
Documents Checklist

MEDICAL INFORMATION

Medical and Mental Requirements
Vision Screening
Bioptic Telescopic Lens Wearers
Conditions of Variance for CDL Drivers to Haul Hazardous Materials
Vehicle Sun-shading Medical Waivers
Medical Forms

FEEES

Vehicle Registration
Trailer Registration
Duplicate/reissue Registration
Title
Transcripts
Driver's license
Commercial driver's license
Replacement license
Photo ID
Prospective Purchaser Inquiry
Temporary or Permanent Disabled Parking Placard
Drivers license reinstatement
Return check
Sales and use tax

RECORD SERVICES

Change of Address or Name
Release of DMV Information
Request a Copy of Your Driver or Vehicle Record
Perspective Purchaser Inquiry

FUELS TAX REFUND

LOCAL VEHICLE REGISTRATION PROGRAM (LVR)

LEGAL PRESENCE

Fact Sheet

Steps to Obtaining Your Driver's License or Photo ID Card

List of Acceptable Documents for Obtaining your Driver's License

Communications Kit
Implementation Process
News Releases
Legislation
Reports

MOVING?

New To Virginia
Leaving Virginia
Moving Within Virginia
Temporarily Outside of Virginia

COMMERCIAL SERVICES

BUSINESS OPPORTUNITIES

Building Services
Purchase and Stores
Request for Proposals
Technology
Commercial Driver Training School Program
Driver Improvement Clinic Program
Commercial Driver Improvement Clinic Program
Computer-Based Driver Improvement Clinic Program

FUELS TAX

General Information
Licensing
Reporting
Electronic Filing
Paying Fuels Tax
Tax Security
Discounts
Diversions
Contacts
Drive-aways will pay
Fuels Tax Guidelines
Forms
Frequently Asked Questions
Information and News

MOTOR CARRIER SERVICES

Motor Carrier Programs
Motor Carrier Service Centers (formerly Weigh Stations)
Size and Weight Enforcement Overview
Getting Started
Inspection Sites
Forms
Links
Acronyms
Contact Motor Carrier Services
Frequently Asked Questions
webCAT

RENTAL TAX

Applying for a Certificate of Registration
Registering Rental Vehicles
Rental Tax Computation
Filing Rental Tax
Record Maintenance
Contacts
Forms

DEALER SERVICES

Licensing

- Study Guide
- Registration
- Salvage Dealer
- Forms & Useful Links
- Virginia Code Sections & Regulations
- Contact Listing for Dealer Services & Field Investigative Services
- Drive-Away License Plates

SALVAGE AND NON-REPAIRABLE VEHICLES

- Introduction
- Declaring a Vehicle Salvage
- Declaring a Vehicle Non-repairable
- Prohibitions and Allowances
- Repaired/Rebuild Vehicle Examinations
- Virginia Salvage Code Sections
- Contact Information

ELECTRONIC LIEN PROGRAM

- General Information
- Participants
- How the ELP is Set Up
- The Overall Process
- Lienholder's Responsibilities
- Technical Specifications
- How to Join the Program
- Who to Contact for More Information
- Sample Memorandum of Understanding
- Application Form
- Conversion of Existing Paper: Titles to Electronic
- Frequently Asked Questions

ONLINE SALVAGE POOLS

- Benefits
- Responsibilities
- Process
- Participants
- Contacts

ONLINE FLEET

- Benefits
- Responsibilities
- Process
- Participants
- Contacts

ONLINE DEALER

- Benefits
- Responsibilities
- Process
- Participants
- Contacts

RECORDS ACCESS: GOVERNMENTAL ACCESS TO DMV RECORDS

RECORDS ACCESS: NON-GOVERNMENTAL ACCESS TO DMV RECORDS

COMMERCIAL DRIVER IMPROVEMENT CLINIC PROGRAM

RECORDS ACCESS: VOLUNTARY DRIVING RECORD MONITORING PROGRAM

webCAT

SIZE AND WEIGHT ENFORCEMENT

GENERAL INFORMATION

COMMISSIONER'S MESSAGE

VEHICLE CONSUMER INFORMATION

INSURANCE CONSUMER INFORMATION

OFFICE LOCATIONS

DMV NEWS

- Legislation
- DMV News Releases
- Useful Links
- Virginia Government Links
- Government Related Transportation Links
- Non-Government Related Transportation Links
- Other Useful Links

CONTACT US

VOTER REGISTRATION

OUTSIDE OF VA?

- Renew Your Driver's License
- Obtain a Military Extension
- Obtain a Replacement Driver's License
- Obtain an International Driver's License

SAFETY

- Aggressive Driving
- Airbags: Another Piece in the Safety Picture
- Badges, Buckles, Belts and Beyond
- Bicycle: Bicycle Safety
- Child Safety: Protect For Your Child when Riding in a Motor Vehicle
- Safety Quizzes
- Drinking and Driving: No Excuses for Drinking and Driving
- Mature Driver Safety
- Young Driver Safety
- Experience the NO-ZONE
- Motor Carrier: Motor Carrier Safety
- Motorcycle: Motorcycle Safety
- Pedestrian: Pedestrian Safety
- Safety Belts: Buckle-Up on Every Ride
- Safety Studies
- Sample Knowledge Exam
- School Bus Safety
- VA Traffic Crash Facts

MULTIMEDIA

- Audio Productions
- Video Productions
- Flash and Shockwave Productions
- Safety Quiz

EMPLOYMENT OPPORTUNITIES

- Apply Online - Job Listing
- How to Apply – Conditions of Employment Environment
- Benefits
- Mission and Vision
- Resume and Application Tips
- Virginia State Employment Opportunities (RECRUIT)

RECOGNITION AND AWARDS

PRIVACY AND SECURITY

COMMONWEALTH TRANSPORTATION FUND (CTF)

REVENUES

WEBSITE SURVEY

SELECTIVE SERVICE REGISTRATION

PERSONAL PROPERTY TAX RELIEF (PPTR)

PRIVACY AND SECURITY

PUBLIC HEARINGS ON DRIVER LICENSING ISSUES

VIRGINIA CORPS

RESOURCES

DEALER SERVICES

GOVERNMENT RELATED TRANSPORTATION

Guidance Documents

INSURANCE CONSUMER INFORMATION

MOTOR CARRIERS

NON-GOVERNMENTAL TRANSPORTATION INFORMATION

SAFETY

VEHICLE CONSUMER INFORMATION

VIRGINIA GOVERNMENT

FORMS

DMV Forms Online

| | | | |
|---------|---|------------|---|
| AC3 | DMV Credit Card Voucher | DL15 | Coach/Transit Bus |
| ACORD3 | General Liability Loss Notice | DL18 | Private Trucking Drivers Status Report |
| ASA03 | Request to Surplus Equipment | DL19 | Parental Consent Cancellation of a Minor's Driving Privilege |
| ASA071 | Requisition for Document Technology Services | DL1A | Commercial/Private Business Drivers Status Report |
| ASA09 | Goods and Services Receiving Record | DL1C | Voter Application Submission to State Board of Elections |
| ASA10 | Stock Item Order Form | DL1G | Voter Application Submission to Headquarters |
| ASA11 | Print On Demand Order Form | DL1H | Voter Application Acknowledgement - A |
| ASA205 | AMEX Purchase Log and Certification Sheet | DL1M | Voter Application Acknowledgement - B |
| ASA42 | Plate/Decal Transfer | DL29 | Driver's License, Identification Card and Motor Voter Application |
| ASA63NS | Non-Stock Item Requisition | DL30 | Private School and Day Care Status Report |
| ASA63S | Stock Item Requisition | DL32 | Driver Status Report |
| CDT-A | Virginia Commercial Driver Education Certificate | DL34 | School Bus Drivers Status Report |
| CDT-AI | Instructions for Completing the CDT-A | DL36 | Public/Private School Driver Education Instructors |
| CDT-B | Virginia Commercial Driver Education Certificate - for learners | DL531 | Road Skills Evaluation |
| CDT-BI | Instructions for Completing the CDT-B | DL55 | Information Use Agreement |
| CDT001 | Application for Commercial Driver Training School License | DL56 | Request for NDR File Check on Current or Prospective Employee |
| CDT002 | Application for Commercial Driver Training School Instructor License | DL64 | Individual Request for NDR Check |
| CDT005 | Certificate of Insurance | DMV06 | CDL Skills Test Certificate of Completion |
| CDT006 | Surety Bond | DMV106 | HQ - Receipt Verification |
| CDT12 | Commercial Driver Training School Student Questionnaire | DMV109 | What Can I Do Online |
| CRD01 | Request for Vehicle Information by Prospective Purchaser | DMV110 | Virginia's Size, Weight, and Equipment Requirements |
| CRD100 | Microfilm Service Order | DMV114 | Coloring Book, Snap Dragon |
| CRD93 | Information Request | DMV115 | A Different Kind of Crash Course DI Program |
| CSDA01 | Contact Information for Vital Statistics | DMV137 | Moving Violations and Point Assessment |
| CSDA146 | Pre-Road Skills Test Safety Check and Road Skills Test Score Sheet | DMV139 | Personal Property Tax Relief Qualification Criteria |
| DE-TLC | Ninety-Day Temporary Driver's License | DMV139I | Driver's Manual |
| DI03 | Driver Improvement Clinic (DI) Student Questionnaire | DMV140 | Driver's Manual Insert |
| DI100 | Restricted License Order DI Probation Violation | DMV141S | New to Virginia? |
| DI115 | Application for DI Clinic Certification /& Agreement (& Instructions) | DMV142 | Acceptable Documents |
| DI505 | Driver Improvement Clinic Instructor Personal Data Sheet | DMV142S | Basic Steps to Your Driver's License |
| DL05 | Identification Card Application for Minors Under Age 15 | DMV143 | Pasos Básicos Para Obtener su Licencia de Conducir |
| DL07 | Exchanging a Driver's License From a Foreign Country | DMV144 | Re-establishing Residency |
| DL14 | Physical Examination Form | DMV16 | If You Hold a Photo ID Card.. |
| DL140 | Vehicle Inspection Study Guide - Tractor Trailer | DMV168 | Parents in the Driver's Seat |
| DL141 | Vehicle Inspection Study Guide - Straight Truck/School Bus | DMV2 | Virginia is Tough on Drunk Drivers |
| DL142 | Vehicle Inspection Study Guide - | DMV32 | Virginia Motorcycle Operator Manual |
| | | DMV34 | Alternative Service Card |
| | | DMV34A | Alternative Motorcycle Skill Test |
| | | DMV39 | Study Guide For Obtaining A Motorcycle License/class |
| | | DMV39sp | DMV Driver's License Manual |
| | | DMV51 | DMV Driver's License Manual - Spanish |
| | | DMV62 | Legal Presence Affects You |
| | | DMV62(CP3) | Assignment of State Vehicle, Application for |
| | | DMV63 | Assignment of State Vehicle Addendum |
| | | DMV65 | State Owned Motor Vehicle Loss Notice |
| | | DMV97 | Credit Card Charge Request |
| | | DMV98 | Mini Pool Trip Ticket |
| | | DMV99 | Vehicle Mileage and Expense Report |
| | | DPT1.08 | Request to Reserve a State Vehicle |
| | | | Probationary Progress Review |

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| DSA02 | Polaroid Monthly Report - Fax | FR520 | Self-Insurance Certificate Information Sheet |
| DSA310 | Disposition and Location Sheet | FR521 | Self-Insured Accident Involvement Quarterly Report |
| DSA446A | Request for Additional Information/Fees | | |
| DSA446B | Request for Accident Report or Insurance Information | FR521A | Self-Insured Accident Involvement Quarterly Report Explanation Sheet |
| DSD02 | Motor Vehicle Dealer Bond | FSPA02 | Architect/Engineer Services Invoice |
| DSD04 | Dealer Application for Temporary Registration/Transport plates | FSPA03 | Hold Harmless Agreement |
| | | FSPA04 | Property Loss Notice |
| DSD05 | Temporary Transport Certificate | FT213 | Virginia Fuels Tax Application |
| DSD07 | Application for Certificate of Qualification/Salesperson's license | FT214 | Virginia Fuels Tax Notice of Tax Payment Default |
| DSD08 | Salesperson License | FT215 | Diversion Registration Input Sheet |
| DSD09 | Application for Dealer/Drive-away/Office trailers plates | FT216 | Application for Fuels Tax Refund |
| | | FT218 | Virginia Fuels Tax and Tank Fee Assessment |
| DSD10 | Motor Vehicle Dealer License application for initial license or renewal | FT219 | Virginia Fuels Tax Schedule of Diversion Corrections |
| DSD10A | Salvage Vehicle Dealer, Demolisher, Rebuilder, Salvage Pool, Vehicle Remover Operator application | FT220 | Interstate Fuel Diversion FAX Notification Application |
| DSD12 | Application for Reissue or Exchange of Dealer /Drive-away plates | FT441 | Fuel Alcohol Provider's Report |
| | | FT442 | Fuel Alcohol Provider's Schedule of Disbursements |
| DSD13 | Application for Temporary or Permanent Dealer License | FT443 | Fuel Alcohol Provider's Schedule of Receipts |
| DSD14 | Foreign Motor Vehicle Dealer Certificate of Registration application for initial or renewal | FT445 | Alternative Fuel Report |
| DSD14A | Manufactured Home Dealer Certificate of Registration Application | FT446 | Alternative Fuel Schedule of Disbursements |
| | | FT447 | Alternative Fuel Schedule of Receipts |
| DSD15 | Watercraft Trailer Dealer Certificate of Registration Application | FT448 | Distributor's Report |
| | | FT449 | Distributor's Schedule of Disbursements |
| DSD21 | Record of all wholesale sales and retail sales registered out of sales | FT450 | Distributor's Schedule of Receipts |
| | | FT451 | Supplier's Report |
| DSD27 | Permission to use dealer's license plates | FT455 | Supplier's Schedule of Disbursements |
| DSD27A | Permission to use drive-away license plates | FT456 | Supplier's Schedule of Tax-Paid Receipts(1) |
| DSD27B | Permission to Use Drive Away License Plates | FT457 | Terminal Report |
| | | FT458 | Terminal Operator's Schedule of Disbursements (4A) |
| DSD36 | Dealer Request for DMV forms | | |
| DSD5A | Temporary Transport Certificate | FT459 | Assignment of Securities in Lieu of Surety Bond Required by the Virginia Fuels Tax Act |
| DSD65 | Certificate of Zoning compliance | | |
| DSD65A | Certificate of Zoning compliance | FT460 | Terminal Operator's Schedule of Receipts (2A) |
| EA1 | DMVEA Informational Pamphlet | | |
| EA2 | DMVEA Membership and Authorization Record | FT461 | Motor Fuel Transporter's Report |
| | | FT462 | Fuels Tax Bond |
| ESP01 | ESP Suggestion Evaluation | FT463 | Motor Fuel Transporter's Schedule of Deliveries |
| FMS105 | PIPS Access Request | | |
| FMS15 | Employee Direct Deposit Authorization | FT464 | Alternative Fuel License Certificate Application |
| FMS190 | Certification of Conducted Inventory | | |
| FMS195 | Enrollment for Employee Electronic Data Interchange Program | FT465 | Virginia Fuels Tax Aviation Consumer's Report |
| FMS208 | Telephone Communications Log | FT466 | Aviation Consumer's Schedule of Disbursements |
| FMS210 | Vehicle Registration Refund | | |
| FMS216 | Fuels Tax Refund, Application for | FT467 | Aviation Consumer's Schedule of Receipts |
| FMS228 | Refund Authorization Record | FT468 | Importer's Report |
| FMS303 | Employee Information/Payroll Deduction Changes | FT469 | Importer's Schedule of Disbursements |
| | | FT470 | Importer's Schedule of Receipts |
| FMS310 | ACH Authorization Package | FT471 | Fuels Tax Blender's Report |
| FR01 | Insurance Coverage Report | FT472 | Blender's Schedule of Receipts (2B) |
| FR03 | Insurance Verification Annual Report FY2001 | FT473 | Electronic Funds Transfer Program Application |
| FR04 | Financial Responsibility Insurance Filing via Internet | FT474 | Electronic Funds Transfer Summary |
| | | FT477 | Irrevocable Letter of Credit |
| FR200 | Voluntary Report of an Accident | FT486 | Virginia Fuels Tax Schedule of Defaulted Tax Payment Receipts |
| FR302 | Application for Self-Insurance | | |

Guidance Documents

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| HRO03 | Interview Worksheet | IRP08 | Temporary IRP Cab Card |
| HRO04 | Reference Check Form | IRP3 | Apportioned Registration Jurisdiction Weight Schedule |
| HRO091 | Employment Outside DMV | | |
| HRO1 | Employee Requisition | IS22A | Request for Repaired or Rebuilt Salvage Vehicle Examination |
| HRO13 | Termination of Employment | | |
| HRO14 | Checklist for Termination of Employment | IS80 | Employee Incident Report |
| HRO28 | Family and Medical Leave Information | IS98 | Threat Report |
| HRO29 | Acknowledgement of Information Security Policy Statement | ISD01 | Address Change Request Form |
| | | LEIS2 | Criminal History Records Request |
| HRO32 | Consent to Use Driver's License Photograph on Employee Identification Badge | LSD03 | Certificate of Recovered Stolen Vehicle |
| | | MC051 | Application For Virginia IRP And/or Fuel Trip Permit |
| HRO33 | Language Skills Certification Form | | |
| HRO34 | Language Skills Use Form Headquarters Employees | MC122 | Motor Fuel Road Tax Quarterly Report |
| | | MCS101 | Motor Vehicle Rental Tax Return |
| HRO36 | Employee Alternate Work Schedule Proposal and Agreement | MCS127 | Motor Vehicle Rental Tax Schedule of Additional Tax |
| HRO37 | Acknowledgement of Extraordinary Contribution | MCTS247 | Motor Carrier Guidelines |
| | | MCTS270 | Individual Vehicle Mileage and Fuel Report |
| HRO38 | Interim Evaluation Form | MCTS271 | Virginia IRP and/or Fuel Trip Permit, Application for |
| HRO39 | Application for Parking Permit/Building Access | | Customer Medical Report |
| HRO40 | Compensation Management Plan | MED02 | Medical Review Request |
| HRO41F | LEAP CSDA (Field) Nomination Form | MED03 | Vision Screening Report |
| HRO41HQ | LEAP Headquarters Nomination Form | MED04 | Minimum Vision Requirements for Licensed Drivers of Motor Vehicles |
| HRO41MC | LEAP Motor Carrier Services Nomination Form | MED05 | Disabled Parking Plates or Placard Application |
| HRO42 | Employee of the Season | MED10 | Institutional/Organizational Permanent Placard Application |
| HRO43 | GEM | | |
| HRO44 | Commissioner's Cup Nomination Form | MED11 | Affidavit in Lieu of Title Certificate |
| HRO45 | Acknowledgement of Receipt of Grievance Procedure Manual | MED12 | Sunshading Medical Waiver Application |
| | | MED20 | Sunshading Removal Certification |
| HRO46 | Acknowledgement of Receipt of Policy on Alcohol and Other Drugs | MED21 | Application for CDL Disability Waiver or Hazardous Materials Variance |
| | | MED30 | Conditions of Variance for CDL Drivers to Haul Hazardous Materials |
| HRO47 | Acknowledgement of Selective Service Compliance | | |
| | | MED31 | Vision Examination Form for Wearers of Bioptic Telescopic Lens |
| HRO48 | Terms and Conditions of Employment | | |
| HRO49 | Policy Statement | MED40 | Certification for Use of Bioptic Telescopic Lens |
| HRO50 | Policy Statement/Special Bulletin | | |
| HRO503 | Request for Contractual Services | MED41 | Screening Evaluation for Bioptic Lens Wearers |
| HRO51 | New Full Time Employee Forms Checksheet | | |
| HRO52 | New Part Time Employee Forms Checksheet | MED42 | Skills Test Checklist for Bioptic Lens Wearers |
| | | | |
| HRO53 | Employee Direct Deposit Authorization | MED43 | Driver Licensing Information for Bioptic Telescopic Lens Wearers |
| HRO54 | Recipient Application Leave Sharing Program | MED44 | Minimum Vision Requirements |
| HRO543 | Criminal History Record Request for Employment Purposes Only | MED5 | Medical Review Sheet |
| | | MED50 | Criminal History Check Data Form |
| HRO55 | Donor Form - Leave Sharing Program | MVB 21 | Notice of Improvement Needed/Substandard Performance |
| HRO56 | Employee of the Year Information Sheet | N/A | Virginia Motor Vehicle Rental Tax Q&A |
| HRO57 | Outstanding Team of the Year | | IRP Manual |
| HRO58 | Request for Review of State Employment Record | N/A | CSS Authorization Information |
| | | N/A | DSG Desktop Check List |
| HRO59 | Employee Self Assessment | N/A | Virginia Fuels Tax Guidelines |
| HRO60 | Authority for Release of Information | N/A | Data Base Index Reporting |
| HRO91 | Employment Outside DMV | N/A | Motor Carrier Certificate/License Application For-Hire Intrastate Operating Authority Application |
| HS1 | Home Schooled In-car Driver Education Parental Authorization | N/A | Intrastate Operation of Rental Vehicle Authorization Application |
| | | OA141 | |
| HS2 | Home Schooled In-car Driver Education Sample Certificate | OA142M | |
| | | | |
| HS3 | Home Schooled In-car Driver Education Information Sheet | OA143 | |
| IRP01 | Virginia Apportioned Registration Application | | |

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| OA144M | For Hire Intrastate Operating Authority Certificate, License, or Permit Renewal Application | SSRS364 | RS2 - SSR Fee Schedule - Pennsylvania |
| OA145M | For Hire Intrastate Operating Authority Decal Renewal Application | SSRS40 | Single State Registration Application |
| OA411 | Household Goods Movers Complaint Form | SSRS41 | RS2 - SSR Fee Schedule - Virginia |
| OA435 | Passenger Carrier and Passenger Broker Bond | SUT01 | (A)Supplemental Information for Procurement of Title (B) Seller's Statement of Sales Price |
| OA436 | Households Goods Carrier Bond | SUT02 | Application for Refund of Erroneous Payment of Sales and Use Tax |
| OA437 | Broker for the Transportation of Property Bond | SUT03 | Purchaser's Statement of Tax Exemption |
| OA447 | For Hire Operating Authority Certificate or License | SUT04 | Transfer of Certification of Lien Information |
| OA450 | Sample Tariff for Household Goods Carriers | SUT05 | Certification of exemption from Sales and Use Tax for Special Equipment |
| OA451 | Sample Tariff and Time Schedule for Sight-Seeing Carriers | SUT1A | Affidavit for Procurement of Title |
| OA456 | For Hire Operating Authority Certificate | TSCA123 | Application For Certificate Of Registration To Collect The Virginia Motor Vehicle Rental Tax |
| PDL90 | Ninety-Day Temporary Provisional Driver's License | TSS01 | Virginia Traffic Crash Facts |
| PPTR09 | Personal Property Tax Relief Guidelines | TSS02 | Motor Vehicle Statistics in Virginia |
| PPTR10 | Personal Property Tax Relief Technical Reference Guide | TSS10 | Application for Highway Safety Project Grant |
| PRO02 | Virginia Motorcycle Operator Manual | TSS10A | Guidelines for the Submission of Highway Safety Grant Applications |
| PRO05 | DMV Guide for Family Members and Friends of the Recently Deceased | TSS12 | Safety Project Agreement |
| PRO09 | Size, Weight, Equipment and Other Requirements for Trucks, Trailers and Towed Vehicles | TSS13 | Mini Grant Application |
| PRO14 | A Different Kind of Crash Course DI Program | TSS14 | Project Monitoring Report |
| PRO15 | Moving Violations and Point Assessment | TSS15 | Reimbursement Voucher for Highway Safety Project Costs |
| PRO16 | Parents in the Driver's Seat | TSS17 | Application for Child Safety Seat Mini Grant |
| PRO17 | It's Cool to Know the Rules | TSS18 | Occupant Protection Checkpoint Mini-Grant, Application for |
| PRO34 | Alternative Motorcycle Skill Test | TSS19 | Checkpoint Strikeforce Mini-Grant, Application for |
| PRO41 | Steps to Obtaining a Driver's License or Photo ID in Virginia | TSS3 | Motor Vehicle Statistics in Virginia |
| PRO52 | Organ Donor Brochure | US2 | Extranet LogonID Request Form |
| PRO60 | Virginia Commercial Driver's Manual | US531 | Information Use Agreement |
| PRO66 | Insurance Card | US531A | Information Use Application |
| PRO68 | Drinking and Driving Card | US531C | DMV Information Use Criteria |
| PRO72 | VA Automobile Liability Insurance Reporting Requirements | US531E | Application for Extranet Transaction Access |
| RDT120 | Application for Motor Fuel Road Tax Licensing | VSA IS310 | Disposition and Location Sheet |
| RDT121 | IFTA Quarterly Tax Report | VSA04 | Dealer Transaction Recap Sheet |
| RDT123 | Motor Fuel Road Tax License Renewal or Additional Decal Application | VSA05 | Odometer Disclosure Sheet |
| RDT131 | IFTA Guidebook | VSA09 | Application for Disabled Personalized Plates |
| RDT382 | International Fuel Tax Agreement (IFTA) | VSA10 | Communiplate Application |
| RDT387 | Virginia Road Tax Exemption Permit | VSA113 | Removing Stop from Customer Record |
| RT420 | Motor Vehicle Rental Tax Return | VSA12 | Affidavit in Lieu of Title Certificate |
| RT423 | Motor Vehicle Rental Tax Application | VSA124 | Fire Department/Rescue Squad License Plate Application |
| RT424 | Motor Vehicle Rental Tax Schedule Of Additional Tax | VSA14 | Application for Registration |
| RT429 | Irrevocable Letter of Credit | VSA145 | Overload Permit |
| RT421 | Rentor's Tax Bond | VSA15 | Application for Special Registration |
| RT422 | Assignment of Securities | VSA16 | Registration Information Sheet |
| RT428 | Rental Tax Irrevocable Letter of Credit | VSA17A | Application for Certificate of Title and Registration |
| SSRS360 | RS2 - SSR Fee Schedule - Delaware | VSA22 | Application for Assigned Vehicle Identification Number |
| SSRS361 | RS2 - SSR Fee Schedule - Florida | VSA23 | Decal Tally Sheet/Unusable Plates |
| SSRS362 | RS2 - SSR Fee Schedule - Maryland | VSA24 | Statement of Authority to Assign Title |
| SSRS363 | RS2 - SSR Fee Schedule - New Jersey | VSA28Sample | Illegible License Plate Notice (Sample) |
| | | VSA40 | Abandoned Motor Vehicles |
| | | VSA41 | Mechanics' or Storage Lien Title Application |
| | | VSA44 | Vehicle Disposition History |
| | | VSA54 | Veteran Certification of Disability |

Guidance Documents

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| VSA56 | Application for Salvage Certificate |
| VSA57 | Application for Non-Repairable Certificate |
| VSA58 | Notification of Owner Retained Late Model Vehicle |
| VSA59 | Rebuilt Salvage Vehicle Disclosure Statement |
| VSA6 | Color Chart |
| VSA61 | Special Revenue Sharing Series Application |
| VSA62 | Report of Levied and Seized Vehicle |
| VSA64 | Required Evidence of Ownership |
| VSA66 | Application for: Supplemental Lien or Transfer of Lien or Replacement Title or Substitute Title |
| VSA70 | Power of Attorney |
| VSA71 | Change of Status Application |
| VSA79 | How to Transfer Title from Deceased Person |
| VSA86 | How to Title and License a Motor Vehicle |
| VSA94 | Application for License Plates or Decals for Deaf Person |
| VWC3 | Employee Accident Report |

CSS Authorization Information
Guidelines for the Submission of Highway Safety Grant Applications
Hold Harmless Agreement
Request for Administrative Hearing
IRP Manual
Motor Vehicle Statistics in Virginia
Buyer's order check list
Virginia Fuels Tax Guidelines
Virginia Traffic Crash Facts
Invitation for Bids (IFBs)
Request for Proposals (RFPs)
Virginia Motor Vehicle Rental Tax Q&A

Copies of Motor Carrier Services bulletins relating to motor carrier issues and requirements totaling under 10 pages may be obtained for no charge. Copies of these documents totaling 10 pages or more may be obtained at a cost of \$.50 a page. Requests for copies of these documents may be made by contacting Department of Motor Vehicles, Motor Carrier Services, 2300 West Broad Street, Richmond, VA 23220-0001, telephone (804) 367-0040, FAX (804) 367-1746 or e-mail mcsonline@dmv.state.va.us.

The DMV Website Contents documents may be viewed and downloaded at no charge by visiting www.dmv.state.va.us. These Site Contents documents provide general information to the public about DMV, its administrative processes and procedures and the services it offers. For more information about the DMV Website, please contact Tully Welborn, Department of Motor Vehicles, Web Services, Room 632, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-2431, FAX (804) 367-6631 or e-mail dmvtgw@dmv.state.va.us.

BOARD OF NURSING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at

www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at nursebd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Jay Douglas, R.N., Executive Director of the Board, at the address above or by telephone at (804) 662-9909. Copies are free of charge.

Guidance Documents:

90-1, Policy statement on Registered Nurses or Licensed Practical Nurses as first assistants in surgery, adopted 1976 and 1994, revised by Board motion, November 18, 2003

90-2, Guidelines for agency to use regarding transmittal of third-party orders, accepted by the Boards of Nursing and Medicine, December 1982

90-4, Opinion on how licensure as a nurse relates to service on a volunteer rescue squad, revised by Board motion, November 18, 2003

90-5, Board opinion of the administration of neuromuscular blocking agents by nurses, adopted November 1990, revised by Board motion, November 18, 2003

90-6, Guidance statement by board regarding peripherally inserted central catheters, adopted January 27, 1993

90-8, Board opinion on delegation of collection of specimens for gonorrhea and chlymydia, adopted January 1993, revised November 18, 2003

90-10, Board guidelines for processing applications for licensure by examination, endorsement and reinstatement, accepted 1985, revised by Board motion 1993 and September 24, 2003

90-13, Authority granted to Special Conference Committees to approve or deny applicants, adopted on March 26, 1995

90-14, Disposal of narcotics in the home following death of a patient, internal memo of November 25, 1996

90-15, Insertion of Prostaglandin E2 Gel by Registered Nurses, revised by Board motion, November 18, 2003

90-16, Evaluation form for adult immunization protocols, developed by staff, August 1996

90-17, Opinion of cutting of corns and warts with a scalpel by Licensed RN/LPN, adopted December 16, 1996, revised November 18, 2003

90-18, Opinion regarding prescriptive authority in Virginia, prepared by Elizabeth Russell, revised April 1997 and September 2000.

90-19, Board interpretative statement on bolusing epidural anesthesia by Registered Nurses, adopted September 23, 1997, amended September 22, 1998, revised by Board motion, November 18, 2003

90-21, Preparation of medications, letter from Executive Director, Corinne Dorsey, October 2, 1990

90-22, Execution of a Do Not Resuscitate Order, letter from Executive Director, Nancy Durrett, February 19, 1998

90-23, Decision-making Model for Determining RN/LPN Scope of Practice, adopted by the Board September 24, 1996

90-25, Transcribing a physician order to a prescription, letter from Executive Director, Nancy Durrett, May 27, 1998

90-26, Board opinion on reinstatement applications for individuals with revoked certificates based on a finding of abuse, neglect or misappropriation of resident property, adopted July 23, 1996, revised by Board motion, November 18, 2003

90-27, Board opinion on reinstatement requests by individuals with lapsed certificates who have findings of abuse, neglect or misappropriation of resident property, adopted May 20, 1998, revised by Board motion, November 18, 2003

90-29, Definition of the term "administer" for patient in private residence and for students on a school field trip, adopted by the Board of Pharmacy on June 11, 1998, with concurrence of the Board of Nursing on July 21, 1998

90-30, Ability of registered nurses to take orders from physician assistants, letter from Executive Director, Nancy K. Durrett, September 3, 1998

90-31, Drug orders conveyed by pharmacists, letter from Executive Director, Nancy K. Durrett, September 8, 1998

90-32, Board opinion on adverse findings of neglect by certified nurse aides, adopted September 23, 1998, revised by Board motion, November 18, 2003

90-33, Board motion on applicants who are enrolled in the Health Practitioner Intervention Program, adopted July 20, 1999

90-34, Board motion on review and challenge of NCLEX, adopted July 20, 1999

90-35, Board motion authorizing staff to offer pre-hearing consent orders to certified nurse aides for patient abandonment, adopted September 28, 1999

90-36, Guidelines for the training of employees of school boards in the administration of insulin and glucagon, adopted August 1999

90-37, Board motion on requesting strategies for improvement for nursing education programs having less than 80% passing rate on the licensure examination for at least two years, adopted March 24, 1998.

90-38, Board motion on disposition of cases against nurses practicing with expired licenses, adopted May 11, 1999, revised by Board motion, November 18, 2003

90-39, Board motion authorizing staff to offer pre-hearing Consent Orders in cases of noncompliance or dismissal in Health Practitioners' Intervention Program cases, adopted September 26, 2000

90-40, Board opinion that the surveillance activities required by the OHSA Respiratory Standards are within the scope of practice of the registered nurse, adopted November 15, 2000

90-41, Board motion adopting article on patient abandonment by Dr. Shelley Conroy in the Spring 2001 Nursing Notes, adopted March 20, 2001

90-42, Board opinion on the delegation of circulating duties in the operating room to unlicensed persons, adopted July 17, 2001

90-43. Board opinion on attachment of scalp leads for internal fetal monitoring adopted October 22, 1983, revised by Board motion on November 18, 2003

90-44. Board opinion on reinstatement authority to a Special Conference Committee, adopted November 1, 1992

90-46. Board opinion on administration of over-the counter drugs by certified nurse aides, adopted March 19, 2002

90-47. Board motion authorizing staff to offer pre-hearing consent orders for reprimand in cases involving a one-time failure to provide an acceptable standard of care adopted May 21, 2002

90-48. Board motion authorizing staff to offer pre-hearing consent orders in additional scenarios, adopted September 24, 2002

90-49. Board motion authorizing staff to modify probation orders, adopted September 24, 2002

90-50. Board motion authorizing staff to issue order following successful completion of the Health Practitioners Intervention Program, adopted September 24, 2002

90-51. Board motion on types of cases that may be considered for possible confidential consent agreements, adopted May 14, 2003

90-52. Board opinion on delegation of the removal of venous and arterial sheaths by registered nurses to unlicensed personnel, adopted May 1, 2002

BOARD OF NURSING HOME ADMINISTRATORS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at denna@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Sandra K. Reen, Executive Director of the Board, at the address above or by telephone at (804) 662-7457. Copies are free of charge.

Guidance Documents:

95-1, Memorandum of Understanding with the Virginia Department of Health, Division of Licensure and Certification, adopted by board on April 28, 1989

95-2, Board Procedures for Auditing Continuing Education, July 10, 2002

95-3, Board guidelines on disciplinary case intake requirements, adopted February 27, 1996

Guidance Documents

95-4, Board policy on confidential consent agreements, July 23, 2003

95-5, Document of Department of Health; Common understanding of definitions and terms used to identify resident mistreatment, April 17, 2000

OLD DOMINION UNIVERSITY

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Assistant to the Vice President for Administration and Finance, Koch Hall, Room 225A, 49th Street and Hampton Boulevard, Norfolk, VA 23529. Copies may be obtained, free of charge, by contacting Donna Meeks at the same address, telephone (757) 683-3072, FAX (757) 683-5679 or e-mail dmeeks@odu.edu. The documents may be downloaded from the Old Dominion University website (<http://web.odu.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to Ms. Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3073, FAX (757) 683-5679 or e-mail dmeeks@odu.edu.

Guidance Documents:

Faculty Handbook

Student Handbook

Board of Visitors Policies and Procedures

Parking Regulations

BOARD OF OPTOMETRY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at optbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Carter, Ph.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9910. Copies are free of charge.

Guidance Documents:

105-1, Consent Order for Richard D. Ayuso, O.D.; September 26, 1990, Practice in mercantile establishment; advertising

105-2, Order by the Board for Eustace F. Bourne, O.D.; January 5, 1990, Practice in mercantile establishment; advertising

105-3, Consent Order for Paul T. Edwards, O.D.; December 19, 1994, Practice in mercantile establishment

105-4, Consent Order for Louis A. Espejo, O.D.; October 24, 1995, Practice in mercantile establishment

105-5, Consent Order for Nava Ezra, O.D.; August 21, 1996, Practice in mercantile establishment; indirect control and supervision over practice by sublessor

105-6, Consent Order for Solomon Holsveig, O.D.; May 15, 1997, Practice in mercantile establishment

105-7, Consent Order for Barry M. Lebowitz, O.D.; May 9, 1995, Practice in mercantile establishment; indirect control and supervision over practice by non-optometrist

105-8, Consent Order for Marcia K. Leverett, O.D.; May 9, 1995, Practice in mercantile establishment; indirect control and supervision over practice by non-optometrist; advertising

105-9, Consent Order for Blake A. Mitvick, O.D.; January 26, 1996, Practice in mercantile establishment

105-10, Consent Order for Gilbert J. Nelson, O.D.; February 17, 1995, Practice in mercantile establishment

105-11, Consent Order for Jane Atkinson Trump, O.D.; October 18, 1995, Practice in mercantile establishment

105-12, Consent Order for David A. Tufts, O.D.; February 2, 1997, Practice in mercantile establishment

105-13, Consent Order for Michael E. Zalar, O.D.; November 4, 1995, Practice in mercantile establishment

105-14, Matrix of disciplinary sanctions, January 1993 to November 29, 1999

105-15, Newsletter, January 1995, Prescription release and expiration dates; recordkeeping.

105-16, Newsletter, July 1996, Recordkeeping

105-17, Board minutes, February 7, 1997, Advertising guidelines

105-19, Consent Order for Jack David Cadenhead, O.D.; July 12, 1996, Mercantile practice

105-20, Consent Order for Lynne A. Chintala, O.D.; November 13, 1997, Mercantile practice

105-21, Consent Order for Robert Fornilli, O.D.; March 12, 1998, Mercantile practice

105-22, Consent Order for Christopher A. McGlone, O.D.; October 1, 1998, Mercantile practice

105-23, Consent Order for Mary Vaughan-Camp, O.D.; March 12, 1998, Mercantile practice

105-24, Consent Order for Thomas Hwa-Hong, O.D.; July 26, 1999, Mercantile practice

105-25, Current Procedural Terminology (CPT) Codes for Optometry, January 25, 2002

BOARD OF PHARMACY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at

www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at pharmbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Scott Russell, Executive Director of the Board, at the address above or by telephone at (804) 662-9911. Copies are free of charge.

Guidance Documents:

110-1, List of categories of facility licenses and a brief description of each, April 2001

110-2, Application information for the pharmacist examination, December 2002

110-3, Guidance on alternative delivery of prescriptions, pharmacy to physician type of delivery, December 12, 2002

110-4, Clarification of requirements for securing stat drug boxes, emergency kits, and drug kits for EMS agencies, January 2003

110-5, Instructions and forms for reporting of thefts or losses of drugs, July 2001

110-6, Instructions and forms for destruction of drugs by pharmacies, May 24, 2002

110-7, Guidelines of the Virginia Board of Medicine on physician/patient relationship and the prescribing of drugs for family or self, revised June 1996

110-8, Information on prescriptive authority in Virginia, revised July 2003

110-9, Board guidance on use of confidential consent agreements, November 25, 2003

110-10, Compilation of Board sanctions, August 1992 - December 1996

110-11, Compilation of Board sanctions, 1973 - July 1992

110-12, Consent Order for the Board of Pharmacy v. Grover E. Hughes, case decision on the possession of FDA unapproved biologicals in a pharmacy for use in compounding, April 13, 1994

110-13, Consent Order for the Board of Pharmacy v. CVS/pharmacy, case decision holding the corporate owner responsible for violations of pharmacy laws and regulations, October 9, 1997

110-14, Consent Order for the Board of Pharmacy v. Eckerd Corporation, case decision holding the corporate owner responsible for violations of pharmacy laws and regulations, August 19, 1997

110-15, Orders for the Board of Pharmacy v. Jerome A. Danoff, case decision involving violations of laws related to dispensing in good faith, pursuant to a valid prescription, June 4, 1996 and August 21, 1997

110-16, Guidance for pharmacies on returning drugs to stock from "will-call," February 20, 2002

110-17, Instructions for graduates of foreign schools of pharmacy, revised April 26, 1999

110-18, Interpretation of "administer" to include preparation for administration, June 11, 1998

110-19, Guidance for sanctions for violations of continuing education requirements, November 25, 2003

110-20, Guidance for pharmacies providing prescriptions blanks to prescribers, December 8, 1998

110-21, Guidance for clarification of the term "on duty" as used in 18 VAC 110-20-190 (C) of the Regulations Governing the Practice of Pharmacy, April 21, 1999

110-22, Guidance for waivers for free clinics related to restricted access, February 2, 2001

110-23, Repackaging medications into unit dose or compliance packaging for long term care facilities when one pharmacy dispenses and a second pharmacy repackages, June 15, 1999

110-24, Guidance for setting NAPLEX passing score, October 5, 1999

110-25, Guidance for life of a prescription after a prescriber no longer in practice, October 5, 1999

110-26, Inspection Violations - suggested sanctions, November 25, 2003

110-27, Pharmacist-In-Charge responsibilities, June 2000

110-28, Guidance for free clinic pharmacy permit applicants, July 2000

110-29, Guidance Document for physician dispensing, September 2000

110-30, Methods prescribed or approved for animal euthanasia and competency certification requirements, Directive from the State Veterinarian, December 1, 2000

110-31, Approved capture drugs and drug administering equipment, Directive from the State Veterinarian, December 1, 2000

110-32, Regulatory Information for New Pharmacies, March 2000

BOARD OF PHYSICAL THERAPY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at ptboard@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board, at the address above or by telephone at (804) 662-9911. Copies are free of charge.

Guidance Documents:

112-1, By-Laws of the Board of Physical Therapy, adopted September 22, 2000

Guidance Documents

112-2, Board guidance on the use of confidential consent agreements, October 24, 2003

DEPARTMENT OF PLANNING AND BUDGET

Contact for questions or to obtain a copy: James B. Cook, Jr., 200 North Ninth Street, Room 418, Richmond, VA 23219, telephone (804) 786-0212 or e-mail jcook@dpb.state.va.us. Copies may be obtained at no charge at <http://www.dpb.state.va.us/forms/forms.cfm> or at the above address.

Guidance Document:

Nonstate Agency Budget Request Instructions and Form, updated July 2, 2003, §§ 2.2-1505 and 2.2-4343 A 14; 2002 Appropriation Act (Chapter 899), Item 532 A & B and § 4-5.07

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the Policy, Planning and Public Records Section of the Department of Professional and Occupational Regulation, 5th Floor, 3600 West Broad Street, Richmond, VA 23230. Copies may be obtained by contacting Dawn Waters at the same address, telephone (804) 367-8583, FAX (804) 367-2475 or e-mail recordsmgt@dpor.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Dawn Waters, Policy, Planning and Public Records Director, Department of Professional and Occupational Regulation, 5th Floor, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8583, FAX (804) 367-2475, or e-mail waters@dpor.state.va.us.

Guidance Documents:

Director's Policy #100-01 Establishing and Revising Policies and Related Procedures, revised March 6, 2003

Director's Policy #100-02 Compliance with Americans with Disabilities Act, revised July 17, 2002

Director's Policy #100-04 Release of Information, revised January 8, 2003, § 54.1-108

Director's Policy #100-05 License Suspensions, revised March 6, 2003

Director's Policy #100-06 Subpoenas/Service of Process/Notices

Director's Policy #100-09 Gifts and Honoraria, effective July 23, 2002

Director's Policy #100-11 Internet Website, revised November 1, 2002

Director's Policy #100-13 Establishing Department Procedures and Forms

Director's Policy #100-14 Public Service Hours, effective May 21, 2003

Human Resources Policy #200-17 Recruitment, revised October 2, 2002

Regulatory Programs Policy #300-01 Name and Address Changes, revised March 6, 2003

Examination Policy #600-01 Examination Fees, revised April 8, 2003

Examination Policy #600-02 Examination Site Conduct, revised February 10, 2003

Enforcement Policy #800-02 Filing of Complaints Against Regulators, effective February 10, 2003, § 54.1-307.1

New Board Member Training Manual, effective July 1, 2003

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

APELSCIDLA Board Sanction Guidelines for Violations that occurred before July 1, 1999, issued June 8, 2000, §§ 54.1-201 and 54.1-202 and 18 VAC 10-20-790

APELSCIDLA Board Sanction Guidelines for Violations that occurred after July 1, 1999, issued June 8, 2000, §§ 54.1-201 and 54.1-202 and 18 VAC 10-20-790

Contractors

Virginia Contractor Transaction Recovery Act Claim Packet, revised July 1999, § 54.1-1118 et seq.

Fair Housing

Virginia Fair Housing New Board Member Training Manual, effective July 1, 2003.

Real Estate Appraisers

Real Estate Appraisers Experience Hours, revised November 18, 2002, 18 VAC 130-20-30.

Real Estate

Virginia Real Estate Transaction Recovery Act Claim Packet, revised January 2000, § 54.1-2112 et seq.

Real Estate Advisory Council's Report Regarding Post-Licensure Education, effective November 19, 2003, § 54.1-2105 D.

BOARD OF PSYCHOLOGY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at psy@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the

Board, at the address above or by telephone at (804) 662-9913. Copies are free of charge.

Guidance Documents:

125-2, Assistant Attorney General Opinions

125-2.1, Interpretation of statutes pertaining to release of health care records, April 7, 1997

125-3, Minutes of the Board

125-3.1, Residency requirements applied to both exempt and non-exempt work settings, May 21, 1992

125-3.2, Clarification that a residency cannot begin until approved by the board, November 19, 1992

125-3.3, Clarification that applicants are required to file registrations of residency and applications for licensure concurrently, and receive approval before starting the residency. Clarification that applications are not considered complete until all requirements have been met, January 12, 1993

125-3.4, Determination that the Chair of the Examination Committee would have the authority to make decisions on special accommodation requests, January 18, 1994

125-3.5, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, March 23, 1999

125-3.6, Policy that all forms within the applicant's control be received prior to the examination deadline in order for applicants to be deemed eligible for the examination, June 8, 1999

125-3.7, Table outlining reporting requirements for health care practitioners, April 2000

125-4, Newsletters of the Board

125-4.1, Guidance from the Assistant Attorney General on how to provide services while under supervision for sex offender treatment provider certification, Summer 1998

125-4.2, Guidance regarding mandatory reporting of impaired practitioners who may present a danger to the public. Summary of Virginia statutes regarding maintenance and release of client records, Fall 2000

PUBLIC DEFENDER COMMISSION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Public Defender Commission located at 701 E. Franklin Street, Suite 1416, Richmond, VA 23219. Copies may be obtained free of charge by contacting Jane Chittom, Appellate Defender, at the same address or by telephone (804) 786-4960 or FAX (804) 371-8326. The contents of the documents can also be accessed on the Public Defender Commission website at <http://www.publicdefender.state.va.us/capitaldefenserequirements.htm>

Questions regarding interpretation or implementation of these documents may also be directed to Ms. Chittom.

Guidance Document:

Standards for the Qualifications of Appointed Counsel in Capital Cases, issued January 1, 2002, § 19.2-163.8 E

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. at the office of the Department of Rail and Public Transportation, 1313 East Main Street, Suite 300, P.O. Box 590, Richmond, VA 23218-0590. Single copies may be obtained free of charge by contacting Pat Forbes at the same address, telephone (804) 786-4440, FAX (804) 225-3664 or e-mail receptionist@drpt.virginia.gov. Copies of all guidance documents are available to view or download at the DRPT website www.drpt.virginia.gov.

Questions regarding the interpretation or implementation of these documents may be directed to Charles M. Badger, Director of Public Transportation, at the same address, telephone (804) 786-8135, FAX (804) 225-3664 or e-mail charles.badger@drpt.virginia.gov or George R. Conner, Director of Rail, at the same address, telephone (804)786-1052, FAX (804) 225-3664 or e-mail george.conner@drpt.virginia.gov.

Guidance Documents:

Public Transportation (Transit, Paratransit, and Vanpools):

State Aid for Public Transportation: Grant Application Package, December 2003, § 33.1-391.5

Federal Transit Administration Section 5303 (Metropolitan Planning) Program: Grant Application Package, revised December 2003, § 33.1-391.5

Federal Transit Administration Section 5310 (Elderly and Persons with Disabilities) Program: Information and Application Package, revised December 2003, § 33.1-391.5

Vanpooling Made Easy: An Informational Sourcebook, First Edition, revised June 2002, § 33.1-391.5

Rail:

Official State Railroad Map, revised April 2000, § 33.1-391.5

Rail Industrial Access Program: Application Procedures and Forms, revised September 2003, § 33.1-391.5

Rail Preservation Program: Application Procedures and Forms, revised April 2003, § 33.1-391.5

DEPARTMENT OF REHABILITATIVE SERVICES

Guidance documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. at the department's central office located at 8004 Franklin Farms Drive, Richmond, VA 23288-0300. For questions about interpretation or implementation, or to request a free copy, please contact the resource person

Guidance Documents

named in the list below by calling (804) 662-7000 (toll free 1-800-552-5019). TTY users call (804) 662-9040 (toll free 1-800-464-9950).

Vocational Rehabilitation Program, including Supported Employment Guidance Documents:

State Plan for the State Vocational Rehabilitation Services Program, updated July 1, 2003, Elizabeth Smith. Also available on DRS Website

Your Path To Work Through Vocational Rehabilitation: A Guide to the Virginia DRS Vocational Rehabilitation Program (customer handbook), revised 11/99, Aileen Colorado. Also available on DRS Website

Virginia Guide to Supported Employment and Job Coach Training Services manual, revised January 2002, Scott Fraley. Available on DRS Website

Long Term Employment Support Services Guide, revised 2003, Jack Hayek or Judy Hill

New Counselor Skills Supervisor's Checklist, revised 2001, Brenda Adkins or Susan Burns

Best Practices Manual for Vocational Evaluation, issued 1995, Dale Batten

Self Employment Enterprise Handbook, issued 1999, Ben Blumenthal. Also available on DRS Website

School to Work Transition Services fact sheet, issued 2002, Pam Tekavek, Also available on DRS Website

The following vocational rehabilitation program guidance documents are updated monthly:

Field Rehabilitation Services Policy and Procedures Manual, first 10 pages front and back are free and \$0.15 each additional page (number of pages varies by policy), Liz Smith or Rhonda Earman. Also available on DRS Website

Training and Facilities Manual, Erica Lovelace for colleges, Carrie Worrell for ESOs, Kenna Bayer for Occupational Training vendors, Patricia Goodall for Life Skills Services vendors, and Alice Berman for Independent Living Services vendors

Services Reference Manual, Robert Johnson or Carrie Worrell

Independent Living Services Program Guidance Documents, Theresa Preda:

State Plan for Independent Living, effective October 1, 2001 through September 30, 2004

Virginia DRS Centers for Independent Living Title VII, Part B Procedures Manual, revised November 2000 (currently under revision)

Virginia DRS Centers for Independent Living General Policies and Procedures Manual, revised January 2000

DRS/CIL Fiscal Manual, revised September 1997 (currently under revision)

State Personal Assistance Services Program Guidance Documents, Susan Payne or Teresa Wingold (also available on DRS Website):

Personal Assistant Services Policy Manual, revised February 1999

Personal Assistance Services brochure, issued March 2000.

Personal Assistance Services fact sheet, issued March 2000.

Consumer and Personal Assistant Handbook, issued October 2001

Brain Injury Direct Services (BIDS) Fund Application and Eligibility Criteria, revised November 2003, Patricia Goodall. Also available on DRS Website

Consumer Service Fund Guidelines and Application, revised September 2003, Sandra Prince, Assistive Technology Loan Fund Authority

Disability Services Boards Member Handbook, issued October 2001, Susan Payne

Rehabilitation Services Incentive Fund Guidelines and Application, revised September 2001, Susan Payne or Sheila Williams

Human Research Procedures Manual, issued August 2003, Liz Smith or Myra Owens. Also available on DRS Website

Woodrow Wilson Rehabilitation Center

Guidance documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. at Woodrow Wilson Rehabilitation Center located in Fishersville, Virginia 22939-0010. For questions about interpretation or implementation, or to request a free copy, please contact the resource person named in the list below by calling toll-free 1 (800) 345-9972 or (540) 332-7000. TTY users call toll free 1 (800) 811-7893 or locally (540) 332-7239.

General Admissions Criteria, Barbie Ostrander.

Medical Services Guidance Documents, Paige Moore:

Admissions Criteria for Short Term Rehabilitation Unit, revised November 2001.

Vocational Services Guidance Documents, Marianne Moore:

PERT Manual, revised August, 2003.

Student Life Guidance Documents, Bob Edmiston:

Student Handbook, revised April, 2003.

Other WWRC Guidance Documents:

WWRC Services listing/fee schedule, revised every 2 years, WWRC Fiscal Manager.

WWRC Guide to Programs and Services, revised 2003, Wendell Coleman.

WWRC Policies and Procedures Manual, revised monthly as needed, Wayne Heatwole.

Unified Case Management Operations Manual, revised November, 2003, Tom Blosser.

VIRGINIA RETIREMENT SYSTEM

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Ann Black, Communications Manager, at the same address, telephone (804) 649-8059, FAX (804) 786-1541 or e-mail ablack@vrs.state.va.us. The documents may be downloaded from the Virginia Retirement System Website (www.varetire.org).

Questions regarding interpretation of benefit plan provisions or implementation of procedures outlined in these documents may be directed to Bo Harris, Deputy Director, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541 or e-mail bo@vrs.state.va.us.

Guidance Documents:

Virginia Retirement Act, revised August 2003

Benefits Manual, Code of Virginia, Title 51.1, Chapters 1-7, 12, 15, 16 revised July 2002

Employer Payroll Manual, revised December 1994, Code of Virginia, Title 51.1, Chapters 1-7

Handbook for VRS Members, summary plan description, revised November 2001, Code of Virginia, Title 51.1, Chapters 1-7, 10, 11, 13, 14

Handbook for SPORS Members, summary plan description, published October 2003, Code of Virginia, Title 51.1, Chapters 1-7, 10, 11, 13, 14

Applying for Service Retirement, published October 2003, Code of Virginia, Title 51.1, Chapters 1, 3

Applying for Disability Retirement, published October 2003, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Pre-Retirement Planning Guide, published September 2003, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Group Life Insurance, revised November 1999, Code of Virginia, Title 51.1, Chapter 5

Optional Group Life Insurance, revised December 1998, Code of Virginia, Title 51.1, Chapter 5

Making the Future Secure After The Loss of A Loved One, revised May 2003, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Member Benefit Profile, last published September 2003, Code of Virginia, Title 51.1, Chapters 1-7, 10

Defined Contribution Plans Manual, revised February 2001, Code of Virginia, Title 51.1, Chapter 6

The VRS Deferred Compensation and Cash Match Plans Planning Guide, revised January 1, 2002, Code of Virginia, Title 51.1, Chapter 6

Fund Profile Sheets, revised November 2003, Code of Virginia, Title 51.1, Chapter 6

Deferred Compensation Plan and Match Plans Plan Features and Highlights, revised April 2003, Code of Virginia, Chapter 6

Emergency Withdrawal Procedures (deferred compensation), revised July 2001, Code of Virginia, Title 51.1, Chapter 6

Virginia Defined Contributions Plan Investment Option Guide, revised June 2003, Code of Virginia, Title 51.1, Chapter 6

Optional Retirement Plan for Political Appointees or School Superintendents – Plan Features and Highlights, February 8, 2002, Code of Virginia, Title 51.1, Chapter 2

Explorations, published quarterly, Code of Virginia, Title 51.1, Chapter 6

VRS Retirement Benefits and Divorce, revised May 1996, addendum printed July 2003, Code of Virginia, Title 51.1, Chapter 1

Virginia Sickness and Disability Program Handbook, revised January 2004, Code of Virginia, Title 51.1, Chapter 11

Employer Update, published bi-monthly, Code of Virginia, Title 51.1, Chapters 1-7

Member Bulletin, published semi-annually, Code of Virginia, Title 51.1, Chapters 1-7

Retiree News, published semi-annually, Code of Virginia, Title 51.1, Chapters 1-7

Retiree Handbook, Code of Virginia, revised November 2002, Title 51.1, Chapters 1-7

Retirement Benefits Under the Workforce Transition Act, revised January 2003, Title 51.1, Chapter

VRS Annual Report, December 2003, published annually, Code of Virginia, Title 51.1, Chapters 1-7

What's Quick, Easy And Only A Phone Call Away? (VIPS For VRS Members), revised March 2003, Code of Virginia, Title 51.1, Chapters 1-7

What's Quick, Easy And Only A Phone Call Away? (VIPS For VRS Employers), revised March 2003, Code of Virginia, Title 51.1, Chapters 1-7

RICHARD BLAND COLLEGE

Copies of the following documents may be viewed during the hours of 8:00 a.m. to 5 p.m., Monday through Friday, in either the Library or the Office of the Provost at Richard Bland College. Copies may be obtained free of charge by contacting Ms. Karen Peffer, Office of the Provost, Richard Bland College, 11301 Johnson Road, Petersburg, VA 23805, telephone (804) 862-6242.

2002-2004 College Catalogue

Student Handbook

The College Catalogue may be viewed at: <http://www.rbc.edu/RBC%20Cat.pdf>

The Student Handbook may be viewed at: <http://www.rbc.edu/StudentActivities/RBC%20STUDENT%20HANDBOOK%202003-2005.pdf>

Guidance Documents

The following document is not available in hard copy but may be viewed at:

<http://www.rbc.edu/Faculty/fac-handbook.htm>

Please address any questions concerning the above to Patricia Harvey, Director of Institutional Effectiveness, telephone (804) 863-1629.

DEPARTMENT OF SOCIAL SERVICES

To obtain copies or to arrange viewing of the following documents, contact the FOIA Coordinator at the offices of the Department of Social Services, Office of Communications, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1900 or FAX (804) 692-0319.

If there are costs for any of the listed documents, they are indicated below. Where documents are available free of charge, it is for a single copy of the document. There may be charges for multiple copies.

Copies of the following documents may be viewed during regular business hours, 8:30 a.m. until 5 p.m. on normal work days, at the above address. Some of the listed documents are available for viewing in Department of Social Services' regional and district offices located throughout the Commonwealth. Other documents may be viewed in local departments of social services serving every city and county in the state.

Questions concerning interpretation or implementation of these documents may be directed to Richard Martin, Regulatory Coordinator, Department of Social Services, Room 930, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1825, FAX (804) 692-1814 or e-mail irm2@dss.state.va.us.

You may obtain the most up-to-date information on the Department of Social Services' guidance documents on the department's Internet home page (<http://www.dss.state.va.us/>).

The Department of Social Services provides administrative support to the Office of Interdepartmental Regulation of Children's Residential Facilities and to the Family and Children's Trust Fund. You may contact the above persons concerning these agencies' guidance documents.

Guidance Documents:

Appeals and Fair Hearings

Administrative Disqualification Hearings, Virginia Department of Social Services, October 1, 2002, free

Benefits & Services Appeals, Virginia Department of Social Services, October 1, 2002, free

Virginia Department of Social Services Appeals and Fair Hearings Unit Child Protective Services Section; October 1, 2002, free

Child Support Enforcement Appeals, Virginia Department of Social Services; October 1, 2002, free

Electronic Benefits Transfer (EBT) Appeals; July 14, 2003

Internal Audit

Fraud Reduction and Elimination Effort (FREE) Policy Manual, Revised September 2001, § 63.2-526, 22 VAC 40-325-10 et seq.,

Benefit Programs

Aid to Families with Dependent Children-Foster Care (AFDC-FC) Policy Manual, July 2002, \$54.60

Volume IX, Energy Assistance Policy Manual, revised September 2003, 22 VAC 680-10 et seq., \$22.90 (can also be accessed via the Internet at www.dss.state.va.us/pub/pdf/ea_manual.pdf).

Energy Assistance Program Quick Reference Guide, revised June 2002, 22 VAC 680-10 et seq., \$3.10 (can also be accessed via the Internet at www.dss.state.va.us/pub/pdf/fuel_grp.pdf).

Volume V, Food Stamp Certification Policy Manual, October 2003, § 63.2-801, \$81 (can also be accessed via the Internet @ www.dss.state.va.us/benefit/fs_manual.html)

Food Stamp Program Quick Reference Guide, October 2003, § 63.2-801, \$3.60

Volume XIII, Medicaid Policy Manual, June 2003, § 32.1-323 et seq., \$78.75 (can also be accessed via the Internet at www.dss.state.va.us/benefit/medicaid_manual.html)

Volume II – GR Policy – Part IV, October 1, 1995

Volume II – State/Local Hospitalization Policy, April 1, 2003

Temporary Assistance For Needy Families (TANF) Policy Manual (VIEW included), July 2003, § 63.2-600, \$54.60 (can also be accessed via the Internet at www.dss.state.va.us/benefit/tanf_manual.html).

Virginia Electronic Benefits Transfer (EBT) Policies and Procedures Guide, June 2002, free

Child Care and Development

Child Care Maximum Reimbursement Rates, free

Child Support Enforcement

Division of Child Support Enforcement Program Manual, November 1, 2000, 22 VAC 40-880-10 et seq., initial CD-ROM at \$35 annually which includes updates each 60 days.

Communications

Statewide Human Services Information & Referral Manual, June 2002, § 63.2-222, free

Community Programs and Resources

Neighborhood Assistance Program Donor Fact Sheet, revised July 2002 § 63.2-2000 et seq., free

Neighborhood Assistance Program Project Fact Sheet, revised July 2000, § 63.2-2000 et seq., free

Neighborhood Assistance Program Contribution Notification Forms, A, B, C, D, and E, revised July 2000, § 63.2-2000 et seq., free

Virginia Refugee Resettlement Program manual, free

Welfare-to-Work (WTW) Guidelines and Procedures, Transmittal #1 & 2, October 31, 2002, free

Finance and Administration

Final Allocations for Local Departments of Social Services - Fiscal Year Ending June 30, 2002, free

Finance and Administration Guidelines Manual for LDSS – revised May 16, 2002, free

LASER Expenditure Guidelines Manual, free

Virginia Department of Social Services Information Security Policy, revised April 3, 2001, § 63.2

Virginia Department of Social Services Internet Policy, October 2000, free and available at <http://www.dss.state.va.us/geninfo/privacy.html>.

Human Resource Management

Administrative Manual for Local Departments of Social Services, revised September 2001, § 63.2-219, free

State Compensation Plan for Local Department of Social Services, December 2000, § 63.2-330, free

Agency Salary Administration Plan, March 28, 2001, free

Standard Operating Procedure 1.1, Alcohol & Other Drugs; October 2001, free

Standard Operating Procedure 1.2, Awards of Length of State Service, October 2001, free

Standard Operating Procedure 1.3, Emergency Office Closings, October 2001, free

Standard Operating Procedure 1.4, Hours of Work, September 2003, free

Standard Operating Procedure 1.5, Layoff, October 2001, free

Standard Operating Procedure 1.6, Performance Planning & Evaluation, October 2001, free

Standard Operating Procedure 1.7, Probationary Period, October 2001, free

Standard Operating Procedure 1.8, Standards of Conduct, October 2001, free

Standard Operating Procedure 1.9, Temporary Work Force Reduction, October 2001, free

Standard Operating Procedure 1.10, Termination/Separation from Service, October 2001, free

Standard Operating Procedure 1.11, Employment Eligibility Verification, October 2001, free

Standard Operating Procedure 1.12, Criminal History Checks, October 2001, free

Standard Operating Procedure 1.13, Identification Badges, October 2001, free

Standard Operating Procedure 1.14, Parking, October 2001, free

Standard Operating Procedure 1.15, Telecommuting, September 2003, free

Standard Operating Procedure 1.16, Wage Employees, October 2001, free

Standard Operating Procedure 2.1, Equal Employment Opportunity, October 2001, free

Standard Operating Procedure 2.2, Recruitment, Screening & Selection, October 2001, free

Standard Operating Procedure 2.3, Temporary Help, October 2001, free

Standard Operating Procedure 2.4, Harassment, October 2001, free

Standard Operating Procedure 3.1, Compensation Guidelines, October 2001, free

Standard Operating Procedure 3.2, Compensatory Leave, September 2003

Standard Operating Procedure 4.1, Training and Development, October 2001, free

Standard Operating Procedure 4.2, Tuition Reimbursement, October 2001, free

Recruitment and Selection Handbook for Supervisors, May 2002, free

Licensing Programs

Adverse Enforcement: Goals, Principles, guidelines, and Office Procedures, October 28, 1999, \$4.00

Adverse Enforcement: Goals, Principles, guidelines, and Office Procedures, October 28, 1999, \$4.00

Criteria for Training, February 2003, free

Curriculum Outline for Assisted Living Facility Administrators, February 1997, 22 VAC 40-71-10 et seq., free

Curriculum Outline for Assisted Living Facility Direct Care Staff Training, November 2002, 22 VAC 40-71-10 et seq., free

Curriculum Form for First Aid and Cardiopulmonary Resuscitation (CPR) for Licensed Child Day Centers, December 2001, 22 VAC 15-30-10 et seq., free

First Aid Curriculum Form for Minimum Standards for Licensed Family Day Homes, August 2000, 22 VAC 40-110-10 et seq., free

First Aid and CPR Curriculum Form for Standards and Regulations for Licensed Assisted Living Facilities, January 2002, 22 VAC 40-71-10 et seq., free

Requirements for Proof of Child Identity and Age for Licensed Child Day Centers & Certified Preschools, July 1999, § 63.2-1809, free

Performance-based Licensing and Monitoring, July 10, 1999, free

Requirements for Proof of Child Identify and Age for Licensed Family Day Homes, February 1999, § 63.2-1809, free

Guidance Documents

Information for Religiously Exempt Child Day Centers, July 2003, § 63.2-1716, free

Technical Assistance Questions and Answers for Standards and Regulations for Licensed Assisted living Facilities, May 1999, 22 VAC 40-71-10 et seq., \$6.00

Technical Assistance for Minimum Standards for Licensed Family Day Homes, May 2000, 22 VAC 40-110-10 et seq., free

Technical Assistance Questions and Answers for Minimum Standards for Licensed Child Day Centers, June 2003, 22 VAC 15-30-10 et seq., free

Technical Assistance Questions and Answers for Standards and Regulations for Licensed Adult Day Care Centers, October 2003, 22 VAC 40-60

Waiver Guidelines for Criminal Convictions for Child Welfare Agencies, June 2001, § 63.2-17233, free

Risk Assessment Guidance Manual, June 6, 2003

Family Services

Assisted living Facility Assessment Manual, revised November 2002, 22 VAC 40-745-10 et seq., free

Volume VII, Social Services Policy Manual, various, those sections of Title 63.2 pertaining to adult services, adult protective services, adoption, child care, child protective services, domestic violence prevention services, interstate/intercountry placement of children, foster care, independent living, and family preservation/support services, \$104.70 plus actual shipping and handling

User's Manual: Virginia Uniform Assessment Instrument (UAI), revised April 1998, 22 VAC 40-745-10 et seq., free

User's Manual: Virginia Uniform Assessment Instrument (UAI) for Private Pay Residents of Adult Care Residences, revised April 1998, 22 VAC 40-71-170 et seq. and 22 VAC 40-745-10 et seq., free

Virginia's Guide to the Interstate Compact on the Placement of Children, updated November 2002, § 63.2-100, § 63.2-1000 and § 63.2-1100-1105, free

Parental Placement for Adoption and the Interstate Compact on the Placement of Children, revised November 2002, § 63.2-1230 through 1240, free

Virginia's Guide to Intercountry Placement: Virginia's Preadoptive Requirements, updated November 2002, § 63.2-1104, free

Request to Place Virginia youth Out-of-Commonwealth, updated November 2002, § 63.2-100; § 63.2-1000; and § 63.2-1100-1105; § 22.1-218.1; § 16.1-286A, free

032-01-300, Access to Information From A finalized Adoption Record in Virginia, December 1995, free

Adoption in Virginia booklet, 2000, \$2.00

032-01-926/1, Parental Placement Adoptions in Virginia, April 1990, free

Permanency Unit (Adoption/Family Preservation/Foster Care) Broadcast Notebook, 2002

Volume II – Auxiliary Grants Policy Manual – Part III, February 2002

Family and Children's Trust Fund

Small Grant Awards Policy Statement, revised November 1997, § 63.2-2103, free

Interdepartmental Regulation of Children's Residential Facilities

Procedures for Conducting Background Investigations required by § 63.2-1726 of the Code of Virginia on Employees, Volunteers, and Contractual Service Providers Affiliated with Children's Residential Facilities, August 26, 2002, § 63.2-1726, free

Addendum to Background Investigation Procedures Required by § 37.1-183.3 of the Code of Virginia. August 26, 2002, § 37.1-183.3, free

Standards Manual for Interdepartmental Regulation of Children's Residential Facilities, July 1, 2000, 22 VAC 42-10-10 et seq., free

Virginia Commission on National and Community Service

Virginia AmeriCorps Policy Supplement, revised September 2000, free

BOARD OF SOCIAL WORK

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at bsw@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the Board, at the address above or by telephone at (804) 662-9914. Copies are free of charge.

Guidance Documents:

140-1, Board guidance on use of confidential consent agreements, October 31, 2003

140-2, Newsletters

140-2.1, Interpretation of work settings exempted from licensure requirements by state law. Clarification of standards of practice pertaining to dual relationships, recordkeeping and competency areas, 1995

140-2.2, Summary of Virginia statutes regarding maintenance and release of client records, 2000.

140-3, Assistant Attorney General Opinions

140-3.1, Interpretation of § 32.1-127.1:02 regarding the release of medical records, September 20, 1995

140-3.2, Interpretation of § 32.1-127.1:03 pertaining to release of health care records, April 7, 1997

140-4, Minutes of the Board

140-4.1, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, February 26, 1999

DEPARTMENT OF STATE POLICE

Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the headquarters of the State Police, 7700 Midlothian Turnpike, Richmond, VA 23235, or downloaded and printed from the Department of State Police website at www.virginiatrooper.org/. Mail inquiries should be submitted to the Department of State Police, Firearms Transaction Center, Post Office Box 85608, Richmond, VA 23285-5608. Copies may be obtained for a fee of \$5.00 by contacting our Firearms Transaction Center Manager, at the same address, telephone (804) 674-2210 or FAX (804) 674-6704.

Questions concerning interpretation or implementation of this document may be directed to the Criminal Justice Information Services Division Officer, Department of State Police, P.O. Box 27472, Richmond, VA 23261, telephone (804) 674-2147 or FAX (804) 674-2105.

Guidance Document:

Virginia Firearms Transaction Program, Procedures Manual for Firearms Dealers, revised July 1, 2001, § 18.2-308.2:2, Code of Virginia.

* * *

Copies of the following document may be obtained from any of the Department of State Police, Field Division Headquarters, or by writing to the Internal Affairs Section, Professional Standards Unit, Department of State Police, Post Office Box 27472, Richmond, VA 23261-7472.

Questions concerning the contents of this document may be directed to the Internal Affairs Manager at the above address or at telephone (804) 323-2383.

Guidance Document:

Brochure entitled How the Complaint Process Works, revised January 1, 2004, § 9.1-600, Code of Virginia.

SUPREME COURT OF VIRGINIA

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:45 p.m. in the Office of the Executive Secretary of the Supreme Court of Virginia, 100 North Ninth Street, 3rd Floor, Richmond, VA 23219. Copies may be obtained free of charge unless otherwise noted by contacting Sandi Robison at the same address, telephone (804) 786-6455 or FAX (804) 786-4542.

Questions regarding interpretation or implementation of these documents may be directed to Robert N. Baldwin, Executive

Secretary, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, VA 23219, telephone (804) 786-6455 or FAX (804) 786-4542.

Guidance Documents:

Guidelines on Release of Information to the News Media, revised January 1999, updated as required

Handbook for Grand Jurors, revised November 1998, updated as required

Handbook for Judges and Clerks in Virginia, revised July 2000, call for pricing

The Judicial Council of Virginia Public Information Goals and Objectives, March 1994

A Handbook for Jurors, revised July 1997, updated as required

Jury Service: Cornerstone of Justice (videotape), \$10.00, 1987

A Statement of Principles and Recommended Judicial Practices to Assure Fair Treatment of Crime Victims and Witnesses, revised March 1987

Virginia Courts in Brief, revised November 1998, updated as required

Supreme Court of Virginia Information Pamphlet, revised June 2001, updated as required

Virginia Court of Appeals Information Pamphlet, revised April 2001, updated as required

Virginia Circuit Court Information Pamphlet, revised June 2001, updated as required

Virginia General District Court Information Pamphlet, June 2001, updated as required

Virginia Juvenile & Domestic Relations District Court Information Pamphlet, revised November 2001, updated as required

Virginia Magistrate Information Pamphlet, revised September 2001, updated as required

Committee on District Courts: Review of Methodology for Determining the Need for New Judgeships in the District Courts

Hearing Officer System Rules of Administration, revised July 1995

Virginia District Court Manual, \$203.32 for two volumes, \$35.35 for updates, revised July 2003, updated annually

Circuit Court Clerk's Duties List, \$10, revised June 2003, updated annually

Circuit Court Clerk's Manual – Criminal, \$65 for complete set, \$25 for updates, revised July, updated annually

Circuit Court Clerk's Manual – Civil, \$65 for complete set, \$25 for updates only, revised July, updated annually

Virginia Magistrate's Manual, \$65 for complete set, \$25 for updates only, revised July, updated annually

Guidance Documents

General District Judges Benchbook, updated annually, call for pricing

District Court Accounting Manual, \$130 complete w/binders, tabs, \$30.12 for update only, revised July 1997, updated as required

Court Appointed Attorney Manual, revised June, updated annually

Purchasing Manual, revised July, updated annually

Payroll Manual, revised December 1997, updated as required

Criminal Fund Guidelines – Chart of Allowances, revised July 1997, updated as required

Involuntary Mental Commitment Guidelines, revised July 1997, updated as required

Travel Regulations, revised July 2001, published annually

General Accounting Processing Guidelines, revised July 1997, updated as required

Judicial Inquiry & Review Commission Pamphlet, reprinted January 2001, updated as required

Virginia Sentencing Guidelines Manual, \$95.00, \$25 - \$35 for annual updates, revised July 2002

General Information Relating to the Courts Within Each Circuit and District Within Virginia, revised July, updated annually

Virginia Courthouse Facility Guidelines, revised as needed

Benchbook for Juvenile and Domestic Relations District Court Judges, call for pricing

DEPARTMENT OF TRANSPORTATION

The list of guidance documents submitted by the Virginia Department of Transportation (VDOT) is subdivided by the work unit (division, or district) that issued or has custody of the document.

Asset Management Division - Administration

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 4 p.m. in the VDOT's Asset Management Division, located at 1221 E. Broad Street, 4th Floor, Richmond, VA 23219. Up to five copies of any document or a combination of documents may be obtained free of charge by contacting Bob Kardian at the same address, telephone (804) 786-2849 or FAX (804) 786-7987. Six or more copies may be received at a cost of \$0.15 per page, checks are to be made payable to the "Treasurer of Virginia."

Questions regarding interpretation or implementation of these documents may be directed to Mr. Quintin D. Elliott, Asset Management Division Administrator, VDOT, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-2847, FAX (804) 225-4979 or e-mail Quintin.Elliott@VirginiaDOT.org.

Guidance Documents:

Abandoned Vehicles, 1991 Maintenance Guidelines Manual, Section 3.260 (2 pages), § 46.2-1210

Bridge Impediments, 1991 Maintenance Guidelines Manual, Section 12.501 (1 page), § 33.1-207, 24 VAC 30-20-90

Contracts, Maintenance Policy Manual 4-1 (1 page), January 1994, "Maintenance Funded Contracts" Memorandum CD-93-2/M-300-93 (1 page), February 16, 1993, "Hired Equipment Funded From Maintenance Allocations" Memorandum (2 pages), February 15, 1993, "Hired Equipment" Memorandum (10 pages), May 29, 1990, "Extra Contract Work" Memorandum CD-97-15 (8 pages), September 17, 1997, Chapter 7, Title 11, of the Code of Virginia

Driveways of Volunteer Fire Departments and Rescue Squads, 1991 Maintenance Guidelines Manual, Section 11.207 (2 Pages), § 33.1-200.1

Dump Creating Fire Hazard to Public Bridges, 1991 Maintenance Guidelines Manual, Section 9.126 (1 page), § 33.1-347

Entrances, Maintenance Policy Manual 6-1 (1 page), January 1994, 1991 Maintenance Guidelines Manual, Sections 7.202 (3 pages) and 7.450 (1 page), §§ 33.1-197 through 33.1-199

Ferries, Bridges, and Turnpikes, Maintenance Policy Manual 18-1 (3 pages) and 19-1 (2 pages), January 1994, §§ 33.1-252 and 33.1-268

Inmate Labor, Maintenance Policy Manual 10-1 (1 page), January 1994, 1991 Maintenance Guidelines Manual, Chapter 13 (12 pages), §§ 53.1-56, 53.1-57, and 53.1-58

Litter and Debris, 1991 Maintenance Guidelines Manual Sections 9.122 (2 pages), 9.123 (1 page), "Disposal of Animals Killed on Rights-of-Way" Memorandum (1 page), November 29, 1990, §§ 10.1-1424, 18.2-323, 18.2-324, and 33.1-346

Newspaper Boxes, 1991 Maintenance Guidelines Manual, Section 3.242 (1 page), § 33.1-206 and 24 VAC 30-20-110

Pesticide Use, 1991 Maintenance Guidelines Manual, Section 8.360 (5 pages), Virginia Pesticide Control Act, Title 3.1, Chapter 14.1, Articles 1 and 2 of the Code of Virginia

Posted Roads and Bridges, Maintenance Policy Manual 19-1 (2 pages), January 1994, 1991 Maintenance Guidelines Manual, Sections 3.400 (5 pages) and 12.100 (1 page), "Instructions for Posted Bridge Signs" Memorandum M-272-90 (6 pages), March 15, 1990, § 46.2-1104

Railroad Grade Crossings, 1991 Maintenance Guidelines Manual, Sections 3.511 (1 page) and 3.522 (2 pages), §§ 56-405 and 56-406.2

Railroads, Maintenance Division Policy Manual 13-1 (1 page), January 1994, §§ 56-405 and 56-406.2, 24 VAC 30-20-130

Rest Areas and Waysides, Maintenance Policy Manual 18-1 (3 pages), January 1994, 1991 Maintenance Guidelines Manual, Section 9.200 (3 pages), "Rest Area Identification Signing" Memorandum M-290-91 (2 pages), August 29, 1991, "Rest Area Women's Restrooms" Memorandum M-277-90 (1

page), June 27, 1990, §§ 33.1-12(3) and 33.1-218, 24 VAC 30-20-140 and 24 VAC 30-50-10

Roads in State Institutions, 1991 Maintenance Guidelines Manual, Section 3.631 (2 pages), § 33.1-33

Sale of Materials, Rental of Equipment and Performance of Work for State Agencies, Local Governmental Units and Federal Agencies, Maintenance Policy Manual 12-1 (2 pages), January 1994, 1991 Maintenance Procedures Manual, Section 3.300 (3 pages), "Disposal of Material" Memorandum M-293-92 (1 page), February 13, 1992, §§ 5.1-49, 5.1-50 and 33.1-195

School Zone Signs, 1991 Maintenance Guidelines Manual, Section 10.135 (1 page), § 46.2-873

Sledding Play Areas Designated by Local Governments, 1991 Maintenance Guidelines Manual, Section 11.213 (1 page), § 46.2-1302

Snow Emergency Routes, 1991 Maintenance Guidelines Manual, Section 11.211 (1 page), § 46.2-1302

Speed Limits, 1991 Maintenance Guidelines Manual, Section 14.101 (1 page), § 46.2-878

Unauthorized Signs/Advertising, 1991 Maintenance Guidelines Manual, Sections 3.210 (2 pages) and 3.215 (2 pages), § 33.1-373

Scheduling and Contract Division

Copies of the following documents may be viewed during regular work days from 8:15 until 4:30 p.m. in the office of the Virginia Department of Transportation's Scheduling and Contract Division, 1401 E. Broad St., 12th Floor, Richmond, VA 23219. Copies may be obtained either free of charge, or at the specified cost by contacting the Scheduling and Contract Division Administrator at the same address, telephone (804) 371-2531 or FAX (804) 786-7778.

Questions regarding interpretation or implementation of these documents may be directed to the Scheduling and Contract Division Administrator at the same address, telephone, and FAX numbers given above.

The documents below are issued pursuant to § 33.1-13 of the Code of Virginia. The Post Construction Manual and the Instructional Memoranda are available at the following Internet address: <http://www.virginia-dot.org/business/const>.

Guidance Documents:

VDOT Construction and Maintenance Claims Manual, issued 1992, no charge

VDOT Emergency Contract Manual, issued May 2003, no charge

VDOT Post Construction Manual (Imperial and Metric), revised 1997, no charge

VDOT Construction Manual, issued 1996, \$11

VDOT Construction Phase Inspection Manual, revised November 2001, no charge

VDOT Special Advertisement and Award Process Manual, revised April 2001, no charge

VDOT Construction Division Memoranda, issued 1994 - 2003, \$0.15 per page.

These documents are generally two pages or less in length, and pertain to construction activities such as documentation requirements, design guidelines, specification interpretation, and contractual issues. Memoranda are revised, rescinded, or issued throughout the year, generally every two or three months. For copies, contact the Construction Management Division Administrator at the address and phone number shown above.

Financial Planning Division

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Financial Planning Division, located on the 3rd Floor of the Highway Building, 1221 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge at the same address or via telephone at (804) 786-2454 or FAX (804) 786-2564.

Questions regarding interpretation or implementation of the VDOT Annual Budget and Supplement may be directed to John W. Lawson, Director of Financial Planning, 1401 E. Broad St., Richmond VA 23219, telephone (804) 786-2454, FAX (804) 786-2564 or e-mail john.lawson@virginiadot.org.

Guidance Document:

Virginia Department of Transportation Fiscal Year 2004 Annual Budget, (updated annually at the end of the fiscal year as required by the Code of Virginia, § 33.1-12(9)). This item may also be viewed at the VDOT website at the following address:

VDOT Info & Service: VDOT Budget and Supplement <http://www.virginiadot.org/infoservice/reports-budget.asp>.

Innovative Project Delivery Division

Copies of the following documents may be viewed on the Department of Planning & Budget's Regulatory Town Hall, or during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Innovative Project Delivery Division, located at 1221 E. Broad St., 4th Floor, Richmond, VA 23219. Copies may be obtained free of charge at the same address, or via telephone (804) 786-1103 or FAX 786-7221. The document is also accessible via the Internet from the following address: <http://www.virginiadot.org/business/ppta-default.asp>.

Questions regarding interpretation or implementation of the Public-Private Transportation Act Guidelines may be directed to Thomas W. Pelnik, III, P.E., Director, Innovative Project Delivery Division, 1401 E. Broad St., Richmond VA 23219, telephone (804) 786-1103, FAX 786-7221 or e-mail thomas.pelnik@VirginiaDOT.org.

Guidance Document:

Commonwealth of Virginia Public-Private Transportation Act of 1995 Guidelines, April 2001, § 56-556

Guidance Documents

Local Assistance Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, located in the VDOT Annex Building, 4th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting W.R. Dandridge, Transportation Engineer Senior, at the same address, telephone (804) 786-2745 (or Hugh W. Adams, Transportation Engineering Program Supervisor, telephone (804) 786-2744), or FAX (804) 786-2603.

Guidance Document:

Guide For The Industrial Access Program, revised April 2002, § 33.1-221, 24 VAC 30-270 (Industrial Access Policy)

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, located in the VDOT Annex Building, 4th Floor, 1401 E. Broad St., Richmond, VA 23219.

For more information on this program or to obtain a copy of the application packet, please contact our Transportation Enhancement Program Staff, at 1-800-444-7832. In the Richmond area, please call (804) 786-2872 or (804) 786-2264, FAX (804) 786-2603 or e-mail H.Chenault@VirginiaDOT.org,

Pamela.Liston@VirginiaDOT.org, or Cynthia.Clark@VirginiaDOT.org.

Guidance Document:

Transportation Enhancement Program Guidelines, issued 2002, § 33.1-12(9) and (11)

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, 4th Floor, VDOT Annex, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting the Local Assistance Division at the same address, telephone (804) 786-2585 or FAX (804) 371-0847.

Questions regarding interpretation or implementation of this document may be directed to the Assistant Division Administrator at the same address, telephone number, and FAX number given above.

Guidance Document:

Urban Division Manual, May 2001, 24 VAC 30-320-10 (Urban Street Payment Program), 24 VAC 30-330-10 (Urban Construction Program)

Location and Design Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Location and Design Division, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained at the same location and mailing address, telephone (804) 786-9312 or FAX (804) 786-5157.

Guidance Document:

VDOT Public Involvement Policy and Procedure Manual, issued 1999, § 33.1-18, no charge

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Location and Design Division, Engineering Services Section, located in Room 603 of the VDOT Annex Building, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained by contacting the Engineering Services Section Manager at the same location and mailing address, telephone (804) 786-2543 or FAX (804) 225-3686. Questions regarding interpretation or implementation of this document may be directed to the Engineering Services Section Manager.

Guidance Document:

Instructional and Informational Memorandum LD-55, Curb Ramps for Persons with Mobility Impairments, issued February 12, 2003, § 15.2-2021, no charge

Management Services Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Management Services Division, Room 712, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting the Management Services Division Administrator at the same address, telephone (804) 786-7712 or FAX (804) 371-0074.

Questions regarding interpretation or implementation of this document may be directed to the Management Services Division Administrator.

Guidance Document:

VDOT Value Engineering Program Administration Manual, revised August 2003, § 33.1-190, no charge

Mobility Management Division

Copies of the Mobility Management Memoranda (1967-2003), issued pursuant to authority set forth in §§ 33.1-12 (3) and (5), and which deal with traffic control devices, along with related safety issues, may be viewed during regular work days from 8 a.m. until 4:30 p.m. in Room 206, 2nd floor of the Virginia Department of Transportation's Mobility Management Division, located in the VDOT Annex Building, 1401 E. Broad St., Richmond, VA 23219. Electronic copies will be furnished upon request by contacting Mr. Mansour Mahbanoozadeh at the same address, telephone (804) 786-7983.

Guidance Documents:

Mobility Management Division Memoranda, issued 1967-2003, §§ 33.1-12(3) and (5), 24 VAC 30-520 (Classifying, Designating and Marking State Highways)

Questions regarding interpretation or implementation of these documents may be directed to the State Mobility Management Engineer, Room 207, 2nd Floor, Virginia Department of

Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2965.

Programming Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Programming Division, Room 404, 1401 E. Broad St., Richmond, VA 23219, as well as each of the nine construction district offices across the state. The Virginia Transportation Six-Year Program (SYP) may also be viewed on the Internet at www.VirginiaDOT.org - access the " Six-Year Program" link.

Questions regarding interpretation or implementation of these documents may be directed to the Programming Division Administrator at (804) 786-2857 or FAX (804) 371-0847.

Guidance Document:

Virginia Transportation Six Year Program, implemented July 1, 2003, § 33.1-12(9)

Office of Public Affairs

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Virginia Department of Transportation's Office of Public Affairs, located in the VDOT Hospital Building, 2nd Floor, 1201 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting the Cartography Manager at the same address, telephone (804) 371-5595, FAX (804) 786-5323 or e-mail bryan.kelley@VirginiaDOT.org.

Questions regarding interpretation or implementation of this document may be directed to the Cartography Manager.

Guidance Documents:

Interagency (State Transportation) Map Committee Policy, revised February 1993, § 33.1-36, no charge

Statement on the Use of VDOT County Map Series Digital Files, August 2001, § 33.1-84, no charge

Right of Way and Utilities Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Right of Way and Utilities Division, located in the VDOT Annex Building, 5th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting the State Utilities Engineer, at the same address, telephone (804) 786-2979 or FAX (804) 786-1706.

Questions regarding interpretation or implementation of this document may be directed to the State Utilities Engineer.

Guidance Document:

Utility Relocation Policies and Procedures Manual, Volume II, revised May 1996, 24 VAC 30-210-10 (Policy on Placing Utilities Underground)

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Right of Way and Utilities Division, located in the VDOT Annex Building, 5th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting B. D. Fulwider, Relocation Program Manager, at the same address, telephone (804) 786-4366 or FAX (804) 786-1706.

Guidance Document:

Guidance Document for Determination of Certain Financial Benefits For Displacees, effective November 21, 2001, 24 VAC 30-41 (Rules and Regulations Governing Relocation Assistance)

Security and Emergency Management Division - Transportation Emergency Operations Center

Copies of the following documents may be viewed at the Emergency Operations Center (EOC) within VDOT's Security Management Division, located at 1221 E. Broad Street, 4th Floor, South Wing, Richmond, VA 23219. The EOC is staffed on a 24-hour basis, so arrangements may be made to view the documents as needed. Any document or a combination of documents may be obtained free of charge by contacting the Emergency Operations Center at the same address, telephone (804) 786-2848, FAX (804) 225-4979, or e-mail Perry.Cogburn@VirginiaDOT.org.

Questions regarding interpretation or implementation of these documents may be directed to Perry Cogburn at the same address, telephone, and FAX number shown above.

The following documents are related to Title 44 (Military and Emergency Laws) of the Code of Virginia: Chapters 3.2 (Emergency Services and Disaster Law), 3.3 (Transportation of Hazardous Radioactive Materials), 3.4 (Funding for State and Local Government Radiological Emergency Preparedness), and 3.5 (Virginia Hazardous Materials Emergency Response Program).

Guidance Documents:

Volume 7 (Transportation) of the Commonwealth of Virginia Emergency Operations Plan, September 1997, (a seven-volume set of plans promulgated by Executive Order # 73 (97), and published under the auspices of the Virginia Department of Emergency Management)

VDOT Hurricane Guidance Manual, March 1997

Structure and Bridge Division

Copies of the following document may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Virginia Department of Transportation's Structure and Bridge Division, located in the VDOT Annex Building, 10th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting Lisa Bodette at the same address, telephone (804) 786-2637 or FAX (804) 786-2988.

Guidance Documents

Questions regarding interpretation or implementation of this document may be directed to W. F. (Fred) Dotson at the same address given above, telephone (804) 786-2853 or FAX (804) 786-2988.

Guidance Document:

Structure and Bridge Division Instructional and Informational Memorandum 02-27.5, Bridge Safety Inspections, issued 2002, § 33.1-12

Transportation Research Council

Copies of the following document may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Virginia Transportation Research Council, 530 Edgemont Drive, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting the Virginia Transportation Research Council Librarian at the same address, telephone (804) 293-1959 or FAX (804) 293-1990. Copies may also be obtained by submitting a request via electronic mail to imc6s@virginia.edu. The document is accessible through VDOT's Internet website at the following address:

http://www.virginiadot.org/vtrc/main/online_reports/02-tar8.pdf

Questions regarding interpretation or implementation of this document may be directed to the Research Director, Virginia Council, Transportation Research Council, 530 Edgemont Drive, Charlottesville VA 22903, telephone (804) 293-1938 or FAX (804) 293-1990.

Guidance Document:

Intellectual Property Handbook, Third Edition, issued March 2002, § 2.1-20.1:1, no charge

Districts:

Staunton District

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation, Staunton District Office, Rt. 11 Bypass/Commerce Rd., Staunton, VA 24401. Copies may be obtained free of charge by contacting Guy Tudor, Transportation Engineer, at the same address, telephone (540) 332-9120 or FAX (540) 332-9267.

Questions regarding interpretation or implementation of this document may be directed to Guy Tudor at the same address, telephone, and FAX numbers given above.

Guidance Document:

VDOT General Notes and Subdivision Checklist for Subdivisions in the Staunton District, revised May 2000, 24 VAC 30-90 (Subdivision Street Requirements)

UNIVERSITY OF VIRGINIA

Office of the Vice President for Finance

Unless noted otherwise, the documents below are used in interpreting the Code of Virginia, § 23-76.

Department of Parking and Transportation Services

Copies of the following document may be viewed Monday through Friday from 7:30 a.m. until 5 p.m. at the Department of Parking and Transportation Services, 1101 Millmont Street, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Rebecca White, Director of Parking and Transportation Services at the Department of Parking and Transportation Services, P.O. Box 400000, Charlottesville, VA 22904-4000, telephone (434) 924-6763, FAX (434) 924-3980 or e-mail rwc6j@virginia.edu.

The policies may also be viewed at the University of Virginia's website

(http://www.virginia.edu/registrar/records/ugradrec//chapter5/c_hapter5-2.htm#parking). Questions concerning interpretation or implementation of the policies may be directed to Rebecca White (same telephone and address as above).

Guidance Document:

University of Virginia Graduate and Undergraduate Record, Chapter 5 (UVA Parking Regulations), revised August 2003, § 23-9.2:3

Conference Services

Copies of the following documents may be viewed Monday through Friday from 8 a.m. until 5 p.m. at the UVA Housing Division Conference Services, P.O. Box 400734 Charlottesville, VA 22904-4734. Copies may be obtained free of charge by contacting Sheri States, Director for Conference Services, at the same address, telephone (434) 924-4479, FAX (434) 924-1027 or e-mail ssates@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Sheri States (same address and telephone number as above).

Web address: <http://www.virginia.edu/housing/conferences/>

Guidance Documents:

Conference Services Agreement, revised 2004

Office of the Vice President and Provost

Copies of the University of Virginia's Undergraduate Prospectus can be viewed at the Office of Admission, Miller Hall, Charlottesville, VA, Monday through Friday from 8:30 a.m. to 5 p.m. Questions regarding viewing may be directed to Marjorie Schiff, Assistant Dean of Admission, Miller Hall, Charlottesville, VA, telephone (434) 982-3200, or e-mail at mas4ys@virginia.edu.

The document may also be viewed at the University of Virginia's home page (<http://www.virginia.edu/OfStud.html>).

Copies may be obtained at no charge by contacting Carol Craig, Office of Admission, P.O. Box 400160, Charlottesville, VA 22904-4160, telephone (434) 982-3383.

Questions regarding interpretation or implementation of this document may be directed to Marjorie Schiff at the above telephone number, e-mail, and address.

Copies of the Undergraduate and Graduate records can be viewed in the Office of the Vice President and Provost, Madison Hall, Charlottesville, VA, Monday through Friday from 8:30 a.m. to 5 p.m. Questions regarding viewing may be directed to Laura Hawthorne, Executive Assistant to the Vice President and Provost, Madison Hall, P.O. Box 400226, Charlottesville, VA 22904-4226, telephone (434) 982-2362, or e-mail at lfh4c@virginia.edu.

Individuals eligible to receive a complimentary copy of the Undergraduate and Graduate Records should contact Heather Burns, Office of the University Registrar, P.O. Box 9009, Charlottesville, VA 22906-9009, telephone (434) 924-6378, or e-mail at burns@virginia.edu. Other persons may obtain a copy of the Undergraduate and Graduate Records from the University Bookstore at (434) 924-3721, or write to the University of Virginia Bookstore, Charlottesville, VA 22904-4820. The cost is \$6.

The documents may also be viewed at the University of Virginia's home page (<http://www.virginia.edu/docs.html>).

Questions regarding interpretation and implementation of these documents may be directed to Laura Hawthorne at the above telephone number, e-mail, and address.

Copies of the Faculty Handbook may be viewed at Alderman Library, McCormick Road at University Avenue, Charlottesville, VA, Monday through Thursday from 8 a.m. to 12 a.m., Friday from 8 a.m. to 9 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 12 p.m. to 12 a.m. (Times may vary; check prior to coming.) Assistance in locating a computer terminal is available at the circulation desk.

Hard copies of the Faculty Handbook are no longer available.

The document may also be viewed at the University of Virginia's home page <http://www.virginia.edu/provost/policies.html>.

Questions regarding the interpretation and implementation of the Faculty Handbook may be directed to Laura Hawthorne at the above telephone number and address.

Guidance Documents:

University of Virginia's Undergraduate Prospectus, Fall 2003

University of Virginia Undergraduate and Graduate Record, revised 2003-2004

University of Virginia Faculty Handbook, last revised paper date 1994

Claude Moore Health Sciences Library

Copies of the following documents may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Gretchen Arnold, Claude Moore Health Sciences Library, 2nd Floor, Room 2237C, Charlottesville, VA 22908. Copies may be obtained free of charge by contacting Gretchen Arnold at the same address, telephone (434) 924-0194, or e-mail: gvn8r@virginia.edu.

The documents may also be viewed at the University of Virginia's Claude Moore Health Sciences Library home page

<http://www.healthsystem.virginia.edu/internet/library/admin/policy/eligibility.cfm>

Questions regarding interpretation or implementation of these documents may be directed to Gretchen Arnold at the above telephone number, e-mail, and address.

Guidance Document:

University of Virginia Claude Moore Health Sciences Library User Eligibility Policy, revised November 2003.

Libraries

Copies of the following document may be viewed at any University library public information desk during regular library hours (hours vary by facility). Copies may be obtained free of charge by contacting Diane Walker, Associate University Librarian for University Services, telephone (434) 924-4606, or e-mail dpw@virginia.edu. The documents may also be viewed at the University of Virginia's home page (<http://www.lib.virginia.edu/policies/>).

Questions concerning interpretation or implementation of the policies may be directed to Diane Walker (same address and telephone number as above).

Guidance Document:

University Library Policies, July 2002

Office of the Vice President for Management and Budget

Facilities Management

Copies of the Higher Education Capital Outlay Manual (HECOM) may be viewed during regular workdays from 8 a.m. until 5 p.m. in the Office of Facilities Planning and Construction, University of Virginia, 575 Alderman Road, Charlottesville, VA 22903. Copies may be obtained for \$30 per copy from Kim Morris at the same address, telephone (434) 982-4615, FAX (434) 982-4628 or e-mail kbn4n@virginia.edu.

Questions regarding interpretation or implementation of this document may be directed to Patricia Mathews, Manager Contract Administration, University of Virginia, P.O. Box 400726, Charlottesville, VA 22904-4726, telephone (434) 982-5472, FAX (434) 982-4628 or e-mail pcm8b@virginia.edu.

Guidance Document:

Higher Education Capital Outlay Manual, Edition 2, August 1, 2002.

Procurement Services

The following document may be viewed on line Monday through Friday from 8 a.m. until 5 p.m. at Procurement Services, Carruthers Hall, 1001 N. Emmet Street, P.O. Box 400202, Charlottesville, VA 22904-4202. Copies may be obtained free of charge by contacting Eric Denby, Director of Procurement Services, at the above address, telephone (434) 924-4019, FAX (434) 982-2690 or e-mail: end@virginia.edu. This document and other relevant information as to how the

Guidance Documents

University conducts business in the areas of purchasing, accounts payable, surplus property, and procurement with small, women-owned, and minority firms are also available on the University of Virginia's Procurement Services website (<http://www.virginia.edu/procurement/>) at any time.

Questions concerning interpretation or implementation of the policies may be directed to Eric Denby (same address and telephone number as above).

Guidance Document:

Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors, March 2003.

Senior Vice President for Development and Public Affairs

Office of University Development

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 5 p.m. at the University Development Office, 400 Ray C. Hunt Drive, #100, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Julian Bivins, Assistant Vice President for Advancement Services, University Development Office, at the above address, telephone (434) 924-4022 or FAX (434) 924-0556.

Interpretive or implementation questions may be directed to Julian Bivins (same address and telephone number as above).

Guidance Document:

University Development Mission and Values Statement, October 1991

Vice President for Student Affairs

Division of Student Affairs

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Vice President for Student Affairs, S.W. Wing, the Rotunda, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Patricia M. Lampkin at the same address, telephone (434) 924-7984, FAX (434) 924-1002, or e-mail: vpsa@virginia.edu. The documents may be printed from Chapter 5 of the University's Graduate and Undergraduate Record websites (<http://www.virginia.edu/~regist/gradrec/> and <http://www.virginia.edu/~regist/ugradrec/>, respectively).

Questions regarding interpretation or implementation of these documents may be directed to Patricia M. Lampkin, Office of the Vice President for Student Affairs, S.W. Wing, the Rotunda, Charlottesville, VA 22903, telephone (434) 924-7984, FAX (434) 924-1002 or e-mail: vpsa@virginia.edu.

Guidance Documents:

Alcohol and Drug Policy, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 2002

Discriminatory Harassment Policy, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

Sexual Assault, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 2002

Use of University Equipment, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

Use of University Facilities, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

University Services and Activities, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

Vice President and Chief Information Officer Office of Information Technologies/Department of Information Technology and Communication

Electronic versions of the following documents are accessible for viewing at and may be printed from the URLs listed below.

Questions regarding interpretation or implementation of these documents may be directed to Robert Reynolds, Vice President and Chief Information Officer, University of Virginia, 108 Cresap Road, P.O. Box 400217, Charlottesville, VA 22904-4217, telephone (434) 982-2249, FAX (434) 924-3579 or e-mail: oit@virginia.edu.

Guidance Documents:

Virginia Information Technology Agency Information Technology Resource Management (ITRM) Policies, Standards and Guidelines (<http://www.vita.virginia.gov/docs/psg.cfm>)

University of Virginia university-wide computing policies and procedures (<http://www.itc.virginia.edu/policy>)

Vice President and Chief Executive Officer of the Medical Center

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of the Vice President and Chief Executive Officer, McKim Hall, 3rd Floor, Room 3004, Charlottesville, VA 22908-0788. Copies may be obtained free of charge by contacting Sally Barber at the same address, telephone (434) 243-5920 FAX (434) 243-9328 or by e-mail: snb4af@virginia.edu.

Questions regarding interpretation or implementation of these documents may be directed to Sally Barber at the address and phone number above.

Guidance Document:

Medical Center Policy Manual, revised 2003

Medical Center Materiel Support Services

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Materiel Support Services, Medical Center Level 0, Room G-525, P.O. Box 800690, Charlottesville, VA 22908. Copies may be obtained free of charge by contacting James P. Keathley, Administrator, Materiel Support Services, at the same address, telephone (434) 982-3865, FAX (434) 982-1796 or e-mail: jpk7a@virginia.edu.

Questions regarding interpretation or implementation of these documents may be directed to James P. Keathley, Administrator, Materiel Support Services Medical Center, Level 0, Room G-525, P.O. Box 800690, Charlottesville, VA 22908, telephone (434) 982-3865, FAX (434) 982-1796 or e-mail: jpk7a@virginia.edu.

Guidance Document:

Medical Center Policy #0189, Purchasing Guidelines, July 1, 2003, 8 VAC 85-10

Vice President for Research and Graduate Studies

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. at 314 Madison Hall & Booker House, Charlottesville, VA 22904. Copies may be obtained free of charge by contacting Jeff Blank, telephone (434) 924-3990, or e-mail: jdb9b@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Jeff Blank at the address and telephone number above.

Web address: <http://www.virginia.edu/vprgs/>.

or <http://www.virginia.edu/finance/polproc/pol/xve1.html>

Guidance Document:

Copyright Law, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

Office of Equal Opportunity Programs

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Equal Opportunity Programs, Washington Hall East Range, Charlottesville, VA 22904. Copies may be obtained free of charge by contacting Brad Holland, telephone (434) 924-3200, or e-mail bkh9d@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Brad Holland at the address and telephone number above.

Web address: <http://www.virginia.edu/eop/>.

Guidance Document:

Discriminatory Harassment Policy, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 5 p.m. in the Office of Enrollment Management, The University of Virginia's College at Wise, 1 College Avenue, Bowers-Sturgill Hall, Wise, Virginia 24293. Copies may be obtained free by contacting Linda Baker, Office of Enrollment Management, same address, telephone (276) 328-0102 or FAX (276) 328-0251.

Questions regarding interpretation or implementation of this document may be directed to Rusty Necessary, Vice Chancellor of Enrollment Management, The University of Virginia's College at Wise, 1 College Avenue, Wise, Virginia 24293, telephone (276) 328-0102 or FAX (276) 328-0251.

Guidance Documents:

Admissions Viewbook, September 2003, no charge

The University of Virginia's College at Wise Catalog, August 2003, no charge

Copies of the following document can be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Provost, The University of Virginia's College at Wise, 1 College Avenue, Bowers-Sturgill Hall, Wise, Virginia 24293. Copies may be obtained free by contacting Darlene Moore, Office of the Provost, same address, telephone (276) 328-0120 or FAX (276) 376-4518.

Questions regarding interpretation or implementation of this document may be directed to Amelia Harris, Academic Dean, The University of Virginia's College at Wise, 1 College Avenue, Wise, Virginia 24293, telephone (276) 376-4557 or FAX (276) 376-4518.

Guidance Document:

The University of Virginia's College at Wise Faculty Handbook, August 2003, no charge

BOARD OF VETERINARY MEDICINE

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.state.va.us or the Regulatory Townhall at www.townhall.state.va.us or requested by email at vetbd@dhp.state.va.us. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Carter, Ph.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9915. Copies are free of charge.

Guidance Document:

150-1, Newsletter of January 1988, Drug Recordkeeping at shared facilities

150-2, Board minutes of February 12, 2003, Expanded duties for Licensed Veterinary Technicians

Guidance Documents

150-3, Board motion of May 21, 2003, Distance learning programs and preceptorships for veterinary technicians

150-4, Board minutes of June 15, 1994, "Chip" clinics outside approved facilities

150-5, Board minutes of January 31, 1995, Criteria for an approved rabies clinic

150-6, Board minutes of December 19, 1995, Mobile facilities allowed to change location without an inspection

150-7, Board minutes of August 13, 1996, Use of term "specialist" or "specialty"

150-12, Newsletter of December 1999, Unannounced inspections and veterinary facilities acting as pharmacies

150-13, Board opinion on veterinary prescriptions, May 16, 2002

COLLEGE OF WILLIAM AND MARY

Copies of the following documents may be viewed during the regular work days from 8 a.m. to 5 p.m. in the Office of University Publications, Holmes House, College of William and Mary, Williamsburg, VA 23185. Copies may be obtained free of charge by contacting Lucinda H. Baker at the same address, telephone 757-221-2632, FAX 757-221-3243 or email lhbake@wm.edu. The documents may be downloaded from the College of William and Mary Website (<http://www.wm.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to Lucinda H. Baker, Director of Publications, College of William and Mary, Williamsburg, VA 23185, telephone, 757-221-2632, FAX 757-221-3243 or email lhbake@wm.edu.

Guidance Documents:

Faculty Handbook, revised April 1999

Student Handbook, revised August 2003

Employee Handbook, revised 1998

Campus Security and Crime Information Annual Report for Calendar 2003

Board of Visitors Bylaws, November, 2000

Undergraduate Program Catalog, revised August 2003

GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Agricultural Stewardship Act Guidelines (Draft Revision)

Section 10.1-559.9 of the Code of Virginia authorizes the Commissioner of Agriculture and Consumer Services to alter the Virginia Agricultural Stewardship Act Guidelines periodically after proposed changes have been published in The Virginia Register of Regulations and a public comment period has been provided. The revised guidelines are printed below.

Public comments may be submitted until 5 p.m. on March 17, 2004, to Roy E. Seward, Department of Agriculture and Consumer Services, Washington Building, Room 211, 1100 Bank Street, Richmond, VA 23219, e-mail rseward@vdacs.state.va.us.

NATURE OF GUIDELINES

The Agricultural Stewardship Act¹ ("ASA or Act") requires that the Commissioner of Agriculture and Consumer Services ("Commissioner") develop guidelines to assist in the implementation of the ASA. These guidelines are not regulations and no one is required to abide by them. In fact, there are no regulations concerning the ASA. The only document that anyone must abide by is the ASA itself.

These guidelines set out procedures for implementing the ASA. As they are not regulations, they do not have the force of law. Matters addressed in these guidelines that are not required by statute may be waived or changed at the discretion of the Commissioner. In the event of any conflict between the guidelines and the ASA, the ASA will prevail. The Commissioner expects that these guidelines will be reviewed periodically to determine whether changes are needed.

The Commissioner welcomes your questions and requests for information about the ASA Program. All correspondence regarding the ASA guidelines can be directed to the address listed below or you can contact the ASA Program at 804/786-3538.

Commissioner
Agricultural Stewardship Program
Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, Virginia 23218

BACKGROUND ON THE AGRICULTURAL STEWARDSHIP ACT

In response to increased public concerns for a clean environment, Virginia's agricultural leadership sought a way of dealing with agricultural water pollution that was different from

the approaches used with other industries, such as manufacturers. Most manufacturing plants must obtain permits and follow strict rules of operation. The agricultural community wanted a different approach that did not rely on permits and strict operating rules, but took into account the wide variety of farming practices used in Virginia.

The ASA offers a positive approach to addressing pollution involving agricultural operations. It provides procedures by which individual agricultural producers can be alerted to areas of their operations that may be causing water pollution. Rather than developing regulations with strict rules governing every type of farming practice, the ASA looks at each farm individually.

BRIEF SUMMARY AGRICULTURAL STEWARDSHIP ACT (ASA)

The procedures created by the ASA begin with a complaint made to the Commissioner of the Virginia Department of Agriculture and Consumer Services. The Commissioner must accept complaints alleging that a specific agricultural activity is causing or will cause water pollution. However, not all complaints have to be investigated as will be discussed below. After the Commissioner receives a complaint and the complaint is one that must be investigated, he will ask the local soil and water conservation district ("District" or "local district") whether it wishes to investigate the complaint. If the District does not wish to investigate the complaint, the Commissioner may conduct his own investigation. (A copy of the ASA is in Appendix A.)

The purpose of the investigation is to determine whether the agricultural activity (that was the subject of the complaint) is causing or will cause water pollution. If not, the Commissioner will dismiss the complaint.

If the agricultural activity is causing or will cause water pollution, the ASA gives the owner or operator an opportunity to correct the problem. The owner or operator will be asked to develop a plan containing "stewardship measures" (often referred to as "best management practices") to prevent the water pollution. The owner or operator then develops the plan, and once the plan is developed, the District reviews it and makes recommendations to the Commissioner. If the Commissioner approves the plan, he will then ask the owner or operator to implement the plan within specified periods of time.

If the owner or operator fails to implement stewardship measures after a plan is approved, enforcement action under the ASA will be taken against the owner or operator.

In some cases, the ASA investigation will not produce sufficient evidence to support the conclusion that the agricultural activity in question is causing or will cause pollution. In those cases, the investigator will see if the owner or operator is receptive to suggestions on how the owner or operator might improve his practices to prevent complaints in the future. The purpose of the ASA is to solve problems by working one-on-one with the farmers.

SECTION A - WHAT THE ACT COVERS

1. Activities Covered by the ASA

¹ Article 3.1 (Section 10.1-559.1 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

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The ASA applies to agricultural activities that are causing or will cause water pollution by sedimentation, nutrients or toxins. The only exception is when the agricultural activity in question is already permitted by the Virginia Water Control Board (through the Department of Environmental Quality). The permits are usually: a Virginia Pollution Abatement ("VPA") permit (general or individual) for the storage and land application of animal waste; a Virginia Pollution Discharge Elimination System ("VPDES") permit for certain aquaculture facilities or for mixed production and processing operations; or a permit issued by the Commonwealth of Virginia for the land application of sewage sludge.

The ASA does not apply to forestry activities, odor concerns, or landfills. In terms of waste problems, the ASA would only apply to farm dumps where agricultural products or animal carcasses are disposed of and that have clear water quality impacts. Finally, the ASA does not apply to air pollution, or to water pollution caused by non-agricultural activities.

The Commissioner's staff will use Form 1 to determine whether or not the complaint can be investigated under the ASA. (A copy of Form 1 is in Appendix E.)

2. Definitions of Sedimentation, Nutrients and Toxins

Sedimentation is soil material, either mineral or organic matter, that has been transported from its original site by air, water, or ice and has been deposited in another location. The primary focus under the ASA will be on erosion of soil and its deposition in surface water.

Nutrients are dry or liquid materials that provide elements, such as nitrogen, phosphorus, and potassium that can nourish plants. Commercial fertilizers and animal manure are the two primary sources used to supply nutrients to plants in agricultural operations and will be the focal point of the ASA.

For the purposes of these guidelines, a toxin is any substance or mixture of substances intended to be used to prevent, destroy, repel or mitigate agricultural pests, or to be used as a plant regulator, defoliant or desiccant, commonly called pesticides. In addition, oil, gasoline, diesel fuel and other petroleum products are potentially toxic materials that are usually employed in farming operations.

Soil, nutrients, pesticides, oil, gasoline, and other petroleum products are good and useful when they are kept in their proper places. It is only when any of this material reaches a stream, river, well, lake or other water body that they become a problem.

3. What the Act Means by "Pollution"

The ASA defines pollution as "any alteration of the physical, chemical or biological properties of any state waters resulting from sedimentation, nutrients, or toxins." (Section 10.1-559.1 of the ASA.) When sediments, nutrients, or toxins enter the water from an agricultural activity, they constitute pollution under the ASA.

However, even if pollution is occurring, the ASA gives the Commissioner the power to dismiss a case if the Commissioner determines that:

" . . . the pollution is a direct result of unusual weather events or other exceptional circumstances which could not have been reasonably anticipated, or determines that the pollution is not a threat to human health, animal health, or aquatic life, water quality or recreational or other beneficial uses . . ." (From Section 10.1-559.3 C of the ASA.)

There are two key questions for determining whether pollution is occurring or will occur.

1. Are there any barriers to prevent the sediment, nutrients, or pesticides from reaching the water?
2. Is the owner or operator using any practices designed to prevent the pollutant from reaching the water?

SECTION B - HOW INVESTIGATIONS ARE CONDUCTED

1. Decision to Investigate

The ASA is "complaint-driven." There can be no investigation of any farm activity unless the Commissioner receives a complaint. If the person making the complaint gives his name and no valid exception to investigation is identified in the preliminary review, the ASA requires that the Commissioner or the local District investigate the validity of the complaint. If the local District agrees to perform the District investigation, the Commissioner will ask the District to complete the investigation and provide evidence from its investigation within twenty-one days of the date the complaint was received by the Commissioner. The ASA gives the Commissioner the choice of whether or not to investigate a complaint that was made anonymously with the investigation conducted by the local District, if it wishes, or by himself. After the district and/or the Commissioner's staff submit the evidence to the Commissioner, the Commissioner will make the final determination on the complaint's validity.

The procedures described in the Guidelines are applicable to non-emergency situations. If the Commissioner is made aware of an emergency situation, special procedures may be used, to the extent authorized by law, in order to protect the environment and the public.

2. Handling of Complaints

Complaints are accepted by either verbal or written statement. However, when a complainant does not wish to reveal his or her name and address, the Commissioner has discretion whether or not to investigate the alleged concern. In addition, if complaints are unclear and not site specific, the Commissioner may decide not to investigate them.

3. Who Investigates

With the exception of the anonymous complaint, the District decides who investigates a complaint. Upon receiving a complaint, the Commissioner must notify the District and give it the option to investigate the complaint. Form 2 shows the standard manner of notification to a District and requests the District's assistance. (A copy of Form 2 is in Appendix E.)

The District has five days to tell the Commissioner whether or not it will investigate the complaint. A District may decide to assist in a joint investigation. This type of investigation would include both District and VDACS staff with the VDACS

investigator having the lead role. When the District chooses to conduct the investigation on its own, it may indicate in writing or orally its decision to the Commissioner or his staff. Form 3 is designed to provide a District with sample language that it may use in responding to the Commissioner's requests to investigate. (A copy of Form 3 is in Appendix E.)

A District may choose not to perform any investigations. Once a District has informed the Commissioner that it does not intend to perform ASA investigations, the District does not have to respond in the future to the Commissioner's notification that there is an ASA complaint involving an agricultural activity within its boundaries. As a courtesy, the Commissioner will continue to inform each District of such complaints.

4. Time Limitations on Investigations

The ASA requires that, for complaints investigated by a local District, the investigation must be completed within twenty-one days of the Commissioner's receipt of the complaint. The ASA does not specify a length of time in which the Commissioner or his staff must complete the investigation; however, it is the Commissioner's policy that investigations his staff or he conducts are completed within that time period. If the District conducts the investigation, the District will send its finding to the Commissioner so that he can determine whether a plan is necessary. The Commissioner is responsible for reporting his decision to the owner or operator.

5. Notice to Owner or Operator of Investigation

It is the policy of the Commissioner that his staff or the District, when it conducts the investigation, will give the owner or operator notice that the Commissioner has received a complaint, of the owner's or operator's agricultural activity which must be investigated. However, the Commissioner, in his discretion, may waive this policy. To document the notice and the investigation arrangements, the investigator (District or VDACS) will follow-up with a letter to the owner or operator. Form 5 shows the standard manner of a written notification for informing the owner or operator about a complaint. (A copy of Form 5 is in Appendix E.)

In those instances in which a District may not wish to give notice to the owner or operator about the complaint after they have agreed to investigate, VDACS will assist in delivering the initial notice of the investigation. VDACS will explain that a complaint has been received, that an investigation is necessary, and that someone from the District will contact the owner or operator to arrange a time to conduct a site investigation. Form 4 provides a place to document any telephone calls regarding this notice and other case activities. (A copy of Form 4 is in Appendix E.)

Regardless of who makes the initial contact, it is the policy of the Commissioner that the person who sends the written notice of the investigation to the owner or operator also send written information regarding the ASA. This policy may change at the discretion of the Commissioner. (VDACS will provide this information to the Districts if requested.) This information may provide the owner or operator an opportunity to learn more about the ASA, its procedures, and what the

owner or operator can expect regarding resolution of the complaint.

6. Notice of Findings from Investigation

The Commissioner will notify the owner or operator of his decision as to whether a plan is necessary. When a District performs an investigation, it shall provide its findings to the Commissioner so that he can make this decision. This includes all materials produced and collected during the investigation period. Form 9 was created to record this type of information. The Commissioner's notice to the owner or operator will either dismiss the complaint or inform the owner or operator that he needs to submit a plan to the Commissioner describing conservation measures needed to correct the pollution problem. This plan is due 60 days after the owner or operator receives a written notice informing him that a plan is necessary. Form 6 is the standard manner of written notification to inform the owner or operator that a plan is needed to correct the water pollution problem. Information regarding planning and implementation will be sent with this notification to assist the owner or operator. The Commissioner may consider a corrective order if a plan is not submitted within 60 days. (A copy of Forms 6 and 9 are in Appendix E.)

The owner or operator must begin implementing his plan within six months of receiving notice that a plan is necessary. Then, the owner or operator must complete implementation of his plan within a period specified by the Commissioner not to exceed 18 months of receiving the notice. The owner or operator can receive an extension in some cases, as described in Section 7 below.

Upon approving the owner or operator's plan, the Commissioner will inform the owner or operator and the complainant. The District will be copied on this correspondence.

7. Extensions of Deadlines

Sometimes an owner or operator may need more time to complete implementation of his plan because of circumstances beyond his control. The ASA provides that the Commissioner may grant an extension of up to six months (180 days) if a hardship exists *and* if the owner or operator has made a request for an extension at least 60 days prior to the date he was supposed to have completed implementing his plan. The Commissioner will determine that a situation constitutes a hardship if it was caused by circumstances beyond the owner's or operator's control, *and* if the owner or operator has been making a good faith effort to implement his plan. Hardship can include financial problems. In his response the Commissioner will explain to the requestor of an extension the basis for his choosing to approve or reject such a request.

8. Notification of Landowner, if Different from Operator

The Commissioner will make a good faith effort to notify the landowner as well as the operator when the Commissioner determines that the complaint involves an agricultural activity on land that the operator rents from someone else or when the operator manages the agricultural activity for the owner of the land. If the investigation shows that no pollution problem

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exists, or if the problem is easily corrected by the operator's change in field management, the Commissioner may determine that notification of the landowner is unnecessary. If the problem involves an old feature (e.g., an old gully) that was created before the present operator began renting the land, or if correcting the problem requires construction, the Commissioner may determine that the landowner needs to be notified.

9. Right of Entry

It is the Commissioner's policy that entry onto the land to conduct an investigation will be made with the consent of the owner or operator. However, it should be noted that the ASA gives the Commissioner, his designee, or a District the right to enter the *land* to determine whether or not the complaint is valid. In addition, the Commissioner, his designee, or the District may enter the same land to check implementation of stewardship measures specified in a corrective order and maintenance of stewardship measures. This entry onto private property must be handled in accordance with constitutional requirements.

It is the Commissioner's policy that if a complaint alleges water pollution created by erosion coming from a specific field on the farm, then the ASA investigator will not enter other fields. If the complaint is made more broadly to say that erosion is coming from the farm as a whole into X stream, then the investigation will cover all of the farm that drains into X stream. If the complaint is made even more broadly to say that erosion is coming from the farm as a whole without naming the water body, then the investigation will cover the whole farm.

With the owner's or operator's consent, the ASA investigator will enter fields not covered by the complaint, examine or do other things that are relative to the investigation if consent is given voluntarily by someone who has the intelligence and ability to understand the situation and the possible consequences.

It is the policy of the Commissioner that the owner or operator of a farm that is subject of a complaint will be given notice of intended entry to investigate the complaint. A phone call or statement to the owner or operator is sufficient. After a call, written notice to the owner or operator will confirm the investigator's oral statements. Form 5 shows the standard manner of written notification to the owner or operator before entering land that is the subject of a complaint. (A copy of Form 5 is in Appendix E.)

If an owner or operator denies the Commissioner's representative entry onto the land or later withdraws his or her consent regarding entry, the investigator will leave the property immediately and report this to the Commissioner as soon as possible. The ASA authorizes the Commissioner to obtain a court order allowing entry.

10. Purpose and Scope of Investigation

The principal purpose of the investigation is to determine if there is substantial evidence that the agricultural activity in question is causing or will cause water pollution from sedimentation, nutrients or toxins, as alleged in the complaint. When performing an investigation, information to answer this

question can be recorded on Form 9. (A copy of Form 9 is in Appendix E.)

It is the Commissioner's policy that activities that are causing or will cause pollution that were *not* the subject of the complaint should be pointed out to the owner or operator as areas that should be addressed, even though these areas are not covered by the ASA complaint. It is also the Commissioner's policy that the ASA's jurisdiction is "complaint-driven" and limited to the terms of the complaint.

11. Evidence

The ASA requires that there be "substantial evidence" that the agricultural activity is causing or will cause water pollution. "Substantial evidence" means more than a "scintilla" of evidence but less than a "preponderance" of the evidence. "Scintilla" means just a trace of evidence. Preponderance of the evidence means that overall there is more evidence showing that erosion has been or will be caused by the activity than evidence showing the opposite.

12. Sample Collection Techniques

To maintain uniformity in the state's system of collecting water samples, VDACS will use the procedures developed by the Virginia Water Control Board (VWCB), as set forth in the applicable sections of VWCB's "Water Quality Assessment Operating Procedures Manual".

Due to the complexity and cost of water and fecal sampling and analysis, samples should be taken only when they are absolutely necessary to prove a case. When an investigator can see that pollutants are entering or will enter the water body in question, he will not need to take samples because the case can be proven through photographs, maps, eye-witness testimony, and the physical law of gravity. The experience of other states that have programs similar to the ASA suggests that sampling is only necessary in a few cases. For scientific analysis of any water or other evidence, the District investigator should contact a VDACS Agricultural Stewardship Coordinator for specific instructions. VDACS will pay for the scientific analysis of any water or other evidence collected by the District during the investigation period.

SECTION C - CONFIDENTIALITY OF INFORMATION

The law requires the Commissioner of Agriculture and Consumer Services to hold records of active investigations in confidence. These records of active investigations include those records of active investigations created or held by the Districts pursuant to the Agricultural Stewardship Act. The owner or operator may review whatever notes and records the investigator has made after an ASA investigation is concluded. An investigation is concluded when the Commissioner has decided whether an agricultural activity is creating or will create pollution that requires an agricultural stewardship plan.

A District could receive a request under the Virginia Freedom of Information Act ("FOIA") (Chapter 37 (Sections 2.2-3700 et seq.) of Title 2.2 of the Code of Virginia) to disclose records regarding an active investigation. Any request made to the District for records of active investigations under the

Agricultural Stewardship Act should be referred immediately to the attorney who represents the District.

SECTION D - SUBSEQUENT VISITS TO FARM TO CHECK IMPLEMENTATION

In most cases, after the site investigation has been completed, no further on-site reviews are necessary once the Commissioner has sent a notice advising that a stewardship plan will be required. However, subsequent on-site reviews are necessary when an ASA plan is required. The purpose of the subsequent on-site review is to determine whether the owner or operator is implementing his ASA plan in accordance with his implementation schedule.

Subsequent on-site reviews have enforcement implications, which are the Commissioner's responsibility; so, Districts should not undertake subsequent visits without VDACS' express agreement. (This need for agreement from the Commissioner does not apply to a District's best management practices "spot-check" to determine compliance with a District cost-share agreement, even for a practice installed to meet ASA requirements.)

SECTION E - APPEALS AND FACT FINDING CONFERENCES

If an owner or operator who has been issued a notice under the Act fails to submit an agricultural stewardship plan, begin actively implementing the plan, complete implementation of the plan, or maintain the stewardship measures, the Commissioner shall issue a corrective order to such owner or operator. The order shall require that such activity be accomplished within a stated period of time.

The Commissioner shall issue a corrective order only after an informal fact-finding conference. Informal fact-finding conferences are used to determine the factual basis for the Commissioner's decisions under the Agricultural Stewardship Act.

ASA gives "persons aggrieved" the right to appeal decisions of the Commissioner to the Virginia Soil and Water Conservation Board.

SECTION F - SOURCES OF ASSISTANCE FOR OWNER OR OPERATORS

There are several sources of assistance available to owners or operators to address pollution problems and to develop stewardship measures and plans. Areas of assistance and possible sources are listed below:

1. Technical Assistance

Planning and, if necessary, engineering assistance is often available through:

- Local Soil and Water Conservation District
- Department of Conservation and Recreation
- U. S. Department of Agriculture, Natural Resources Conservation Service
- Virginia Cooperative Extension
- Virginia Department of Agriculture and Consumer Services

- Private businesses
- Consultants

2. Cost-Sharing

Cost-Share assistance that may be available to implement plans is offered by:

- Local Soil and Water Conservation District
- U. S. Department of Agriculture, Farm Service Agency
- U. S. Department of Agriculture, Natural Resources Conservation Service
- Virginia Department of Environmental Quality

3. Financial Planning

Financial planning is always a consideration when making decisions that affect a farming operation. These organizations can be of assistance to the farmer in his financial planning:

- Virginia Cooperative Extension (e.g., Farm Management Agents)
- Private financial institutions (e.g., commercial banks, agricultural financing organizations)

4. Physical Planning for Compliance with ASA

The ASA requires that the plan be returned to the Commissioner's Office and the District within 60 days after receiving notice that a plan is necessary. The local District must then review the plan. If the plan meets the ASA requirements, then the Commissioner will send notice of approval to the owner or operator within 30 days. The owner or operator must begin implementing the plan within six months and complete plan implementation within 18 months unless specified differently by the Commissioner. The Commissioner may require an implementation schedule consistent with seasons and other temporal considerations, therefore, increasing the chance of success in establishment or construction of the measures required in the plan. The Commissioner may consider a corrective order if plan implementation schedule is not met or if the problem is not corrected.

A. Public Sources of assistance in planning

- Local Soil and Water Conservation District
- Virginia Department of Conservation and Recreation
- USDA, Natural Resource Conservation Service
- Virginia Cooperative Extension
- Virginia Department of Agriculture and Consumer Services

B. Private Sources

- Private businesses (e.g., engineering and consulting firms)
- Agribusiness organizations

C. Required Contents of Plans

The plan must include the following minimum requirements under the ASA:

General Notices/Errata

- Stewardship measures needed to prevent the pollution, and
- Implementation schedule.

The plan should also include:

- A map showing area of concern and affected water feature
- Statement of pollution problem
- Signature page for the owner or operator, local district director and Commissioner

The owner or operator will have received a letter from the Commissioner notifying the owner or operator of the results of the investigation. This letter specifies the components of the agricultural activity that are causing or will cause water pollution. (A copy of this letter is in Appendix E, labeled as Form 6.) All of these components must be addressed in the plan.

If necessary, simple plans can be converted into more sophisticated formats after this deadline has been met. Planners should be sensitive to the fact that the owner or operator has a second deadline to meet: the owner or operator must begin implementing the plan within six months of receiving the official notice that the plan has been approved. Form 10 provides an example format of an ASA plan. (A copy of Form 10 is in Appendix E.)

Amendments to plans are acceptable as long as the amendments prevent or eliminate the pollution. Amendments must be reviewed by VDACS before the plan completion date. An amendment that necessitates an extension of time will not be denied simply because the time of completion will be delayed; however, the Commissioner may consider whether the additional time is needed because of the actual change in plans or because of any lack of due diligence by the owner or operator.

To make the planning process most effective, owners or operators should be given options for solving their pollution problem whenever possible. In terms of appropriate options, the ASA defines stewardship measures as "the best available nonpoint source control methods, technologies, processes, siting criteria, operating methods or other alternatives." There are often a variety of best management practices that can be employed to solve a single pollution problem. Thus, the planner will often have a wide variety of options from structural practices to changes in operating methods that can be offered to the owner or operator as solutions to the pollution problem. These options need not be the most expensive or employ the most sophisticated technology; they only need to prevent the pollution in question within the timeframe of the plan to be the "best". A plan that merely substitutes one form of pollution for another, however, is not acceptable.

SECTION G - VIOLATIONS AND PENALTIES

Under the ASA, the Commissioner issues a corrective order when the owner or operator fails to comply with the ASA. The Commissioner *must* issue a corrective order if the owner or operator is found to need a plan and fails to submit or to implement his plan according to the Act's standards {Section 10.1-559.4}.

A person who is subject to a corrective order issued by the Commissioner has the right to go to the Soil and Water Conservation Board to appeal that corrective order. Further, that person has the right to appeal the decision of the Board to the appropriate circuit court.

If an owner or operator fails to comply with the ASA, he or she may be subject to civil penalties and orders issued by the Commissioner. The ASA does not create any crime -- only civil violations. (See Appendix B, Civil Penalty Matrix for the Agricultural Stewardship Act Program.)

SECTION H - INTERGOVERNMENTAL COOPERATION

The ASA requires that agricultural activities that are causing or will cause water pollution be corrected. It is very important that all agencies work together in a cooperative effort using a common-sense approach to assist owners or operators in effectively correcting these problems. Listed below are agencies and their roles in relation to the ASA.

1. Department of Environmental Quality and the Virginia Water Control Board ("DEQ" and "VWCB")

Virginia's State Water Control Law gives the VWCB broad jurisdiction over almost all types of water pollution, whether point source or nonpoint source, whether agricultural or non-agricultural in origin, and involving any type of pollutant. (See Section 62.1-44.5 of the Code of Virginia.) The ASA gives the Commissioner jurisdiction over a smaller portion of this same area of concern: water pollution caused by three types of pollutants coming from agricultural activities not currently subject to a permit issued by VWCB through DEQ. The Commissioner's and the VWCB's jurisdiction overlap, but the Commissioner's jurisdiction is a subset of the VWCB's. Therefore, DEQ and the Commissioner shares jurisdiction over agricultural nonpoint source pollution.

The VWCB has asserted its jurisdiction over certain types of agricultural operations by requiring them to obtain permits. For those agricultural activities that are subject to a permit issued by the VWCB (through DEQ), the ASA is not applicable. The ASA expressly provides that those operations are exempt from the ASA. When a complaint arises regarding an operation that is subject to a VWCB permit, the complaint will be dismissed. Then the owner or operator should be informed that he should check to make certain that the owner or operator is in compliance with his VWCB permit. The owner or operator should be given the address and phone number of his regional DEQ office, so that DEQ can answer any questions that the owner or operator may have. After the complaint is dismissed, the complainant will be notified explaining that DEQ has jurisdiction.

2. Department of Conservation and Recreation ("DCR")

DCR is Virginia's primary natural resource conservation agency and provides owners or operators with technical assistance in developing nutrient management plans. In this program, DCR maintains a staff of specialists in field offices throughout the state to provide nutrient management planning (NMP) assistance. Closely connected with the NMP technical assistance program is DCR's certification program for nutrient management planners from both private and public organizations.

In addition to its programs related to NMP, DCR provides the Districts with coordination services at the state level. DCR is the major conduit of funds for Districts. An integral part of this program is the state cost-share program that DCR administers and the Districts implement. In relation to the ASA, DCR can provide its NMP assistance to owners or operators with corresponding ASA planning needs, as well as cost-share assistance.

DCR collects land-use and related data from across the state to identify small watersheds where the potential for nonpoint source pollution is high. DCR also provides various predictive modeling services that help estimate the progress made in reducing nonpoint source pollution.

Of particular interest to the ASA program is DCR's close relationship with the Virginia Soil and Water Conservation Board ("Board"). DCR provides the staff services to the Board that help the Board meet its ASA obligations.

3. Natural Resources Conservation Service ("NRCS")

Established during the 1930's within the United States Department of Agriculture, the NRCS pioneered the planning approach to conservation management. The NRCS has developed numerous conservation techniques and practices to conserve, improve and sustain natural resources on private lands.

In addition to setting the standards for a wide variety of conservation practices, the NRCS provides technical assistance to landowners and managers in many localities throughout the State. They often work closely with the local Districts. The NRCS also assists other federal agencies in administering the federal cost-share program for agricultural conservation practices. In relation to the ASA, the NRCS continues to provide its technical and cost-share assistance (when and where appropriate) to owners or operators faced with ASA needs.

4. Virginia Cooperative Extension ("Extension")

Extension has played an important role over the years by providing landowners and managers with education regarding a wide variety of concerns. These educational services range from production matters to farm financial planning to natural resource technical and planning assistance.

In relation to the ASA, Extension continues to provide technical and planning assistance to owners or operators to prevent complaints under the ASA and to assist in the preparation of ASA plans, at least in those areas where Extension has resources to provide such assistance. Extension's Farm Management Agents, who provide financial planning assistance, may be called upon to provide financial planning assistance in relation to the development of an ASA plan. In response to owner or operator questions, Extension is also likely to provide some education to owners or operators regarding the ASA itself.

In addition, Extension has developed an on-farm self-assessment program that can help producers identify potential sources of water pollution. This program is called a Farm*A*Syst.

Local Extension agents can help farmers learn more about Farm*A*Syst. Using Farm*A*Syst can be an important step that farmers can take to prevent certain ground water pollution problems.

5. Soil and Water Conservation Districts ("Districts")

As described in other sections of these guidelines, the Districts may play a role in investigating complaints, if they choose to do so. The decision of whether or not it will perform investigations lies with each District individually. Pursuant to the ASA, all Districts will play a role in the ASA by reviewing ASA plans that are being sent to the Commissioner.

As political subdivisions of the Commonwealth, the Districts are the local sources of technical and planning assistance for agricultural conservation practices, in many instances. The Districts, together with other conservation agencies, have helped produce an advanced agricultural system that blends conservation and resource protection with enhanced production techniques.

The Districts are the local administrators of the cost-share program. Beyond the investigative and review roles that the ASA speaks to directly, the Districts can provide continued planning and technical assistance to owners or operators with ASA needs. Where and when appropriate, the Districts can provide cost-share assistance.

6. Chesapeake Bay Local Assistance Department ("CBLAD")

The Chesapeake Bay Preservation Act ("Bay Act") was enacted in 1988, and CBLAD was established shortly thereafter to administer the Bay Act's programs.

Section 10.1-559.10 of the ASA makes it clear that any local government may, subject to certain conditions, adopt an ordinance establishing a process for filing complaints, investigating them, and creating agricultural stewardship plans where necessary to correct pollution problems.

Likewise, Section 10.1-559.11 seeks to address potential conflicts with the Bay Act regulations. This section states that nothing in the ASA shall be interpreted to duplicate the agricultural requirements in the regulations adopted pursuant to the Bay Act. In fact, the ASA is intended to supplement and work alongside the Bay Act and its regulations. ASA investigators and planners should note that, while the ASA guidelines seek to provide a consistent implementation process across local jurisdictional boundaries, local enforcement of violations of Bay Act ordinances may vary somewhat from one locality to another.

Under the Bay Act regulations and local Bay Act ordinances, agricultural landowners are required to (1) establish (where one does not exist) and maintain a 100-foot-wide vegetated buffer separating the land upon which agricultural activities are being conducted and adjacent environmentally sensitive features, and (2) obtain a soil and water quality conservation plan (SWQCP) addressing erosion, nutrients and pesticides. This plan must be approved by the local District Board. A SWQCP, or parts thereof, is only required to be implemented if a reduction in the width of the 100-foot-buffer is sought.

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- If an ASA investigator is informed by the owner or operator that the owner or operator has a Bay Act SWQCP, the investigator should review the plan to see what best management practices (BMPs) have been recommended for water quality protection and what is actually being implemented by the owner or operator.
- In some cases, the ASA investigator may find that the BMP recommended in the SWQCP already addresses the water quality problem complained of, but was not required to be implemented under the Bay Act. Rather than duplicating efforts, the ASA investigator may simply refer to the information in the SWQCP and recommend that the owner or operator implement any or all relevant parts of the plan that address the identified ASA water quality problem.
- Local governments in Tidewater Virginia may consider the ASA as a way by which the ASA's enforcement mechanisms may be used to further the goals of the Bay Act.
- If an ASA complaint involves a Bay Act vegetated buffer (e.g., a channel has formed in the field and continues through the buffer emptying directly into the stream), the stewardship measures included in the ASA plan must not conflict with either the allowable buffer reductions under the Bay Act regulations or with the buffer performance criteria established via the Bay Act. If the ASA investigator or planner has questions regarding the reduction rules or the performance criteria, the investigator or planner should contact the local District.

7. Soil and Water Conservation Board ("Board")

The Board provides the initial forum in which appeals from the Commissioner's decision may be heard. Any person wishing to submit an ASA appeal to the Board should contact DCR for more information.

8. Virginia Department of Agriculture and Consumer Services ("VDACS")

Beyond providing assistance to the Commissioner in investigations and enforcement, VDACS' staff assists in communicating the results of the investigations with complainants.

VDACS also serves as the primary coordinating agency for administering the ASA. In addition to developing these guidelines, VDACS initiates the reporting and assessment processes annually. The purposes of the annual reporting and assessment process is to identify trends and needs and to seek means of addressing any problems that develop in the system of administering the ASA.

In some cases, VDACS provides technical and planning assistance to owners or operators in the wake of a complaint. VDACS' other main role is to coordinate the administration of the ASA with the Districts and other partners. VDACS' main goal in administering the ASA is to institute a "farmer-friendly" set of mechanisms by which owners or operators can address

water pollution problems on a case-by-case basis, without the necessity of further overall regulation.

APPENDIX A Agricultural Stewardship Act

REGISTRAR'S NOTICE: The Agricultural Stewardship Act is found in Article 3.1 (§§ 10.1-559.1 through 10.1-559.11) of Chapter 5 of Title 10.1 of the Code of Virginia and is not being reprinted below. Copies of the act may be obtained from Roy E. Seward, Department of Agriculture and Consumer Services, Washington Building, Room 211, 1100 Bank Street, Richmond, VA 23219, e-mail rseward@vdacs.state.va.us.

APPENDIX B Civil Penalties Matrix for the Agricultural Stewardship Act Program (Authority: Section 10.1-559.7 of the Code of Virginia)

VIOLATION

"Any person violating Section 10.1-559.4 or Section 10.1-559.5 shall be subject to a civil penalty not to exceed \$5,000 for every violation assessed by the Commissioner of Agriculture and Consumer Services. Each day the violation continues shall constitute a separate offense." (Section 10.1-559.7(A) of the Code of Virginia)

The following are violations of Section 10.1-559.4 of the Code of Virginia:

1. The owner or operator fails to submit an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);

(Base civil penalty-\$200)

2. The owner or operator fails to begin actively implementing an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);

(Base civil penalty-\$500)

3. The owner or operator fails to complete the implementation of an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);

(Base civil penalty-\$500)

4. The owner or operator fails to maintain the required stewardship measures after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);

(Base civil penalty-\$250) and

5. The owner or operator fails to comply with an Emergency Corrective Order (Authority: Section 10.1-559.4(D) of the Code of Virginia).

(Base civil penalty-\$500)

The following are violations of Section 10.1-559.5 of the Code of Virginia:

The owner or operator denies the Commissioner or his designee the right of entry (Authority: Section 10.1-559.5(A) of the Code of Virginia).

(Base civil penalty-\$500)

The following factors shall be considered in determining the amount of any civil penalty:

1. If there is willfulness of violation, add \$500 to the base civil penalty;
2. If there is history of noncompliance with Agricultural Stewardship Act, add \$1000 to the base civil penalty;
3. If there is failure of owner in notifying, containing and cleaning up any discharge, add \$1000 to the base civil penalty;
4. If there is damage or injury to state waters or the impairment of its uses, add \$1500 to the base civil penalty; and
5. When the injury is of such a nature and degree as to interfere with general health, welfare and property, add \$1500 to the base civil penalty.

APPENDIX C

Steps In Addressing Agricultural Stewardship Act Complaints

1. Commissioner's Office receives complaint:
 - Commissioner's Office reviews complaint and determines if the ASA has jurisdiction.
 - If not under ASA's jurisdiction, Commissioner dismisses complaint.
 - If under the ASA's jurisdiction, Commissioner determines whether investigation is necessary.
2. Commissioner's Office determines whether the investigation is necessary:
 - In cases with non-anonymous complaints, an investigation is required.
 - In cases with anonymous complaints, the Commissioner has the option to investigate.
3. If investigation is needed:
 - Commissioner's Office contacts local Soil and Water Conservation District and informs it of the complaint.
 - District has five days to notify the Commissioner's Office whether or not it will investigate.
4. Contact the owner/operator to inform him or her of complaint and the need to investigate, followed by a letter.
 - Farmer's options:
 - Grant permission to enter land, or
 - Deny request to enter land
- If farmer denies request to enter land, the Commissioner may seek a court order.
5. Investigate complaint and report findings to Commissioner's Office within 21 days of receiving complaint.
6. Commissioner's Office reviews investigation report and, if needed, gathers more information. Commissioner's Office then makes decision as to whether complaint is founded, then contacts farmer with findings (via registered mail, return receipt requested) and the District within 30 days of receiving investigation report.
 - If complaint is unfounded
 - Action on complaint complete
 - Complainant contacted and informed on reasons why complaint was unfounded.
 - If complaint is founded – Finding is reviewed and discussed with farmer
 - Farmer accepts decision, or
 - Farmer appeals decision to the Virginia Soil and Water Conservation Board
 - Farmer accepts Board's decision, or
 - Farmer appears to local Circuit Court
7. Farmer develops plan to address pollution and sends copy to the Commissioner's Office and District within 60 days after receiving notice of investigation findings and of the need to develop a plan.
8. District reviews plan and sends its recommendations to the Commissioner's Office.
9. Commissioner's Office reviews plan; District recommendations and notifies farmer.
 - Plan approved, and/or amended with conditions
 - Plan rejected
 - Farmer develops new plan and repeats submittal process, or
 - Farmer appeals through the process described in item 6.
10. Commissioner's Office contacts complainant, informs him or her of action taken, and plan implementation completion date.
11. Six months after farmer is notified that plan is necessary, Commissioner's Office will check to ensure that farmer has begun implementing plan.
 - Implementation has begun, or
 - Implementation has not begun
 - Commissioner institutes an informal fact-finding conference with the owner / operator

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- ASA requires Commissioner to issue a corrective order (via certified mail, return receipt requested) to farmer at this point
- Owner/operator may appeal through same process as described in item 6.

12. By the completion date, a site review will be conducted to ensure complete plan implementation.

- Once plan is implemented, farmer is required to maintain
- Hardship cases can receive a 180-day extension if farmer's request is received 60 days prior to completion date and is approved by the Commissioner's Office.
- Farmer can appeal through the same process described above in item 6.

APPENDIX D

Steps to Consider During An Agricultural Stewardship Act Investigation

When beginning an investigation, it is likely to help if you keep several key questions in the back of your mind. These questions are:

1. What pollutant (sediment, nutrient, pesticide or petroleum product) was the subject of the complaint?
2. What water body (stream, river, well, etc.) was the subject of the complaint?
3. Is there a physical barrier (e.g., buffer, berm, slope, etc.) that would help prevent the pollutant in question (soil, nutrients, pesticides or petroleum products) from reaching the stream, river or well?
4. Is the farmer using any BMPs that are designed to help prevent the pollutant in question from reaching the stream, river or well?

With these questions in mind, begin to assess the physical layout and the farmer's operation of the field, feedlot or pasture that is the subject of your investigation. Some things to assess are as follows (Use the ones that would be applicable to the pollutant that was the subject of the complaint):

- ❖ Is there evidence of erosion?
- ❖ What sources of nutrients are used or produced in the operation?
- ❖ What types of pesticides and petroleum products are used in the operation?
- ❖ If pesticides are used, are they water-soluble, evaporative or do they tend to bind to soil?
- ❖ What are the characteristics of the topography in relation to the water body?
 - Slope
 - Sink holes
 - Soil Types
 - Etc.

- ❖ Is there a buffer or other barrier between the site where the problem is alleged to be occurring and the water body?
- ❖ If there is a buffer, what are the characteristics for the buffer?
 - Mixed vegetation (trees and shrubs, etc.)
 - Grass
 - Etc.
- ❖ What condition is the buffer in?
 - Well vegetated
 - Killed areas
 - Eroded
 - Etc.
- ❖ Does the farmer use nutrient management practices, and if so what are they?
- ❖ Are stream banks eroded, and if so, what was the cause?
 - Natural causes
 - Livestock
 - Etc.
- ❖ Are BMPs used on the land, such as residue management, conservation tillage, sod waterways, animal waste system, hardened access, etc.?
- ❖ Are BMPs well maintained?
 - Is sod waterway or filter strip being filled with sediment?
 - Is animal waste storage facility emptied on schedule?
 - Etc.

This is not an all-inclusive list because there may be other site-specific and complaint-specific circumstances that you'll want to consider, but this gives you an idea of what to assess.

Taking what you've learned about this operation in your assessment, begin to answer the following questions:

- Can the alleged pollution even be a product of this farming operation?
- Is there a route from the field, feedlot or pasture that the pollutants would travel easily (e.g., unobstructed by a physical barrier) to the water body?
- Given the management of the field, feedlot or pasture and other factors, how large is the level of pollution that could be occurring (e.g., large, medium, minimal, none)?
- If there is a pollution occurring, could the pollution in question be occurring from natural causes (e.g., natural stream bank erosion)?
- If there is pollution occurring, was it caused by circumstances beyond the farmer's control?

Using your answers to these questions, you can begin to write up your investigation report and formulate your opinion regarding this case. If you have questions during this process, please contact one of the Agricultural Stewardship Coordinators at (804) 786-3538.

GENERAL NOTICES/ERRATA

APPENDIX E
Forms
for the Agricultural Stewardship Act Program

Today's Date _____ Complaint No. _____

FORM 1
COMPLAINT TRACKING FORM
AGRICULTURAL STEWARDSHIP ACT

Name of person receiving complaint: _____

1. Was the complaint made anonymously? Yes No

If "Yes," what reason (if any) did complainant give for not wanting to give
(his/her) name?

Note: If complainant would not give his/her name, Commissioner must make decision regarding whether or not to investigate.

If "No," complainant's name and mailing address and phone number are:

2. Does this complaint concern an agricultural activity? Yes No

If "Yes," go to question 3. If "No," inform complainant that we have no jurisdiction over non-agricultural activities.

3. What was the agricultural activity? Circle: Beef Dairy Poultry Hogs Horses Cropland

list additional activities: _____

4. Is the agricultural activity causing; or, will the agricultural activity cause water pollution?

Yes No Uncertain

If "Yes," go to question 5. If "No," inform complainant that we have jurisdiction only over complaints concerning water pollution.

5. What is the nature of the alleged water pollution?

6. What is the cause of this alleged water pollution? Circle: sedimentation nutrient enrichment toxins

list additional causes: _____

If additional causes are given then dismiss complaint and inform complainant that we have jurisdiction only over complaints alleging water pollution caused by sedimentation nutrient enrichment and toxins coming from agricultural activities.

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7. Is this specific agricultural activity covered by a government permit (e.g, VPA, VPDES, etc.)?

Yes No Uncertain

If "No" OR "Uncertain" go to question 8. If "Yes," inform complainant that we have no jurisdiction over complaints concerning water pollution from activities that are covered by a government permit .

8. Name and address of owner or operator whose operation is subject of complaint:

Phone Number(s): _____

9. County Name: _____

10. Directions to complaint site: _____

11. Name of the local soil and water conservation district in which this agricultural activity is located:

(VDACS Letterhead)

FORM 2
NOTIFICATION TO DISTRICT OF COMPLAINT
AND REQUEST TO INVESTIGATE

TO: Directors, *[list district name]* Soil & Water Conservation District
FROM: Commissioner of Agriculture and Consumer Services
THROUGH: *[Coordinator's name]*
Agricultural Stewardship Coordinator
DATE: *[current date]*
RE: Water Pollution Complaint from Agricultural Activity in Your District
(Complaint No. *[number]*)

We have received a complaint alleging that an agricultural activity in your District is causing or will cause water pollution. That agricultural activity is described in greater detail on the attached Complaint Tracking Form. Pursuant to Section 10.1-559.3 of the Code of Virginia, I hereby request that you determine the validity of the information in the complaint.

According to Section 10.1-559.3, you must advise me by the end of the fifth (5th) calendar day following the day on which you receive this request of your decision regarding whether or not you wish to determine the validity of the information in this complaint. (Our standard response form #3 can be used.)

The Agricultural Stewardship Act gives the District only 21 days to complete investigations to determine the validity of complaints, so if you choose to investigate to determine the validity of the information in the complaint, I will need to receive your decision by the date of *[five days from current date]*. If you choose to investigate, the standard investigation form #9 can be used.

Thank you for your consideration of this request. If you have any questions, please feel free to call me at 804/786-3501 or my staff at 804/786-3538.

[District letterhead]

FORM 3
DISTRICT'S DECISION REGARDING
REQUEST TO INVESTIGATE VALIDITY OF COMPLAINT

TO: Commissioner of Agriculture and Consumer Services
FROM: *[district name]*
Soil & Water Conservation District
DATE: *[current date]*
RE: Water Pollution Complaint from Agricultural Activity in Our District
(Complaint No. *[number]*)

We have received your request regarding a complaint alleging that an agricultural activity in our District is causing or will cause water pollution by sedimentation, nutrient enrichment or toxins. That agricultural activity is described in greater detail on the attached copy of the first page of the corresponding Complaint Tracking Form. Pursuant to Section 10.1-559.3 of the Code of Virginia, I hereby notify you that this Soil & Water Conservation District *[insert the words will investigate, will not investigate or will assistance in a joint investigation with the Virginia Department of Agriculture and Consumer Services]* to determine the validity of the information in that complaint.

Copy: Agricultural Stewardship Coordinator

General Notices/Errata

Case # _____

FORM 4
SITE VISITS AND PHONE CALLS
Follow-up Notes

| DATE | TYPE OF ACTIVITY |
|------|------------------|
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(VDACS Letterhead)
FORM 5

[Letter to notify the owner or operator about the complaint]

[current date]

[name and address of owner or operator]

Re: Water Pollution Complaint from
Agricultural Activities
(Complaint [number])

Dear [last name]:

This letter is to notify you that on [date] the Virginia Department of Agriculture and Consumer Services (VDACS) received a complaint alleging that an agricultural activity involving a [describe activity and location] is causing water pollution. This complaint falls under the jurisdiction of the Agricultural Stewardship Act (Act) and needs to be investigated within 21 days. During our phone conversation today, you indicated that you would be available to meet with me on [date and time]. At that time I will investigate the alleged water pollution concern.

During this investigation, evidence will be collected to determine if your [activity description] is allowing [describe type of pollution] to enter state waters. If the Commissioner of Agriculture determines that a sufficient amount of evidence is present to cause a threat to human health, animal health, aquatic life, water quality or recreational uses, a plan to correct the water pollution would be required. Then, you would be required to begin implementing this plan within six months. Once the stewardship measures within the plan are completed, the Commissioner of Agriculture will send a letter to document that you have completed your obligations under the Act.

I have enclosed additional information regarding the Agricultural Stewardship Act requirements for your review. If you have any questions, I can be reached at my office by calling [list phone number].

Sincerely,

Agricultural Stewardship Coordinator

Copy: [local soil and water conservation district]

(VDACS Letterhead)

FORM 6

Notification to owner or operator of investigation findings

[current date]

[name and address of owner or operator]

Re: Notification to owner or operator
pursuant to the Agricultural Stewardship
Act regarding the complaint involving
[farming activity] (COMPLAINT [number])

Dear [last name]:

After I received a complaint alleging that an agricultural activity on your farm is causing or will cause water pollution by [list type(s) of pollution], an investigation was performed on [date] by [list investigator(s) and agency name(s)].

The findings from this investigation are as follows:

[describe the location and specific agricultural activity that is or will cause water pollution]

Several factors that contribute to this problem are:

describe factors that contribute to the specific agricultural activity]

In conclusion, this agricultural activity was found to be one that is causing and will cause water pollution and measures must be taken to correct the water pollution problem according to the Agricultural Stewardship Act. You need to submit an Agriculture Stewardship Plan that addresses the water pollution problem within 60 days of receiving this notice [approximately date] to the Commissioner of Agriculture and Consumer Services and a copy to the [local Soil and Water Conservation District]. A list of possible sources of assistance and the requirements for this plan are attached.

General Notices/Errata

[Form 6 (cont'd)]

Page 2 of Notice

Plan Requirements

Best Management Practices that will correct the water pollution problem

An implementation schedule to begin within six months of receiving this notice [approximate date].

Complete implementation within twelve months of receiving this notice [approximate date].

Possible assistance in plan development and cost-share

[Local Soil and Water Conservation District and phone number]

[Local USDA Natural Resources Conservation Services and phone number]

[Local County Cooperative Extension and phone number]

Virginia Department of Agriculture and Consumer Services

[Agricultural Stewardship Coordinator and phone number]

Private consultants in your area

[include information about the appeal process] If you have questions, please contact [name of the Agricultural Stewardship Coordinator and phone number].

Sincerely,

Commissioner

Copy: [Local Soil and Water Conservation District]

(VDACS Letterhead)

FORM 7

Notification to owner or operator of Agricultural Stewardship Plan status

[current date]

[name and address of owner or operator]

Re: Notification to owner or operator
pursuant to the Agricultural Stewardship
Act regarding the approval of a Agricultural
Stewardship Plan involving [farming activity]
(Complaint [number])

Dear [last name]:

This letter is to notify you that I have approved your Agricultural Stewardship Plan [indicate who developed the plan and list any conditions that may go with the approval]. Please be mindful of the implementation schedule to ensure that all dates are met. In your case, the Agriculture Stewardship Act (ASA) requires you to begin correcting the identified water pollution problem before [date].

[Explain any specific conditions about the plan or the use of state or federal assistance]. The best management practices identified in your Agricultural Stewardship Plan to address [specific agricultural activity] are needed to prevent the water pollution identified in my letter dated [Form 6 date]. If you have any questions, please call my office at [phone number].

Thank you for cooperating with the Agricultural Stewardship Program. Through cooperation from producers like you, agriculture can address water pollution problems without the need for more stringent legislation and regulations.

Copy: [Local Soil and Water Conservation District]

(VDACS Letterhead)

FORM 8

Response to complainant regarding status of their complaint

[current date]

[name and address of complainant]

Re: Status of [name of farmer or operation]
complaint pursuant to the Agricultural
Stewardship Act (Complaint [number])

Dear [last name]:

An investigation was conducted after receiving your complaint alleging that an agricultural activity on [name of farmer or operation] is causing or will cause water pollution by [list the type(s) of pollution], an investigation was performed on [date] by [list investigator(s) and agency name(s)].

[Explain the findings during the investigation and the Commissioner's decision].

[Describe the obligations of the owner or operator as it relates to the Agricultural Stewardship Act].

Thank you for making us aware of this situation and for being patient as we address water pollution problems caused by agricultural activities.

Copy: [Local Soil and Water Conservation District]

Today's date _____ Complaint Number _____

FORM 9

COMPLAINT INVESTIGATION FOR
AGRICULTURAL STEWARDSHIP ACT

Investigator(s) Name/Agency: _____

List of all present during investigation: _____

Date of complaint and description: _____

Did you find that the complained-of agricultural activity is subject to a VPA or VPDES permit?

Yes No

If yes, stop here and return this form to the Commissioner's Office.

Description of the site during the investigation. (Attach additional sheets if necessary):

In your opinion, does the evidence support the claim that this agricultural activity is causing or will cause water pollution?

Yes No

If no, please list reasons for your conclusion. (Use additional sheets, if necessary.): _____

General Notices/Errata

Stop here and return this form to the Commissioner's Office or continue.

If yes, list all evidence that was collected on site and other supporting data (e.g., pictures, water samples, aerial photographs with stream, topographical maps and technical drawings of the problem areas).

FORM 10

Farm or operation name and address
Agricultural Stewardship Plan
[date]

Objective: [state the objective of the plan]

Statement of water pollution problem: [describe each activity or structure that was identified in Form 6 as causing, or that will cause, water pollution. Then describe each solution to correct the water pollution problem.]

Implementation schedule:

As directed by the Virginia Department of Agriculture and Consumer Services, the implementation of these corrective conservation measures will begin prior to [use date found on Form 6 under plan requirements].

[list each solution and indicate implementation dates]

| Solution(s) | Implementation Date(s) |
|-------------|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Page 2 of Plan

ATTACHMENTS

[Use aerial photographs from USDA Farm Service Agency]

[Use a technical drawing to indicated the affected water feature, problem area, and the corrective conservation measures.]

SIGNATURES:

Owner or Operator _____ Date _____

Soil and Water Conservation
District Representative _____ Date _____

Commissioner of Agricultural
and Consumer Services _____ Date _____

[This planning form is only a guide. Other types of plans are acceptable providing the plan meets Agricultural Stewardship Act requirements.]

**INVESTIGATION TRACKING CALENDAR
REGARDING THE AGRICULTURAL STEWARDSHIP ACT
Complaint No. _____**

| Completion Date | Required Completion Date | Steps in Addressing Complaints |
|-----------------|--------------------------|--|
| | | 1. Commissioner's office receives complaint (use Form 1) |
| | | 2. Letter from Commissioner's office to inform District of complaint (use Form 2) |
| | | 3. District sends response back within five days to Commissioner to inform if they will investigate the complaint (use Form 3) |
| | | 4. Phone calls to owner/operator to inform them of the complaint and inform of intent to investigate (use Form 4) |
| | | 5. Letter sent to owner/operator to follow-up on phone call as well as provide information on the Act (use Form 5) |
| | | 6. Investigate and report to Commissioner within 21 days (use Form 9) |
| | | 7. Commissioner's decision to owner/operator (via certified mail) and District within 30 days (use Form 6) |
| | | 8. Agricultural Stewardship Plan to Commissioner's Office within 60 days (can use Form 10) |
| | | 9. Agricultural Stewardship Plan reviewed by SWCD |
| | | 10. Agricultural Stewardship approval letter to owner/operator within 30 days (use Form 7) |
| | | 11. Letter to Complainant informing them of complaint status (use Form 8) |
| | | 12. Implementation of plan (begin within six months) yes no TM Site visit after six months to insure compliance TM If not implementing, Commissioner sends a corrective action by certified mail. |
| | | 13. Implementation completion not to exceed 18 months. TM Hardship cases can be extended by Commissioner for 180 days only if request is received 60 days before the final implementation or after a natural disaster occurs. Request received: _____ Granted date: _____ New Implementation Completion Date: _____ |
| | | 14. Plan implementation complete |
| | | 15. Site inspection review |

General Notices/Errata

ALCOHOLIC BEVERAGE CONTROL BOARD

Periodic Review of Regulations

Pursuant to Executive Order Number 21 (2002), the Alcoholic Beverage Control Board is currently reviewing the below listed regulations to determine if they should be terminated, amended, or retained in their current form. The review will be guided by the principles listed in Executive Order Number 21 (2002) and in the board's Plan for Review of Existing Agency Regulations.

3 VAC 5-10. Procedural Rules for the Conduct of Hearings before the Board and its Hearing Officers and the Adoption or Amendment of Regulations. The goals of this regulation are:

1. To provide an efficient process for the adjudication of contested license applications, disciplinary cases, and disputes under the Wine and Beer Franchise Acts, while protecting the public health, safety, and welfare.
2. To provide a reasonable opportunity for public input in the formation, amendment, or repeal of agency regulations.

3 VAC 5-20. Advertising. The goals of this regulation are:

To promote the public health, safety, and welfare by promoting moderation in alcoholic beverage advertising, while allowing manufacturers, distributors, and retailers a reasonable opportunity to promote their products in the marketplace.

3 VAC 5-30. Tied House. The goals of this regulation are:

To promote the public health, safety, and welfare by maintaining the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers.

3 VAC 5-40. Requirements for Product Approval. The goals of this regulation are:

1. To determine the nature, form and capacity of all containers used for holding alcoholic beverages, and prescribe the form and content of all labels and seals to be placed thereon.
2. To protect consumers of alcoholic beverages from misleading information concerning the identity or contents of alcoholic beverage products sold in the Commonwealth.

3 VAC 5-50. Retail Operations. The goals of this regulation are:

1. To prescribe reasonable minimum qualifications for holders of retail licenses; and
2. To promote the public health, safety, and welfare by reasonably regulating retail alcoholic beverage sales so as to prevent sales to those under the legal age or intoxicated, and to discourage over consumption.

3 VAC 5-60. Manufacturers and Wholesalers Operations. The goals of this regulation are:

1. To maintain reasonable controls on the sales and promotion of alcoholic beverages in the Commonwealth by wholesalers and manufacturers through a permit procedure for solicitor salesmen and mixed beverage solicitors; and
2. To require manufacturer and wholesale licensees of the Board to maintain sufficient records of purchases and sales of alcoholic beverages to ensure regulatory compliance and excise tax collection without unreasonable burden.

3 VAC 5-70. Other Provisions. The goals of this regulation are:

1. To maintain reasonable controls on the transportation, storage, and sale of alcoholic beverages in the Commonwealth through a permit procedure for transporting alcoholic beverages through the Commonwealth, sacramental wine, culinary uses, hospital, industrial or manufacturing uses, contract distilling, bonded and out of bond warehouse operations, sale of beer in kegs, and grain alcohol;
2. To require licensees of the Board to maintain sufficient records of purchases and sales of alcoholic beverages to ensure regulatory compliance without unreasonable burden;
3. To provide a reasonable means for first-time violators of the Board's regulations to avoid the expense of an administrative hearing by agreeing to accept a prescribed penalty; and
4. To provide guidance to licensees in situations not covered by other chapters.

Written comments may be submitted until April 24, 2004, to W. Curtis Coleburn, Secretary, Virginia Alcoholic Beverage Control Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411, or e-mail to curtis.coleburn@abc.state.va.us.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads (TMDLs) for the Lower Appomattox River Basin and its Tributaries

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for the Lower Appomattox River Basin and its tributaries. The lower Appomattox River TMDL includes those counties that drain to the Appomattox from Amelia County to the City of Hopewell (i.e. Amelia, Chesterfield, Dinwiddie, Nottoway, Powhatan, and Prince George Counties). The subject stream segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for bacteria, benthics, dissolved oxygen and/or pH. The bacteria impairments addressed in the lower Appomattox Basin include a 2.68 square mile, a 7.44 mile and part of an 80.60 mile segment on the Appomattox River; 5.28 miles on Nibbs Creek; 3.99 miles on Flat Creek; 11.19 miles on Deep Creek; 7.22 miles on West Creek; and 1.61, 7.09, and 2.18 mile segments on Swift Creek. The dissolved

oxygen and/or pH impairments include 16.54 miles on Deep Creek; 7 miles on Skinquarter Creek; 1.61 and 7.09 mile segments on Swift Creek; Swift Creek Reservoir; 20.36 miles on Winterpock Creek; and 3.97 miles on Winticomack Creek. The benthic impairment addresses 2.13 miles on an unnamed tributary to Deep Creek.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The third public meeting on the development of the Lower Appomattox Basin TMDLs will be held on Thursday, March 11, 2004, 7 p.m. at 10031 Iron Bridge Road in the Town of Chesterfield police department's public meeting room. The building is located on the corner of Rt. 10 (Iron Bridge Rd.) and Lori Rd. (which is across from Rt. 655, Beach Rd.) in Chesterfield, Virginia.

The public comment period for this final phase of the TMDL development will end on April 10, 2003. Information pertaining to TMDL development is available upon request or can be found on the DEQ's website at <http://www.deq.state.va.us/TMDL>. Written comments should include the name, address, and telephone number of the person submitting the comments. Questions or information requests should be addressed to Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5224, FAX (804) 527-5106, or e-mail rcfrench@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Birch Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Birch Creek. Birch Creek was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for total fecal coliform bacteria. The Birch Creek stream segment is located in Halifax County and flows near Elmo, Virginia. The impaired segment of Birch Creek is 4.83 miles in length, beginning upstream at Carlton Creek and continuing downstream to its mouth at the Dan River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Birch Creek TMDL will be held on Monday, February 23, 2004, 7 p.m. in public meeting room 101 in the Mary Bethune Office Complex at 1030 Cowford Road located in Halifax, Virginia.

The public comment period for this phase of the TMDL development will end on March 25, 2004. A fact sheet on the development of the Birch Creek TMDL is available upon request or can be viewed at the DEQ website at <http://www.deq.state.va.us/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be

sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, or e-mail kjwills@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Cub Run

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Cub Run in Rockingham County. This stream is listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's bacteria standard. The impaired stream segment includes the entire 13.94 miles of Cub Run, from the headwaters to the confluence with the South Fork of the Shenandoah River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The public meeting on the development of the Cub Run TMDL will be held on Thursday, February 12, 2004, 7 p.m. at the Montevideo Middle School Auditorium, which is located at 7648 McGaheysville Rd., McGaheysville, Virginia.

A copy of the draft TMDL report addressing the Cub Run impairment will be available for review on or before February 12, 2004, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdlrvts.html>. The public comment period for the draft report and the meeting will end on March 15, 2004. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail mbrent@deq.state.va.us.

Total Maximum Daily Load (TMDL) in the Deep Run Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) to address an impairment in the Deep Run Watershed. The subject stream segment is identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The impaired stream segment is located along the southern border of Stafford and Fauquier Counties. The impairment begins at the confluence with Green Branch just downstream of the Route 752 bridge and continues downstream approximately 4.83 miles to the confluence with the Rappahannock River.

General Notices/Errata

The third public meeting on the development of the Deep Run Watershed TMDL will be held on Wednesday, March 10, 2003, at 7 p.m. at the Mary Walter Elementary School, located at 4529 Morrisville Road in Bealeton, Virginia.

The public comment period will begin on March 10, 2004, and end on April 8, 2004. A fact sheet on the development of the TMDL for the impairment in the Deep Run Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Falling River

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Falling River. Falling River was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for total fecal coliform bacteria. The two Falling River impaired stream segments are located in Campbell County and flow near Brookneal, Virginia. The upper impaired segment of the Falling River is 2.86 miles in length, beginning upstream at the Falling River mainstem from the confluence of the Falling River North and South Forks and continuing downstream to the mouth of Molly's Creek. The lower impaired segment of Falling River is 7.63 miles in length, beginning at the Little Falling River mouth and continuing downstream to the Falling River mouth on the Roanoke (Staunton) River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Falling River TMDL will be held on Tuesday, February 24, 2004, 7 p.m. in the Brookneal Community Center auditorium located at 261 Main Street in Brookneal, Virginia.

The public comment period for this phase of the TMDL development will end on March 26, 2004. A fact sheet on the development of the Falling River TMDL is available upon request or can be viewed on the DEQ website at <http://www.deq.state.va.us/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, or e-mail kjwills@deq.state.va.us.

Total Maximum Daily Load (TMDL) for an Unnamed Tributary of Hurricane Branch

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for an unnamed tributary of Hurricane Branch. The unnamed tributary of Hurricane Branch was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for the general standard (benthic). The unnamed tributary of Hurricane Branch is located in Nottoway County and flows near Blackstone, Virginia. The impaired segment is 1.12 miles in length, beginning upstream at the Blackstone Municipal Sewage Treatment Plant discharge and continuing downstream to the mouth of the unnamed tributary at its confluence with Hurricane Branch.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the unnamed tributary of Hurricane Branch TMDL will be held on Tuesday, March 2, 2004, 7 p.m. in council chambers of the Blackstone Town Office located at 100 West Elm Street in Blackstone, Virginia.

The public comment period for this phase of the TMDL development will end on April 5, 2004. A fact sheet on the development of the unnamed tributary of Hurricane Branch benthic TMDL is available upon request or can be viewed on the DEQ website at <http://www.deq.state.va.us/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, or e-mail kjwills@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) in the Muddy Run Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Muddy Run Watershed. The subject stream segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The impaired stream segments are located in Culpeper County. The first impairment is a 5.55-mile segment of Muddy Run beginning approximately 0.22 miles upstream of the

DEPARTMENT OF HEALTH

Drinking Water Construction Funding

Route 229 bridge and continuing downstream to the confluence with the Hazel River. The second impairment is a 3.12-mile segment of Muddy Run extending from the headwaters downstream to the confluence with Apperson Creek.

The third public meeting on the development of the Muddy Run Watershed TMDLs will be held on Tuesday, March 9, 2004, at 7 p.m. at the Emerald Hill Elementary School, located at 11245 Rixeyville Road in Culpeper, Virginia.

The public comment period will begin on March 9, 2004, and end on April 7, 2004. A fact sheet on the development of the TMDLs for the impairments in the Muddy Run Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kbenett@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Twitty's Creek

The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Twitty's Creek. Twitty's Creek is listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for the general standard (benthic). Twitty's Creek is located in Charlotte County and flows near Drakes Branch, Virginia. The impaired segment of Twitty's Creek is 7.25 miles in length, beginning upstream at the WestPoint Stevens-Drakes Branch discharge and continuing downstream to its mouth at Roanoke Creek.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The final public meeting on the development of the Twitty's Creek TMDL will be held on Wednesday, March 3, 2004, 7 p.m. in Suite A of the County Administration Building, located at 250 LeGrande Avenue (1.35 miles south of the Hwy 40 and Hwy 47 intersection) in Charlotte Court House, Virginia.

The public comment period for this phase of the TMDL development will end on April 5, 2004. A fact sheet on the development of the Twitty's Creek TMDL is available upon request or can be viewed on the DEQ website at <http://www.deq.state.va.us/tmdl>. Questions or information requests should be addressed to Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, or e-mail kjwills@deq.state.va.us.

VDH will offer funding informational meetings at six locations during March. Attendance is on a first come basis and is limited to 50 people at each location.

Material will focus on Drinking Water Construction funding available through VDH. The Drinking Water State Revolving Fund (DWSRF) Program and the Water Supply Assistance Fund (WSAGF) Program will be discussed. You will be asked for your specific suggestions and opinions.

You will be guided through program criteria, program applications, and the project scheduling steps needed for smooth project implementation.

If you plan to attend, please return the form below to me by February 24, 2004, so we may properly plan the meeting. You may mail it to me at the Department of Health, Office of Drinking Water, Madison Bldg., Room 632, 109 Governor St., Richmond, VA 23219, or FAX at (804) 864-7521. If you have any questions, please call at (804) 864-7501.

/s/ Thomas B. Gray, P.E.
Date: January 20, 2004

I (we) wish to attend the meeting indicated below:

| | | |
|--------------------------|--------------|---|
| <input type="checkbox"/> | Danville | 9:00 a.m.-12:00 p.m., Wednesday, March 3, 2004 at the Pittsylvania/Danville Health District's Auditorium, 326 Taylor Drive, Danville, VA. |
| <input type="checkbox"/> | Abingdon | 9:00 a.m.-12:00 p.m., Thursday, March 4, 2004 at the Southwest VA Higher Education Center, Abingdon, VA. |
| <input type="checkbox"/> | Chesterfield | 9:00 a.m.-12:00 p.m., Friday, March 5, 2004 at the Chesterfield County Health Department's Multi-purpose Room, 9501 Lucy Corr Circle, Chesterfield, VA. |
| <input type="checkbox"/> | Culpeper | 9:00 a.m.-12:00 p.m., Monday, March 8, 2004 at the County of Culpeper's Board of Supervisors Room (rear entrance to Administration Bldg. and 3-hr. parking across the street), 302 North Main Street, Culpeper, VA. |
| <input type="checkbox"/> | Lexington | 9:00 a.m.-12:00 p.m., Tuesday, March 9, 2004 at the Virginia Military Institute's Preston Library, Turman Room, Lexington, VA. |
| <input type="checkbox"/> | Suffolk Area | 9:00 a.m.-12:00 p.m., Wednesday, March 10, 2004 at the Town of Windsor's Municipal Building Counsel Chamber, 8 East Windsor Blvd., Windsor, VA. (Isle of Wight County) |

There will be _____ persons in my party as follows:

| Name | Address | Phone | Representing |
|------|---------|-------|--------------|
|------|---------|-------|--------------|

General Notices/Errata

Drinking Water Funding

I am pleased to announce several opportunities for drinking water funding. Construction applications may be submitted year round. However, applications received after the due date stated below will be considered for funding in following cycle. As described below, funding is made possible by our Drinking Water State Revolving Fund (DWSRF) Program. We anticipate having at least \$13 million. Also the enclosed attachment describes our Water Supply Assistance Grant Fund Program. Our FY 2005 DWSRF Intended Use Plan will be developed using your input on these issues.

(1) 1452(k) Source Water Protection Initiatives - (Yellow application) Must be postmarked by April 2, 2004.

This provision allows VDH to loan money for activities to protect important drinking water resources. Loan funds are available to: (1) community and non-profit noncommunity waterworks to acquire land/conservation easements and (2) to community waterworks, only, to establish local, voluntary incentive-based protection measures.

(2) Construction Funds – (Cream application) Must be postmarked by April 2, 2004.

Private and public owners of community waterworks and nonprofit noncommunity waterworks are eligible to apply for construction funds. VDH makes selections based on criteria described in the Program Design Manual, such as existing public health problems, noncompliance, affordability, regionalization, the availability of matching funds, etc. Readiness to proceed with construction is a key element. A Preliminary Engineering Report must be submitted if required by VDH. An instruction packet and Construction Project Schedule are included.

(3) Set-Aside Suggestion Forms – (White form) Must be postmarked by April 2, 2004.

Anyone has the opportunity to suggest new or continuing set-aside (nonconstruction) activities. Set-aside funds help VDH assist waterworks owners to prepare for future drinking water challenges and assure the sustainability of safe drinking water.

(4) Planning & Design Grants – (Gray application) Must be postmarked by August 27, 2004.

Private and public owners of community waterworks are eligible to apply for these grant funds. Grants can be up to \$25,000 per project for small, rural, financially stressed, community waterworks serving fewer than 3,300 persons. Eligible projects may include preliminary engineering planning, design of plans and specifications, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, or other similar technical assistance projects. These funds could assist the waterworks owner in future submittals for construction funds.

The VDH's Program Design Manual describes the features of the above opportunities for funding. After receiving the aforementioned public input, VDH will develop a draft Intended Use Plan for public review and comment. When developed in August 2004, the draft Intended Use Plan will describe specific details for use of the funds. A public meeting is planned for the fall of 2004 and written comments will be accepted before we submit a final version to the USEPA for approval.

You may request the applications, set-aside suggestion form, Program Design Manual and information from and forward any comments to me by writing, calling, or faxing to the Department of Health, Office of Drinking Water, Madison Bldg., Room 632, 109 Governor St., Richmond, VA 23219, or FAX at (804) 864-7521. If you have any questions, please call at (804) 864-7501. The materials are also accessible on our website www.vdh.virginia.gov/dw.

/s/ Thomas B. Gray, P.E.

Date: January 20, 2004

Attachment Drinking Water Funding

I am pleased to announce an opportunity for drinking water funding. Funding is made possible by our Water Supply Assistance Grant Fund with the availability of about \$360,000. This is all grant funding.

The 1999 General Assembly created the Water Supply Assistance Grant (WSAG) Fund in Section 32.1-171.2 of the Code of Virginia. The purpose of the WSAG is to make grant funds available to localities and owners of waterworks to assist in the provision of drinking water.

Funds are available by submitting an application postmarked on or before the dates indicated for the following three (3) project types.

(1) Planning Grants – Application must be postmarked by August 27, 2004.

Of available funding, \$60,000 or 16.67% will be used for planning needs. Your application cannot exceed this amount.

In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support. The applicant submits the current VDH planning application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF funding purposes only, up to fifty (50) extra points are added to the DWSRF rating criteria relative to the Stress Index rank.

Eligible activities may include (but not be limited to): Capacity building activities addressing regionalization or consolidation, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, income surveys, preliminary engineering planning, design and preparation of plans and specifications, or other similar technical assistance projects.

(2) Surface Water Development or Improvement Grants – Application must be postmarked by April 2, 2004.

Of available funding, \$200,000 or 55.55% will be used for community waterworks surface source water development or improvement activities. Your application cannot exceed this amount.

The applicant submits the current VDH construction application to VDH. In ranking of applications, preference is given to those that address problems of small, rural, community waterworks with multi-jurisdictional support.

Eligible activities may include: land purchase, options to purchase land, general site development costs, and dam upgrade and construction.

Of available funding, \$100,000 or 27.78% will be used for small project construction that is defined as a project whose total project cost does not exceed \$50,000. Eligible activities may include (but not be limited to): upgrade or construction of well or spring sources, waterlines, storage tanks, and treatment.

The applicant submits the current VDH construction application to VDH. To promote coordination of funding and streamline the process for applicants, grants are prioritized in accordance with rating criteria of the current DWSRF Program. For WSAGF purposes only, up to thirty (30) extra points are added to the VDH rating criteria relative to the Stress Index rank. Preference is given to community waterworks. This priority system ensures that all eligible acute or chronic health/ SDWA compliance projects are funded before any other eligible project.

The VDH's WSAGF Program Guidelines describes the features of the above opportunities for funding.

You may request the applications or Program Guidelines by writing, calling, or faxing to the Department of Health, Office of Drinking Water, Madison Bldg., Room 632, 109 Governor St., Richmond, VA 23219, or FAX at (804) 864-7521. If you have any questions, please call at (804) 864-7501. The applications are also accessible on our website www.vdh.virginia.gov/dw.

STATE WATER CONTROL BOARD

Proposed Consent Special Orders A/H Olde Towne Marketplace, L.L.C. C & M Industries, Inc.

The State Water Control Board proposes to enter into a consent special order with A/H Olde Towne Marketplace, L.L.C., in settlement of a civil enforcement action under the State Water Control Law, regarding the Oak Hall Shopping Center sewage treatment plant located in Accomack County, Virginia. The consent order will require corrective actions and the payment of an \$8,000 civil charge.

The State Water Control Board proposes to enter into a consent special order with C & M Industries, Inc., in settlement of a civil enforcement action under the State Water Control Law, regarding an oil spill in the Elizabeth River that occurred on October 31, 2001. The consent order requires payment of a \$42,000 civil charge, \$30,000 of which may be offset by the completion of a supplemental environmental project.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders from February 9, 2004, through March 10, 2004. Comments should be addressed to David S. Gussman, Department of Environmental Quality - Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to an order specified above. Comments may also be submitted by e-mail to dsgussman@deq.state.va.us. In order for email comments to be considered they must include the sender's name, address and phone number. The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may also request a copy from David S. Gussman at the address above or by calling him at (757) 518-2179.

Proposed Consent Special Order BFI Waste Systems of Virginia L.L.C.

The State Water Control Board proposes to issue a consent special order to BFI to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Richmond, Virginia. The proposed order requires corrective action and payment of a \$28,000 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 email address of felupini@deq.state.va.us. All comments received by email must include a 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 Boston Water & Sewer Company Boston Water & Sewer Sewage Treatment Plant

The State Water Control Board proposes to issue a consent special order to Boston Water & Sewer Company regarding the Boston Water & Sewer Sewage Treatment Plant (STP) located in Culpeper County, Virginia.

The facility is subject to VPDES Permit No. VA0065358. The purpose of the order is to ensure the STP's compliance with final permit effluent limits.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through March 10, 2004. Please address comments to Jack Welsch, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Comments may be sent via e-mail to jwelsch@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write, visit the Woodbridge address, or call (703) 583-3854, to obtain a copy of the order.

General Notices/Errata

Proposed Consent Special Order Bridgewater College

The State Water Control Board proposes to enter into a consent special order with Bridgewater College, a private college located in Bridgewater, Virginia. The parties have agreed to the terms of a consent special order for settlement of alleged violations of State Water Control Law resulting from the development of Bridgewater College's New Student Housing Construction Project. The order requires Bridgewater College to compensate for the alleged violations through the purchase of wetland credits from the Shenandoah Wetlands Bank, LLC. The order also provides for the assessment of a civil charge in settlement of the alleged violations. DEQ acknowledges that a third party working for Bridgewater College on the construction project is largely responsible for these alleged violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order C. Eugene Smith

The State Water Control Board proposes to enter into a consent special order with the C. Eugene Smith D/B/A Canaan Valley Estates to resolve violations of the State Water Control Law and regulations at the Canaan Valley Estates wastewater treatment plant in Rockbridge County, Virginia. The facility discharges to Linkswiler Branch in the Upper James River basin.

Since February 2000 the facility has experienced periodic difficulty complying with the permit's effluent limitations for BOD and TSS.

The proposed consent special order settles outstanding notices of violation and incorporates a schedule of compliance to ensure consistent compliance with all the permit requirements. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to

the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Campbell's Septic Tank Cleaning, Inc.

The State Water Control Board proposes to enter into a consent special order with Campbell's Septic Tank Cleaning, Inc (Campbell's). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at Campbell's facility.

Campbell's owns and operates a septage pumping, storage and treatment facility in Augusta County, Virginia, under the terms of a permit issued by the Central Shenandoah Health District. The permit authorizes tank storage, stabilization and land application of septage. The permit and State Water Control Law prohibit the discharge of septage to waters of the state. Based on an inspection of Campbell's facility, DEQ staff found Campbell's to be in violation of State Water Control Law by allowing septage to discharge into the South River. The proposed order includes provisions for preventing recurrence of the violation. The proposed order would also assess a civil charge against Campbell's in settlement of the violation.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order Carrington, L.L.C.

The State Water Control Board proposes to issue a consent special order to Carrington, L.L.C. to resolve certain alleged violations of environmental laws and regulations which have occurred at the residential subdivision known as the Carrington Subdivision located in Henrico County, Virginia. The proposed order requires Carrington to contain and remove unauthorized fill from the unnamed tributary to Meredith Creek, submit proof of purchase of the appropriate credits from a wetland mitigation bank, submit for a permit modification for any change in wetland impacts and mitigation, and the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, or sent to the email address of ecakers@deq.state.va.us. All comments received by email must include your 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 Hollymead Town Center, LLC

The State Water Control Board proposes to enter into a consent special order with Hollymead Town Center, LLC (Hollymead). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law.

The Hollymead Town Center Project (project) is a commercial real estate development located along Route 29 in Albemarle County south of the Regional Airport. On May 29, 2003, DEQ issued coverage to Regency Centers, Inc., under a Virginia Water Protection Permit (permit) for activities associated with construction of the project. During an inspection of the project conducted on October 21, 2003, DEQ staff documented multiple violations of the operational and reporting provisions of the permit. Regency Centers advised DEQ that it plans to develop only a portion of the original project covered by the permit under the corporate entity of Hollymead Town Center, LLC., and that United Land Corporation of America will develop the remaining portion. The proposed order requires the project to be split into two separate permits one of which must be obtained by Hollymead. The proposed order would also assess a civil charge against Hollymead in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order Land Or' Sewage Treatment Plant

The State Water Control Board (Board) proposes to issue a consent special order to Philadelphia Suburban Corporation regarding the Land Or' Sewage Treatment Plant (WWTP) located in Caroline County, Virginia.

The facility is subject to VPDES Permit No. VA0060887. The purpose of the order is to ensure the WWTP's compliance with final permit effluent limits.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through March 10, 2004. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to eacrosier@deq.state.va.us and please reference Land Or' on the subject line. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3886, to obtain a copy of the order.

Proposed Consent Special Order National Fruit Product Company, Incorporated

The State Water Control Board proposes to enter into a consent special order with National Fruit Product Company, Incorporated (National Fruit). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at the National Fruit facility.

National Fruit operates a fruit processing facility in Winchester, Virginia. Under the terms of a Virginia Pollution Abatement (VPA) permit, National Fruit land applies fruit processing wastewater on spray field sites located in Frederick County, Virginia. Based on an inspection and review of records of the facility, DEQ found National Fruit to be in violation of its VPA permit by land applying wastewater outside of the period authorized for irrigation under the VPA permit. The proposed order includes provisions for managing wastewater when irrigation is prohibited under the permit. The proposed order would also assess a civil charge against National Fruit in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order Rudolph, Inc.

The State Water Control Board proposes to issue a consent special order to Rudolph, Inc. to resolve certain alleged violations of environmental laws and regulations that have

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occurred at the residential subdivision known as Kingsland Glen Subdivision located in Chesterfield County, Virginia. The proposed order requires Rudolph, Inc. to submit a completed Joint Permit Application within 30 days of Corps determination of wetland impacts at the subdivision, submit proof of purchase of the appropriate credits from a wetland mitigation bank for the unauthorized impacts to forested wetlands, and the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060; or sent to the email address of ecakers@deq.state.va.us. All comments received by email must include your name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order South Wales Utility, Inc. South Wales Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue a consent special order to South Wales Utility, Inc. regarding the South Wales Wastewater Treatment Plant (WWTP) located in Culpeper County, Virginia.

The facility is subject to VPDES Permit No. VA0029238. The purpose of the order is to ensure the WWTP's compliance with final permit effluent limits.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through March 10, 2004. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to ecrosier@deq.state.va.us and please reference South Wales on the subject line. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3886, to obtain a copy of the order.

Proposed Consent Special Order Southwood, Inc.

The State Water Control Board proposes to enter into a consent special order with Southwood, Inc. to resolve violations of the State Water Control Law and regulations at the Southwood, Inc. sewage treatment plant (STP) in Albemarle County, Virginia. The facility discharges to Biscuit Run in the Middle James River basin.

The STP is exceeding its design capacity and experiencing effluent limitation violations due to an Inflow and Infiltration (I&I) problem in its collection system.

The proposed consent special order settles outstanding notices of violation and incorporates a schedule of compliance to address the I&I problem and to connect the facility to an Albemarle County Sewer Authority collection system line when it becomes available. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Sussex County School Board

The State Water Control Board proposes to issue a consent special order to Sussex County School Board to resolve certain alleged violations of environmental laws and regulations occurring at their sewer treatment plant. The proposed order requires Sussex County School Board to execute corrective action and pay a 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 email address of felupini@deq.state.va.us. All comments received by email must include the sender's 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 Terry/Peterson Development One, L.L.C. and Terry/Peterson Residential Ten, L.L.C.

The State Water Control Board proposes to enter into a consent special order with Terry/Peterson Development One, L.L.C. and Terry/Peterson Residential Ten, L.L.C., regarding compliance with the Virginia Pollutant Discharge Elimination System General Permit Regulations for Discharges of Storm Water from Construction Activities at the development located in Isle of Wight County, VA.

The Department of Environmental Quality will consider written comments relating to the board's proposed consent special order from February 9, 2004, through March 10, 2004. Comments should be addressed to David S. Gilbert, Department of Environmental Quality - Tidewater Regional

Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to the consent special order specified above. Comments may also be submitted by email to dsgilbert@deq.state.va.us. Comments must include the sender's name, address and telephone number. The proposed consent special order may be viewed or downloaded from the DEQ homepage at <http://www.deq.state.va.us/enforcement/notices.html>. Copies are available from Mr. Gilbert at the address above or by calling him at (757) 518- 2185.

Proposed Consent Special Order United Land Corporation of America, Inc.

The State Water Control Board proposes to enter into a consent special order with United Land Corporation of America, Inc (ULCA). The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law. The Hollymead Town Center Project (project) is a commercial real estate development located along Route 29 in Albemarle County south of the Regional Airport. During an inspection of the project conducted on October 21, 2003, DEQ staff observed that impacts had occurred that were outside of the scope of those authorized under the Virginia Water Protection Permit issued by DEQ to Regency Centers, Inc., for the project. Specifically, staff observed that an unnamed tributary of Powell Creek located outside of the permitted area had been impacted by ULCA's construction activities. Staff also observed that the project was configured to discharge stormwater into an unnamed tributary of Powell Creek. Staff noted that the project had not been issued coverage under a General VPDES Permit authorizing discharge of stormwater from the project. ULCA has since obtained a stormwater permit. The proposed order requires the project to be split into two separate permits one of which must be obtained by ULCA. The proposed order would also assess a civil charge against ULCA in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Water Quality Management Planning Regulation Amendment - Twenty-four Total Maximum Daily Load (TMDL) Waste Load Allocations

Notice is hereby given that the State Water Control Board (board) in accordance with the Public Participation Procedures for Water Quality Management Planning is seeking comment

on amending the regulation entitled 9 VAC 25-720 et. seq., Water Quality Management Regulation. Statutory authority for promulgating these amendments can be found in § 62.1-44.15(3a) of the Code of Virginia.

The purpose of the amendment to the state's Water Quality Management Regulation (9 VAC 25-720) is to adopt 24 Total Maximum Daily Load (TMDL) waste load allocations contained in the nine studies or reports. These TMDLs have been developed in accordance with federal regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. These TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the effected stakeholders an opportunity for public appeal of the TMDLs. The nine TMDL reports have been approved by EPA and DEQ staff intends to recommend that the board approve the nine TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments.

Specifically, the amendment will revise the state's Water Quality Management regulation for the following river basins Shenandoah River Basin (9 VAC 25-720-50 A), James River Basin (9 VAC 25-720-60 A), and the Tennessee-Big Sandy River Basin (9 VAC 25-720-90 A) by adopting the following 24 TMDL Waste Load Allocations contained in nine TMDL reports:

"Nitrate TMDL Development for Muddy Creek/Dry River, Virginia"

1. "Muddy Creek nitrate TMDL, located in Rockingham County, proposes nitrate reductions for the Muddy Creek watershed.

"Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins"

2. Cockran Spring Branch benthic TMDL, located in Augusta County, proposes organic solids reductions for portions of the watershed.
3. Lacey Branch benthic TMDL, located in Rockingham County, proposes organic solids reductions for portions of the watershed.
4. Orndorff Spring Branch benthic TMDL, located in Rockbridge County, proposes organic solids reductions for portions of the watershed.
5. Pheasanty Run benthic TMDL, located in Bath County, proposes organic solids reductions for portions of the watershed.
6. Wallace Mill Stream benthic TMDL, located in Augusta County, proposes organic solids reductions for portions of the watershed.
7. Montebello Spring Branch benthic TMDL, located in Nelson County, proposes organic solids reductions for portions of the watershed.

"TMDL Development for Blacks Run and Cooks Creek"

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8. Blacks Run benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
9. Cooks Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
10. Cooks Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.

"TMDL Development for Muddy Creek and Holmans Creek"

11. Muddy Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
12. Muddy Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.
13. Holmans Creek benthic TMDL, located in Rockingham and Shenandoah Counties, proposes sediment reductions for portions of the watershed.

"TMDL Development for Mill Creek and Pleasant Run"

14. Mill Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
15. Mill Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.
16. Pleasant Run benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
17. Pleasant Run benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.

"Total Maximum Daily Load Development for Linville Creek: Bacteria and Benthic Impairments"

18. Linville Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.

"Benthic TMDL for Quail Run"

19. Quail Run benthic TMDL, located in Rockingham County, proposes ammonia reductions for portions of the watershed.
20. Quail Run benthic TMDL, located in Rockingham County, proposes chlorine reductions for portions of the watershed.

"Development of Shenandoah River PCB TMDL"

21. Main Stem and South Fork Shenandoah River PCB TMDL, located in Warren County, proposes PCB reductions for portions of the watershed.
22. North Fork Shenandoah River PCB TMDL, located in Warren County, proposes PCB reductions for portions of the watershed.

23. Main Stem Shenandoah River PCB TMDL, located in Warren and Clarke Counties, proposes PCB reductions for portions of the watershed.

"Guest River Total Maximum Daily Load Report"

24. Guest River benthic TMDL, located in Wise County, proposes sediment reductions for portions of the watershed.

PUBLIC PARTICIPATION: The board is seeking comments on the intended amendment to the Water Quality Management Regulation. Anyone wishing to submit written comments may do so by mail or by e-mail to Charles Martin at the address given below. Written comments must include the name and address of the commenter and must be received no later than 4 p.m. on March 12, 2004.

CONTACT: Additional information is available on the Department of Environmental Quality website at <http://www.deq.state.va.us/tmdl> or contact Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or telephone (804) 698-4462, or e-mail at chmartin@deq.state.va.us.

A copy of the full text of the Water Quality Management Planning Public Participation procedures is available electronically at <http://www.deq.state.va.us/tmdl/pdf/wqmppp.pdf>.

The electronic copy is in PDF format and may be read online or downloaded. Also, hard copies are available upon request.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on January 15, 2004. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Director's Order Number One (04)

Virginia's Instant Game Lottery 256; "Double Wild 8's," (effective 1/13/04)

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://register.state.va.us>.

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
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: **2 VAC 5-360. Regulations for the
Enforcement of the Virginia Commercial Feed Act.**

Publication: 20:9 VA.R. 889-890 January 12, 2004.

Correction to Final Regulation:

Page 889, change effective date from "February 11, 2004" to
"February 12, 2004."

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

Publication: 19:25 VA.R. 3785-3786 August 25, 2003.

Correction to Final Regulation:

In the full text published at
<http://register.state.va.us/vol19/iss25/f9v25260full.doc>, on
page 2, after the definition of "passing organisms," insert the
following definition:

"Primary contact recreation" means any water-based form of
recreation, the practice of which has a high probability for total
body immersion or ingestion of water (examples include but
are not limited to swimming, water skiing, canoeing and
kayaking).

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Bright Flue-Cured Tobacco Board

† **March 11, 2004 - 9:30 a.m.** -- Open Meeting
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia.♿

A meeting to review and consider approval of minutes of the last meeting. In addition, the board's financial statement will be reviewed and the budget for FY04-05 approved. During the meeting, the board will consider funding proposals for research, promotion, and education projects pertaining to the Virginia flue-cured tobacco industry. Other business that may come before the board will be considered. 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 D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Board Secretary, Virginia Bright Flue-Cured Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234.

Virginia Cattle Industry Board

† **February 17, 2004 - 10 a.m.** -- Open Meeting
Holiday Inn Golf and Conference Center, Woodrow Wilson Parkway, Staunton, Virginia.

A meeting to approve minutes of the September 2003 meeting, in addition to reviewing the financial statement for the period October 1 through February 1. Financial statements will be reviewed for all projects submitted for fiscal year ending September 30, 2003. Staff will provide program updates for the state and national level. National Cattlemen's Beef Association representatives will be on hand to discuss current topics affecting cattlemen and

consumers in today's marketplace. They will be available to answer any questions about the current industry. 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 Reginald B. Reynolds at least five days before the meeting date so that suitable arrangements can be made.

Contact: Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Corn Board

February 12, 2004 - 8 a.m. -- Open Meeting
DoubleTree Hotel, Richmond Airport, 5501 Eubank Road, Richmond, Virginia.♿

A meeting of the board to discuss checkoff revenues resulting from sale of the 2003 corn crop and approve the previous meeting minutes. The board will also hear FY 2003-2004 project reports and receive FY 2004-2005 project proposals. Following all of the presentations, the group will make funding decisions for the fiscal year beginning July 1, 2004. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.


Virginia Cotton Board

March 9, 2004 - 9:30 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia.♿

The board's agenda will include discussions and approval of contractual arrangements with national and regional organizations, reports of programs and projects funded over the past year, hearing of Project Proposal Grant Requests on cotton by VPI&SU, VSU, and other groups for the year 2004-2005. During the meeting financial reports and minutes of the board's last meeting will be heard and approved. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104 or e-mail gmlteer@vdacs.state.va.us.


Virginia Soybean Board

March 11, 2004 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

The board will discuss checkoff revenues resulting from sales of the 2003 soybean crop and approve previous meeting minutes. The board will hear project reports for FY 2003-2004 and project proposals for FY 2004-2005. Funding decisions will be made for the fiscal year beginning July 1, 2004. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

Virginia Winegrowers Advisory Board


February 10, 2004 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. 

A board meeting to consider committee reports and a report from a representative of the Alcoholic Beverage Control Board. There will be a presentation of the board's financial statement and hearing and approval of minutes of the last board meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

Contact: Mary Davis-Barton, Board Secretary, Virginia Winegrowers Advisory Board, 1100 Bank Street, 9th Floor,

Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122, e-mail mdavis-barton@vdacs.state.va.us.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

March 23, 2004 - 10 a.m. -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting.


Contact: Janet L. Honeycutt, Director of Grant Operations, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 554-3402, (804) 662-9333/TTY , e-mail jlhoneycutt@vdh.state.va.us.

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


February 12, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Certified Interior Designers Section. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.virginia.gov.

February 12, 2004 - 1 p.m. -- Open Meeting
† February 17, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 454, Richmond, Virginia. 

A meeting to conduct an informal fact-finding hearing.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.virginia.gov.

March 11, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

Calendar of Events

A meeting of the full board. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.virginia.gov.

April 9, 2004 - 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amending regulations entitled **18 VAC 10-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify existing public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

† **March 11, 2004 - 9 a.m.** -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

April 9, 2004 - 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 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amending regulations entitled **18 VAC 10-20, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**. The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

Statutory Authority: §§ 54.1-113, 54.1-201, 54.1-404 and 54.1-411 C of the Code of Virginia.

Contact: Mark N. Courtney, Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior

Designs and Landscape Architects , 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or e-mail APELSCIDLA@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

March 5, 2004 - 10 a.m. -- Open Meeting

April 2, 2004 - 10 a.m. -- Open Meeting

† **May 7, 2004 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA Chairman, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail rford@comarchs.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

February 18, 2004 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.virginia.gov.

† **February 19, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

A meeting to conduct an informal fact-finding conference.

Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.virginia.gov.

April 9, 2004 - 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 Board for Asbestos, Lead, and Home Inspectors intends to amend regulations entitled **18 VAC 15-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify existing public participation guidelines.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230,

telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

AUCTIONEERS BOARD

† **February 23, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: Marian H. Brooks, Regulatory Board Administrator,
Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-
9753/TTY , e-mail Auctioneers@dpor.virginia.gov.


April 9, 2004 - 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 Auctioneers Board intends to amend regulations entitled **18 VAC 25-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.


Statutory Authority: §§ 2.2-4007 and 54.1-602 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 19, 2004 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting to include regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

February 19, 2004 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 3, Richmond, Virginia. 

March 13, 2004 - 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 Audiology and Speech-Language Pathology intends to amend regulations entitled **18 VAC 30-20, Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to increase certain fees related to applications and renewal of licensure and change from a biennial renewal to an annual renewal.

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


Public comments may be submitted until March 13, 2004, to Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.


Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

VIRGINIA AVIATION BOARD


† **February 17, 2004 - 1 p.m.** -- Open Meeting
Ivor Massey Building, Richmond International Airport,
Richmond, Virginia. 

A meeting of the Aviation Compatible Land Use Committee to discuss compatible land use at Virginia airports.

Contact: Carolyn Toth, Administrative Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, toll-free (800) 292-1034, (804) 236-3634/TTY , e-mail Carolyn.Toth@doav.virginia.gov.

† **February 17, 2004 - 3 p.m.** -- Open Meeting
† **February 18, 2004 - 9 a.m.** -- Open Meeting
Ivor Massey Building, Richmond International Airport,
Richmond, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.


Contact: Carolyn Toth, Administrative Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, toll-free (800) 292-1034, (804) 236-3624/TTY , e-mail Carolyn.Toth@doav.virginia.gov.

Calendar of Events


BOARD FOR BARBERS AND COSMETOLOGY

† **March 1, 2004 - 9 a.m.** -- Open Meeting

† **March 2, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail barbercosmo@dpor.virginia.gov.


April 9, 2004 - 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 Barbers and Cosmetology intends to amend regulations entitled **18 VAC 41-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify the existing regulation by specifying that the term "agency" refers to the board; clarifying that, in addition to a person, an organization may file a petition for rulemaking; and excepting fast-track rulemaking from the applicability of certain provisions of the public participation guidelines.


Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 19, 2004 - 9 a.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


Contact: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barberscosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

April 13, 2004 - 1 p.m. -- Open Meeting

Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to review information regarding Department for the Blind and Vision Impaired activities and operations, review expenditures from the board endowment fund, and discuss other issues raised for the board members.

Contact: Kathy C. Proffitt, Administrative Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail proffikc@dbvi.state.va.us

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Statewide Rehabilitation Council for the Blind and Vision Impaired

March 13, 2004 - 10 a.m. -- Open Meeting


Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond VA 23227  (Interpreter for the deaf provided upon request)

A meeting of the council to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.


Contact: James G. Taylor, Chief Deputy Commissioner, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail taylorjg@dbvi.state.va.us.

CEMETERY BOARD

† **March 10, 2004 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

A meeting to conduct an informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Cemetery Board, 3600 W. Broad St. Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail Karen.oneal@dpor.virginia.gov.

April 9, 2004 - 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 Cemetery Board intends to amend regulations entitled **18 VAC 47-10, Public Participation Guidelines**. The purpose of the proposed action is to (i)

allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.


Statutory Authority: §§ 2.2-4007 54.1-201 and 54.1-2313 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD


February 17, 2004 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Northern Area Review Committee will conduct general business, including a review of local Chesapeake Bay Preservation Area programs for the northern area.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

February 17, 2004 - 2 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


The Southern Area Review Committee will conduct general business, including a review of local Chesapeake Bay Preservation Area programs for the southern area.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

CHILD DAY-CARE COUNCIL

† **February 12, 2004 - 10 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, Richmond, Virginia.

A regular meeting.

Contact: Pat Rengnerth, Board Liaison, Child Day-Care Council, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , e-mail patricia.rengnerth@dss.virginia.gov.


April 9, 2004 - 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 Child Day-Care Council intends to repeal regulations entitled **22 VAC 15-20, General Procedures and Information for Licensure**. The purpose of the proposed action is to repeal the existing regulation that was jointly promulgated with the State Board of Social Services.


Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.


Contact: Kathryn Thomas, Program Development Consultant, Child Day-Care Council, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7158, FAX (804) 726-7132 or e-mail kathryn.thomas@dss.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


March 17, 2004 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees will meet as follows: Academic and Student Affairs, Audit, and Budget and Finance will meet at 1:30 p.m.; Facilities and Personnel Committees will meet at 3 p.m.


Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

March 18, 2004 - 8:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD


February 18, 2004 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.


Calendar of Events

DEPARTMENT OF CONSERVATION AND RECREATION

† **February 17, 2004 - 10 a.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 


A meeting of the Twin Lakes State Park Master Plan Advisory Committee to take a tour of the park, review park resource map and discussion questions. If time permits, the advisory committee will begin work on goals and objectives.

Contact: Anne Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

† **March 16, 2004 - 10 a.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 


A meeting of the Twin Lakes State Park Master Plan Advisory Committee to finalize its work on park goals and objectives and purpose statement as well as potential future park development.

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

† **March 30, 2004 - 7 p.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to review park resource inventory maps, goals and objectives, and the park purpose statement, as well as review recommendations for future developments for the master plan.

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

† **April 20, 2004 - 10 a.m.** -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia. 

A meeting of the Twin Lakes State Park Master Plan Advisory Committee to review public input and finalize goals, objectives and the park purpose statement, as well as review recommendations for future developments for the master plan.

Contact: Anne L. Reeder, Park Manager, Department of Conservation and Recreation, 788 Twin Lakes Rd., Green Bay, VA 23942, telephone (434) 392-3435, FAX (434) 392-9406, e-mail alreeder@dcr.state.va.us.

BOARD FOR CONTRACTORS

February 10, 2004 - 9 a.m. -- Open Meeting
February 11, 2004 - 1:30 p.m. -- CANCELED

February 18, 2004 - 9 a.m. -- Open Meeting


February 24, 2004 - 9 a.m. -- Open Meeting

February 26, 2004 - 9 a.m. -- Open Meeting


March 9, 2004 - 9 a.m. -- Open Meeting

March 16, 2004 - 9 a.m. -- Open Meeting

† **March 23, 2004 - 9 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

February 11, 2004 - 10 a.m. -- Open Meeting


† **May 5, 2004 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

March 2, 2004 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular meeting that will address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.


April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Contractors intends to amend regulations entitled **18 VAC 50-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests


to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 54.1-1102 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 13, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.


BOARD OF CORRECTIONAL EDUCATION

† February 20, 2004 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.


BOARD OF CORRECTIONS

† March 16, 2004 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

The following committees will meet:


Liaison - 10 a.m.
Correctional Services/Policy and Regulations Committee - 1 p.m.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† March 17, 2004 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

† March 17, 2004 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting to review and discuss all matters earlier considered by board committees that now require presentation to and action by the full board.


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING


† February 13, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 


The Discipline Committee will meet to determine if there is evidence of violation of the regulations that govern the practice of counseling in Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.state.va.us.

February 13, 2004 - 10 a.m. -- CANCELED
Department of Health Professions 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters has been canceled.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.state.va.us

February 13, 2004 - 10 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

February 27, 2004 - 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 Counseling intends to amend regulations entitled **18 VAC 115-20, Regulations Governing the Practice of Professional Counseling, 18 VAC 115-50, Regulations Governing the Practice of Marriage and Family Therapy, and 18 VAC 115-60, Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.** The purpose

Calendar of Events

of the proposed action is to comply with a statutory mandate to require continuing education. The board is proposing a requirement of 20 hours per year and a provision for an inactive licensure status to accommodate individuals who are not actively practicing and who may be unable to meet the continuing competency requirements.

Statutory Authority: §§ 54.1-103, 54.1-2400 and 54.1-3505.1 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

NOTE: CHANGE IN MEETING DATE AND LOCATION

† **February 26, 2004 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

A meeting of the Credential Review Committee to review applicants' files.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

† **February 26, 2004 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting of the Regulatory Committee to review proposed language for a guidance document on Confidential Consent Agreements.

Contact: Benjamin Foster, Deputy Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail Benjamin.foster@dhp.state.va.us.

NOTE: CHANGE IN MEETING DATE AND LOCATION

† **February 27, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Executive Board to preview the board meeting agenda. There will be no public comment.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

† **February 27, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A regular board meeting and formal conferences to determine if there have been any violations of the regulations that govern the Board of Counseling.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

† **February 27, 2004 - 11 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A formal hearing.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

BOARD OF DENTISTRY

February 27, 2004 - 12:30 p.m. -- Open Meeting

March 5, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A Special Conference Committee will convene to hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail Cheri.Emma-Leigh@dhp.state.va.us.

February 27, 2004 - 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 Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to update certain requirements and terminology, to clarify the board's requirements, especially related to dental education, to eliminate a jurisprudence examination and add requirements for additional training for applicants who have had multiple examination failures. Amendments also modify educational, monitoring and equipment requirements for administration of various forms of analgesia, sedation and anesthesia as minimally necessary to ensure public safety.

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 February 27, 2004, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St.,

Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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March 13, 2004 - 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 Dentistry intends to amend regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to limit the number of continuing education hours that may be obtained through home study to five hours out of a requirement of 15 hours per year.

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

Public comments may be submitted until March 13, 2004, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, 6th Floor, Richmond, VA 23230.


Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


February 19, 2004 - 11 a.m. -- Open Meeting

March 18, 2004 - 11 a.m. -- Open Meeting


April 15, 2004 - 11 a.m. -- Open Meeting

Department of General Services, Eighth Street Office Building, 3rd Floor, 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. Contact Division of Engineering and Building to confirm meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail rbishton@dgs.state.va.us.


BOARD OF EDUCATION

February 25, 2004 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

March 24, 2004 - 9 a.m. -- Open Meeting

† **April 28, 2004 - 9 a.m.** -- Open Meeting

† **April 29, 2004 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting of the board. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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 EDUCATION

April 1, 2004 - 8:30 a.m. -- Open Meeting

April 2, 2004 - 8:30 a.m. -- Open Meeting

Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the State Special Education Advisory Committee. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

Advisory Board on Teacher Education and Licensure

March 15, 2004 - 9 a.m. -- Open Meeting

April 19, 2004 - 9 a.m. -- Open Meeting

Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last minute changes in time or location. Persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

Calendar of Events

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.


DEPARTMENT OF EMPLOYMENT DISPUTE RESOLUTION

March 24, 2004 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia.

A quarterly meeting of the VADRA Council.


Contact: Claudia Farr, Director, Department of Employment Dispute Resolution, 830 E. Main St., Suite 400, Richmond, VA 23219, telephone (804) 786-7994, e-mail vadra@edr.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† February 10, 2004 - 7 p.m. -- Open Meeting
Fuller-Peery Exhibition Hall, Tazewell County Fairgrounds, Tazewell, Virginia. 


The final public meeting on the development of the benthic TMDL for a 5.5-mile segment of the Clinch River located in Tazewell County. The public notice appeared in the Virginia Register on January 26, 2004, and the comment period closes on March 12, 2004.

Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

† February 11, 2004 - 7 p.m. -- Open Meeting
Bristol Virginia Courthouse Circuit Courtroom, 497 Cumberland Street, Bristol, Virginia. 


The final public meeting on the development of benthic and bacteria TMDLs for Beaver Creek in Washington County and Bristol, Virginia. The public notice appeared in the Virginia Register on January 26, 2004, and the public comment period closes on March 12, 2004.

Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

† February 12, 2004 - 7 p.m. -- Open Meeting
Honaker Town Hall, Honaker, Virginia. 


The final public meeting on the benthics TMDL for a 4.84-mile segment of Lewis Creek located in Russell County. The public notice appeared in the Virginia Register on January 26, 2004, and the public comment period closes on March 12, 2004.

Contact: Nancy T. Norton, Department of Environmental Quality, 355 Deadmore St., Abingdon, VA 24210, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.state.va.us.

† February 23, 2004 - 7 p.m. -- Open Meeting
Mary Bethune Office Complex, 1030 Cowford Road, Public Meeting Room 101, Halifax, Virginia. 


The final public meeting on the development of the fecal coliform TMDL for a 4.83-mile segment of Birch Creek located in Halifax County. The public notice will appear in the Virginia Register on February 9, 2004, and the comment period closes on March 25, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.state.va.us.

† February 24, 2004 - 7 p.m. -- Open Meeting
Brookneal Community Center, 261 Main Street, Auditorium, Brookneal, Virginia. 


The final public meeting on the bacteria TMDL for two Falling River impaired segments located in Campbell County. The public notice will be published in the Virginia Register on February 9, 2004, and the public comment period closes on March 26, 2004.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.state.va.us.

† March 2, 2004 - 7 p.m. -- Open Meeting
Blackstone Town Council Chambers, 100 West Elm Street, Blackstone, Virginia. 

The final public meeting on the development of a benthic TMDL for a 1.12-mile segment of an unnamed tributary of Hurricane Branch located in Nottoway County. The public notice will be published in the Virginia Register on February 9, 2004, and the comment period closes on April 5, 2004.


Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.state.va.us.

† March 3, 2004 - 7 p.m. -- Open Meeting
Charlotte County Administration Building, 250 LeGrande Avenue, Suite A, Charlotte Court House, Virginia. 

The final public meeting on the development of a benthic TMDL for a 7.25-mile segment of Twitty's Creek located in Charlotte County. The public notice will be published in the Virginia Register on February 9, 2004, and the comment period closes on April 5, 2004.


Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

† February 26, 2004 - 1 p.m. -- Open Meeting
Pavilion Conference Center, 1900 Pavilion Drive, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

Committee on Fire Education and Training at 1 p.m.; Committee on Fire Prevention and Control at 2:30 p.m. Combined meeting: Committee on Finance and Committee on Administration and Policy at 3:30 p.m. VFSB Members will attend a reception hosted by the Virginia Fire Chiefs Executive Committee on the evening of Thursday, February 26, 2004, from 5 p.m. until 7 p.m. No official business will be discussed during this reception.

Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.

† **February 27, 2004 - 9 a.m.** -- Open Meeting
Pavilion Conference Center, 1900 Pavilion Drive, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

This meeting will be held in conjunction with the Virginia Fire Chiefs Association Mid-Atlantic Expo and Symposium. During the Expo VFSB members will be attending training classes and events, but no official public business will be discussed. A schedule of events can be found on the Virginia Fire Chiefs Association web site www.sfcav.org. The Expo will run from February 26 through February 29, 2004.

Contact: Jennifer Cole, VFSB Clerk, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail jcole@vdfp.state.va.us.

DEPARTMENT OF GENERAL SERVICES

† **March 23, 2004 - 10:30 a.m.** -- Public Hearing
Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abington, Virginia.

† **March 24, 2004 - 10:30 a.m.** -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

† **March 30, 2004 - 11:30 a.m.** -- Public Hearing
City Center, 700 Town Center Drive, James Room, Newport News, Virginia.

† **March 31, 2004 - 11 a.m.** -- Public Hearing
Department of General Services, Division of Consolidated Laboratory Services, 600 North 5th Street, Richmond, Virginia.

† **April 1, 2004 - 11:30 a.m.** -- Public Hearing
Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia.

April 9, 2004 - 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 Department of General Services' Division of Consolidated Laboratory Services intends to adopt regulations entitled **1 VAC 30-45, Certification for Noncommercial Environmental Laboratories**, and **1 VAC 30-46, Certification for Commercial Environmental**

Laboratories. The purpose of the proposed action is to establish a program to certify environmental laboratories that submit data to the Department of Environmental Quality under Virginia's air, waste and water laws and regulations. Section 2.2-1105 of the Code of Virginia requires the Division of Consolidated Laboratory Services to establish and carry out the program to ensure that environmental laboratories provide accurate and consistent tests, analyses, measurements and monitoring.

Statutory Authority: § 2.2-1105 of the Code of Virginia.

Contact: Nancy S. Saylor, Consultant to the Division of Consolidated Laboratory Services, 600 N. 5th St., Richmond, VA 23219, telephone (804) 231-7980, FAX (804) 231-7980 or e-mail nssaylor@erols.com.


BOARD FOR GEOLOGY

April 9, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 that the Board for Geology intends to amend regulations entitled **18 VAC 70-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow that requests placed on the board's public participation notification list be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-1402 of the Code of Virginia.


Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

April 20, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail david.dick@dpor.virginia.gov.

GEORGE MASON UNIVERSITY

March 24, 2004 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Fairfax, Virginia. 

A meeting of the Board of Visitors. The agenda will be published 10 days prior to the meeting.

Contact: Mary Roper, Secretary, pro tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030,

Calendar of Events

telephone (703) 993-8703, (703) 993-8707/TTY ☎, e-mail mroper@gmu.edu.

DEPARTMENT OF HEALTH

State Emergency Medical Services Advisory Board

February 13, 2004 - 1 p.m. -- Open Meeting

The Place at Innsbrook, 4036 Cox Road, Richmond, Virginia. ♿

A regular meeting.

Contact: Gary R. Brown, Director, State Emergency Medical Services Advisory Board, Department of Health, 109 Governor Street, Suite UB-55, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, e-mail gary.brown@vdh.virginia.gov.

Sewage Handling and Disposal Appeal Review Board

February 25, 2004 - 10 a.m. -- Open Meeting

April 7, 2004 - 10 a.m. -- Open Meeting

Henrico County Health Department, 8600 Dixon Powers Drive, Human Services Board Room, Richmond, Virginia.

A meeting to hear appeals of the health department denials of septic tank permits.

Contact: Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7476, e-mail susan.sherertz@vdh.virginia.gov.

BOARD OF HEALTH PROFESSIONS

February 13, 2004 - 9 a.m. -- Open Meeting

April 16, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, Alcoa Building, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program (HPIP).

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

February 27, 2004 -- 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 Department of Health Professions intends to adopt regulations entitled **18 VAC 76-40, Regulations Governing Emergency Contact Information**. The purpose of the proposed action is to set

forth requirements for collection of emergency contact information.

Statutory Authority: § 54.1-2506.1 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

March 2, 2004 - 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 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

February 20, 2004 - 10 a.m. -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Review Board hears appeals concerning Virginia's building and fire codes and other department regulations. The board also considers interpretations of the codes as recommendations to the Board of Housing and Community Development for future amendment or repeal of provisions.

Contact: Vernon W. Hodge, Secretary, State Building Code Technical Review Board, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7150.

DEPARTMENT OF LABOR AND INDUSTRY

† **February 12, 2004 - 9:30 a.m.** -- Open Meeting

Virginia Department of Labor and Industry, Powers Taylor Building, 13 South 13th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general meeting of the Virginia Apprenticeship Council subcommittee.

Contact: Beverly Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382,

FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

† **March 18, 2004 - 10 a.m.** -- Open Meeting
New Horizons Regional Educational Center, 520 Butler Farm Road, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Apprenticeship Council.

Contact: Beverly Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

STATE LIBRARY BOARD

March 15, 2004 - 8:15 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:

8:15 - 9:15 a.m. - Public Library Development Committee
Publications and Educational Services Committee
Records Management Committee

9:30 - 10:30 a.m. - Archival and Information Services Committee
Collection Management Services Committee
Legislative and Finance Committee

10:30 a.m. - Library Board

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

† **March 8, 2004 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 N. Second Street, 1st Floor, Board Room, Richmond, Virginia. ♿

A regular meeting to consider such matters as may be presented.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY ☎, e-mail ted.mccormack@dhd.virginia.gov.

MARINE RESOURCES COMMISSION

February 24, 2004 - 9:30 a.m. -- Open Meeting
March 23, 2004 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly commission meeting.

Contact: Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail jmccroskey@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

April 13, 2004 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. ♿

A routine quarterly meeting required by the BMAS bylaws.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nancy.malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

February 9, 2004 - 9 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia.

A meeting of the Pharmacy and Therapeutics Committee to review drug classes for PDL implementation in July.

Contact: Adrienne Fegans, Program Operations Administrator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4112, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail afegans@dmas.virginia.gov.

February 27, 2004 - 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 Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-60, Standards Established and Methods Used to Assure High Quality Care, and 12 VAC 30-90, Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to discontinue duplicative reimbursement for adult specialized care services in nursing facilities.


Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Paula Margolis, Reimbursement Analyst, Division of Provider Reimbursement, 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 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804)

Calendar of Events

786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

† **March 16, 2004 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. 

A meeting of the Pharmacy Liaison Committee to discuss current DMAS pharmacy issues and programs.

Contact: Javier Menendez, RPh, Pharmacy Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-2196, (800) 343-0634/TTY , e-mail jmenendez@dmas.state.va.us.


March 26, 2004 - 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 Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-70, Methods and Standards for Establishing Payment Rates; Inpatient Hospital Services.** The purpose of the proposed action is to reduce capital cost reimbursement levels for inpatient hospitals from 100% to 80%, found in 12 VAC 30-70-271.


Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until March 26, 2004, to Steve Ford, Manager, Division of Provider Reimbursement, 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 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

March 30, 2004 - 4 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Board Room, Richmond, Virginia. 

A meeting of the Medicaid Physicians Advisory Committee to discuss physician issues in the Medicaid system.

Contact: Chris Schroeder, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail cschroed@dmas.state.va.us.

BOARD OF MEDICINE

February 10, 2004 - 9:15 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

March 27, 2004 - 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 Medicine intends to

amend regulations entitled **18 VAC 85-110, Regulations Governing the Practice of Licensed Acupuncturists.** The purpose of the proposed action is to license an applicant who graduated from an acupuncture program that had obtained candidacy status from the accrediting body and subsequently been accredited within three years of the applicant's graduation.

Statutory Authority: §§ 54.1-113 and 2.2-295.69 of the Code of Virginia.

Public comments may be submitted until March 27, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **February 12, 2004 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. 

April 10, 2004 - 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 Medicine intends to amend regulations entitled **18 VAC 85-120, Regulations Governing the Certification of Athletic Trainers.** The purpose of the proposed action is to allow the board to provide a limited provisional certification to those licensed or certified in another jurisdiction pending completion of an application.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public comments may be submitted until April 10, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

February 13, 2004 - 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 Medicine intends to amend regulations entitled **18 VAC 85-20, Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic.** The purpose of the proposed action is to increase fees by \$77 per licensee for a biennial renewal, with other associated fees increased by a like amount. This regulatory action will replace the emergency regulations in effect since July 15, 2003. The fee increase is necessary because of a substantial increase in the number

of disciplinary proceedings related to implementation of HB1441 of the 2003 Session of the General Assembly.

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

Public comments may be submitted until February 13, 2004, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

February 13, 2004 - 9 a.m. -- Open Meeting

† **March 12, 2004 - 1 p.m.** -- Open Meeting

† **March 17, 2004 - 8:45 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

† **February 17, 2004 - 9 a.m.** -- Open Meeting

Clarion Hotel, 3315 West Broad Street, Roanoke, Virginia.

† **February 25, 2004 - 9 a.m.** -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **March 10, 2004 - 8:45 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **April 14, 2004 - 9 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

An informal conference committee meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

† **February 18, 2004 - 8:45 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. ♿

The full board or a panel of the board consisting of at least five board members will convene a formal hearing(s) and or informal conference committee to inquire into allegations that certain practitioners may have violated laws and regulations that governing the practice of medicine and other healing arts in Virginia. Further, the board may review cases with staff for case disposition including consideration of consent orders for settlement. The board will meet in open and closed sessions. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6603 W. Broad St., Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail peggy.sadler@dhp.state.va.us.

Advisory Board on Acupuncture

February 10, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting to consider proposed regulations governing ethical practice and other issues as may be presented on the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Advisory Board on Athletic Training

February 12, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting to consider proposed regulations governing ethical practice and other issues as may be presented on the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Advisory Board on Occupational Therapy

February 11, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

The board will consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Advisory Board on Physician Assistants

February 12, 2004 - 1 p.m. -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting to consider proposed regulations governing ethical practice and other issues as may be presented on the agenda.


Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Calendar of Events


Advisory Board on Radiologic Technology

February 10, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider proposed regulations governing ethical practice and other issues as may be presented on the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.state.va.us.


Advisory Board on Respiratory Care

February 11, 2004 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider proposed regulations governing ethical practice and other issues as may be presented on the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail william.harp@dhp.state.va.us.


DEPARTMENT OF MINES, MINERALS AND ENERGY

February 13, 2004 - 1 p.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, Conference Room 116, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A meeting sponsored by the Division of Mined Land Reclamation to give interested persons an opportunity to be heard regarding the FY2004 Abandoned Mine Land Consolidated Grant Application to be submitted to the Federal Office of Surface Mining. This meeting is open to the public. Anyone needing special accommodations should contact the DMME within seven days prior to the meeting date.


Contact: Roger A. Williams, AML Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8208, FAX (276) 523-8247, (800) 828-1120/TTY , e-mail Roger.Williams@dmme.virginia.gov.

Virginia Gas and Oil Board


† **February 17, 2004 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center, Virginia Highlands Community College, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. The public may address the board on individual items as they are called. Anyone needing special


accommodations should contact the Division of Gas and Oil at least one week prior to the meeting date.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, 230 Charwood Dr., Abingdon, VA 24212, telephone (276) 676-5423, (800) 828-1120/TTY , e-mail bob.wilson@dmme.virginia.gov.


DEPARTMENT OF MOTOR VEHICLES

February 11, 2004 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Medical Advisory Board.

Contact: J.C. Branche, R.N., Division Manager, Department of Motor Vehicles, 2300 West Broad Street, Richmond VA 23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY , e-mail dmvj3b@dmv.state.va.us.


VIRGINIA MUSEUM OF FINE ARTS


† **February 18, 2004 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO 2nd Floor Conference Room, Richmond, Virginia. 

The following committees will meet:


Exhibitions - 9 a.m.
Nominating - 10 a.m.
Planning - 10:30 a.m.
Education and Programs - 2 p.m.
Communications and Marketing - 3:15 p.m.
Legislative - 4:15 p.m.


Meeting for staff to update the committees. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

February 18, 2004 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Parlor, Richmond, Virginia. 

A meeting for staff and architects to update the Museum Expansion committee in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

February 19, 2004 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

The following committees will meet:

Buildings and Grounds - 8:30 a.m.

Collections - 9:30 a.m.
Finance - 11 a.m.

Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

February 19, 2004 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting for staff to update the Board of Trustees. Some of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

March 2, 2004 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

April 6, 2004 - 8 a.m. -- Open Meeting
† **May 4, 2004 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, MDR Payne Room, Richmond, Virginia. ♿

A meeting for staff to update the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

February 10, 2004 - 9 a.m. -- Open Meeting
February 17, 2004 - 9 a.m. -- Open Meeting
February 25, 2004 - 9 a.m. -- Open Meeting
April 8, 2004 - 9 a.m. -- Open Meeting
April 13, 2004 - 9 a.m. -- Open Meeting
April 19, 2004 - 9 a.m. -- Open Meeting
April 20, 2004 - 9 a.m. -- Open Meeting
† **April 29, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

February 13, 2004 - 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 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to increase certain fees for registered and licensed practical nurses to provide sufficient funding for an increased disciplinary caseload related to mandated reporting of misconduct and to offset the decrease in revenue related to Virginia's entry into the Nurse Licensure Compact in January 2005. The biennial renewal fee will increase from \$70 to \$95 and other fees associated with the renewal fee will increase accordingly.

Statutory Authority: §§ 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of the Code of Virginia.

Public comments may be submitted until February 13, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

February 18, 2004 - 9 a.m. -- Open Meeting
April 21, 2004 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, e-mail nursebd@dhp.state.va.us.

February 27, 2004 - 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 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to clarify and update certain provisions affecting nursing education programs, the practice of nursing, and medication administration programs. Current regulations for nurse aides and nurse aide education programs found within 18 VAC 90-20 are being repromulgated in a new set of regulations, 18 VAC 90-25, Regulations Governing Certified Nurses.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Calendar of Events

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.state.va.us.

February 27, 2004 - 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 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to clarify instructional expectations of the board for maintaining approval to provide nurse aide education, the process for reporting to the board for an interruption in the program. Regulations for reinstatement of nurse aide certification have been amended to include a prohibition against reinstatement following a finding of abuse, neglect or misappropriation of property and incorporated a board guidance document that provides for the possibility of reinstatement if the finding of neglect was based on a single occurrence. There are additional grounds added to the disciplinary provisions that address situations encountered in disciplinary cases before the board.

Statutory Authority: § 54.1-2400 and Article 4 (§ 54.1-3022 et seq.) of Chapter 30 of the Code of Virginia.

Public comments may be submitted until February 13, 2004, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

March 22, 2004 - 9 a.m. -- Open Meeting

March 24, 2004 - 9 a.m. -- Open Meeting

March 25, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

March 23, 2004 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A general business meeting including committee reports, consideration of regulatory action, and disciplinary case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond,

BOARD FOR OPTICIANS

April 9, 2004 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation
3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting to consider regulatory and other issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Opticians intends to amend regulations entitled **18 VAC 100-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† February 9, 2004 - 10 a.m. -- Open Meeting

Department for the Aging, Preston Building, 1600 Forest Avenue, Conference Room, Suite 102, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

The Community Inclusion Committee will discuss RFP development in the area of personal assistance services for individuals with developmental disabilities.

Contact: Katherine Lawson, Outreach Manager, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9376, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 846-4464/TTY ☎, e-mail lawsonkw@vbpd.state.va.us.

BOARD OF PHARMACY

† **February 12, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

† **March 11, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

February 27, 2004 - 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 purpose of the proposed action is to clarify current law and regulation, alleviate problematic rules, and set more reasonable standards for reinstatement of a pharmacist license.

Statutory Authority: §§ 54.1-103 and 54.1-2400 and Chapters 33 (§ 54.1-3300) and 34 (§ 54.1-3400 et seq.) of the Code of Virginia.

Public comments may be submitted until February 27, 2004, to Elizabeth Scott Russell, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF PHYSICAL THERAPY

† **February 17, 2004 - 10 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

April 10, 2004 - 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 Physical Therapy intends to amend regulations entitled **18 VAC 112-20, Regulations Governing the Practice of Physical Therapy**. The purpose of the proposed action is to clarify and update educational, examination and practice requirements. Substantive changes include the elimination of the

prohibition on licensure after six failed attempts to pass the national examination; inclusion of a requirement for additional clinical training or course work to sit for the examination after three failures; and acceptance of documentation of active practice for seven years with an unrestricted license if the examination taken for initial licensure is not identical to the examination required in Virginia. A copy of the proposed regulation may be found under Laws and Regulations Governing Physical Therapy at <http://dhp.state.va.us/PhysicalTherapy/default.htm>.

Statutory Authority: §§ 54.1-2400 and Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until April 10, 2004, to Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Profession, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

March 4, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business. The board fully complies with the Americans with Disabilities Act.

Contact: Eric Olson, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail olson@dpor.state.va.us.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

February 19, 2004 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to discuss legislative and regulatory recommendations regarding the regulation of the practice of photogrammetry. The discussion will be facilitated by DPOR staff and will include stakeholders involved in this issue.

Contact: Carol Mitchell, Director, Dispute Resolution, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0393, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail carol.mitchell@dpor.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Department of Professional and Occupational Regulation intends to amend regulations entitled **18 VAC**

Calendar of Events

120-10, Public Participation Guidelines. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007, 54.1-201, 54.1-831 and 54.1-1802 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

† **April 27, 2004 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A business meeting to include reports from standing committees and any other disciplinary or regulatory matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.state.va.us.

REAL ESTATE APPRAISER BOARD

† **February 19, 2004 - 9 a.m.** -- Open Meeting
† **February 25, 2004 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference for licensing cases.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 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.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Appraiser Board intends to amend regulations entitled **18 VAC 130-10, Public Participation Guidelines.** The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when

electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-2013 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

REAL ESTATE BOARD

† **February 19, 2004 - 9 a.m.** -- Open Meeting
† **March 4, 2004 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Karen.O'Neal@dpor.virginia.gov.

† **March 24, 2004 - 2 p.m.** -- Public Hearing
Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. ♿

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Board intends to amend regulations entitled **18 VAC 135-20, Virginia Real Estate Board Licensing Regulations.** The purpose of the proposed action is to increase fees.

Statutory Authority: §§ 2.2-4007, 54.1-113 and 54.1-2105 of the Code of Virginia.

Contact: Christine Martine, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946 or e-mail reboard@dpor.virginia.gov.

March 25, 2004 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. ♿

A meeting of the full board to review fair housing cases.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Karen.O'Neal@dpor.virginia.gov.

March 25, 2004 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. ♿

A regular meeting of the full board.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail Karen.O'Neal@dpor.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Real Estate Board intends to amend regulations entitled **18 VAC 135-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-2105 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

VIRGINIA RESOURCES AUTHORITY

February 10, 2004 - 9 a.m. -- Open Meeting
Eighth and Main Building, 707 East Main Street, 2nd Floor, 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 sale; 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 R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **February 18, 2004 - Noon** -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail sparsons@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

March 26, 2004 - 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 40-80, General Procedures and Information for Licensure**. The purpose of the proposed action is to amend the regulation to clarify and simplify some standards and to incorporate changes that have been made to the Code of Virginia since the last revision of this regulation. Many changes are the result of the recodification of Title 63.1 of the Code of Virginia that will become effective October 1, 2002. The Code of Virginia mandates that the Department of Social Services (department) license certain facilities that provide care to children and adults. Programmatic regulations are developed for these facilities. The current regulation contains general licensing requirements that are applicable to all licensed programs but are not included in the programmatic regulations. Previously, this regulation was promulgated jointly by the State Board of Social Services (board) and the Child Day-Care Council for all the department's licensed programs. However, the Child Day-Care Council desires to promulgate a separate regulation that applies only to child day centers (the only program for which they have regulatory responsibility). This regulation will continue to contain references to child day centers, however, because of the board's sole authority to regulate some procedures and activities that are applicable to child day centers. The goal of the amended regulation is to provide clear and concise information and requirements for applicants, licensees, and licensing staff regarding the licensing process.

Statutory Authority: §§ 63.2-217, 63.2-1732, 63.2-1733 and 63.2-1734 of the Code of Virginia

Contact: Kathryn Thomas, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7158, FAX (804) 726-7132, or e-mail kathryn.thomas@dss.virginia.gov.

Calendar of Events

March 26, 2004 - 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 40-141, Licensing Standards for Independent Foster Homes**. The purpose of the proposed action is to change the title to "Licensing Standards for Independent Foster Homes, amend the existing standards to clarify the intent of the regulation and incorporate changes made in the Code of Virginia since this regulation was adopted. Proposed amendments include allowing placement agreements; allowing children to remain in the independent foster home for up to six months; updating medical requirements; clarifying capacity; revising standards regarding physical restraint and time-out/separation; strengthening and updating safety requirements to better protect infants and young children; including language regarding respecting the diversity of children and their families; and the responsibilities of the licensee.

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Contact: Cynthia Carneal, Operations Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7140, FAX (804) 726-7132 or e-mail cynthia.carneal@dss.virginia.gov.

March 26, 2004 - 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 adopt regulations entitled **22 VAC 40-293, Locality Groupings**. The purpose of the proposed action is to establish criteria for local departments of social services to change Temporary Assistance for Needy Families (TANF) locality groupings. Locality groupings determine payments levels for recipients of TANF in each locality.

Statutory Authority: § 63.2-217 of the Code of Virginia.

Contact: Mark L. Golden, TANF Program Manager, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7356 or e-mail mark.golden@dss.virginia.gov.

March 26, 2004 - 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 40-740, Locality Groupings**. The purpose of the proposed action is to update guidelines used by local departments of social services for investigating reports and protecting the health, safety, and welfare of the elderly and adults. Proposed

changes are primarily technical in nature to make the regulation consistent with the Code of Virginia and current policy, update state agency names and delete outdated terminology.


Statutory Authority: §§ 63.2-217 and 63.2-1605 of the Code of Virginia.

Contact: Cindy Lee, Adult Services Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7535, FAX (804) 726-7895 or e-mail cindy.lee@dss.virginia.gov.

BOARD OF SOCIAL WORK

† **February 19, 2004 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. 

A meeting to hear possible violations of the laws and regulations governing the practice of social work.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.state.va.us.


BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLANDS PROFESSIONALS

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Professional Soil Scientists and Wetlands Professionals intends to amend regulations entitled **18 VAC 145-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

† **April 14, 2004 - 10 a.m.** -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A public hearing on proposed Board for Soil Scientists regulations increasing fees.

Contact: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-

8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail soilscientist@dpor.virginia.gov.

VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **March 23, 2004 - Noon** -- Open Meeting
VCU Sports Medicine Center, 1300 West Broad Street, Parlor,
Richmond, Virginia. ♿

A meeting to discuss new marketing concepts.

Contact: Eloise Burke, Senior Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2883, e-mail eburke@tsf.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **February 13, 2004 - 9:30 a.m.** -- Open Meeting
VDOT, Salem District Headquarters, 731 Harrison Avenue,
Salem, Virginia. ♿

The panel will continue its deliberations of the I-81 PPTA proposals. The meeting will run to approximately 3 p.m. The panel consists of 11 members, 4 of whom are on the board. The local contact is Pierce Homer, Deputy Secretary, 804-786-8032

Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org.

† **March 17, 2004 - 2 p.m.** -- Open Meeting
VDOT, 1221 East Broad Street, Central Auditorium,
Richmond, Virginia. ♿

A work session of the CTB, VDOT and DRPT staff providing updates on projects, policy development and pending actions. Public comments will not be received.

Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation Policy Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-3090, FAX (804) 225-4700, e-mail Katherine.Tracy@virginiadot.org, homepage <http://www.virginiadot.org>.

† **March 18, 2004 - 9 a.m.** -- Open Meeting
VDOT, 1221 East Broad Street, Central Auditorium,
Richmond, Virginia. ♿

A meeting of the board to vote on action items presented regarding bids, conveyances and any other matter requiring board approval. Public comments will be received at the outset of the meeting. Remarks are limited to five minutes. Groups are requested to select a spokesperson. The board reserves the right to amend these conditions. Committee meetings may be held on the call of the chairman and will be posted separately.

Contact: Katherine Tracy, Assistant Secretary of the CTB, Commonwealth Transportation Board, Department of Transportation, Policy Division, 1401 E. Broad St., Richmond,

TREASURY BOARD

† **February 18, 2004 - 9 a.m.** -- Open Meeting
† **March 17, 2004 - 9 a.m.** -- Open Meeting
Department of the Treasury, 101 North 14th Street, 3rd Floor,
Treasury Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

DEPARTMENT OF VETERANS SERVICES

March 16, 2004 - 1 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street,
Richmond, Virginia. ♿

A meeting of the Joint Leadership Council.

Contact: Geneva M. Claybrook, Executive Services Manager, Department of Veterans Services, 4550 Shenandoah Ave., Roanoke, VA 24015, telephone (540) 857-6974, FAX (540) 857-6954, toll-free (800) 220-8387, e-mail gclaybrook@vvhcc1.us.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

March 30, 2004 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia.

A regular meeting.

Contact: David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail wastemgt@dpor.state.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 that the Board for Waste Management Facility Operators intends to amend regulations entitled **18 VAC 155-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Calendar of Events

Statutory Authority: §§ 2.2-4007 and 54.1-2211 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

STATE WATER CONTROL BOARD


February 12, 2004 - 7 p.m. -- Public Hearing
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 

A public hearing to receive comments on the proposed addition of sites to the VPA permit for land application of sludge for Houff's Feed and Fertilizer Company in Weyers Cave, Virginia. The public comment period closes on February 27, 2004.


Contact: Brandon Kiracofe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cंबरndt@deq.state.va.us.


February 24, 2004 - 10 a.m. -- Open Meeting

March 24, 2004 - 10 a.m. -- Open Meeting

† April 28, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A meeting of the ad hoc committee established to assist in the development of water quality standards to protect the Chesapeake Bay from nutrient enrichment and sedimentation.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, toll-free 800-592-5482 or (804) 698-4021/TTY 

February 26, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to consider amending the Policy for Nutrient Enriched Waters. The notice of intent was published in the Virginia Register of Regulations on January 26, 2004, and the public comment period closes on March 12, 2004.


Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116, e-mail jmkennedy@deq.state.va.us.

† March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less


than One-Half of an Acre. The public comment period closes on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

† March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-690 Virginia Water Protection General Permit for Impacts from Development Activities. The public comment period ends on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

† March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects. The public comment period closes on March 15, 2004.


Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

† March 10, 2004 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A public meeting to receive comments on the State Water Control Board's notice of intent to amend 9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities. The public comment period closes on March 15, 2004.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 9, 2004 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W.

Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.state.virginia.gov.

April 9, 2004 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled **18 VAC 160-10, Public Participation Guidelines**. The purpose of the proposed action is to (i) allow requests to be placed on the board's public participation notification list to be sent via electronic means; (ii) allow regulatory notifications to be sent to list members electronically; and (iii) add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Statutory Authority: §§ 2.2-4007 and 54.1-201 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail Karen.O'Neal@dpor.virginia.gov.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **February 12, 2004 - 10 a.m.** -- Open Meeting
Holiday Inn, 2000 Staples Mill Road, Richmond, Virginia ☎
(Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at the start of the meeting. Individuals requiring interpreter services or other accommodations should contact Ms. Vance no later than February 4.

Contact: Dee Vance, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 225-2064, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail vancedm@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

February 10, 2004 - 1 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia ☎

A meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219,

telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

† **March 24, 2004 - 11 a.m.** -- Open Meeting

April 21, 2004 - 11 a.m. -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia.

The regular meeting of the Investment Advisory Committee of the VRS Board of Trustees. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 East Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail phenderson@vrs.state.va.us.

March 24, 2004 - 3 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia ☎

A meeting of the Audit and Compliance Committee. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

† **March 25, 2004 - 9 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia ☎

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **March 10, 2004 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 2nd Floor, Senate Redistricting Room, Richmond, Virginia ☎

A brief meeting to decide on the fourth Code of Virginia replacement volume for 2004. No public comment period is scheduled.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

February 9

Medical Assistance Services, Department of
† People with Disabilities, Virginia Board for

February 10

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Contractors, Board for
† Environmental Quality, Department of
Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology
Nursing, Board of
Resources Authority, Virginia
Retirement System, Virginia

February 11

Contractors, Board for
† Environmental Quality, Department of
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
Motor Vehicles, Department of

February 12

Agriculture and Consumer Services, Department of
- Virginia Corn Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Child Day-Care Council
† Environmental Quality, Department of
† Labor and Industry, Department of
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
† Pharmacy, Board of
† Protection and Advocacy, Virginia Office for

February 13

† Counseling, Board of
Health, Department of
- State Emergency Medical Services Advisory Board
Health Professions, Board of
Medicine, Board of
Mines, Minerals and Energy, Department of
† Transportation Board, Commonwealth

February 17

† Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Aviation Board, Virginia
Chesapeake Bay Local Assistance Board
† Conservation and Recreation, Department of
† Medicine, Board of
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Nursing, Board of

February 18

Asbestos, Lead, and Home Inspectors, Virginia Board for
† Aviation Board, Virginia
Compensation Board
Contractors, Board for
† Medicine, Board of
† Museum of Fine Arts, Virginia
Nursing and Medicine, Joints Boards for
† Small Business Financing Authority, Virginia
† Treasury Board

February 19

† Asbestos, Lead, and Home Inspectors, Virginia Board for
Audiology and Speech-Language Pathology, Board of
Design-Build/Construction Management Review Board
Museum of Fine Arts, Virginia
Professional and Occupational Regulation, Department of
† Real Estate Appraiser Board
† Real Estate Board
† Social Work, Board of

February 20

† Correctional Education, Board of
Housing and Community Development, Department of
- State Building Code Technical Review Board

February 23

† Auctioneers Board
† Environmental Quality, Department of

February 24

Contractors, Board for
† Environmental Quality, Department of
Marine Resources Commission
† Water Control Board, State

February 25

Education, Board of
Health, Department of
- Sewage Handling and Disposal Appeal Review Board
† Medicine, Board of
Nursing, Board of
† Real Estate Appraiser Board

February 26

Contractors, Board for
† Counseling, Board of
† Fire Services Board, Virginia
Water Control Board, State

February 27

† Counseling, Board of
Dentistry, Board of
† Fire Services Board, Virginia

March 1

† Barbers and Cosmetology, Board for

March 2

† Barbers and Cosmetology, Board for
Contractors, Board for
† Environmental Quality, Department of
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia

March 3

† Environmental Quality, Department of

March 4

Polygraph Examiners Advisory Board
† Real Estate Board

March 5

Art and Architectural Review Board

Dentistry, Board of

March 8

† Local Government, Commission on

March 9

Agriculture and Consumer Services, Department of
- Virginia Cotton Board

Contractors, Board for

Waterworks and Wastewater Works Operators, Board for

March 10

† Cemetery Board

† Code Commission, Virginia

† Medicine, Board of

† Water Control Board, State

March 11

† Agriculture and Consumer Services, Department of
- Virginia Bright Flue-Cured Tobacco Board
- Virginia Soybean Board

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

† Pharmacy, Board of

March 12

† Medicine, Board of

March 13

Blind and Vision Impaired, Department for the
- Statewide Rehabilitation Council for the Blind and Vision
Impaired

March 15

Education, Board of

- Advisory Board on Teacher Education and Licensure

Library Board, State

March 16

† Conservation and Recreation, Department of
Contractors, Board for

† Corrections, Board of

† Medical Assistance Services, Department of
Veterans Services, Department of

March 17

Community Colleges, State Board for

† Corrections, Board of

† Medicine, Board of

† Transportation Board, Commonwealth

† Treasury Board

March 18

Community Colleges, State Board for
Design-Build/Construction Management Review Board

† Labor and Industry, Department of

† Transportation Board, Commonwealth

March 22

Nursing, Board of

March 23

Alzheimer's Disease and Related Disorders Commission

† Contractors, Board for

Marine Resources Commission

Nursing, Board of

† Tobacco Settlement Foundation, Virginia

March 24

Education, Board of

Employment Dispute Resolution, Department of

George Mason University

Nursing, Board of

† Retirement System, Virginia

† Water Control Board, State

March 25

Nursing, Board of

Real Estate Board

† Retirement System, Virginia

March 30

† Conservation and Recreation, Department of

Medical Assistance Services, Department of

Waste Management Facility Operators, Board for

April 1

Education, Board of

April 2

Art and Architectural Review Board

Education, Board of

April 6

Museum of Fine Arts, Virginia

April 7

Health, Department of

- Sewage Handling and Disposal Appeal Review Board

April 8

Nursing, Board of

April 9

Opticians, Board for

April 13

Blind and Vision Impaired, Board for the
Contractors, Board for

Medical Assistance Services, Board of

Nursing, Board of

April 14

† Medicine, Board of

April 15

Design-Build/Construction Management Review Board

April 16

Health Professions, Board of

April 19

Barbers and Cosmetology, Board for

Education, Board of

- Advisory Board on Teacher Education and Licensure

Nursing, Board of

April 20

† Conservation and Recreation, Department of

Geology, Board for

Nursing, Board of

April 21

Nursing and Medicine, Joint Boards for

† Retirement System, Virginia

April 27

† Psychology, Board of

April 28

† Education, Board of

† Water Control Board, State

April 29

† Education, Board of

† Nursing, Board of

May 4

† Fine Arts, Virginia Museum of

May 5

† Contractors, Board for

May 7

† Art and Architectural Review Board

Calendar of Events

PUBLIC HEARINGS

February 10

Medicine, Board of

February 12

† Medicine, Board of
Water Control Board, State

February 13

Counseling, Board of

February 17

† Physical Therapy, Board of

February 19

Audiology and Speech Language Pathology, Board of

March 11

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

March 23

† General Services, Department of

March 24

† General Services, Department of
† Real Estate Board

March 30

† General Services, Department of

March 31

† General Services, Department of

April 1

† General Services, Department of

April 14

† Soil Scientists and Wetland Professionals, Board for