

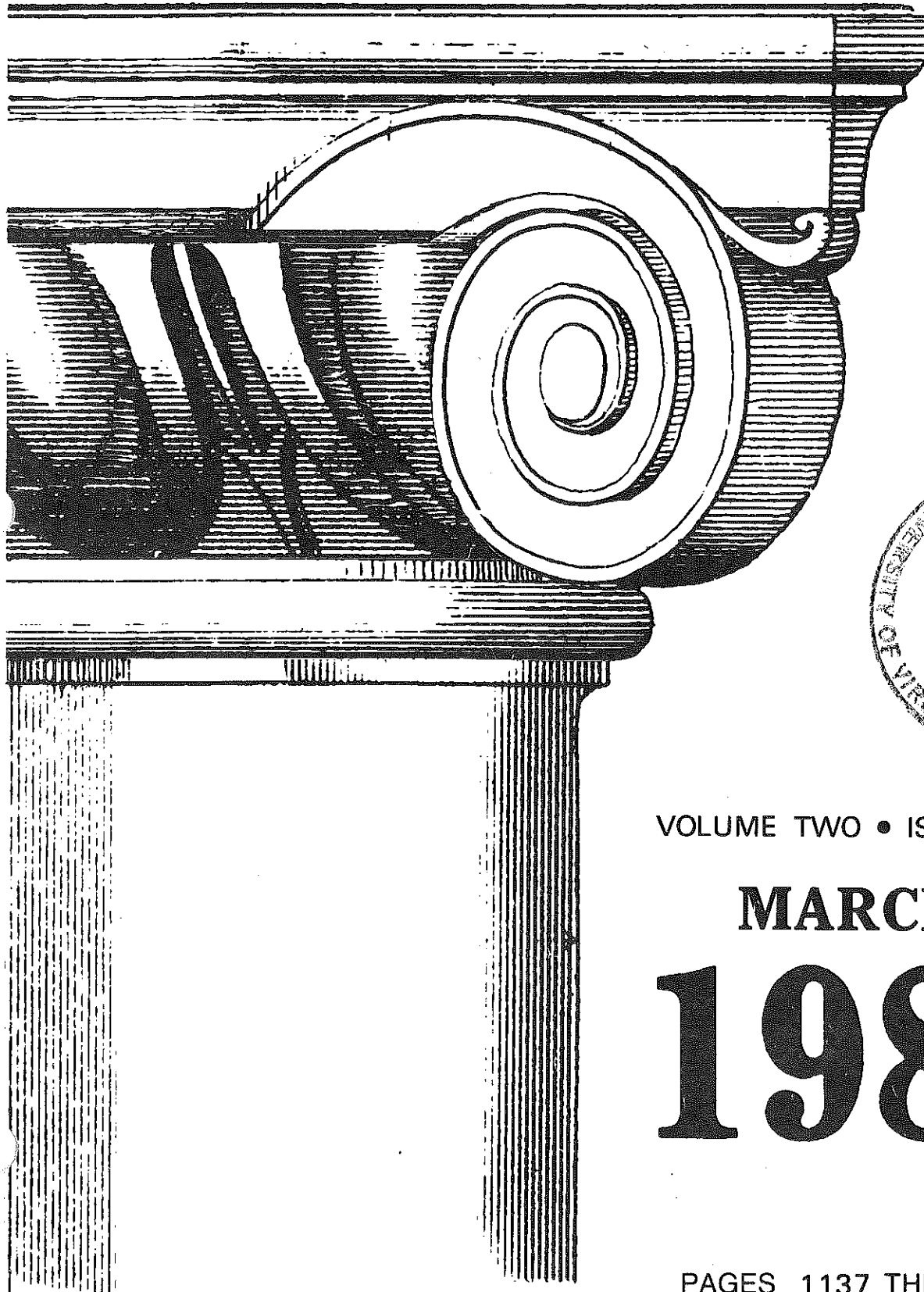
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THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME TWO • ISSUE ELEVEN

MARCH 3

1986

PAGES 1137 THROUGH 1192

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
Oct. 14	Sept. 25
Oct. 28	Oct. 9
Nov. 11	Oct. 23
Nov. 25	Nov. 6
Dec. 9	Nov. 20
Dec. 23	Dec. 4
Index	
Jan. 6 1986	Dec. 18
Jan. 20	Dec. 31 (Tuesday)
Feb. 3	Jan. 15
Feb. 17	Jan. 29
Mar. 3	Feb. 12
Mar. 17	Feb. 26
Index	
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May 12	Apr. 23
May 26	May 7
June 9	May 21
June 23	June 4
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PROPOSED REGULATIONS

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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.

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Statutory Authority: § 10-17.18(b) of the Code of Virginia

Public Hearing Date: May 5, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

NOTICE: Due to its length, the proposed Regulations for the Control and Abatement of Air Pollution (VR 120-01), filed by the State Air Pollution Control Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

Summary:

The proposed amendments to the Regulations for the Control and Abatement of Air Pollution change the agency's regulations to provide the latest edition of referenced documents and provide a consolidated list of referenced documents to facilitate easy location.

The amendments consist of two elements. First, at each location where a document is mentioned, it has been undated as necessary for title and reference number. In cases where the edition is noted it has been deleted and replaced by a note to see Appendix M. Second, a new Appendix M has been established which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This consolidated list provides the name, reference number and edition for each document. The edition is the latest available. Also included for each document is the name and address of the organization from which it can be obtained.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the following documents are declared generally available to the public and appropriate for incorporation by reference. For this reason, these documents will not be printed in the Virginia Register of Regulations.

Code of Federal Regulations

U.S. Environmental Protection Agency

U.S. Government

Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-006 and 003-005-00176-1, respectively).

American Society for Testing and Materials (ASTM)

American Petroleum Institute (API)

API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980.

American Conference of Governmental Industrial Hygienists (ACGIH)

ACGIH Handbook - Threshold Limit Values® for Chemical Substances in the Work Environment Adopted by ACGIH for 1985-1986.

National Fire Prevention Association (NFPA)

NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.
NFPA 30, Flammable and Combustible Liquids Code, 1984 Edition.
NFPA 30A, Automotive and Marine Service Station Code, 1984 Edition.

Copies of these documents are available for inspection in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia and in the following local offices of the State Air Pollution Control Board:

Southwestern Virginia Regional Office
State Air Pollution Control Board
121 Russell Road
Abingdon, Virginia 24210
Ph: (703) 628-7841

Valley of Virginia Regional Office
State Air Pollution Control Board
Executive Office Park - Suite A
5338 Peters Creek Road
Roanoke, Virginia 24019
Ph: (703) 982-7328

Central Virginia Regional Office
State Air Pollution Control Board
7701-03 Timberlake Road
Lynchburg, Virginia 24502
Ph: (804) 528-6641

State Capital Regional Office
State Air Pollution Control Board
8205 Hermitage Road
Richmond, Virginia 23228
Ph: (804) 265-3067

Hampton Roads Regional Office
State Air Pollution Control Board
Pembroke Four - Suite 409
Pembroke Office Park
Virginia Beach, Virginia 23462
Ph: (804) 499-6845

Proposed Regulations

STATE BOARD OF EDUCATION

Title of Regulation: VR 270-01-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.

Statutory Authority: § 22.1-215 of the Code of Virginia

Public Hearing Date: May 1, 1986

NOTICE: Due to its length the proposed regulation governing special education programs for handicapped children and youth in Virginia, filed by the State Board of Education is not being published, however, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the Department of Education and at the office of the Registrar of Regulations.

Summary:

These regulations provide for a system of free and appropriate public education for handicapped persons from ages two to 21, inclusive. The provision of these regulations apply to all public and private schools and agencies in the Commonwealth which provide special education and related services to handicapped children and youth. For the purpose of the Administrative Process Act, Part V - Procedures for Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs - is open to public comment and review.

Part I. Definitions - This section contains a glossary of terms most commonly used throughout this document.

Part II. Responsibilities of the State Department of Education.

The Virginia Department of Education shall ensure that all handicapped persons from two to 21 are identified, evaluated and have available free appropriate public education. In order to fulfill these responsibilities, the Department of Education shall perform the following functions:

- A. Review annual six year plans submitted by LEA's.*
- B. Prepare an Amended Annual Program Plan which contains assurances and procedures related to all aspects of programs for handicapped persons.*
- C. Develop procedures for implementing state and federal laws and regulations.*

D. Provide technical assistance to LEA's and other state agencies.

E/F. Monitor the compliance of LEA's and private schools with state and federal laws and regulations.

G. Establish a state advisory committee.

H. Develop and implement personnel development plans.

I. Develop procedures for disseminating information derived from research and demonstration projects.

J. Support interagency cooperation.

K. Disburse funds.

L. Ensure that other public agencies are in compliance with federal and state laws and regulations.

M. Establish tuition costs and reasonable charges for private schools serving the handicapped.

N. Report to appropriate federal agencies, the number of handicapped persons receiving special education and related services.

O. Publish an annual report summarizing special education and related services provided.

P. Review, investigate and take action on reported violations of laws and regulations.

Q. Report the results of all due process hearings.

R. Establish procedures to inform parents and handicapped children of educational rights and due process procedures.

S. Provide private schools with copies of all regulations and standards.

T. Afford private schools the right to participate in the development and revision of regulations which apply to them.

Part III. Responsibilities of Local School Divisions and State Agencies.

The requirements set forth in this section are applicable to local school divisions and state agencies providing education and related services for handicapped children and youth.

The requirements, developed in accordance with state and federal laws and regulations, are consistent with the Department of Education's responsibilities outlined as follows:

Proposed Regulations

A. Identification, Evaluation, and Eligibility.

1. Target Ages and Eligibility;
2. Definitions of Handicapping Conditions;
3. Child Fund;
4. Screening;
5. Referral;
6. Evaluation;
7. Assessment Components;
8. Eligibility;
9. Termination of Services;
10. Child's Status Pending Determination of Eligibility.

B. Service Delivery.

1. Free Appropriate Public Education;
2. Individualized Education Program.

C. Procedural Safeguards.

1. Due Process;
2. Confidentiality of Information;
3. Complaint Procedure.

D. Requirements for Establishing Surrogate Parent Procedures for Local School Divisions, and Applicable State Agencies and Institutions.

1. Role of Surrogate Parents;
2. Appointment of Surrogate Parents;
3. Identification and Recruitment of Surrogate Parents;
4. Qualifications of Surrogate Parents;
5. Rights of Surrogate Parents;
6. Responsibilities of Surrogate Parents;
7. Responsibilities of Local Education Agencies.

E. Administration and Governance.

1. Plans, Applications, and Reports;
2. Personnel Development;
3. Local Advisory Committee;
4. Regional Programs.

F. Funding.

1. Reimbursement to Local School Divisions and State-Operated Programs;
2. State Funds;
3. Federal Funds;
4. Funds to Assist with the Education of Handicapped Children Residing in State-Operated Facilities;
5. Funding, Withholding, and Recovery of Funds;
6. Appeal of Administrative Decisions.

Part IV. Responsibilities of State Boards, Agencies, and Institutions for Education and Training of Children in

Residence or Custody.

A. Each State Board, Agency and Institution shall provide education and training comparable to that provided by LEA's.

B. Such training or education may be provided directly or in cooperation with a local school division or private school.

C. Each State Board, Agency or Institution having responsibility for providing such education/training will submit a program plan to the Board of Education annually.

D. Programs of education for children served by State Boards, Agencies, and Institutions shall be designed to aide each child, consistent with his abilities, interests and educational needs.

E. Each State Board, Agency and Institution shall maintain an up-to-date policy manual for educational employees.

F. All children, ages two to 21, inclusive, residing in State Operated Programs, requiring special education and related services, shall have been identified, evaluated and educationally placed in accordance with State Regulations.

G. Each State Board, Agency and Institution shall ensure that educational programs are provided in accordance with established provisions.

H. Program Personnel shall meet established requirements.

COMMISSION OF GAME AND INLAND FISHERIES

NOTE: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. This regulation is numbered to conform to the new classification system by the Virginia Code Commission.

Title of Regulation: VR 325-01-1. In General.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Public Hearing Notice: A public hearing on the advisability of adopting, or amending and adopting, the proposed regulation, or any part thereof, will be held at the offices of the Commission of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, March 21, 1986, at which time any interested citizen present shall be heard. If the commission

Proposed Regulations

is satisfied that the proposed regulation, or any part thereof, is advisable, in the form in which published or as amended as a result of the public hearing, the Commission may adopt such proposal, acting upon the proposal separately or in block. The Commission of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29-125, 29-126 and 29-127 of the Code of Virginia, the following proposed new commission regulation applicable Statewide.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

VR 325-01-1. In General.

§ 12. Appointment of new consignment agents for sale of hunting and fishing licenses.

A. No person shall be appointed as a consignment agent for the sale of hunting and fishing licenses unless such person first sells licenses on a cash basis for at least one year.

B. In addition, the dollar volume of actual or projected sales must equal at least 90% of the average hunting and fishing license sales of consignment agents in that locality.

C. If the cash agent sells the required number of licenses, such agent will be appointed as a consignment agent, provided such agent is approved for a surety bond by the commission's bonding company.

D. This section is applicable to new appointments and not to transfers of existing appointments within a locality.

STATE BOARD OF HEALTH

Title of Regulation: VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia

Public Hearing Date: May 2, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This amendment to the regulations continues the ban on commercial fishing for striped bass, croaker and eel not deperated until June 30, 1988. All previous restrictions on crabbing, which were removed from the regulation previously, continue to be suspended. There are no restrictions on recreational finfishing

and crabbing.

VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

PART I. DEFINITIONS.

Section 2: § 1.1. The following words and terms when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

2-01 "Finfish" means any cold-blooded, strictly aquatic, water-breathing craniate vertebrate with fins, including cyclostomes, elasmobrachs and higher gilled aquatic vertebrates with cartilaginus or boney skeletons. Eels are included in this category.

2-02 "Kepone" means a chlorinated pesticide known as chlordecone.

2-03 "Recreational fishing" means the catching exclusively by hook and line of finfish which may be kept for personal consumption. It does not include keeping for purposes of sale or distribution for sale.

2-04 "The fall line of the James River" means the line formed by the crossing of the Fourteenth Street Bridge over the James River in the City of Richmond.

2-05 "The mouth of the James River" means the line formed by the crossing of the Hampton Roads Bridge-Tunnel across the James River through Willoughby Spit on the South shore of the James River northwesterly to the former toll plaza location at the Southwest end of Willard Avenue on the North shore of the James River.

2-06 "The tributaries of the James River" means those streams and rivers flowing into the James River and include but are not limited to the Elizabeth River, Nansemond River, Chuckatuck Creek, Chickahominy River, Appomattox River, Hampton River, Pagan River and Warwick River.

PART II. GENERAL PROVISIONS.

Section 1: General Information:

§ 2.1. Authority.

1-01 Authority.

A. Section 32.1-248 of the Code of Virginia (1950), as amended, authorizes the State Board of Health to adopt regulations or orders closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and welfare. These regulations are also promulgated pursuant to the powers granted to the State Health Commissioner by Chapter 7 of

Proposed Regulations

~~Title 28.1 of the Code of Virginia. Section § 28.1-177 of the Code of Virginia~~ which provides, in pertinent part, as follows: when from examination of or analysis of the shellfish, finfish or crustacea in a shellfish, finfish or crustacea growing area, of the bottom in or adjacent to such area, or the water over such area, or the sanitary or pollution conditions adjacent to finfish or crustacea growing area, or the bottom in or adjacent to such area, the Health Commissioner determines that the shellfish, finfish or crustacea growing in such area is unfit for market, he shall cause limits or boundaries of such area upon which area shall be condemned, and remain so until such time as the Health Commissioner shall find such shellfish, finfish or crustacea or area sanitary and not polluted.

B. Section 28.1-176 of the Code of Virginia provides, in pertinent part: The Health Commissioner may establish, alter and change in his discretion, at any time, standards, examinations, analysis and inspections which shall control the taking and marketing from the health standpoint, of fish, shellfish, and crabmeat; and he shall be the sole judge as to whether or not such fish, shellfish and crabmeat are sanitary and fit for market and also such standards, examinations, analysis and inspections.

~~1.02~~ § 2.2. Purpose of regulations.

The State Board of Health and State Health Commissioner promulgate these regulations to restrict the taking, distributing and consumption of finfish from designated portions of the James River and its tributaries. These regulations provide for the enforcement of the prohibitions imposed on the taking of finfish.

~~1.03~~ § 2.3. Administration of regulations.

~~1.03.01~~ A. The State Board of Health and State Health Commissioner shall have the responsibility to promulgate, amend and repeal these regulations.

~~1.03.02~~ B. The State Board of Health and State Health Commissioner shall have the responsibility to review on a quarterly basis the specific data on which these regulations are based and thereafter to amend or repeal as may be appropriate.

~~1.03.03~~ C. ~~Commonwealth Attorney~~ The attorney for the Commonwealth, pursuant to § 28.1-180 of the Code of Virginia, is required to prosecute criminal violations without delay.

~~1.04~~ § 2.4. Effective date of regulations.

These regulations shall become effective on July 1, ~~1982~~ 1986 .

~~1.05~~ § 2.5. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, ~~Section § 9-6.14:1 et seq.~~ of the Code of Virginia, shall

govern the adoption, amendment, modification, and revision, of these regulations, and the conduct of all proceedings involving case decisions hereunder except when there is a lessening of the restrictions placed upon fishing or their usage of the waters subject to this regulation. The commissioner may adopt revisions which allow lessening of such restrictions without applying the provisions of the Administrative Process Act, as provided in § 32.1-248 of the Code of Virginia.

~~1.06~~ § 2.6. Severability.

If any provision of these regulations, or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provision(s) of these regulations and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

PART III.

Section 3- PROHIBITED ACTS. and Authorized Acts.

~~3.01~~ § 3.1. Finfish. and Turtles.

~~3.01.01~~ A. Prohibited acts.

No person shall catch, net or take finfish from the James River or any of its tributaries from the fall line to the mouth of the James River as follows:

~~3.01.01.01~~ Commercial Fishing.

1. Commercial fishing for striped bass and croaker throughout the effective period.

~~3.01.01.02~~ Commercial Fishing.

2. Commercial fishing for eel without a depuration holding period of 50 days.

~~3.01.01.03~~ Commercial Fishing.

3. Commercial fishing for grey trout and bluefish between July 1, and December 31 of each year.

~~3.01.02~~ Authorized Acts.

Persons engaged in recreational and commercial fishing may take and keep finfish as follows:

~~3.01.02.01~~ Recreational Fishing.

Any person engaged in recreational fishing may catch and keep any finfish within the James River and its tributaries. As a condition for allowing such recreational fishing, hazard warnings for consuming finfish from these areas shall be issued periodically.

~~3.01.02.02~~ Commercial Fishing.

Proposed Regulations

3-01-02-02-01 Catfish, shad, herring and turtles may be taken from the James River and its tributaries during any time period. Eel may be taken from the James River and its tributaries during any time period where such eel are held 50 days for Kepone depuration prior to marketing.

were constructed, provided the buildings are otherwise maintained in good repair. However, such buildings are still required to comply with all applicable requirements of the Virginia Public Building Safety Regulations.

3-01-02-02-02 Except for striped bass, and croaker all other finfish may be caught, netted or taken from the James River and its tributaries between January 1 and June 30.

VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.

PART IV.

PENALTIES. Section 4: Penalties.

§ 4.1. Pursuant to § 32.1-27 of the Code of Virginia, violation of this regulation is a Class 1 misdemeanor punishable by a fine or up to \$1,000, a jail term of up to one year, or both.

100.5.1 Application to pre-USBC buildings:

Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code and with the Virginia Public Building Safety Regulations/1984 Edition (VPBSR); provided, however, no building shall be required to be modified to conform to any standard of the Building Maintenance Code that is more restrictive than the standards under which that building was constructed, but such building shall comply with all applicable requirements of the VPBSR .

PART V.

Section 6: EXPIRATION OF REGULATIONS.

§ 5.1. This regulation shall expire on June 30, 1986 1988 , unless earlier rescinded or extended by the Board of Health and State Health Commissioner.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code, 1984 Edition.

Statutory Authority: Article 1 (§ 36-97 et seq.) of Chapter 6, of the Code of Virginia.

Public Hearing Date: May 19, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Volume II - Building Maintenance Code/1984 of the Virginia Uniform Statewide Building Code is a new set of regulations originally adopted by the Board of Housing and Community Development on November 18, 1985, to become effective April 1, 1986. On February 3, 1986, the board, after considering a legislative objection filed by the House General Laws Committee under the Administrative Process Act, postponed the effective date until October 1, 1986, for the purpose of considering a proposed amendment in response to the legislative objection. This objection dealt with a burden that would be imposed on building owners by the need to retrofit certain buildings to conform standards of the Building Maintenance Code whenever they might be in excess of those under which the building was constructed. It is the intent of the amendment to limit required changes to the standards under which the buildings

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 substantial change from the proposed text of the regulations.

STATE BOARD OF HEALTH

Division of Solid and Hazardous Waste Management

Title of Regulation: VR 355-22-2.1. Virginia Hazardous Waste Management Regulations - Amendment 7.

Statutory Authority: § 32.1-178 of the Code of Virginia.

Effective Date: April 2, 1986

NOTICE

Due to its length, the Virginia Hazardous Waste Management Regulations filed by the Division of Solid and Hazardous Waste Management, Department of Health, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulations are available for public inspection at the office of the Registrar of Regulations and at the Department of Health.

Summary:

The Department of Health will replace the Virginia Hazardous Waste Management Regulations (Amendment 6), with a new edition, incorporating proposed changes described as Amendment 7. The new edition represents a change in format, organization, and style, as compared with the previous edition.

Extensive changes in the federal regulations promulgated in 1984 necessitate an amendment which keeps the Virginia Hazardous Waste Management program consistent with these requirements, thus preserving final authorization status granted to the Commonwealth, and maintaining her independent authority to enforce the Resource Conservation and Recovery Act (RCRA) provisions, here in Virginia.

Amendment 7 incorporates changes to the federal regulations promulgated up to April 30, 1985, including:

1. A redefinition of what constitutes "solid waste", and "hazardous waste";
2. Inclusion of dioxin as a hazardous waste;
3. Exemptions for satellite hazardous waste accumulation points on a generator facility site;

4. Specifications for certain kinds of hazardous waste; and

5. Special rulemaking procedures for variance requests.

Other minor revisions, including editorial changes, additions of reference materials, or clarifying language, are included for the convenience of the regulated community, and to maintain equivalence with the federal requirements for a hazardous waste management program.

By promulgating this amendment, the Board of Health and the Health Commissioner intend to effectively monitor the generation, treatment, storage, transportation and disposal of hazardous waste in Virginia. By regulating these activities, the Commonwealth protects life, health, property, and Virginia's environment.

STATE BOARD OF HEALTH

Division of Solid and Hazardous Waste Management

Title of Regulation: VR 355-22-3.1. Regulations Governing the Transportation of Hazardous Materials - Amendment 5.

Statutory Authority: § 18.2-278.2 of the Code of Virginia

Effective Date: April 2, 1986

Summary:

The Department of Health replaces the Regulations Governing the Transportation of Hazardous Materials (Amendment 4) with a new edition (Amendment 5). The new edition represents a change in format, organization, and style, as compared to the previous edition.

Amendment 5 is necessary to comply with federal regulations and is consistent with Virginia law (see § 18.2-278.1 et seq. of the Code of Virginia). Changes to the 1984 U.S. Department of Transportation regulations which are included are:

1. A clarification of § 2.3 (formerly § 1.04) to include all hazardous materials, hazardous substances and

Final Regulations

hazardous wastes transported in the Commonwealth as subject to the regulations.

2. An authorization that certain types of small arms ammunition used in rifles, shotguns and pistols be classed and offered for shipment as an ORM-D, a "consumer commodity," rather than a Class C explosive (49 FR No. 102, May 24, 1984, pp. 21933-21936 amending 49 CFR, Parts 172 and 173).

3. A revision concerning the transportation of certain cryogenic liquids (49 FR No. 114, June 12, 1984, pp. 24306-24318 amending 49 CFR, parts 171,172,173,176,178 and 179).

4. A change concerning polyethylene packings (49 FR No. 116, June 14, 1984, pp. 26484-24693 amending 49 CFR, parts 173 and 178 and 49 FR No. 199, October 12, 1984, pp. 400330-400360 amending 49 CFR, parts 173 and 178).

5. An amendment to driver qualifications rules and the driving rules to prohibit the transportation, possession and use of drugs and other substances, such as opiates, hallucinogens, depressants, and stimulants (49 FR No. 215, November 5, 1984, pp. 44210-44216 amending 49 CFR, parts 391 and 392).

The purpose of the Regulations Governing the Transportation of Hazardous Materials is to regulate effectively the manner in which hazardous materials are loaded, unloaded, packed, identified, marked, placarded, stored, and transported in Virginia. By regulating these activities, the Commonwealth intends to promote safety in interstate and in intrastate commerce.

VR 355-22-3.1. Regulations Governing the Transportation of Hazardous Materials - Amendment 5.

PART I. 2-00 DEFINITIONS.

§ 1.1. Definitions.

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

2-02 "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 CFR Parts 170-177.

2-01 "Hazardous material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or

order;

2-02 "Transport or Transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

PART II.

1-00 GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

1-01 § 2.1. Authority for regulation.

1-01-01 A. These regulations are issued under the authority of the Code of Virginia, Title 18.2, Chapter 7, Article 3.1, §§ 18.2-278.1 through 18.2-278.7, Transportation of Hazardous Materials.

1-01-02 B. The Code of Virginia, § 18.2-278.2, assigns the Board of Health the responsibility for promulgating regulations governing the transportation of hazardous materials.

1-01-03 C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

1-02 § 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

1-03 § 2.3. Administration of regulations.

1-03-01 A. The Commissioner of Health is designated by the Board of Health with the responsibility to carry out these regulations.

1-03-02 B. The Division of Solid and Hazardous Waste Management is designated as the organizational portion of the Department of Health responsible to the Commissioner for the planning, development and implementation of programs to meet the requirements of Article 3.1, Chapter 7 of Title 18.2.

1-04 § 2.4. Application of regulations.

Notwithstanding the limitations contained in 49 CFR § 171.1(3), and subject to the exceptions set forth in § 2.5. below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

1-05 § 2.5. Exceptions.

Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory

thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

~~1-06~~ § 2.6. Regulations not to preclude exercise of certain regulatory powers.

Per In accordance with § 18.2-278.5 of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

~~1-06~~ § 2.7. Transportation under United States Regulations.

Per In accordance with § 18.1-278.7 of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

~~1-08~~ § 2.8. Enforcement.

~~1-08-01~~ A. Law-enforcement officers ; *penalty* . The Department of State Police, together with all law-enforcement and peace officers of the Commonwealth shall enforce the provisions of these regulations. *Per In accordance with* §§ 18.2-278.3 and 32.1-27 of the Code of Virginia, violation of these regulations is a Class 1 Misdemeanor.

~~1-08-02~~ B. Civil judicial enforcement of these regulations shall be governed by § 32.1-27 of the Code of Virginia.

~~1-00~~ § 2.9. Application of Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 (§ 9-6.14:1 et seq.), of the Code of Virginia, ~~1950~~, as amended, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

~~1-10~~ § 2.10. Severability.

If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of these regulations, shall not be affected thereby.

PART III.

~~3-00~~ COMPLIANCE WITH FEDERAL REGULATIONS.

~~3-01~~ 3.1. Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated through December 31, ~~1983~~ 1984 pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations as set forth below:

~~3-01-01~~ A. Exemptions. Hazardous Materials Program Procedures in 49 CFR, Part 107, Subpart B.

~~3-01-02~~ B. Hazardous Materials Regulations in 49 CFR, Parts 171 through 177.

~~3-01-03~~ C. Shipping Container Specifications in 49 CFR, Part 178.

~~3-01-04~~ D. Specifications for Tank Cars in 49 CFR Part 179.

~~3-01-05~~ E. Driving and Parking Rules in 49 CFR Part 397.

~~3-01-06~~ F. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 396.

PART IV.

~~4-00~~ HAULING EXPLOSIVES IN PASSENGER-TYPE VEHICLES.

§ 4.1. Explosives ~~must~~ shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of properly designated authority of ~~said the city~~ must shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger type vehicles provided the maximum quantity transported does not exceed ~~one hundred~~ 100 pounds in weight. Such transportation shall not be subject to these rules.

PART V.

~~5-00~~ OUT OF SERVICE.

~~5-01~~ § 5.1. The Department of State Police shall be the Agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR Part 396.9.

Final Regulations

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.

Statutory Authority: Article 1 (§ 36-97 et seq.) of Chapter 6, of the Code of Virginia.

Effective Date: ~~April 1, 1986~~ October 1, 1986
(Please see agency response to legislative objection in Legislative Objection/Agency Response section of this issue.)

NOTE: See Vol. 2, Issue 6, 12/23/86, pages 680-690 for full text of regulation.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Commission

Title of Regulation: VR 425-02-2. Occupational Exposure to Ethylene Oxide (EtO) - Virginia Occupational Safety and Health Standards for General Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia

Effective Date: April 2, 1986

Summary:

Virginia adopted the original EtO Standard on August 2, 1985 with an effective date of November 1, 1985.

On October 11, 1985, Federal OSHA published in the Federal Register an amendment to its Ethylene Oxide Standard, 29 CFR 1910.1047. The first part of the amendment was effective October 11, 1985, while the second part was effective January 9, 1986.

This amendment provides an exception from certain labeling requirements for EtO containers which have been labeled pursuant to the Federal Insecticide, Fungicide and Rodenticide Act. In addition, this amendment changes the signal word on OSHA's label from "Caution" to "Danger".

This amendment was made in order to make OSHA's labeling requirements for EtO consistent with those of the Environmental Protection Agency. This action was proposed in a Federal Register notice published on April 1, 1985. (50 Fed. Reg. 12882). Public comment was received and considered prior to publishing the Final Rule amendment on October 11, 1985. No additional cost or adverse impact on Virginia employers is anticipated.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Occupational Exposure to Ethylene Oxide (EtO), is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard will not be printed in the Virginia Register of Regulations; however, the October 11, 1985, amendments to 29 CFR 1910.1047 are set out. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR. 425-02-2. Occupational Exposure to Ethylene Oxide (EtO) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Board has adopted amendments to the Virginia Occupational Safety and Health Standards for General Industry, and issue such amendments relating to Occupational Ethylene Oxide (EtO) Standard, as codified in 29 CFR 1910.1047 and published in Federal Register, Volume 50, No. 198, Friday, October 11, 1985, Page 41494; to be adopted verbatim by the Virginia Occupational Safety and Health (VOSH) program.

PART 1910 - [AMENDED]

Part 1910 of Title 29 of the Code of Federal Regulations is therefore amended as follows:

1. The authority for Part 1910 continues to read as follows:

Authority: Secs. 4, 6 and 8 of the Occupational Safety and Health Act of 1970. (29 U.S.C. 653, 655, 657); 5 U.S.C. 553; Secretary of Labor's Order 9-83 (48 FR 35736); 29 CFR Part 1911.

2. By revising paragraph (j)(1)(i)(A) of § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

* * * * *

(j) * * *
(1) * * *
(i) * * *
(A) Danger
Contains Ethylene Oxide
Cancer Hazard and Reproductive Hazard; and

* * * * *

3. By adding a new paragraph (j)(1)(iii) to § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

* * * * *

(j) * * *
(1) * * *
(iii) The labeling requirements under this section do not

apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that Act and regulations issued under that Act by the Environmental Protection Agency.

* * * * *

4. By adding a new paragraph (m)(3) to § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

* * * * *


(m) Dates.

* * * * *

(3) Labeling. (i) Paragraph (j)(1)(i)(A) of this section as amended is effective January 9, 1986.

(ii) Paragraph (j)(1)(iii) of this is effective October 11, 1985.

* * * * *



COMMONWEALTH of VIRGINIA
 VIRGINIA CODE COMMISSION
 General Assembly Building

POST OFFICE BOX 345
 RICHMOND, VIRGINIA 23208
 804-786-3541

February 13, 1986

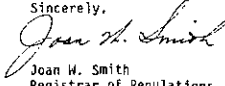
Mr. William G. Bryson, Chairman
 Virginia Safety and Health Codes Board
 Department of Labor and Industry
 205 North Fourth Street
 P. O. Box 12064
 Richmond, Virginia 23241

Attention: Margaret Gravett
 Administrative Staff Specialist

Dear Mr. Bryson:

This will acknowledge receipt of the Ethylene Oxide Amendment—Virginia Occupational Safety and Health Standards for General Industry, which was adopted by the Virginia Safety and Health Codes Board on January 23, 1986, to become effective on April 2, 1986.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since the Virginia Standard (VR 425-02-4) is identical to the federal regulation.

Sincerely,

 Joan W. Smith
 Registrar of Regulations

JWS:sll

* * * * *

Title of Regulation: VR 425-02-6. Coke Oven Emissions Standards - Virginia Occupational Safety and Health Standards for General Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia

Effective Date: April 2, 1986

Summary:

On September 13, 1985, Federal OSHA published in the Federal Register a final rule change deleting portions of the Coke Oven Emissions Standard, 29 CFR 1910.1029. The amendments were effective September 13, 1985.

These amendments delete certain requirements for research and development, and respirator fit testing required in the original standard but subsequently removed by court action at the federal level.

Federal OSHA's justification for making the change without the notice and public comment procedures of § 5 U.S.C. 553 is that this change merely removes language already vacated in 1980 by the United States Court of Appeals for the Third Circuit in the case of American Iron and Steel Institute v. OSHA, 577 F.2d 825 (3rd Cir. 1978), cert. dismissed, 448 U.S. 917 (1980). Further, these changes have already been implemented through OSHA Instruction CPL 2-2.28 (September 16, 1980) and OSHA Instruction CPL 2-2.28A (August 2, 1982). Thus, the purpose of this final rule change is to make the text of the standard published in the Code of Federal Regulations conform to the court's decision.

The research and development requirement was deleted by the court because although "the Secretary can impose a standard which requires an employer to implement technology 'looming on today's horizon', and is not limited to issuing a standard solely based upon technology that is fully developed today... the statute does not permit the Secretary to place an affirmative duty on each employer to research and develop new technology." Id. at 838.

The quantitative fit test requirement was deleted because the government's brief conceded to the court that the provision was unsupported by the administrative record and would not be enforced.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Coke Oven Emission Standards is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard will not be printed in the Virginia Register of Regulations; however, paragraphs (f)(1)(i)(b), (f)(1)(ii)(b), (f)(1)(iii)(b), (f)(6)(iii) and (g)(4)(i) as amended of 29 CFR 1910.1029 are set out. Copies of the Coke Oven Emission Standards are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-6. Coke Oven Emissions Standards - Virginia Occupational Safety and Health Standards for General Industry.

§ 1910.1029 Coke oven emissions.

Final Regulations

* * * * *

(f) * * *

(1) * * *

(i) * * *

(b) The engineering and work practice controls required under paragraphs (f)(2), (f)(3) and (f)(4) of this section are minimum requirements generally applicable to all existing coke oven batteries. If, after implementing all controls required by paragraphs (f)(2), (f)(3) and (f)(4) of this section, or after January 20, 1980, whichever is sooner, employee exposures still exceed the permissible exposure limit, employers shall implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Whenever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirement of paragraph (g) of this section.

(ii) * * *

(b) If, after implementing all the engineering and work practice controls required by paragraph (f)(1)(ii)(a) of this section, employee exposures still exceed the permissible exposure limit, the employer shall implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(iii) * * *

(b) If, after implementing all engineering and work practice controls required by paragraph (f)(1)(iii)(a) of this section, employee exposures still exceed the permissible exposure limit, the employer shall implement any other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Whenever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

* * * * *

3. In § 1910.1029, paragraph (f)(6)(iii) is amended to read as follows:

§ 1910.1029 Coke oven emissions.

* * * * *

(f) * * *

(6) * * *

(iii) If, after implementing all controls required by paragraph (f)(2)-(f)(4) of this section, or after January 20, 1980, whichever is sooner, or after completion of a new or rehabilitated battery the permissible exposure limit is still exceeded, the employer shall develop a detailed written program and schedule for the implementation of any additional engineering controls and work practices necessary to reduce exposure to or below the permissible exposure limit.

* * * * *

4. In § 1910.1029, paragraph (g)(4)(i) is amended to read as follows:


§ 1910.1029 Coke oven emissions.

* * * * *

(g) * * *

(4) *Respirator usage.* (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

* * * * *


COMMONWEALTH of VIRGINIA
VIRGINIA CODE COMMISSION
General Assembly Building
POST OFFICE BOX 348
RICHMOND, VIRGINIA 23288
504-786-3241

February 13, 1986

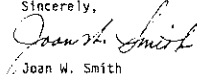
Mr. William G. Bryson, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

Attention: Margaret Gravett
Administrative Staff Specialist

Dear Mr. Bryson:

This will acknowledge receipt of the amendment to the Coke Oven Emissions Standards--Virginia Occupational Safety and Health Standards for General Industry, which was adopted by the Virginia Safety and Health Codes Board on January 23, 1986, to become effective on April 2, 1986.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since the Virginia Standard (VR 425-02-4) is identical to the federal regulation.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-11. Disregard of Certain Income Received by Indian Tribes in the Aid to Dependent Children (ADC) Program.

Statutory Authority: § 63.1-25 of the Code of Virginia

Effective Date: April 2, 1986

Summary:

Section 63.1-25 of the Code of Virginia authorizes the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Pursuant to SSA-AT-83-27 which sets forth interim operating instructions for implementation of Public Law 97-458, certain income received by members of Indian tribes is to be disregarded from consideration as income and resources in the determination of eligibility for assistance in the Aid to Dependent Children (ADC) Program. The regulation specifies the income to be disregarded under the provisions of this federal mandate.

As the proposed regulations are being adopted in response to a federal statutory change, the Department of Social Services, at the direction of the State Board of Social Services, requested exclusion from the requirements of Article 2 of the Administrative Process Act.

VR 615-01-11. Disregard of Certain Income Received by Indian Tribes in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Available resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, the cash value of life insurance, trust funds, stocks, bonds, mutual funds or any other financial instruments which the assistance unit has the right, authority, or power to liquidate.

PART II. TREATMENT OF CERTAIN INCOME RECEIVED BY INDIAN TRIBES.

§ 2.1. Any funds distributed to, or held in trust for, members of any Indian tribe under Public Laws 92-254, 93-134, 94-540, 98-64, 98-123, or 98-124 will be disregarded

and not considered as income or available resources. Further, interest and investment income accrued on Indian funds while held in trust, and any purchases made with such trust funds, including purchases made with the interest or investment income accrued on funds while in trust, are disregarded and not to be considered as income or available resources and will not be used to reduce or deny assistance or benefits to which the individual, or household, would otherwise be entitled to receive.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 3 AG
RICHMOND, VIRGINIA 23208
804 786-3591

February 17, 1986

Mr. William L. Lukhard, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: Disregard of Certain Income Received by Indian Tribes in Aid to Dependent Children Regulations

Dear Mr. Lukhard:

This will acknowledge receipt of the above regulation from the Department of Social Services which will become effective on April 2, 1986.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

LEGISLATIVE OBJECTIONS AND RESPONSES

As provided by § 9-6.14:9.2 of the Code of Virginia, the Board of Housing and Community Development has replied to the objection filed on January 22, 1986 by the House General Laws Committee regarding VR 394-01-22 - Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.

restrictive than the standards under which that building was constructed.

* * * * *

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.

Agency: Board of Housing and Community Development

Regulations Published: Vol. II, Issue 6, Page 680, (12/23/85)

Legislative Objection Filed: January 22, 1986

Agency Response Filed: February 11, 1986

Effective Date: Propose to postpone effective date to October 1, 1986

**The Honorable Alan A. Diamonstein, Chairman
House General Laws Committee**

The Board of Housing and Community Development offers the following response to the legislative objection to Volume II - Building Maintenance Code of the Uniform Statewide Building Code that was filed by the House General Laws Committee and published in the Virginia Register at page 1017, Monday, February 3, 1986.

At its meeting of February 3, 1986, the Board reviewed the concerns expressed by the House General Laws Committee about the possible requirement for retrofit of structurally sound buildings. The Board agrees that structurally sound buildings that are well maintained should not be required to meet present day building standards. Therefore, in response to the Committee's concerns, the Board has agreed to undertake the following actions:

1. Postpone the effective date of the 1984 edition of the Maintenance Code from April 1, 1986 to October 1, 1986; and
2. Schedule a public hearing on the following amendment on May 19, 1986:

100.5.1 Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code and with the Virginia Public Building Safety Regulations/1984 Edition; provided, however, no building shall be required to be modified to conform to any standard of the Building Maintenance Code that is more

GOVERNOR

EXECUTIVE ORDER NUMBER SEVEN (86)

GOVERNOR'S ECONOMIC ADVISORY COUNCIL

By virtue of the authority vested in me as Governor by § 2.1-393 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Economic Advisory Council.

The Council shall be comprised of no more than fifteen members appointed by the Governor and serving at his pleasure. There shall be a Chairman and a Vice-Chairman of the Council appointed by the Governor. The Council shall meet as needed at the call of the Chairman.

The Council shall have the general responsibility of advising the Governor on matters pertaining to the economic affairs of the Commonwealth. The Council shall review and make recommendations regarding:

- Economic impacts of the changing relationships of federal, state, and local governments.
- Economic conditions, consumer patterns, private sector activities, and governmental policies that affect state revenues.
- Trends in physical, social and economic characteristics of the Commonwealth that influence services and expenditures of state government.
- Proposals to enhance economic growth and development of the Commonwealth.

Members of the Council shall serve without compensation and shall not receive any expenses incurred in the discharge of their official duties.

This Executive Order supercedes and rescinds Executive Order Number 4 (82) issued January 22, 1982, by Governor Charles S. Robb.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of February, 1986.

/s/ Gerald L. Baliles, Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

VIRGINIA STATE BOARD OF MEDICINE STATE BOARD OF NURSING

Title of Regulations: VR 465-07-1 and VR 495-02-1.
Regulations Governing the Certification of Nurse Practitioners.

Governor's Comment:

No objections to the proposed regulations as presented. I commend the Boards for their efforts to improve the proposed regulations through the regulatory review process and recommend that they carefully consider any additional comments that are received on these proposals before taking final action.

/s/ Gerald L. Baliles
January 21, 1986

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

STATE BOARD OF ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Accountancy intends to consider promulgating, amending or repealing regulations entitled: **State Board of Accountancy Rules and Regulations**. The purpose of the proposed action is to revise the fees charged for license, license renewal, certificate of maintenance, examination, reexamination, and certificate by endorsement. Other changes to the regulations which may be necessary will be considered. The board encourages licensees, consumers of regulated services and citizens to submit written comment on all regulations.

Statutory Authority: § 54-84 of Chapter 5 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8505 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food**. The purpose of the proposed amendment is to lower the maximum allowable somatic cell count from 1.5 million cells to 1 million cells per milliliter on individual producer raw milk.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until March 5, 1986, to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture & Consumer Services, Division of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Service intends to consider amending regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products**. The purpose of the proposed amendment is to lower the maximum allowable somatic cell count from 1.5 million cells to 1 million cells per milliliter on individual producer Grade "A" raw milk for pasteurization.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until March 5, 1986, to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture & Consumer Services, Division of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **Regulations for the Control and Abatement of Air Pollution (VR 120-01)**. The purpose of the intended amendments is to change the agency's regulations concerning open burning to address the following problems: (i) the inclusion of all of Roanoke County as an urban area results in unnecessarily restrictive

requirements in some parts of the county which are rural in nature, (ii) the lack of specific conditions for use of special incineration devices causes confusion and inconsistency in the application of the regulations, (iii) failure to include the burning of strings and plastic by tomato growers as an agricultural practice is unduly restrictive and places undue economic burden upon the growers; (iv) the inclusion of the requirement that no burning be conducted near a building unless the occupants give their permission is unenforceable; and (v) the inclusion of the requirement that any burning conducted by residents be no closer than 300 feet from any occupied building is unenforceable.

Statutory Authority: § 10-17.18 (b) of the Code of Virginia.

Written comments may be submitted until April 9, 1986.

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va., 23240, telephone (804) 786-7564

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to consider amending regulations entitled: **Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects**. The amendments may address, but will not be limited to the education and training requirements of a person seeking the Engineering Intern Status graduating from nonapproved programs, minimum standards for land surveyors, and language changes in the architect regulations.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 6, 1986.

Contact: Johnsie Williams, APELSCLA Board, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8555 (toll-free number 1-800-552-3016)

VIRGINIA AUCTIONEERS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers

Board intends to consider promulgating, amending or repealing regulations entitled: **Virginia Auctioneers Board**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Examiners for Audiology and Speech Pathology intends to consider promulgating, amending or repealing regulations entitled: **Audiology and Speech Pathology**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

BOARD OF BARBER EXAMINERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Barber Examiners intends to consider promulgating, amending or repealing regulations entitled: **Regulations of Virginia Board of Barber Examiners**. The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and

General Notices/Errata

other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 4.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

BOARD OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Commerce intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Governing Employment Agencies**. The purpose of the proposed action is to revise the fees charged for initial license and renewal. The board also intends to review all existing regulations and encourages licensees, consumers of regulated services and other citizens to submit comment on all regulations.

Statutory Authority: § 54-872.18 and Chapter 24.2 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8505 (toll-free number 1-800-552-3016, Virginia only)

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Polygraph Examiners Regulations**. The purpose of the proposed regulations is to amend the Rights of Examinees to prohibit the asking during polygraph examination of questions concerning the political affiliation, religion, labor activities and/or handicaps of the examinee; to allow examinees to tape record polygraph examinations and to require examinees to be informed of their rights in writing in advance of polygraph examinations. Also to solicit public comment on all existing regulations as to its effectiveness, efficiency, necessity,

clarity and cost of compliance in accordance with the Department's Public Participation Guidelines' requirement for an Annual Review of Regulations.

Statutory Authority: § 54-917 of the Code of Virginia.

Written comments may be submitted until March 7, 1986.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800-552-3016, Virginia only)

BOARD OF CORRECTIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to promulgate regulations entitled: **Minimum Standards for Post Dispositional Confinement for Secure Detention and Court Service Units**. The purpose of the proposed regulations will set forth the minimum standards for post dispositional confinement for Juvenile and Domestic Relations Court Services detention facilities and Court Service Units.

Statutory Authority: §§ 53.1-5 and 16.1-284.1 of the Code of Virginia.

Written comment may submitted until March 15, 1986 to Barbara S. Klotz, Analyst Planning and Development, 4615 West Broad Street, P.O. Box 26963, Richmond, Virginia 23261

Contact: Glenn D. Radcliffe, Chief of Operations, Division of Youth Services, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-0385

VIRGINIA BOARD OF COSMETOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Cosmetology intends to consider promulgating, amending or repealing regulations entitled: **Regulations of the Virginia Board of Cosmetology**. The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 6.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Commercial Driver Training Schools intends to consider promulgating, amending or repealing regulations entitled: **Board for Commercial Driver Training Schools**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA FIRE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Board intends to consider amending regulations entitled: **Training Courses and Programs for Fire Marshals and Their Assistants**. The purpose of the proposed amendment is to amend the training courses and programs required for local fire marshals and their assistants.

Statutory Authority § 9-155 of the Code of Virginia

Written comments may be submitted until March 15, 1986, to Robert A. Williams, Department of Fire Programs, James Monroe Building, 101 N. 14th Street, Richmond, Virginia 23219

Contact: Carl N. Cimino, Executive Director, James

Monroe Bldg. 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Hearing Aid Dealers intends to consider promulgating, amending or repealing regulations entitled: **Virginia Board of Hearing Aid Dealers and Fitters Regulations**. The board will receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity, and cost compliance. The board also intends to review all existing regulations and encourages licensees, consumers of regulated services and citizens to submit written comment on all regulations.

Statutory Authority: § 54-1.28 and Chapter 15.2 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8595 (toll-free number 1-800-552-3061, Virginia only)

BOARD FOR CERTIFICATION OF LIBRARIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Certification of Librarians intends to consider promulgating, amending or repealing regulations entitled: **State Board of Certification of Librarians**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

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STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Examiners for Nursing Home Administrators intends to consider promulgating, amending or repealing regulations entitled: **State Board of Examiners for Nursing Home Administrators**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA STATE BOARD OF OPTICIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Opticians intends to consider promulgating, amending or repealing regulations entitled: **Regulations of Virginia State Board of Opticians**.

The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 14.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Real Estate Board intends to consider amending regulations entitled: **Virginia Real Estate Board's Regulations; (ii) Fair Housing Regulations; and (iii) Condominium and Time-Share Regulations**. The purpose will be to undertake an annual review and seek public comment on all its regulations. Consideration will be given to the following specific items and other suggestions that are received by the board prior to March 5, 1986:

- Repeal of unnecessary procedural Fair Housing provisions.
- Amendments to provisions of Condominium Regulations.
- Amendments to Time-Share Regulations.
- Amendment to conform regulations to law regarding registration of rental location agents.
- Require immediate return of license upon termination or transfer of a salesperson.
- Specify approval of categories of broker courses.
- Amend acceptable content of required Real Estate Principals and Practices courses.
- Provisions for the issuance of duplicate broker licenses.
- Upon consideration of all submittals, the board may elect to proceed further in accordance with its public participation guidelines and the Administrative Process Act resulting in new, modified, or repealed regulations.

Statutory Authority: § 54-740 of the Code of Virginia.

Written comments may be submitted until March 5, 1986.

Contact: Julio G. Del Corso, III, Assistant Director, Virginia Real Estate Board, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8516 (toll-free number 1-800-552-3016, Virginia only).

DEPARTMENT OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **The Virginia Fuel Assistance Program**. The department is

planning to develop policies and procedures for implementation of the 1986-87 Fuel Assistance Program, which will include: (i) any needed changes based on problems identified in the 1985-86 program; (ii) changes to the climate zones; and, (iii) other changes as a result of reduced federal funding. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558)

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until March 19, 1986 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Entitlement Date in the General Relief Program**. The purpose of the amendments is to ensure that a general relief recipient who moves from one locality to another will not have his assistance interrupted when reasons beyond his control delay the finding of eligibility in the new locality.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until April 1, 1986 to I. Guy Lusk, Director, Division of Benefit Programs, State Department of Social Services, 8007 Discovery Drive, Richmond, Virginia, 23229-8699

Contact: Carolyn Ellis, Financial Services Supervisor, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Minimum Standards for Local Agency Operated Child Care Programs**. These regulations will be developed to provide standards and approval requirements for nonresidential child care programs operated by local departments of social services.

Statutory Authority: §§ 63.1-25 and 63.1-55 of the Code of Virginia.

Written comments may be submitted until April 2, 1986.

Contact: Vernon Simmons, State Welfare Supervisor B, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9294 (toll-free number 1-800-552-7091)

DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **Virginia Retail Sales and Use Tax Regulation VR 630-10-49.2: Innovative High Technology Industries and Research**. The purpose of the proposed regulation is to formally adopt under the Administrative Process Act an emergency regulation adopted on January 16, 1986 and published in the February 17, 1986 issue of the Virginia Register of Regulations. The regulation will set forth the application of the sales and use tax to high technology businesses, including the broad industrial manufacturing and research and development exemptions generally available to such businesses.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until April 16, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

BOARD OF CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Certification of Water and Wastewater Work Operators intends to consider promulgating, amending or repealing regulations entitled: **Certification of Water and Wastewater Works Operators**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director,

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Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Safety and Health Codes Board

Request for Public Comment

The Virginia Safety and Health Codes Board (Department of Labor and Industry) requests comments on extending the coverage of the Virginia Hazard Communications Standard (1910.1200) to nonmanufacturing industries.

Virginia adopted the Federal OSHA Hazard Communication Standard, which applies to Standard Industrial Classification (SIC) codes 20 through 39, on August 17, 1984, without change except to extend coverage to all public sector employees. The Virginia Safety and Health Codes Board is continuing its consideration of expanding the scope of this regulation to cover SIC codes 40 through 90. A copy of SIC codes 20 through 90 can be found at the end of this notice.

The current Hazard Communication Standard in Virginia requires chemical manufacturers and importers to assess the hazards of chemicals they produce or import, label containers and provide material safety data sheets to distributors and purchasers in the manufacturing industries. Manufacturers and the public sector are then required to train employees in the hazards of and proper handling procedures for these chemicals.

The purpose of this notice is to collect specific information on the impact of extending the Hazard Communication Standard to employers in SIC codes 40 through 90. The board wishes to gather as much substantive data as possible to establish the current status of hazard communication within the industries outside of manufacturing and the appropriateness of covering these industries in a manner similar to the coverage of manufacturing industries in the current regulations.

Comments are invited on the following issues:

1. Please indicate the industry or industries to which the information supplied applied (by SIC Code if possible).
2. What is the current industry practice regarding hazard communication?

Do employers generally have written hazard communication programs?

Are containers labeled?

Are material safety data sheets available for the hazardous chemicals?

Are employees trained regarding the hazards and appropriate precautionary measures?

GENERAL NOTICES

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

Title of Regulation: VR 330-02-01. Regulations for Breath Alcohol Testing.

Authority: §§ 18.2-267 and 18.2-268 of the Code of Virginia.

In accordance with § 2.6 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following devices are approved for use as evidential breath test devices:

1. The Breathalyzer, Models 900-A and 1000, manufactured by Smith & Wesson Corp., Springfield, MA.
2. The Breathalyzer, Model 900, manufactured by the Stephenson Corporation, Red Bank, NJ.
3. The Photoelectric Intoximeter, Model 400, manufactured by Intoximeters, Inc., St. Louis, MO.
4. The Breathalyzer, Model 900-A, manufactured by National Draeger, Inc., Pittsburgh, PA.

In accordance with § 3.2 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-267 of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

1. The ALCOLYSER, manufactured by Lion Laboratories, Ltd., Cardiff, Wales, Great Britain.
2. The A.L.E.R.T. (Alcohol Level Evaluation Road Tester), Models J2A, J3A, & J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, MI.
3. The ALCO-SENSOR, ALCO-SENSOR II and ALCO-SENSOR III, manufactured by Intoximeters, Inc., St. Louis, MO.

3. What are the costs associated with the aspects of hazard communication that are currently implemented in the industry?

Please indicate these costs by specific activity if possible, i.e. costs for training, labels, etc.

Based on the present provisions of the Hazard Communication Standard, what additional costs are estimated to be incurred if the standard were extended to your industry?

4. Please estimate how many employees in this industry handle hazardous materials. What percentage is this number of the total number of employees in the industry.

Describe the kinds of hazardous materials and their quantities which are handled by these employees.

How many employees were injured or became ill in this industry during 1984 or 1985 resulting from the handling of hazardous material?

5. If Virginia extended the provisions of the Hazard Communication Standard to this industry as currently promulgated, what problems might arise in obtaining or transmitting hazard information?

What solutions to these problems can you suggest that would still result in employees getting the information they need?

How long would it take this industry to comply once the standard was in effect?

6. Does this industry have fixed work sites?

If no, is there some central point where information could be made accessible?

7. Does this industry have transient workers?

What current practices are used to ensure such workers are apprised of the hazards they may encounter on the site?

Is there training or information specific to the types of jobs performed?

8. To what extent are hazardous chemicals purchased from retail distributors?

How is information obtained about these chemicals when purchased from these types of establishments?

Do the retail distributors provide hazard information?

If so, has this been a successful approach?

Are employees exposed to the chemical involved

without receiving information about the specific hazards?

How is a determination made regarding the appropriate protective measures to be implemented in this situation?

9. Are "consumers products" used in this industry in a manner that results in different exposure levels than would be encountered in consumer usage?

What types of products are these?

How is hazard information obtained for these products?

10. What benefits would accrue to this industry by coverage under the Hazard Communication Standard?

Please key each response to the number of the question it applies to and provide as much substantive data as possible. Any other information which you believe is relevant to this inquiry would be welcome. Written comments may be submitted no later than March 21, 1986 to:

Carol A. Amato, Commissioner
Virginia Department of Labor and Industry
205 North Fourth Street
P.O. Box 12064
Richmond, Virginia 23241

For additional information contact:

Dr. Clarence H. Wheeling
Director of Health Enforcement
(same address as above)
(804) 786-0574

Covered by the current Hazard Communication Standard

Division D. Manufacturing

- Major Group 20. Food and kindred products.
Major Group 21. Tobacco manufactures.
Major Group 22. Textile mill products.
Major Group 23. Apparel and other finished products made from fabrics and similar materials.
Major Group 24. Lumber and wood products, except furniture.
Major Group 25. Furniture and fixtures.
Major Group 26. Paper and allied products.
Major Group 27. Printing, publishing, and allied industries.
Major Group 28. Chemicals and allied products.
Major Group 29. Petroleum refining and related industries.
Major Group 30. Rubber and miscellaneous plastics products.
Major Group 31. Leather and leather products.
Major Group 32. Stone, clay, glass, and concrete products.
Major Group 33. Primary metal industries.

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Major Group 34. Fabricated metal products, except machinery and transportation equipment.
Major Group 35. Machinery, except electrical.
Major Group 36. Electrical and electronic machinery, equipment, and supplies.
Major Group 37. Transportation equipment.
Major Group 38. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.
Major Group 39. Miscellaneous manufacturing industries.

Proposed extension

Division E. Transportation, communications, electric, gas, and sanitary services.

Major Group 40. Railroad transportation.
Major Group 41. Local and suburban transit and interurban highway passenger transportation.
Major Group 42. Motor freight transportation and warehousing.
Major Group 43. U.S. Postal Service.
Major Group 44. Water transportation.
Major Group 45. Transportation by air.
Major Group 46. Pipe lines, except natural gas.
Major Group 47. Transportation services.
Major Group 48. Communication.
Major Group 49. Electric, gas, and sanitary services.

Division F. Wholesale trade.

Major Group 50. Wholesale trade—durable goods.
Major Group 51. Wholesale trade—nondurable goods.

Division G. Retail trade.

Major Group 52. Building materials, hardware, garden supply, and mobile home dealers.
Major Group 53. General merchandise stores.
Major Group 54. Food stores.
Major Group 55. Automotive dealers and gasoline service stations.
Major Group 56. Apparel and accessory stores.
Major Group 57. Furniture, home furnishings, and equipment stores.
Major Group 58. Eating and drinking places.
Major Group 59. Miscellaneous retail.

Division H. Finance, insurance, and real estate.

Major Group 60. Banking.
Major Group 61. Credit agencies other than banks.
Major Group 62. Security and commodity brokers, dealers, exchanges, and services.
Major Group 63. Insurance
Major Group 64. Insurance agents, brokers, and service
Major Group 65. Real estate.
Major Group 66. Combinations of real estate, insurance, loans, law offices
Major Group 67. Holding and other investment offices

Division I. Services.

Major Group 70. Hotels, rooming houses, camps, and other lodging place.
Major Group 72. Personal services.
Major Group 73. Business services.
Major Group 75. Automotive repair, services, and garages.
Major Group 76. Miscellaneous repair services
Major Group 78. Motion pictures.
Major Group 79. Amusement and recreation services, except motion pictures.
Major Group 80. Health services.
Major Group 81. Legal services
Major Group 82. Education services.
Major Group 83. Social services.
Major Group 84. Museums, art galleries, botanical and zoological gardens.
Major Group 86. Membership organizations.
Major Group 88. Private households.
Major Group 89. Miscellaneous services.

NOTICE TO STATE AGENCIES

RE: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION - RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

General Notices/Errata

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Title of Regulation: VR 470-03-03. Rules and Regulations
to Assure the Rights of Clients in Community Programs.

Issue: 2:9, 973-983, February 3, 1986

Corrections to the final regulation are as follows:

Page 976, PART II, Article 2, § 2.2., paragraph following
D.

Change "§ 2.2" to "E":

Paragraph should read:

*E. A Community service board or licensed
organization.....*

Page 978, PART II, Article 7, § 2.11, paragraph D, 3rd
line.

Remove the word "patient" and replace it with the
word "client"

Third line should read:

*...order it, implement it, monitor it, and release the
client from.....*

Page 980, PART II, Article 11, § 2.15., third paragraph

The letter "B" should not be shown as stricken
language.

Paragraph should read:

B. The law and policies.....

§ 2.17, paragraph A, first line

Corrections on first line involve commas:

Corrected line should read:

*A. Personal maintenance, [~~or~~] personal
housekeeping ;*

Article 13, § 2.21, first line

Change of wording from "resident subjects" to "client
subjects".

Corrected first line should read:

*[§ 2.21. Human research involving client subjects
shall be.....]*

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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.

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) 786-6530.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Winegrowers Advisory Board

† **March 13, 1986 - 10 a.m.** – Open Meeting
Boar's Head Inn Sports Club, Charlottesville, Virginia

The board is meeting to hear oral presentations from selected advertising agencies for a Virginia wine marketing campaign. After the presentations, the board will decide which agency to engage for the project.

Contact: Lori Ann Ladin, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-0481

STATE AIR POLLUTION CONTROL BOARD

† **March 6, 1986 - 2 p.m.** – Open Meeting
State Capital Regional Office, 8205 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to allow public comments on a permit application from Virginia Gravure, Inc., to install and operate a rotogravure printing press at its facility located at 7400 Impala Drive in Henrico County.

Contact: Henry A. Moss, Regional Director, 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 264-3067

* * * * *

† **May 5, 1986 - 10 a.m.** – Public Hearing
Council Chambers, Town of Abingdon Municipal Building, 133 West Main Street, Abingdon, Virginia

† **May 5, 1986 - 10 a.m.** – Public Hearing
State Air Pollution Control Board, Valley of Virginia Regional Office, Executive Office Park - Suite A, 5338 Peters Creek Road, Roanoke, Virginia

† **May 5, 1986 - 10 a.m.** – Public Hearing
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia

† **May 5, 1986 - 10 a.m.** – Public Hearing
State Capitol, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

† **May 5, 1986 - 10 a.m.** – Public Hearing
State Air Pollution Control Board, Hampton Roads Regional Office, Pembroke Office Park, Pembroke IV - Suite 409, Virginia Beach, Virginia. (Location accessible to handicapped.)

† **May 5, 1986 - 11:00 a.m.** – Public Hearing
State Air Pollution Control Board, National Capital Regional Springfield Towers - Suite 502, 6320 Augusta Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (VR 120-01)**. The regulations establish limits on sources of air pollution to the extent necessary to achieve and maintain levels of air quality as will protect human health and welfare.

STATEMENT

Subject: Documents incorporated by reference.

Substance: The amendments establish a new appendix to the agency's regulations which provide a consolidated list of documents incorporated by reference. The list includes the name, reference number and edition for each

Calendar of Events

document. The edition is the latest available. Also included for each document is the name and address of the organization from whom it can be obtained.

Purpose: The purpose of the intended amendments is to change the agency's regulations to provide the latest edition of referenced documents and to provide a consolidated list of referenced documents to facilitate easy location.

Basis: The basis for incorporating documents by reference is § 9-6.18 of the Code of Virginia.

Issues: The issue is whether the regulation should specify the most current edition of any documents incorporated by reference.

Statutory Authority: § 10-17.18(B) of the Code of Virginia.

Written comments may be submitted until May 5, 1986 to the Director of Program Development.

Other pertinent information: Location of Draft. The proposals and any supporting documents may be examined by the public in Room 825, Ninth Street Office Building, Richmond, Virginia and at any of the agency's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the day of the hearing.

Southwestern Virginia Regional Office
State Air Pollution Control Board
121 Russell Road
Abingdon, Virginia 24210,
telephone (703) 628-7841

Valley of Virginia Regional Office
State Air Pollution Control Board
Executive Office Park - Suite A,
5338 Peters Creek Road,
Roanoke, Virginia 24019
telephone (703) 982-7328

Central Virginia Regional Office,
State Air Pollution Control Board
7701-03 Timberlake Road,
Lynchburg, Virginia 24502,
telephone (804) 528-6641

State Capital Regional Office
State Air Pollution Control Board,
8205 Hermitage Road,
Richmond, Virginia 23228,
telephone (804) 265-3067

Hampton Roads Regional Office,
State Air Pollution Control Board
Pembroke Office Park, Pembroke Four - Suite 409
Virginia Beach, Virginia 23462,
telephone (804) 499-6845

National Capital Regional Office
State Air Pollution Control Board
Springfield Towers - Suite 502
6320 Augusta Drive
Springfield, Virginia 22150,
telephone (703) 644-0311

Nature of Proceedings: Persons desiring to testify at the hearings shall furnish the agency with two copies of their presentation and the original of any exhibit relied upon. Written comments may also be submitted to the agency, at any of its regional offices, no later than the day of the hearing. All testimony, exhibits and documents received are matters of public record.

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

March 11, 1986 - 9:30 a.m. - Open Meeting
March 25, 1986 - 9:30 a.m. - Open Meeting
† April 8, 1986 - 9:30 a.m. - Open Meeting
† April 14, 1986 - 9:30 a.m. - Open Meeting
† April 22, 1986 - 9:30 a.m. - Open Meeting
† May 6, 1986 - 9:30 a.m. - Open Meeting
† May 12, 1986 - 9:30 a.m. - Open Meeting
† May 20, 1986 - 9:30 a.m. - Open Meeting
† June 3, 1986 - 9:30 a.m. - Open Meeting
† June 9, 1986 - 9:30 a.m. - Open Meeting
† June 17, 1986 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

March 14, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes of the November 15 meeting; (ii) review investigative cases; (iii) draft proposed regulations; and (iv) discuss the LGR report.

Board of Architects

March 7, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting (i) to approve the minutes of the December 13 meeting; (ii) review investigative cases; (iii) draft proposed regulations; and (iv) to review applications.

Board of Certified Landscape Architects

March 19, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve the minutes of the October 8 meeting; (ii) review of applications; and (iii) probable discussion of regulations.

Board of Land Surveyors

April 12, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to grade examinations. cases.

Contact: Johnsie Williams, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va. 23230-4917, telephone (804) 257-8506

VIRGINIA AUCTIONEERS BOARD

† **March 7, 1986 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to discuss its regulations.

Contact: Geralde W. Morgan, Department of Commerce, 3600 W. Broad St., Richmond, Va., 23220, telephone (804) 257-8508

* * * * *

March 7, 1986 - 10 a.m. - Public Hearing
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Commerce intends to amend regulations entitled: **Rules and Regulations of the Virginia Auctioneers Board.** The amendments provide for the establishment of a program of certification for all registered auctioneers. The proposed amendments intend to establish criteria for certification of auctioneers in accordance with applicable statutes.

STATEMENT

Basis and Purpose: Pursuant to §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia, the Virginia Auctioneers Board proposes to adopt rules and regulations to implement the enabling statute of the board, which is to certify and regulate any registered individual wishing to hold himself out as a Certified Virginia Auctioneer in the Commonwealth and to otherwise discharge the duties imposed on the board by § 54-1.28 of Chapter 1.1 of Title 54, Code of Virginia. The objective of these proposed amendments is to assure that auctioneers have met the desired competence through the least burdensome and most cost effective method available.

Impact: A. The amendments will affect approximately 780 registered auctioneers who may be eligible for certification. It is estimated that approximately 110 auctioneers per year would apply for examination and certification. In the initial year of the program, most applicants would be appending under the "grandfather" clause and would not be required to be examined.

B. The projected cost of implementation to the regulated entities is estimated at \$120 per applicant based on the expected cost of \$12,000 per year for administration, which includes the cost of examination and certification. The cost for implementation of the amendments may be passed on to the consumer by auctioneers in the form of increased fees. The cost of compliance to the regulated entities includes the fees for application and for attendance at a school of auctioneering to qualify for the examination. Based on the average cost of auctioneer schools, transportation, loss of business time and examination fees, the average expense per applicant is \$1,720.

C. The agency expects that the cost for administration of the proposed amendments will be \$12,000 per year. Revenue from examination and reexamination fees for \$50 is estimated at \$5,500 per year and \$6,500 per year will be generated by the \$75 certification fee. No additional personnel or equipment will be necessary to implement the proposed amendments.

D. Funds for implementing the amendments will come from part of the special dedicated revenue appropriated to the Department of Commerce. The proposed fee schedule is as follows:

Examination fee \$50
Reexamination fee \$50
Certification fee \$75

Calendar of Events

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016)

BOARD OF BARBER EXAMINERS

March 24, 1986 - 9 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of license; (ii) review investigative reports of complaints and determine disposition; and to (iii) consider correspondence pertinent to the operation of the board.

Contact: Board of Barber Examiners, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

† March 4, 1986 - 10 a.m. – Open Meeting
Department of Corrections, 4615 West Broad Street, 3rd Floor, Board Room, Westmoreland and Broad Streets, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The council will receive the Governor's response to the final rules and regulations as adopted by the State Boards of Education, Corrections and Social Services and finalize the qualifications and requirements for training of hearing officers pursuant the Code of Virginia § 2.1-703.

Contact: Nancy Bockes, P.O. Box 434, Independence, Va. 24348, telephone (703) 773-2452

VIRGINIA STATE BOARD FOR COMMUNITY COLLEGES

† March 19, 1986 - 1 p.m. and 3 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet Wednesday, March 19, 1986 at 1 p.m. for a working session; and the Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance Committees will meet at 3 p.m. The agenda is

unavailable at this time.

† March 20, 1986 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting of the board. The agenda is unavailable at this time.

Contact: Dr. Ann L. Williams or Nancy Finch, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2117

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Outdoor Recreation Advisory Board

† March 4, 1986 - 5 p.m. – Open Meeting
Sheraton Inn, Virginia Beach, Virginia

A quarterly business meeting of the advisory board to review matters pertaining to statewide recreation and state park matters.

Contact: Art Buehler, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-2556

BOARD OF CORRECTIONS

March 12, 1986 - 10 a.m. – Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to consider such matters as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

VIRGINIA BOARD OF COSMETOLOGY

March 10, 1986 - 10 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A practical examination committee meeting.

Contact: Olliver O. Trumbo, II, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

CRIMINAL JUSTICE SERVICES BOARD

April 2, 1986 - 1:30 p.m. - Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to
handicapped.)

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Contact: Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

Committee on Training

April 2, 1986 - 9:30 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to
handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Certification of Criminal Justice Instructors.** This regulation amends existing training and certification requirements for criminal justice instructors.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170 (1) and (11) of the Code of Virginia.

Those who instruct in the Commonwealth's criminal justice academies are responsible for providing a foundation for action for criminal justice officers across the state. Prior to being accepted as an instructor, these individuals should be able to demonstrate through experience and ability, a fundamental competence to provide the necessary instruction. Since only those who wish to instruct in approved training programs are subject to these regulations, they will impact less than 15% of the criminal justice officers in the Commonwealth.

Subject and Substance: The proposed amendments to the rules mandate minimum requirements for certification and recertification of criminal justice instructors.

Impact: This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the department. Minimal fiscal impact is anticipated.

Compliance Cost: Rules pertaining to this subject matter currently exist. Some minimal compliance costs may be associated with the requirement for retraining prior to recertification. No increase in costs is anticipated relative

to the changes involving initial certification.

The proposed recertification requirement calls for completion of a seminar approved by the department, to ensure that the individuals are up-to-date with the subject matter in their respective categories of certification. In many cases, this retraining will be accomplished through the existing in-service training requirement.

Implementation Costs: Implementation costs to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the Administrative Process Act, Executive Order No. 51, and the board's Public Participation Guidelines. No additional costs are anticipated.

Contact: Mr. Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

* * * * *

April 2, 1986 - 9:30 a.m. - Public Hearing
Division of Motor Vehicles, 3200 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to
handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Personnel and Deputy Sheriffs Designated to Serve Process.** The regulation amends existing training standards for deputy sheriffs and other law-enforcement and designated personnel to provide security for the courthouse and courtroom and serve process.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170 (5 & 5a.) of the Code of Virginia. The protection of property and persons during the judicial process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for effective protection of the courthouse and courtroom and for the protection of the individuals upon whom process is served.

Subject and Substance: The proposed amendments to the rules mandate minimum training standards for those criminal justice personnel designated to provide courthouse and courtroom security or who serve process.

Impact: This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the department. No fiscal impact is anticipated.

Calendar of Events

Statutory Authority: § 9-170 (5 and 5a) of the Code of Virginia.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

April 10, 1986 - 10 a.m. - Public Hearing
Jefferson-Sheraton Hotel, Franklin and Adams Streets,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Dentistry intends to adopt regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene.**

STATEMENT

Purpose: The purpose of these regulations is to establish the requirements for licensure as dentists and dental hygienists in Virginia, to regulate the licensure of dentists and dental hygienists and to discharge the duties required of the board by § 54-163 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Basis: § 54-163 of the Code of Virginia.

Impact: The proposed regulations would affect approximately 4,331 licensed dentists, 2,003 licensed dental hygienists and 29 temporary permits. The Board of Dentistry depends on fees from licensees and applicants to fulfill its statutory responsibilities. Proposed changes in fees will allow the board to meet this obligation.

Statutory Authority: § 54-163 of the Code of Virginia

Written comments may be submitted until April 4, 1986.

Contact: Nancy T. Feldman, Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0311

STATE BOARD OF EDUCATION

† **March 27, 1986 - 8:30 a.m. - Open Meeting**
† **March 28, 1986 - 9 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

The Board of Education will hold its regularly

scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg. 101 N. 14th St., 25th Floor, Richmond, Va. 23219, telephone (804) 225-2540

* * * * *

† **May 5, 1986 - 10 a.m. - Public Hearing**
James Monroe Building, 101 North 14th Street, Room D, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** These regulations are being amended to include Part V, Procedures For Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs. Only Part V of these regulations is to be open for public comment and deals with the identification of children residing in mental health and mental retardation facilities who can be placed in public day school program.

STATEMENT

Summary: Part V, Procedures for Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs is a proposed amendment to the Regulations Governing Special Education for Handicapped Children and Youth in Virginia. Only Part V of the above regulations will be open for review and public comment. The 1985 General Assembly enacted legislation which amended § 22.1-215 of the Code of Virginia requiring the Board of Education to promulgate these regulations.

Basis and Purpose: The proposed amendment is to identify children, ages two to 21, inclusive, residing in mental health and mental retardation facilities who are eligible for placement within a public school program.

Statutory Authority: Article II (§ 22.1-215) of Chapter 13 of the Code of Virginia.

Written comments may be submitted until May 1, 1986.

Contact: James T. Micklem, Director, Division of Special Education Programs and Pupil Personnel Services, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2861

Calendar of Events

State Board of Vocational Education

† **March 6, 1986 - 7 p.m.** - Public Hearing
Arnold R. Burton Vocational-Technical Center, 1760
Boulevard, Salem, Virginia. (Location accessible to
handicapped.)

As required by the Carl D. Perkins Vocational
Education Act of 1984 (P.L. 98-524), a public hearing
will be held to provide the general public with an
opportunity to review and comment on modifications
to the State Plan for Vocational Education in Virginia
(FY86-88).

Contact: Dr. Ned K. Swartz, Virginia Department of
Education, P.O. Box 6Q, Richmond, Va. 23216-2060,
telephone (804) 225-2100

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **March 20-21, 1986 - 9 a.m.** - Open Meeting
Department of Health Regulatory Boards, 517 West Grace
Street, Main Board Room, Richmond, Virginia

Informal fact-finding conferences.

Contact: Mark L. Forberg, Executive Secretary, Virginia
Board of Funeral Directors and Embalmers, 517 W. Grace
St., Richmond, Va. 23220, telephone (804) 786-0076

COMMISSION OF GAME AND INLAND FISHERIES

March 21, 1986 - 9:30 a.m. - Open Meeting
Game Commission Offices, 4010 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

The commission will consider a proposed new
regulation pertaining to the appointment of new
license agents by the commission for the sale of
hunting and fishing licenses. Also to be considered is a
proposed amendment to boating regulations (VR
325-04-1. § 1), pertaining to boating safety equipment,
applicable to all recreational boats, as required by
federal law. General administrative matters will also
be considered.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond,
Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **March 7, 1986 - 10 a.m.** - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenue, Main Conference Room, Richmond, Virginia.
(Location accessible to handicapped.)

The council will advise the director of the Department
of General Services and the Governor on architecture
of state facilities to be constructed, and works of art
to be accepted or acquired by the Commonwealth.

Contact: Dorothy E. Ivankoe, Department of General
Services, 209 Ninth Street Office Bldg., Richmond, Va.
23219, telephone (804) 796-3311

State Insurance Advisory Board

March 14, 1986 - 9:30 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets,
Conference Room of the Director of the Department of
General Services, Richmond, Virginia. (Location accessible
to handicapped.)

A quarterly meeting of the State Insurance Advisory
Board.

Contact: Charles F. Scott, Director, Department of General
Services, Office of Risk Management, 805 E. Broad St.,
Room 117, Richmond, Va. 23219, telephone (804) 786-5968.

GOVERNOR'S ADVISORY COMMITTEE ON CHILD ABUSE AND NEGLECT

March 7, 1986 - 10 a.m. - Open Meeting
Koger Executive Center, 8007 Discovery Drive, Blair
Building, 2nd Floor, Conference Room B, Richmond,
Virginia (Location accessible to handicapped.)

A regular quarterly meeting.

Contact: D. Ray Sirry, Virginia Department of Social
Services, 8007 Discovery Dr., Richmond, Va. 23229-8699,

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **March 17, 1986 - 10:30 a.m.** - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street,
Richmond, Virginia. (Location accessible to handicapped;
interpreter for deaf provided if requested.)

Calendar of Events

A general meeting of the council.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P.O. Box 12083, Richmond, Va. 23241, telephone (804) 786-8085

STATE BOARD OF HEALTH

† **May 2, 1986 - 10 a.m.** – Public Hearing
Hampton City Council Chambers, 22 Lincoln Street, Hampton, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries (VR 355-22-1.1)**. Proposed amendment 2 to these regulations prohibits certain kinds of commercial finfishing activities because of kepone contamination.

STATEMENT

Basis and Authority: Chapter 7, Title 28.1 authorizes the State Health Commissioner to limit or set boundaries on taking shellfish, finfish, or crustacea where pollution conditions render the produce unfit for market, and may establish standards by which fish, shellfish, and crabmeat are sanitary and fit to market. The State Board of Health, § 32.1-248 of Title 31.1, is authorized to adopt regulations closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and to amend said regulations without application of the Administrative Process Act where the threat has been abated in part.

Purpose: The State Board of Health and State Health Commissioner promulgate these amended regulations to restrict taking, distribution, and consumption of finfish from designated portions of the James River and its tributaries because of contaminant levels in finfish above the action level for kepone. Levels of kepone, a toxic pesticide, have been found to constitute a threat to public health in specified finfish species.

Summary and Analysis: The proposed amendment slightly revises the regulations which became effective on July 1, 1982. By this amendment 2, recreational finfishing and crabbing continues without restriction in all portions of the James River and its tributaries. As in the previous regulations, commercial fishing for Striped Bass, Croaker, and Eel not deperated is prohibited throughout the effective period of this amendment. All previous restrictions on commercial crabbing, removed from the regulations, continue to be suspended in this amendment 2. As in the previous amendment, Spot are not restricted for commercial finfishing between July 1, and December 31.

Changes reflected in this amendment deal with simplifying

and clarifying language, as required by the Registrar of Regulations for all regulations promulgated in Virginia.

Unless specifically restricted, all other finfish may be taken commercially and marketed.

Impact: The amendment continues the kepone ban on the James River as it has existed for the past two years under amendment 1.

Limitations on Striped Bass and Croaker constitute a continuing economic impact to the industry. An estimated 200 working watermen are affected by the fishing limitations of this amended ban.

Monitoring costs to the Commonwealth will be approximately \$300,000 during the effective period. There is no adverse impact to local government anticipated from this amendment.

Forms: None required

Evaluation: Quarterly review of monitoring data is required to be submitted to the Commissioner, and to the Board of Health, to assure closure for the minimum resource. Enforcement is vested with the Virginia Marine Resources Commission.

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia.

Written comments may be submitted until May 2, 1986.

Contact: Robert B. Stroube, M.D., Assistant Health Commissioner, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6029

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **March 26, 1986 - 9:30 a.m.** – Open Meeting
† **April 23, 1986 - 9:30 a.m.** – Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. (Location accessible to handicapped.)

A monthly business meeting for the purpose of addressing financial, policy or technical matters which may have arisen since last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

March 5, 1986 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Conference Room, Richmond, Virginia. (Location accessible

to handicapped.)

A monthly meeting of the council. The agenda is available upon request.

Contact: Grace I. Lessner, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, Va. 23219, telephone (804) 225-2538

STATE HIGHWAY AND TRANSPORTATION BOARD

† **March 20, 1986 - 10 a.m.** – Open Meeting
Highway and Transportation Research Council Building, University Station, Charlottesville, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219 telephone, (804) 786-9950

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† **March 24, 1986 - 9 a.m.** – Public Hearing
Fredericksburg District Highway Office Building, Fredericksburg, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

† **March 25, 1986 - 9 a.m.** – Public Hearing
Suffolk District Highway Office Building, Suffolk, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A public hearing to receive comments on highway allocation for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

Contact: A. W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va, telephone (804) 786-9950

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† **March 18, 1986 - 10 a.m.** – Open Meeting
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) to consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Ad Hoc Advisory Committee

March 3, 1986 - 10 a.m. – Open Meeting
March 4, 1986 - 9 a.m. – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if needed.)

The advisory committee has been appointed by the Board of Housing and Community Development to assist it in formulating recommendations to be offered at the annual meeting of The Building Officials and Code Administrators International, Inc. (BOCA), regarding 1986 proposed changes to the BOCA model codes. The requirements of the BOCA Model Building Code, Existing Structures Code, Mechanical Code, Plumbing Code, and Fire Prevention Code are referenced by the Virginia Uniform Statewide Building Code which is adopted and maintained by the board. The meeting of the advisory committee will be for the purpose of developing recommendations for approval or challenge of the recommendations developed by the BOCA Code Change Committees which were developed at meetings in January, 1986. All organizations known to be affected by the State Building Code have been invited to supply a representative to the advisory committee.

Contact: Jack A. Proctor, Administrator, Office of Uniform Building Code, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-5041

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† **May 19, 1986 - 10 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code, 1984**. Volume II Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use.

STATEMENT

Subject and Substance: Proposed amendment by the Board of Housing and Community Development of § 100.5.1 of the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code.

Issue: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: Because the amendment further limits the amount of retrofit required under the Building Maintenance Code, the cost of compliance will be reduced.

Basis: §§ 36-97 through 36-119 of the Code of Virginia.

Purpose: It is the intent of the amendment to limit changes required by the Building Maintenance Code to existing buildings in good repair, to those that are necessary to maintain compliance with the standards under which they were constructed, and with the Virginia Public Building Safety Regulations.

Reporting Forms: None required.

The public hearing is being held to afford interested persons and groups an opportunity to submit data, views and arguments regarding a proposed amendment to the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code in response to a legislative objection filed by the House General Laws Committee and published in the February 3 edition of the Virginia Register of Regulations.

Anyone wishing to speak or offer written statements relating to the proposed amendment will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by May 19, 1986.

Statutory Authority: Article 1 (§ 36-97 et seq.) of Chapter 6 of the Code of Virginia.

Written comments may be submitted until May 19, 1986.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St.,

Richmond, Va. 23219, telephone (804) 768-4751

VIRGINIA STATE LIBRARY BOARD

† **March 10, 1986 - 11 a.m. – Open Meeting**
Virginia State Library, 11th Street At Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

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April 7, 1986 - 10 a.m. – Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to repeal existing regulations and to adopt regulations entitled: **Standard for Microfilming of Public Records for Archival Retention, VR 440-01-137.1**. These regulations provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming records of permanent value.

STATEMENT

Subject and Substance: Standards for the Microfilming of Public Records for Archival Retention are being rewritten by the State Library Board and provide minimum standards for microfilming public records of archival value. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. Requirement for methylene blue testing was changed from no specified frequency to every eight hours for commercial labs.
2. The acceptable density range was increased from 1.0-1.2 to .9-1.2.
3. The resolution requirement was changed from 90 lines per millimeter to 90 lines per millimeter and resolution of the 4.0 pattern.
4. The residual thiosulfate concentration was changed from an optimum of .7 micrograms to greater than zero and less than .7 micrograms.

Calendar of Events

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming public records of permanent value.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: § 42.1-82 of the Code of Virginia.

Purpose: To ensure that when records of permanent value are microfilmed the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to repeal existing regulations and to adopt regulations entitled: **Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process, VR 440-01-137.2** These regulations provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in a procedural microphotographic process for microfilming permanent records.

STATEMENT

Subject and Substance: Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process are being rewritten by the State Library Board and provide minimum standards for microfilming deeds and other writings by a procedural microphotographic process. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The requirement for methylene blue testing by commercial labs was changed from every four hours to every eight hours.

2. The acceptable density range was changed from 1.0-1.2 to .9-12.

3. The resolution requirement was changed from 5.0 pattern for 16mm and the 7.1 pattern for 35mm was changed to resolution of the 5.0 pattern and 120 lines per millimeter regardless of the reduction ratio.

4. The reduction ratio is no longer specified.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming deeds and other writings by a procedural microphotographic process.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: §§ 17-60, 17-70, 42.1-82 of the Code of Virginia.

Purpose: To ensure that when deeds and other writings are recorded by a procedural microphotographic process the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library intends to repeal existing regulations and to adopt regulations entitled: **Minimum Standards for Instruments Recorded by a Microphotographic Process, VR 440-01-137.3**. This regulation provides minimum standards for paper size and quality inscription color and quality and document format for instruments recorded by a microphotographic process.

STATEMENT

Subject and Substance: Minimum Standards for Instruments Recorded by a Microphotographic Process applies only to instruments recorded by a microphotographic process. The standard is being repealed by the State Library Board because of the adoption of Standards for Recorded Instruments (VR 440-01-137.7) which applies to all instruments submitted for recordation.

Calendar of Events

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until April 7, 1986.

Other pertinent information: Superseded by Standards for Recorded Instruments VR 440-01-137.7.

Contact: Louis H. Manarin, State Archivist, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

* * * * *

April 7, 1986 - 10 a.m. - Public Hearing

Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to repeal existing regulations and adopt regulations entitled: **Standards for the Microfilming of Ended Law Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition, VR 440-01-137.4.** This regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming all ended records, papers, or documents pertaining to law chancery, and criminal cases.

STATEMENT

Subject and Substance: Standards for the Microfilming of Ended Law Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition are being rewritten by the State Library Board and provide minimum standards for microfilming all ended records, papers or documents pertaining to law, chancery, and criminal cases. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The requirement for methylene blue testing by commercial labs was changed from every four hours to every eight hours.
2. The resolution requirement for 35mm film was changed from the 7.1 pattern to the 4.0 pattern and 90 lines per millimeter. The resolution requirement for 16mm film was changed from the 5.0 pattern to the 4.0 pattern and 90 lines per millimeter.
3. The requirement for a specific reduction ratio was removed.
4. The requirement for the background density was

changed from 1.0-1.2 to .9-1.2.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming all ended records, papers, or documents pertaining to law, chancery, and criminal cases.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: §§ 17-47.4 and 42.1-82 of the Code of Virginia.

Purpose: To ensure that when ended law, chancery, and criminal files are microfilmed, the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

Statutory Authority: § 42.1-82 of the Code of Virginia

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

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April 7, 1986 - 10 a.m. - Public Hearing

Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to repeal existing regulations and adopt regulations entitled: **Standards for Computer Output Microfilm (COM) for Archival Retention, VR 440-01-137.5.** These regulations provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage or computer output microfilm (COM) generated of public records of permanent value.

STATEMENT

Subject and Substance: Standards for Computer Output Microfilm (COM) for Archival Retention are being rewritten by the State Library Board and provide minimum standards for microfilm of public records of permanent value produced by the computer output microfilm (COM) process. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The acceptable density range was changed from 1.0-1.2 to 1.8 or higher.

2. The acceptable residual thiosulfate concentration was changed from an optimum concentration of .7 micrograms to greater than zero and less than .7 micrograms.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of computer output microfilm (COM) generated for records of permanent value.

2. Exclusions - The standards do not apply to computer output microfilm (COM) generated for records of nonpermanent value.

Basis: § 42.1-82. of the Code of Virginia

Purpose: To ensure that when public records of permanent value are generated by the computer output microfilm (COM) process, the microfilm on which the images are recorded and the images are archival, can be read, and will produce legible copies.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

COMMISSION ON LOCAL GOVERNMENT

March 11, 1986 - 2 p.m. - Open Meeting
Center In The Square, 1 Market Square, Roanoke, Virginia

A regular meeting of the Commission on Local Government.

Contact: Amy L. MacMahan, Commission on Local Government, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA MARINE PRODUCTS BOARD

† **March 4, 1986 - 5 p.m. - Open Meeting**
Ramada Inn, Route 17, Room 4, Newport News, Virginia

A meeting to receive reports from the executive director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, 97 Main St., P.O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

March 25, 1986 - 9:30 a.m. - Open Meeting
April 22, 1986 - 9:30 a.m. - Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions. Fishery Management and Conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

† **March 11, 1986 - 10:30 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to review the (i) on-going State Plan; (ii) General Assembly status, and (iii) departmental administration status.

Contact: Jacqueline M. Fritz, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

March 13-15, 1986 - 8:30 a.m. - Open Meeting
Radisson Hotel, Charlottesville, Virginia. (Location accessible to handicapped.)

A meeting to review reports, interview licensees and make decisions on discipline matters before the board. At 1:30 p.m. Saturday, March 15, the full board will meet in open session to conduct general board business.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0575

Calendar of Events

Chiropractic Examination Committee

† April 8, 1986 - 12 p.m. - Open Meeting
Hyatt Richmond, 6500 West Broad Street, I-64 West,
Richmond, Virginia. (Location accessible to handicapped.)

The Chiropractic Examination Committee will meet in open and executive session to continue the development of the Virginia Chiropractic Part III examination.

Credentials Committee

† April 25-26, 1986 - 8 a.m. - Open Meeting
Hyatt Richmond, 6500 West Broad Street, I-64 West,
Richmond, Virginia. (Location accessible to handicapped.)

Interviews to review medical credentials of applicants applying for licensure in Virginia in open and executive session.

Informal Conference Committee

† March 7, 1986 - 1 p.m. - Open Meeting
Springfield Hilton, 6550 Loisdale Road, Springfield,
Virginia. (Location accessible to handicapped.)

An Informal Conference Committee composed of three members of the Virginia State Board of Medicine will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

Podiatry Examination Committee

† March 22, 1986 - 9 a.m. - Open Meeting
Springfield Hilton, 6550 Loisdale Road, Springfield,
Virginia. (Location accessible to handicapped.)

The Podiatry Committee will meet in open and executive session to continue the development of the Virginia Podiatry Part III examination.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† March 26, 1986 - 10 a.m. - Open Meeting
Rappahannock-Rapidan Community Services Board,
Culpeper United Methodist Church, Oaklawn Drive,
Culpeper, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be

published on March 19 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3291

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Advisory Council

† March 21, 1986 - 10:30 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor,
Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Board of Mental Health and Mental Retardation on matters pertaining to mental retardation services in the Commonwealth.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

State Human Rights Committee

† March 7, 1986 - 10 a.m. - Open Meeting
Central Virginia Training Center, Lynchburg, Virginia

A regular meeting of the committee to discuss business relating to human rights issue. The agenda will be available prior to the meeting.

Contact: Elsie D. Little, A.C.S.W., Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

DEPARTMENT OF MOTOR VEHICLES

† March 11, 1986 - 10:30 a.m. - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

A project committee meeting to review provisions of the Motor Vehicle Dealer Licensing Act for consideration of changes, additions, or deletions.

Contact: Joe Chandler, Committee Chairman, Department of Motor Vehicles, 2300 W. Broad St., Richmond, Va. telephone (804) 257-0463

STATE BOARD OF NURSING

† **March 24-26, 1986 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia.

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

OLD DOMINION UNIVERSITY

Board of Visitors

April 4, 1986 - (Specific time will be included in the agenda to be distributed two weeks prior to meeting.) - Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia

A regular meeting of the Board of Visitors to handle affairs of the university.

Contact: Dr. Gary N. Rubin, Associate Vice President for Advancement and Secretary to the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

VIRGINIA BOARD OF OPTOMETRY

† **March 12, 1986 - 8:30 a.m. - Open Meeting**
517 West Grace Street, Board Room, Richmond, Virginia.

Informal conferences and general business.

Contact: Moira C. Lux, Executive Director, Board of Optometry, P.O. Box 27708, Richmond, Va. 23261

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April 16, 1986 - 10 a.m. - Public Hearing
Holiday Inn, 6351 West Broad Street, I-64 West, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Optometry intends to repeal the existing regulations and adopt regulations entitled: **VR 510-01-1: Regulations of the Virginia Board of Optometry**. The proposed regulations, a revision of existing ones, provide the standards for the practice of optometry in Virginia; state the requirements

for candidates for examination and licensure as optometrists; and govern the board in the performance of its duties.

STATEMENT

Subject: The proposed regulations provide the standards for the practice of optometry in Virginia. The regulations state the requirements for licensure as an optometrist, for taking a practical examination, for renewing a license, and for obtaining continuing education. The regulations also describe acceptable professional designations for optometrists, and list conduct that is unprofessional. Additionally, fees charged by the board for examinations and licensure are stated in the regulations.

Purpose: To ensure the safety of the public in obtaining eye care.

Impact: The regulations will affect the 905 licensed optometrists in Virginia.

Basis: These regulations are issued under the authority granted by § 54-376 of the Code of Virginia.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until April 16, 1986.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0077

STATE BOARD OF PHARMACY

March 12, 1986 - 10 a.m. - Public Hearing
Holiday Inn, 6351 West Broad Street, I-64 West, Ball Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Pharmacy intends adopt regulations entitled: **Board of Pharmacy Regulations**.

STATEMENT

Subject: This proposed regulation addresses licensure requirements for pharmacists and pharmacies, drug security, recordkeeping, prescription orders and methods of dispensing of drugs in pharmacies serving various prescription drug needs.

Basis and purpose: This regulation is based on requirements set forth in The Drug Control Act and the necessity for the board to advise the pharmacist and others directly affected by the act of the latitude which the licensees may practice and stay within the requirements of law as they engage in various aspects of drug distribution.

Calendar of Events

Further, this regulation has been the subject of intense review for clarification and represents a reduction of existing regulations and a rewriting of a large numbers of the present regulations. With the exception of regulations dealing with good manufacturing practices, all regulations will be repealed and these proposals adopted.

Estimated Impact: This regulation will directly affect the same number of licensees as do the existing regulations, i. e. 1,325 pharmacies, 5,100 pharmacists, 65 drug distributors and 14,000 controlled substances registrants.

Statutory Authority: § 54-524.16 of the Code of Virginia.

Written comments may be submitted until March 12, 1986.

Contact: Jack B. Carson, Executive Director, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0239

VIRGINIA BOARD OF PSYCHOLOGY

† **March 6, 1986 - 9 a.m. - Open Meeting**
517 West Grace Street, Board Room, Richmond, Virginia.

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) regulatory review.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-3434

ADVISORY BOARD ON PHYSICAL THERAPY

March 14, 1986 - 1:30 p.m. - Open Meeting
Radisson Hotel, Charlottesville, Virginia. (Location accessible to handicapped.)

A meeting to conduct general board business and respond to correspondence.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0575

POLYGRAPH EXAMINERS ADVISORY BOARD

March 4, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to continue revision of the licensing examinations, and to consider revisions to the regulations governing polygraph examiners.

Contact: Iva B. Frizzell, 3600 W. Broad St., Richmond, Va.

23230, telephone (804) 257-8515/8563

VIRGINIA REAL ESTATE BOARD

March 4-5, 1986 - 10 a.m. - Open Meeting
Lynchburg Circuit Court, 900 Court Street, Courtroom B, Lynchburg, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Board v. Freda Yeatts.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

March 14, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes of the February 18 meeting; (ii) review investigative cases; and (iii) review applications for licensure appointments.

Contact: Elinor Powell, Interim Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8516

March 15-16, 1986 - 9 a.m. - Open Meeting

RESCHEDULED TO:

April 26-27, 1986 - 9 a.m.

Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to review regulations entitled (i) "Virginia Real Estate Board's Regulations; (ii) Fair Housing Regulations; and (iii) Condominium and Time-Share Regulations."

Contact: Julio G. Del Corso, III, Assistant Director for Real Estate, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8516

VIRGINIA RESOURCES AUTHORITY

March 11, 1986 - 10 a.m. - Open Meeting
The Mutual Building, 909 East Main Street, Authority Board Room, Suite 305, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to (i) approve minutes of the prior month board meeting; (ii) review the authority's operations for the prior month; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one

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week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

March 26, 1986 - 9 a.m. - Open Meeting
April 23, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P.M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

March 18, 1986 - 9 a.m. - Public Hearing
April 15, 1986 - 9 a.m. - Public Hearing
State Capitol, House Room 2, Richmond, Virginia. (Location accessible to handicapped)

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10:00 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg. Richmond, Va., telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

March 19, 1986 - (Time to be announced) - Open Meeting
March 20, 1986 - (Time to be announced) - Open Meeting
Fair Oaks Inn, 11787 Lee Jackson Highway, Fairfax, Virginia. (Location accessible to handicapped.)

A work session and formal business meeting.

Contact: Phyllis Sisk, 8007 Discovery Dr., Richmond, Va. 23229-8899, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

March 3, 1986 - 2 p.m. - Public Hearing
Department of Social Services, 8007 Discovery Drive, Blair Building, Conference Room B, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **State Plan for Implementation of the Virginia Weatherization Assistance Program for Low-Income Persons**. The State Plan describes methods of implementing the Weatherization Program in Virginia.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: The State Plan sets forth the method of development and implementation of a weatherization program to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwelling of low-income persons.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until March 3, 1986.

Other pertinent information: Copies of the State Plan are available at the Department of Social Services or telephone: (804) 281-9046

Contact: Daniel W. Deane, Program Specialist, Department of Social Services, 8007 Discovery Dr. Richmond, Va. 23288, telephone (804) 281-9046 (toll-free number 800-552-7091)

Human Services Information and Referral Advisory Board

March 21, 1986 - 9:30 a.m. - Open Meeting
Koger Executive Center, 8007 Discovery Drive, Blair Building, 2nd Floor, Conference Room B, Richmond, Virginia. (Location accessible to handicapped.)

A general meeting of the Information and Referral Board.

Contact: D. Ray Sirry, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9308

Division of Licensing Programs

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to adopt regulations entitled: **Regulations for Criminal Record Checks: Licensed Child Care Centers and**

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Child Caring Institutions. The purpose of this regulation is to provide guidelines and clarification for the requirement that all persons involved in the operation of a licensed child care center or child caring institution secure a criminal record check; and to protect children in licensed facilities from persons previously convicted of specified crimes.

STATEMENT

Basis: The Department of Social Services has implemented procedures for criminal record checks because of the passage of S.B. 618 during the 1985 Session of the General Assembly. Sections 19.2-389, 63.1-199 of the Code of Virginia, were changed by adding §§ 63.1-198.1 and 63.1-198.2 and amending § 63.1-199.

This statutory change required that all compensated employees and volunteers as well as applicants/licensees of child care centers and child caring institutions secure a criminal records clearance and be issued a certificate by the Commissioner of Social Services. In consultation with the state police and the staff of the office of the Attorney General, the department devised procedures to implement the law and has been processing the required certificates since July 1, 1985.

Effective September 20, 1985, the Emergency Regulation for Criminal Record Checks, pursuant to § 9-6.14:6 of the Code of Virginia, was approved by Governor Charles S. Robb. The department is currently operating under this regulation which became effective September 1, 1985.

The Department of Social Services, acting under the authority of § 63.1-202 of the Code of Virginia, is authorized to promulgate regulations.

Purpose: The basic intent of the statute is to protect children in licensed child care centers and child caring institutions from predatory persons already convicted of crimes against children.

Impact: A. Regulated entities as of November 1, 1985, include 761 licensed child care centers and 36 licensed child caring institutions. The following is a breakdown of the total licensed capacity:

761 Child Care Centers	58,241 Children
36 Child Caring Institutions	918 Children
TOTAL	59,159

B. The approximate number of individuals requiring criminal record checks during the period of one year was estimated on the required staffing in the current child care center and child caring institution standards with some consideration of staff turnover and volunteers. The initial estimate was 10,000 individuals but as of November 25, 1985, over 11,000 record checks have been received. Therefore, the estimated total for one year has been revised to approximately 15,000.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Contact: Sheila B. Rich, Supervisor of Children and Adult Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free number 1-800-552-7091)

VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

† **March 18, 1986 - 9 a.m.** – Open Meeting
517 West Grace Street, Richmond, Virginia.

A meeting to (i) conduct general board business; (ii) policy making; (iii) review supervision and trainee status; (iv) review applications; and (v) regulatory review.

Contact: John W. Braymer, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7702

VIRGINIA SWEET POTATO BOARD

† **March 12, 1986 - 7:30 p.m.** – Open Meeting
Virginia Truck and Ornamentals Research Station, Painter, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting of the board to consider such matters as may be presented.

Contact: J. William Mapp, Box 26, Onley, Va. 23418, telephone (804) 787-3720

DEPARTMENT OF TAXATION

March 17, 1986 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment.** This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and the procedures relating to its collection and recording.

STATEMENT

Basis: This regulation is issued under authority granted by Virginia Code § 58.1-203.

Purpose: This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and the procedures relating to its collection and recording.

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Issue: The 1985 General Assembly transferred the authority for collecting and recording the Virginia Cattle Assessment from the Virginia Cattle Industry Board to the Department of Taxation. This regulation specifies how the Department of Taxation will carry out its statutory responsibility.

Substance: This regulation details when the Virginia Cattle Assessment applies, who collect it and remits it to the Department of Taxation, what registration and records are required, and the penalty for failure to comply.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 17, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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March 17, 1986 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-2-325: Individual Income Tax: Taxable income of nonresidents and VR 630-2-332: Individual Income Tax: Credit for taxes paid to another state.**

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: These regulations are being amended to conform to the change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651). This code section was amended to provide an individual income tax credit to individual shareholders of an S corporation which has paid corporation income tax to a state which does not recognize the federal S election.

Issues: The change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651) conflicts with the present regulations which were adopted September 19, 1984. The present regulations specify that no credit for corporation income taxes paid to another state by an S corporation is available to an individual taxpayer. The 1985 statutory change allows this credit to individual taxpayers.

Substance: These amended regulations specify that the credit for income taxes paid to another state is available to an individual shareholder of an S corporation which has paid income tax to a state which does not recognize the federal S election. To avoid ambiguity, an example illustrating the computation of this credit is provided.

Furthermore, these regulations specify how the amount of tax paid by the S corporation shall be allocated to each of the shareholders.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 17, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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March 17, 1986 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **Retail Sales and Use Tax Regulation VR 630-10-18.1: Catalogs and other printed materials and VR 630-10-86: Printing.** These regulations set for the application of the sales and use tax to tangible personal property used or consumed by printers and to the sale of printing by such persons, including the sale of catalogs, letters, brochures, and similar printed materials.

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: As revised, these regulations set forth the application of the sales and use tax to brochures, letters, reports, and similar printed materials produced for use outside the state, as well as the application of the tax to the production and sale of printing in general.

Issues: When delivery of printing from the seller to the purchaser occurs in Virginia, the sales and use tax will apply unless specifically exempted from the tax. Virginia Code § 58.1-608.30 sets forth such an exemption for catalogs and similar printed materials used to advertise tangible personal property for sale or resale when such materials are distributed for use outside the state after storage for 12 months or less in Virginia. Effective July 1, 1986 and running through June 30, 1990, the above statute will be expanded to exempt any catalogs, letters, brochures, reports, and similar printed materials that are distributed for use outside the state after storage in Virginia for 12 months or less. By statute, the expanded exemption will not apply to administrative supplies such as letterhead, envelopes, stationery, invoices, billing forms, payroll forms, price lists, time cards, and computer cards.

Substance: Applying the law change effective on July 1, 1986, these regulations exempt catalogs, letters, brochures, reports, and similar printed materials that will be

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distributed for use outside of Virginia after storage here for 12 months or less. Pursuant to the law change, these regulations state the taxability of administrative supplies. Examples of exempt printed materials and taxable administrative supplies are included in these regulations. Additionally, proposed regulation VR 630-10-86 has been revised to address the statutory interstate commerce and resale exemptions as they relate specifically to printers and to address the correct application of the tax to materials furnished to printers by customers for fabrication into finished products.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 17, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

VIRGINIA BOARD OF VETERINARY MEDICINE

April 8, 1986 - 10 a.m. – Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Ballroom, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Veterinary Medicine intends to repeal the existing regulations and adopt regulations entitled: **VR 645-01-1: Regulations Governing the Practice of Veterinary Medicine.** The proposed regulations, a revision of existing ones, provides the standards for the practice of veterinary medicine and surgery in Virginia and states the requirements for candidates for licensure as veterinarians and certification as animal technicians.

STATEMENT

Subject: The proposed regulations provide standards for the practice of veterinary medicine in Virginia. Requirements for the licensure of veterinarians and the certification of animal technicians are described in the regulations, which also set forth conditions for the registry and operation of animal facilities. The regulations require that animal facilities have a room reserved for surgery and access to laboratory equipment to perform certain tests. Should a veterinarian's practice be limited in scope, the regulations provide a means for the issuance of a restricted facility permit. Radiology equipment must be operated in accordance with the Virginia Department of Health's "Ionizing Radiation Rules and Regulations." The proposed regulations establish rules for the dispensing and storage of drugs. It is required that veterinary facilities maintain drug inventory records, as well as medical records on each animal treated, or client. Fees charged by the board for costs such as examinations and licensure are listed in the regulations, as are actions that constitute unprofessional conduct. The regulations contain public

participation guidelines which already are in effect. The combined package is a revision of existing regulations updated to accommodate the changing nature of veterinary medicine.

Purpose: To protect animal health and to ensure the safety of the public.

Impact: The regulations will affect the 1,698 licensed veterinarians, the 369 certified animal technicians, and 436 permitted animal facilities.

Basis: These regulations are issued under authority granted by § 54-784.03 (13) of the Code of Virginia.

Statutory Authority: § 54-784.03 (13) of the Code of Virginia.

Written comments may be submitted until April 8, 1986.

Contact: Moira C. Lux, Executive Director, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

March 1, 1986 - 10:30 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

April 9, 1986 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreements, and operating plans.

Contact: Diane Allen, Acting Confidential Secretary, 397

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Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

STATE WATER CONTROL BOARD

March 24-25, 1986 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

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March 7, 1986 - 10 a.m. - Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

March 12, 1986 - 2 p.m. - Public Hearing
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **Water Quality Standards, § 1:11 Chlorine Standard and Policy for Surface Waters.** Set enforceable instream concentration limits for chlorine in state waters.

STATEMENT

Statement, substance, issues, basis, and purpose: The Virginia Water Control Board proposes a water quality standard and policy which sets an enforceable concentration limit for total residual chlorine in freshwater and chlorine produced oxidant in saline water that will protect aquatic life. Currently we do not have an instream standard for chlorine.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230

Contact: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23220, telephone (804) 257-6985

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March 10, 1986 - 7 p.m. - Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

March 11, 1986 - 2 p.m. - Public Hearing
Stafford County Administrative Center, Route 1, Stafford County Board of Supervisors Room, Stafford, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Regulation No. 6 - National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G - Pretreatment and Industrial User Control Program.** This regulation will regulate nondomestic discharges to public owned treatment plants to prohibit interference or pass through of any material which may cause environmental harm.

STATEMENT

Subject: Subpart G, Pretreatment, of Regulation No. 6, National Pollution Discharge Elimination System Permit Amendment.

Substance: Establishes the responsibilities of the board, local governments and industry to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes of Publicly Owned Treatment Works (POTWs) or which contaminate POTW residues.

Issue: To eliminate pollutants, to reduce the amount of pollutants, or to alter the nature of pollutants in wastewater to a nonharmful state prior to discharging or introducing such pollutants into POTWs.

Basis: The regulation delineates the procedures to be followed in connection with the administration of a statewide pretreatment program. The board may be authorized under §§ 402 and 307 of the Federal Clean Water Act to administer the pretreatment program.

Purpose: To establish legal requirements for state administration of the pretreatment program and enable the implementation of National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in POTWs or which may contaminate sewage sludge.

Impact: Since the EPA has been administering the program for the last seven years and, those municipalities required by regulation to have a pretreatment program have obtained approval, there should be no appreciable impact to those municipalities, (approximately 43 in number). Twenty three municipalities are to be reevaluated for pretreatment program needs. It is estimated that approximately one-half of these will need to develop a pretreatment program. This would entail a resource and financial commitment ranging from one person plus \$5,000 per year for the smallest of these communities up to two persons and \$10,000 per year for the largest of the communities. However, the transfer of authority to administer the pretreatment program, from the EPA to the Commonwealth as a result of these

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regulations, will not impose any additional financial costs to Virginia communities or industries as the responsibility for implementing their program already lies with the affected municipalities and industries.

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

Written comments may be submitted until March 14, 1986.

Contact: LaVern H. Corkan, Pretreatment Program Manager, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6306

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March 10, 1986 - 7 p.m. - Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **NPDES General Permit for Sewage Discharges of Less Than 1000 Gallons Per Day**. This presents the authority and requirements for General Permits which authorize sewage discharges to state waters from treatment works that discharge less than 1000 gallons per day.

STATEMENT

Basis: Under the authority §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia, the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage into state waters and to adopt such regulations as it deems necessary to enforce water quality management in the Commonwealth.

Section 402 of the Clean Water Act authorizes the Commonwealth to administer the National Pollutant Discharge Elimination System (NPDES) permit program under the law. The Commonwealth of Virginia received such authorization in 1975 with SWCB Regulation No. 6 being the specific governing authorization.

Federal NPDES regulations (40 CFR 122.28) allow states with NPDES authorization to issue general permits written to cover a category of discharges within a geographic area. Regulation No. 6 provides the SWCB with the authority to issue and enforce these permits.

Substance and Purpose of Proposed Regulation: It is the intent of the SWCB to adopt a regulation for an NPDES General Permit for Sewage Discharges of less than 1,000 gallons per day (GPD). At the present time, all persons wishing to discharge wastewater from point sources to the waters of the Commonwealth must obtain individual NPDES permits. Some of these discharges are from minor point sources, such as sewage discharges of less than 1,000 GPD, which have little potential to adversely impact the receiving waters. Issuance of general NPDES permits will

reduce the review, inspection, and administrative burden necessitated by individual permits but not warranted by the discharge in consideration. Since permit conditions applicable to individual permits, such as monitoring and reporting requirements, will remain in place, the Commonwealth will retain a record of all discharges authorized under general NPDES permits.

Issue: By adoption of this proposed regulation the SWCB hopes to reduce unwarranted administrative burdens placed upon itself and owners of sewage discharges of less than 1,000 GPD. As a result of this endeavor, the SWCB will lose some comprehensive regulatory review of these discharges, but shall still retain a certain regulatory posture.

It is felt that resources not spent on administration of individual NPDES permits for these minor, less significant discharges can be redirected to more critical areas of concern.

This better utilization of resources outweighs the minor loss of regulatory overview for these less significant discharges.

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

Written comments may be submitted until March 20, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin G. Ferguson, Program Director, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6984

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March 10, 1986 - 7 p.m. - Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **NPDES General Permit for Groundwater Heat Pumps**. This regulation presents the authority and requirements for General Permits which authorize discharges from groundwater heat pumps.

STATEMENT

Basis: Under the authority of §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia, the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage into state waters and to adopt any such regulations as it deems necessary to enforce water quality management in the Commonwealth of Virginia.

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Section 402 of the Clean Water Act allows the Commonwealth authorization to administer the National Pollutant Discharge Elimination System (NPDES) permit program under the law. The Commonwealth of Virginia received such authorization in 1975 with Regulation No. 6 being the specific governing regulation.

Federal NPDES regulations (40 CFR 122.28) allow states with NPDES authorization to issue general permits written to cover a category of discharges within a geographic area. Regulation No. 6 provides the SWCB with the authority to issue and enforce these permits.

Substance and Purpose: It is the intent of the SWCB to adopt a regulation for an NPDES General Permit for groundwater heat pumps. At the present time, all persons wishing to discharge wastewater from point sources to the waters of the Commonwealth must obtain individual NPDES permits. Some of these discharges are from minor point sources such as groundwater heat pumps which have little potential to adversely impact the receiving waters. Issuance of general NPDES permits will reduce the review, inspection, and administrative burden necessitated by individual permits but not warranted by the discharge in consideration. Since permit conditions applicable to individual permits, such as monitoring and reporting requirements, will remain in place, the state will retain a record of all discharges authorized under general NPDES permits.

Issue: By adoption of this proposed regulation the SWCB hopes to reduce unwarranted administrative burdens placed upon itself and owners of groundwater heat pumps. As a result of this endeavor, the SWCB will lose some comprehensive regulatory review of these discharges, but shall still retain a certain regulatory posture.

It is felt that resources not spent on administration of individual NPDES permits for these minor, less significant discharges can be redirected to more critical areas of concern.

This better utilization of resources outweighs the minor loss of regulatory overview for these less significant discharges.

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

Written comments may be submitted until March 10, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin Ferguson, Program Director, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6984

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March 12, 1986 - 2 p.m. - Public Hearing

Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standard in the Basin and Section Description Tables, Skidmore Fork (Rockingham County), Section 5D, Shenandoah River Subbasin.** With this amendment Skidmore Fork would be changed from Class IV Mountainous Zone Waters to Class VI Natural Trout Waters.

STATEMENT

Basis: Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Section 303 of the Federal Clean Water Act requires states to adopt water quality standards and to have them approved by the Environmental Protection Agency (EPA).

Additionally, both state and federal law require triennial reviews of water quality standards, with adoption of new standards, amendments to existing standards, as appropriate. If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia. This standards amendment was a result of EPA's review of Virginia's 1984 triennial review process.

Purpose: The purpose of this proposed amendment is to restore the natural trout water designation to Skidmore Fork (Rockingham County), Section 5D, in the Shenandoah River Subbasin.

Skidmore Fork (Rockingham County) in the Shenandoah River Subbasin was declassified from Class VI Natural Trout Waters to Class IV Mountainous Zone Waters at the triennial review of the Water Quality Standards in August, 1984. This declassification should not have been initiated since there were no data submitted to support this cancellation.

EPA indicated to us in a letter dated March 22, 1985, that they could not approve this revision. They also state that their approval of the revised Virginia Water Quality Standards was contingent upon reestablishing the natural trout water designation on Skidmore Fork.

The commission of Game and Inland Fisheries, in a letter dated July 24, 1985, further confirmed the existence of a

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population of trout in Skidmore Fork.

Impact: The board does not believe any immediate costs will occur if this amendment is restored to its original natural trout water designation. This is primarily because the change was meant to protect existing conditions and no discharger should have to provide additional treatment to meet new requirements. For example, the streams adopted for designation as trout streams currently support populations of natural trout.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mary M. Reid, Pollution Control Specialist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6699

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March 12, 1986 - 2 p.m. - Public Hearing
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: § 1.10 B.2 of the Water Quality Standard and Policy for Mercury in Freshwater. This amendment substitutes the word "methyl" mercury for the word "total" mercury.

STATEMENT

Subject, substance, issues, basis and purpose: The Virginia Water Control Board proposes to amend the agency's water quality standard for mercury. This amendment will require reporting levels of mercury in edible fish tissue in freshwater as methyl rather than total mercury.

The Food and Drug Administration's (FDA) change in the action level for mercury in fish tissue from total to methyl mercury concentration necessitates amendment to § 1.10 B.2 of the Water Quality Standards since the Health Department will require reporting in methyl mercury.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mary M. Reid, Pollution Control Specialist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6699

COLLEGE OF WILLIAM AND MARY

Board of Visitors

March 20, 1986 - 5 p.m. - Open Meeting
March 21-22, 1986 - 8 a.m. - Open Meeting
April 24, 1986 - 5 p.m. - Open Meeting
April 25-26, 1986 - 8 a.m. - Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to review quarterly operations of the college, and Richard Bland College, to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individual and/or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

Notice To Subscribers

Legislative meetings held during the session of the General Assembly are exempted from publication in the Virginia Register of Regulations. Call Legislative Information for information on standing committee meetings. Telephone Number (804) 786-6530

CHRONOLOGICAL LIST

OPEN MEETINGS

- March 3**
Housing and Community Development, Board of
- Ad Hoc Advisory Committee
- March 4**
Children's Facilities, Interdepartmental Council
on Rate-Setting for
Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Housing and Community Development, Board of
- Ad Hoc Advisory Committee
Marine Products Board, Virginia
Polygraph Examiners Advisory Board
Real Estate Board, Virginia

Calendar of Events

March 5

Higher Education for Virginia, State Council of
Real Estate Board, Virginia

March 6

Air Pollution Control Board, State
Education, State Board of
- State Board of Vocational Education
Psychology, Virginia Board of

March 7

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Architects
Auctioneers Board, Virginia
Child Abuse and Neglect, Governor's Advisory
Committee on
General Services, Department of
- Art and Architectural Review Board
Medicine, Virginia State Board of
- Informal Conference Committee
Mental Health and Mental Retardation, Department of
- State Human Rights Committee

March 10

Cosmetology, Virginia Board of
Library Board, Virginia State

March 11

Alcoholic Beverage Control, Department of
Local Government, Commission on
Medical Assistance Services, Board of
Motor Vehicles, Department of
Resources Authority, Virginia

March 12

Corrections, Board of
Optometry, Virginia Board of
Sweet Potato Board, Virginia

March 13

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Medicine, Virginia State Board of

March 14

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
General Services, Department of
- State Insurance Advisory Board
Medicine, Virginia State Board of
Physical Therapy, Advisory Board on
Real Estate Board, Virginia

March 15

Medicine, Virginia State Board of

March 17

Governor's Job Training Coordinating Council
Substance Abuse Certification Board, Virginia

March 18

Housing Development Authority, Virginia
- Board of Commissioners

March 19

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Community Colleges, Virginia State Board for
Social Services, Board of

March 20

Community Colleges, Virginia State Board for
Funeral Directors and Embalmers, Virginia Board of
Highway and Transportation Board, State
Social Services, State Board
College of William and Mary, Board of Visitors

March 21

Funeral Directors and Embalmers, Virginia Board of
Game and Inland Fisheries, Commission of
Mental Health and Mental Retardation, Department of
- Advisory Council
Social Services, Department of
- Human Services Information and Referral Advisory
Board
College of William and Mary, Board of Visitors

March 22

Medicine, Virginia State Board of
- Podiatry Examination Committee
College of William and Mary, Board of Visitors

March 24

Barbers Examiners, Board of
Nursing, State Board of
Water Control Board, State

March 25

Alcoholic Beverage Control, Department of
Marine Resources Commission
Nursing, State Board of
Water Control Board, State

March 26

Health Services Cost Review Council, Virginia
Mental Health and Mental Retardation Board, State
Nursing, State Board of
Sewage Handling and Disposal Appeals Review
Board, State

March 27

Education, State Board of

March 28

Education, State Board of

April 2

Criminal Justice Services Board

Calendar of Events

April 4
Old Dominion University, Board of Visitors

April 8
Alcoholic Beverage Control Board, Virginia
Medicine, Virginia State Board of
- Chiropractic Examination Committee

April 9
Visually Handicapped, Virginia Board for the

April 12
Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Land Surveyors

April 14
Alcoholic Beverage Control Board, Virginia

April 22
Alcoholic Beverage Control Board, Virginia
Marine Resources Commission
College of William and Mary, Board of Visitors

April 23
Health Service Cost Review Council, Virginia
Sewage Handling and Disposal Appeals
Review Board, State

April 24
College of William and Mary, Board of Visitors

April 25
Medicine Virginia State Board of
- Credentials Committee
College of William and Mary, Board of Visitors

April 26
Medicine, Virginia State Board of
- Credentials Committee
Real Estate Board, Virginia
College of William and Mary, Board of Visitors

April 27
Real Estate Board, Virginia

May 6
Alcoholic Beverage Control Board, Virginia

May 12
Alcoholic Beverage Control Board, Virginia

May 20
Alcoholic Beverage Control Board, Virginia

June 3
Alcoholic Beverage Control Board, Virginia

June 9
Alcoholic Beverage Control Board, Virginia

June 17
Alcoholic Beverage Control Board Virginia

PUBLIC HEARINGS

March 3
Social Services, Department of

March 7
Auctioneers Board, Virginia
Commerce, Department of
Education, State Board of
- Board of Vocational Education
Water Control Board, State

March 10
Water Control Board, State

March 11
Water Control Board, State

March 12
Pharmacy, State Board of
Water Control Board, State

March 17
Taxation, Department of

March 18
Small Business Financing Authority, Virginia

March 24
Highways and Transportation, Department of

March 25
Highways and Transportation, Department of

April 2
Criminal Justice Services Board
- Committee on Criminal Justice
- Information Systems

April 7
Library Board, Virginia State

April 8
Veterinary Medicine, Virginia Board of

April 10
Dentistry, Virginia Board of

April 15
Small Business Financing Authority, Virginia

April 16
Optometry, Virginia Board of

May 2
Health, State Board of

Calendar of Events

May 5

Air Pollution Control Board, State
Education, State Board of

May 19

Housing and Community Development, Board of

Calendar of Events
