

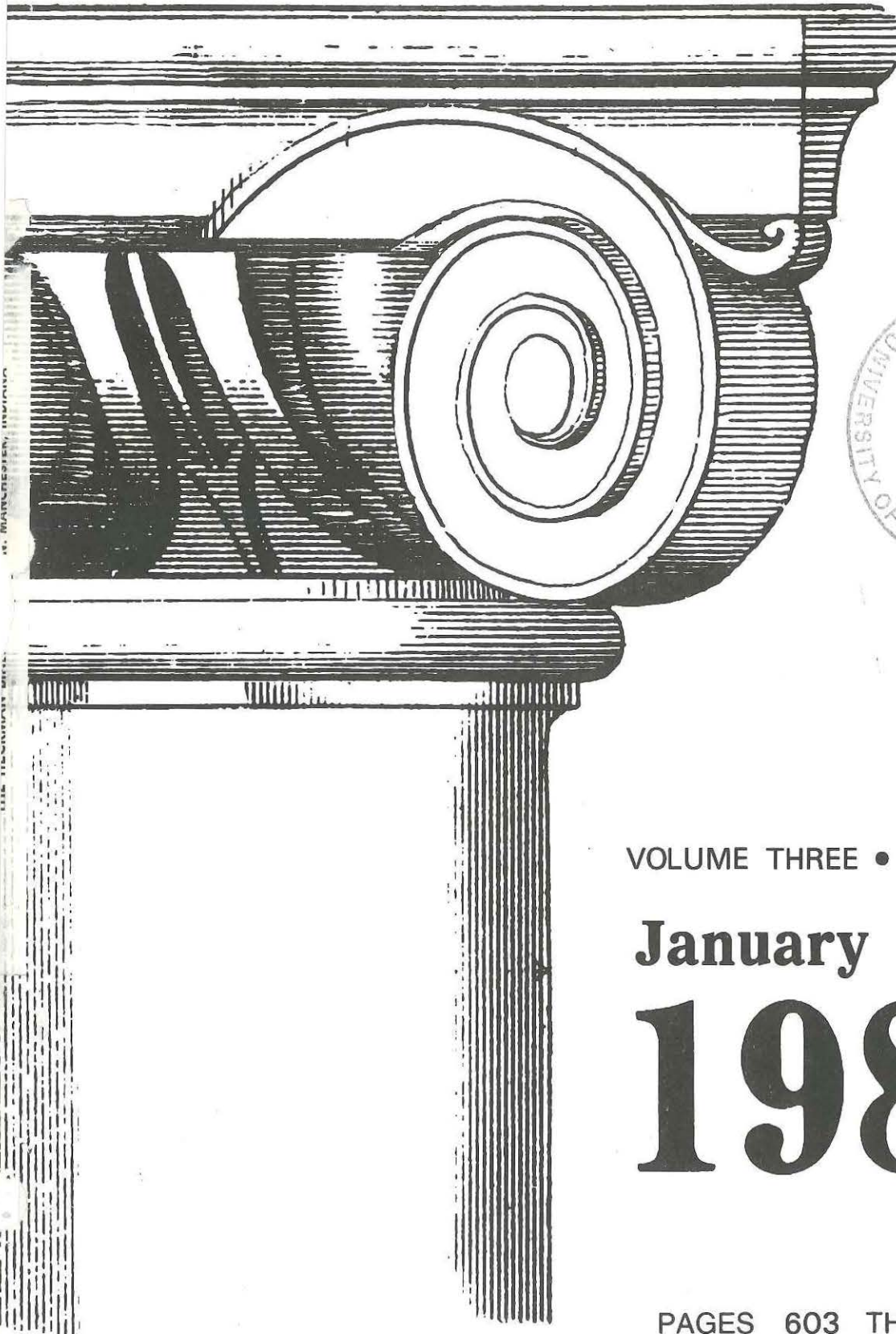
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VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE SEVEN

January 5, 1987

1987

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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, Deputy Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
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Oct. 13	Sept. 24
Oct. 27	Oct. 8
Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
Dec. 22	Dec. 3
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Feb. 16	Jan. 28
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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.

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. These regulations are numbered to conform to the new classification system established by the Virginia Code Commission.

PUBLIC HEARING NOTICE: 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 additions to new Commission regulations VR 325-02-24, § 17, applicable East of I-95; and § 18 Statewide. A public hearing on the advisability of adopting or amending and adopting, the proposed regulations, or any part thereof, will be held at the Commission's offices, 4010 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, January 23, 1987, at which time any interested citizen present shall be heard. If the Commission is satisfied that the proposed regulations, or any part thereof, are advisable in the form in which published, or as amended, as a result of the public hearing, the Commission may adopt such proposals at that time, acting upon the proposals separately or in block.

Title of Regulation: VR 325-02-24. Waterfowl and Waterfowl Blinds.

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

Effective Date: § 17: July 1, 1987; § 18: July 1, 1990.

Summary:

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

VR 325-02-24. Waterfowl and Waterfowl Blinds.

§ 17. *Steel or other nontoxic shot required for waterfowl hunting in certain areas effective 1987-88.*

(a) *Effective with the 1987-88 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans and coots while possessing shotshells loaded with shot other than steel shot or other federally-approved nontoxic shot in the counties of Accomack, Charles City, Essex, Gloucester, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews,*

Middlesex, New Kent, Northampton, Northumberland, Richmond, Southampton, Surry, Westmoreland and York; and in the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk (area formerly constituting Nansemond County) and Virginia Beach; and east of U.S. Route I-95 in the counties of Caroline, Chesterfield, Fairfax, Greenville, Hanover, Henrico, Prince George, Prince William, Spotsylvania, Stafford and Sussex.

(b) *This section shall expire and be superseded by VR 325-02-24, § 18, effective July 1, 1990.*

§ 18. *Steel or other nontoxic shot required for waterfowl hunting effective 1990-91.*

Effective with the 1990-91 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans and coots while possessing shot-shells loaded with shot other than steel shot or other federally-approved nontoxic shot.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: VR 380-02-01. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates.

Statutory Authority: § 23-268 of the Code of Virginia.

Public Hearing Date: March 13, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates filed by the State Council of Higher Education for Virginia 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 is available for public inspection at the office of the Registrar of Regulations and at the State Council of Higher Education.

Summary:

All in-state private institutions and all out-of-state institutions must hold approval from the council to offer instruction for degree credit or to award degrees, certificates, and diplomas, unless exempt from the approval requirement in accordance with § 23-266 of the Code of Virginia. The council grants

Proposed Regulations

authorization to enroll students in degree courses or to confer degrees at a specific degree level or in particular programs to an institution that demonstrates compliance with minimum standards of academic quality. The council's approval actions may include conditions and stipulations, including specified time limits. The council may deny, suspend, or revoke approval of an institution for noncompliance with the minimum standards or the provisions of §§ 23-265 through 23-276 of the Code of Virginia. The institutions are provided opportunities for appeal of all approval actions by the council.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

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

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

The proposed regulation will authorize VHDA to issue Mortgage Credit Certificates to eligible purchasers of mobile/manufactured housing units in the Commonwealth. These Mortgage Credit Certificates will entitle the holders to a credit against their federal income taxes.

VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

PART I PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

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

"Acquisition cost" means the purchase price of the mobile/manufactured home, and the cost of land and improvements, including any well or septic system, if owned for less than two years; the cost of completing any unfinished space; the cost of any fixtures not included in the purchase price; any set-up costs including transportation, if not included in the purchase price; settlement or financing costs which are in excess of usual

or reasonable costs and the capitalized value of any ground rent.

"Application for Commitment" means a request to the authority by an applicant for an MCC commitment on a specified loan. This request must be made on the Application for Commitment form.

"Authority" means the Virginia Housing Development Authority, a political subdivision of the Commonwealth of Virginia constituting a public instrumentality.

"Certified indebtedness" means the amount of indebtedness as determined by the authority incurred by the applicant to acquire a mobile/manufactured home, in accordance with federal requirements and as specified in the MCC.

"Commitment" means the obligation of the authority to provide an MCC to an eligible applicant pursuant to an approved Application for Commitment.

"Commitment fee" means the fee payable or paid by an eligible applicant to the authority in connection with an Application for Commitment.

"Commitment term" means the period of time during which the eligible applicant may obtain a loan to which the MCC applies and during which the authority is obligated to issue an MCC pursuant to a commitment.

"Eligible applicant" means any person meeting the criteria for an eligible applicant as set forth in Part II of these procedures, instructions and guidelines.

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

"Loan" means any extension of credit, to which an MCC applies, provided to an eligible applicant to finance the purchase of a mobile/manufactured home which meets the conditions set forth in these procedures, instructions and guidelines.

"Mobile/manufactured home" means any mobile/manufactured housing unit that meets the criteria set forth in Part II of these procedures, instructions and guidelines.

"Mortgage credit certificate" or "MCC" means a certificate issued by the authority pursuant to § 25 of the Internal Revenue Code as amended by § 612 of the Tax Reform Act of 1984.

"Mortgage credit certificate rate" means the rate specified by the authority in the MCC that determines the allowable percentage of annual loan interest payments for which the applicant is eligible to take a federal tax credit.

"Participating lender" means any person or organization legally authorized to engage in the business of making loans for the purchase of mobile/manufactured homes and meeting the qualifications set forth in these procedures, instructions and guidelines.

"Principal residence" means that the dwelling will be occupied as the primary residence of the purchaser and will not be property held in a trade or business, or investment property, and is not a recreational or second home and that no part of the dwelling shall be used for any business purposes for which expenses may be deducted for federal income tax purposes.

"Program" means the Authority's Mortgage Credit Certificate Program.

"Purchase price" means the amount paid by the applicant or any other person to or for the benefit of the seller for the mobile/manufactured home (excluding the cost of any land or personal property which is not a permanently attached fixture).

§ 1.2. Purpose and applicability.

Section 25 of the Internal Revenue Code, as amended, authorizes states and political subdivisions to issue MCC's in lieu of qualified mortgage revenue bonds. These MCC's entitle qualifying individuals to a credit against the individual's federal income taxes. The amount of the credit is determined by multiplying the certificate credit rate by the amount of mortgage interest paid or accrued by the taxpayer during the taxpayer's taxable year. The maximum allowable credit is \$2,000 per year.

The authority has elected to participate in the program and hereby sets forth its procedures, instructions and guidelines thereunder:

"The following procedures, instructions and guidelines will be applicable to mortgage credit certificates which are to be issued by the authority to persons and families of low and moderate income for the purpose of assisting them in the purchase of mobile/manufactured homes. This program is being implemented pursuant to federal regulations found in 26 CFR, Parts 1, 6a and 602, which were published in the Federal Register on May 8, 1985.

Notwithstanding anything to the contrary herein, the executive director of the authority is authorized with respect to any MCC to waive or modify any provision herein where deemed appropriate by him "for good cause" to the extent not inconsistent with the Virginia Housing Development Authority Act (hereinafter "the Act"), the authority's rules and regulations and federal statutes and regulations.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's requirements and processing and are not intended to include all actions involved or required in the

processing and administration of MCC's. These procedures, instructions and guidelines are subject to amendment at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to the program.

Notwithstanding anything to the contrary herein, all MCC's must comply with the applicable federal laws, rules and regulations governing the issuance of MCC's.

PART II. ELIGIBILITY REQUIREMENTS.

§ 2.1. Eligible persons and families.

In order to be qualified as a person or family of low and moderate income eligible for an MCC, the person or family must have an annual adjusted family income (as defined in the authority's rules and regulations) which does not exceed \$29,400. The person or family must also have an annual gross income which does not exceed \$34,270. Additionally, in order to be eligible to receive an MCC, an applicant must, on the date the loan is made:

1. Be a purchaser who will use the mobile/manufactured home for a permanent principal residence within the Commonwealth of Virginia;
2. Possess the legal capacity to incur the obligations of the loan;
3. Agree not to rent the mobile/manufactured home anytime during the term of the loan;
4. Agree not to sell or transfer the MCC; and
5. Shall not have had a present ownership interest in a principal residence at any time during the three-year period ending on the date on which the loan is executed (not applicable in targeted areas and not applicable to previous ownership of a mobile/manufactured home classified as personal property).

§ 2.2. Eligible properties.

A. General.

Properties which are eligible under the program are mobile/manufactured housing units which are new and have not been previously occupied and which have a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and which are of a kind customarily used at a fixed location and designed primarily for residential housing for one family. The dwellings must be of a type which is manufactured with a permanently affixed chassis for the purpose of transporting the dwelling to its site. All permanently attached fixtures are included as a part of the dwelling unit.

Proposed Regulations

B. Purchase price and acquisition cost limits.

The purchase price of the dwelling unit may not exceed \$50,000. The total acquisition cost may not exceed \$67,400 in compliance with the federal requirements.

C. Location of property.

At the time the MCC is issued or within 60 days thereafter, the property must be located and occupied within the Commonwealth of Virginia.

§ 2.3. Eligible lenders.

The authority may not limit the use of an MCC obtained under this program by an eligible applicant to loans incurred from any particular lender. Therefore, the eligible applicant may obtain a loan from any lender engaged in the business of extending credit for the purchase of mobile/manufactured homes who agrees to comply with all federal and authority MCC requirements and regulations. A loan may not be obtained from a related person, as defined in the federal regulations.

§ 2.4. Eligible loans.

A. Time of loan.

To be eligible for an MCC issued by the authority, an applicant's certified indebtedness must have been incurred during the period when the authority is permitted to issue MCC's to eligible applicants.

B. Type of loan.

MCC's will be issued only to eligible applicants who obtain loans for the purpose of financing the purchase of mobile/manufactured homes for use as the principal residences of the eligible applicants. No loan may be made to refinance an existing loan unless such loan was a bridge loan or similar temporary initial financing. No portion of the financing of the dwelling may be made from the proceeds of a qualified mortgage bond or a qualified veterans bond.

C. Interest rates and term.

The interest rate and term of loans made in connection with MCC's shall not exceed those that are customarily used with respect to mortgages not provided in connection with MCC's. The authority shall from time to time monitor prevailing rates and terms within the industry for the purpose of determining compliance with this section.

D. Permissible loan fees.

The lender may not, without the prior written approval of the authority, require the applicant to pay, either directly or indirectly in obtaining the loan to which the MCC is to be applied, any points, origination fees, servicing fees, application fees, insurance fees, or similar

settlement or financing costs in amounts exceeding those that are customarily charged with respect to mortgages not provided in connection with MCC's.

PART III. TARGETED AREAS.

§ 3.1.

The authority will comply with all targeted area requirements as contained in federal regulations. This includes the reservation of 20% of the MCC authority for use in targeted areas for a period of one year from the date on which the MCC's are first made available. A complete listing of targeted areas is available from the authority as well as instructions regarding the procedures for the designation of new targeted areas.

PART IV. APPLICATION AND PROCESSING.

§ 4.1. Application for and issuance of commitments.

The applicant shall submit such forms, documents and information and fees as the executive director may require in order to apply for an MCC. The executive director or his designee shall review the application and, if it is determined that the Application for Commitment complies with these procedures, instructions and guidelines and any applicable federal laws, rules and regulations, then the authority shall issue a commitment to the applicant with respect to such MCC, subject to the ratification thereof by the authority's Board of Commissioners. The maximum principal amount, amortization period and interest rate on the applicant's loan and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the commitment. The commitment term shall be for 60 days, except that the term may be extended "for good cause" in the sole discretion of the authority.

§ 4.2. Issuance of MCC.

The closing of the loan shall be consummated in accordance with the terms of the commitment. Upon receipt of such forms, documents, information and commitment fees as the executive director may require upon closing, the authority shall issue an MCC to the applicant. The MCC shall specify the applicable mortgage credit certificate rate and the certified indebtedness amount.

§ 4.3. Compliance inspections.

The mobile/manufactured home shall be transported to its site and occupied within 60 days of loan closing. The authority shall have the right from time to time to enter upon the property on which the mobile/manufactured home is located in order to determine compliance with program requirements. Any such inspection shall be made

for the sole and exclusive benefit and protection of the authority.

PART V.
REVOCATION OF A MORTGAGE CREDIT
CERTIFICATE.

§ 5.1.

The authority may impose such sanctions or pursue such remedies, as legally available, including revocation of a certificate holder's MCC for noncompliance with applicable regulations and requirements pursuant to federal guidelines. Such noncompliance shall include, but is not limited to, the mobile/manufactured home ceasing to be the MCC holder's principal residence. An MCC may be revoked by the authority's notification of the certificate holder and the Internal Revenue Service that the certificate is revoked.

The proposed effective date of the foregoing regulations shall be January 20, 1987.

DEPARTMENT OF REHABILITATIVE SERVICES
(BOARD OF)

Title of Regulation: VR 595-01-1. Provision of Vocational Rehabilitative Services.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Public Hearing Date: January 15, 1987 - 3 p.m. and 7 p.m.
(See Calendar of Events section
for additional information)

REGISTRARS NOTICE: Due to its length, the proposed Provision of Vocational Rehabilitative Services regulations filed by the Department of Rehabilitative Services 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 is available for public inspection at the office of the Registrar of Regulations and at the Department of Rehabilitative Services.

Summary:

These regulations are intended to replace and basically restate the department policies under which the vocational rehabilitation program is and has been carried out for many years. The regulations set forth criteria for eligibility for services; order of selection for services; the kinds and duration of services; the conditions under which persons may receive services; and their rights and responsibilities including their right to appeal department decisions affecting them.

VIRGINIA BOARD OF VETERINARY MEDICINE

Title of Regulation: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.

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

Public Hearing Date: N/A
(See Calendar of Events section
for additional information)

Summary:

These proposed regulations (i) provide the standards for the practice of veterinary medicine and surgery in Virginia; (ii) establish the requirements for candidates for licensure as veterinarians and certification as animal technicians; and (iii) establish standards for the registration of facilities out of which the practice of veterinary medicine takes place.

The proposals constitute a general revision of existing regulations. Because of the number of changes involved, the board intends to repeal the existing regulations and replace them with the proposed version on its adoption.

In general, the proposal gives the regulations added flexibility to cover the changing nature of veterinary practice. They would (i) reduce the cost of animal facilities to the limited-service practitioner; (ii) remove prohibitions on certain business practices and simply make it unprofessional conduct to practice veterinary medicine when a nonlicensed person has the right to control the veterinarian's professional judgment; and (iii) consolidate a number of rules on examination and qualifications of applicants into a few rules easier to understand, and clarify and standardize waiver provisions for out-of-state veterinarians and animal technicians who seek to practice in Virginia.

VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.

PART I.
GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Animal facility" or "veterinary facility" means any fixed or mobile establishment, veterinary hospital, animal hospital or premises wherein or whereon or out of which veterinary medicine is practiced.

"Animal technician" means a certified animal technician as defined in § 54-786.3 of the Code of Virginia.

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"Board" means the Virginia Board of Veterinary Medicine.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Article 6.1, Chapter 15.1, Title 54 of the Code of Virginia.

"Inactive Practitioner" means a veterinarian currently licensed by the board but not actively engaged in the practice of veterinary medicine in the Commonwealth.

"Practitioner" means a veterinarian currently licensed by the board.

"Preceptorship" or "clerkship" means a formal arrangement between a college of veterinary medicine approved by the board and a veterinarian licensed by the board, in which a veterinary medical student in his final year, enrolled in such college, obtains practical training in the practice of veterinary medicine under the immediate and direct on-premises supervision of the veterinarian. A preceptor shall not diagnose, prescribe, or perform surgery.

"Professional judgment" includes any decision or conduct in the practice of veterinary medicine, as defined by § 54-786 of the Code of Virginia.

"Schools or colleges accredited by the AVMA" means schools accredited by the American Veterinary Medical Association.

"Veterinarian in charge" means the licensed veterinarian at each registered animal facility who is responsible for maintaining the facility within the standards for facilities set by the regulations, for complying with federal and state drug laws, and for notifying the board of the facility's closure.

§ 1.2. Public participation guidelines.

A. Mailing list.

The executive director of the board shall maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is proposed or existing regulations.
3. Final regulations adopted.

B. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible

participation in the formulation or promulgation of regulations. Those on the list may be provided all information stated in subsection A of this section. Those on the list may be periodically requested to indicate their desires to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

C. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

D. Informational proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceeding may be held separately or in conjunction with other informational proceedings.

E. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received in a timely manner shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

F. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for adequate citizen participation in the formulation, promulgation, adoption and review of regulations.

§ 1.3. Register of practitioners, animal technicians and animal facilities.

A. Register of practitioners and animal technicians.

The executive director as directed by the board shall record in a book to be kept for such purposes, the names of all practitioners of veterinary medicine and holders of certificates as animal technicians to whom licenses or certificates are issued as provided by law. The book shall be styled and recognized as the register of practitioners of veterinary medicine and holders of certificates as animal technicians in Virginia and it shall be admissible in evidence as a regularly kept record of the board. Such register shall be available for inspection during business hours in the board office. The board shall insert in the register any alteration in the name of any licensed or certified person as it receives proof satisfactory to the board. A separate record shall be maintained of all addresses.

B. Register of animal facilities.

The executive director of the board shall record in a book to be kept for such purposes the names of all animal facilities. Such book shall list the name and permit number of the animal facility and shall be admissible in evidence as a regularly kept record of the board.

C. Accuracy of address.

It shall be the duty and responsibility of each licensee and holder of a registration permit to operate an animal facility to keep the board apprised at all times of his current address. All notices required by law or by these regulations to be mailed to any veterinarian, certified animal technician, or holder of a permit to operate an animal facility, shall be validly given when mailed to the address furnished to the board pursuant to this regulation. All address changes shall be furnished to the board within 30 days of such change.

§ 1.4. Filing date.

Completed applications for certification and licensure shall be filed with the board office at least 45 days prior to the announced date of the examination.

§ 1.5. Records.

All completed applications and supporting papers submitted to the board with the application become a part of the applicant's examination records and become the property of the board.

§ 1.6. Issuance of licenses and certificates.

The board shall issue to each applicant who shall pass the examination for licensure as a veterinarian or certification as an animal technician a license or certificate as appropriate. Each license and certificate shall be subscribed by the president and secretary of the board and shall have affixed to it the seal of the board.

§ 1.7. Renewal requirements.

A. Every person authorized by the board to practice veterinary medicine shall, on February 28 of every year, pay to the board a renewal fee as prescribed in § 1.10 of these regulations and every holder of a certificate of animal technology shall, in a like manner, pay a renewal fee as prescribed in § 1.10.

1. The board shall mail to each licensed or certified person a notice to renew his license or certificate prior to the expiration of the license or certificate.

2. It shall be the responsibility of each person so licensed or certified to return the renewal application with the prescribed fee so that it will be received by the board prior to the expiration date of his license or certificate. Failure to renew shall cause the license or certificate to lapse and become invalid.

3. A veterinarian's license or animal technician's certificate may be renewed up to one year after the expiration date, provided a late fee as prescribed in § 1.10 is paid in addition to the required renewal fee and further provided that the veterinarian or animal technician has NOT engaged in practice in Virginia after the expiration date.

4. Reinstatement of licenses or certificates expired for one year or more shall be at the discretion of the board. The board shall require documentation of competency and professional activities in addition to the prescribed reinstatement fee as conditions for reinstatement of a license or certificate.

B. A new facility shall apply for registration with the board at least 60 days prior to opening for practice and pay to the board a registration fee as prescribed in § 1.10 at the time of application.

1. Every such animal facility so registered shall be required to renew the registration permit annually and pay to the board a registration fee as prescribed in § 1.10 of these regulations.

2. Failure to renew the facility permit by February 28 of each year shall cause the permit to expire and become invalid. The permit may be reinstated without reinspection, within 30 days of expiration, provided the board receives a properly executed renewal application and a late fee as prescribed in § 1.10 in addition to the required renewal fee. Reinstatement of an expired permit after 30 days shall be contingent upon a reinspection and payment of the late fee, the reinspection fee, and the facility reinstatement fee.

3. Every new animal facility or an animal facility which changes location shall be inspected, approved and registered by the board prior to opening for the practice of veterinary medicine. Applications are to be made at least 60 days prior to the proposed opening

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date of the animal facility. If more than one inspection is required for approval, the reinspection fee shall be imposed for each additional inspection.

§ 1.8. Licenses, certifications and registrations to be displayed.

A. Veterinarians.

1. Each licensed veterinarian shall publicly post his current Virginia license to practice veterinary medicine in the facility where he practices.

2. Each licensed veterinarian administering, prescribing or dispensing Scheduled II-V drugs shall obtain and maintain on the premises a controlled substances registration certificate from the Virginia Board of Pharmacy.

B. Animal technicians.

Each certified animal technician shall publicly post his current Virginia certificate as animal technician at the facility of the employing veterinarian.

C. Animal facilities.

Each animal facility shall have publicly posted the current Virginia registration permit to operate such a facility.

§ 1.9. Reinstatement.

Any person whose license to practice veterinary medicine or certificate to act as an animal technician or permit to operate an animal facility has been suspended or revoked as herein provided may thereafter, at any time, apply to the board for relicensure, recertification or reregistration. Accordingly, such person may petition the board for a hearing, and the provisions of the Administrative Process Act shall apply.

§ 1.10. Fees.

Veterinary examination fee	\$125.
Veterinary license fee (active)	\$125.
Veterinary license fee (inactive)	\$50.
Veterinary license renewal late fee	\$25.
Veterinarian Reinstatement fee	\$250.
Animal technician examination fee	\$75.
Animal technician certificate fee	\$30.
Animal technician certificate renewal late fee	\$10.
Animal technician reinstatement fee	\$50.

Animal facility permit registration fee	\$50.
Animal facility renewal fee	\$50.
Animal facility renewal late fee	\$15.
Animal facility reinstatement fee	\$100.
Animal facility reinspection fee	\$100.
Duplicate certificate fee	\$10.

PART II. VETERINARIANS.

§ 2.1. Requirements for licensure as a veterinarian.

A. The applicant, in order to be licensed by the board to practice veterinary medicine, shall:

1. Have received a degree in veterinary medicine from a college or school of veterinary medicine approved by the board; or have fulfilled the requirements of the Educational Commission of Foreign Veterinary Graduates (E.C.F.V.G.) of the American Veterinary Medical Association;

2. File the following documents with the board at least 45 days prior to the announced date of examination:

a. A complete and notarized application on a form obtained from the board;

b. An official copy, indicating veterinary degree, of the applicant's college or school transcript;

c. Two passport photographs of reasonable likeness of the applicant taken within six months of the date of the application;

d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in § 1.10 for the examination fee and the applicable licensing fee; and

e. Certification by each board from which the applicant holds a license to practice veterinary medicine.

3. Pass the following examinations with a score on each determined acceptable by the board:

a. The national board examination;

b. The national clinical competency test; and

c. A written examination administered by the board which shall embrace such subjects as the board shall from time to time prescribe.

4. Have committed no acts which would constitute a

violation of § 54-786.4 of the Code of Virginia.

B. The board may also, in its discretion, grant a license to an applicant who was graduated from a school of veterinary medicine five years or more prior to the date of application and who is licensed in another jurisdiction provided that:

1. The applicant passes the national clinical competency test, provided, that the board may, in its discretion, waive this requirement if the applicant has been continuously engaged in the clinical practice during the immediately preceding five years;
2. The applicant passes a written examination administered by the board;
3. The applicant has met all of the other requirements of this section;
4. It has been verified by the appropriate regulatory board of veterinary medicine in the state or states in which he holds, or has held, a license that the applicant is in good standing, with such endorsement being made by formal correspondence from that board to the Virginia Board of Veterinary Medicine; and
5. The applicant has documented all professional activities since graduation from an approved school of veterinary medicine.

C. Reexamination.

1. The national board examination, clinical competency test scores, and the transcripts required pursuant to this regulation shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination.
2. All requests for reexamination shall be filed with the board at least 45 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, two passport photographs of the applicant taken within six months of the date of the application, and a fee in the amount prescribed in § 1.10.

§ 2.2. Requirements for practical training in a preceptorship.

The practical training and employment of qualified students of veterinary medicine by licensed veterinarians shall be governed and controlled as follows:

1. No student shall be qualified to receive practical training by a licensed veterinarian nor shall a licensed veterinarian give practical training to any student unless such student shall be duly enrolled and in good standing in a veterinary college or school, and shall be engaged in a preceptorship as defined by the

board and authorized by his college or school. This preceptorship shall not exceed a period of four months.

2. No student receiving practical training from a licensed veterinarian shall at any time discharge or perform any function or act pertaining to the practice of veterinary medicine, except under the immediate and direct on-premises supervision of a veterinarian licensed by the board. A preceptor shall not diagnose, prescribe, or perform surgery.

§ 2.4. Unprofessional conduct.

Unprofessional conduct as referenced in § 54-786.4(8) of the Code of Virginia, shall include the following:

1. Representing conflicting interests except by express consent of all concerned given after a full disclosure of the facts. Acceptance of a fee from both the buyer and the seller is prima facie evidence of a conflict of interest.
2. Practicing veterinary medicine where an unlicensed person has the authority to control the professional judgment of the licensed veterinarian.
3. Issuing a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animals that the animals meet the requirements for the issuance of such certificate on the day issued.
4. Violating the confidential relationship between himself and his clients.
5. Advertising in a manner which is false, deceptive, or misleading.
6. Failing to maintain an animal facility as set forth by these regulations.
7. Practicing veterinary medicine in an animal facility that is not currently registered. This shall not apply to emergency situations.
8. Violating any state law, federal law, or board regulation pertaining to the dispensing or recordkeeping requirement, or both, for controlled substances.
9. Dispensing or prescribing controlled substances not in the course of professional practice or when a bonafide veterinarian/client/patient relationship has not been established.
10. Permitting a person other than a licensed veterinarian, certified animal technician, or person otherwise duly certified in x-ray technology to operate diagnostic radiographic equipment.

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11. Permitting a person other than a licensed veterinarian or a certified animal technician to induce anesthesia.

12. Practicing veterinary medicine in such a manner as to endanger the health and welfare of his patients or the public; or being unable to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

13. Failing to pay any required fees.

14. Failing to pay board-imposed fines.

15. Refusing the board or its agent the right to inspect a facility at reasonable hours.

16. Failing to exercise a reasonable degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by members of the veterinary medical profession in good standing in the Commonwealth of Virginia.

17. Prescribing or dispensing drugs, or both, for human use.

PART III. CERTIFIED ANIMAL TECHNICIANS.

§ 3.1. Requirements for certification as animal technician.

A. The applicant, in order to be certified by the board as an animal technician, shall:

1. Have received a degree in animal technology from a college or school approved by the American Veterinary Medical Association;

2. File the following documents with the board at least 45 days prior to the announced date of examination:

a. A complete and notarized application on a form obtained from the board;

b. An official copy, indicating an animal technology degree, of the applicant's college or school transcript;

c. Two passport photographs of reasonable likeness of the applicant taken within six months of the date of the application;

d. Certified check, cashier's check, or money order, payable to the Treasurer of Virginia, as prescribed in § 1.10, for the examination fee and the applicable certification fee; and

e. Certification by each board from which the applicant holds a certificate/registration to practice

animal technology.

3. Pass the following examinations with a score on each determined acceptable by the board:

a. The national board examination for animal technicians; and

b. A written examination administered by the board which shall be administered at least once annually and which shall embrace such subjects as the board shall from time to time prescribe.

B. The board, at its discretion, may also grant a certificate to a technician certified or registered in another jurisdiction based on a written examination administered by the board to an applicant who has not taken the national board examination, provided that:

1. The applicant has met all of the other requirements of this section;

2. The applicant has filed the required application as provided for in these rules and regulations;

3. The applicant has been issued a certificate as an animal technician in another state whose requirements are at least equal to those of Virginia; and

4. The applicant ensures that the board is furnished a certificate of good standing from the state in which he is certified at the time of submitting an application to sit for the Virginia examination.

C. Reexamination.

1. The national board scores and transcript required pursuant to this regulations shall be acceptable as part of the application for reexamination for a period of two years following the date of the original examination.

2. Any animal technician applicant failing to pass either part of the examination shall be reexamined at his request, at the next scheduled examination administered by the board, on the part of the examination failed. If the applicant fails to pass this reexamination, he will be required to pass a subsequent examination in its entirety.

3. All requests for reexamination shall be filed with the board at least 30 days prior to the date of examination which the applicant wishes to take. Such requests shall be accompanied by an updated application, two passport photographs of the applicant taken within six months of the date of this application, and a fee in the amount prescribed in § 1.10 of these regulations.

§ 3.2. Unprofessional conduct.

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Unprofessional conduct as referenced in § 54-786.4 (8) of the Code of Virginia, shall include the following:

1. Compromising the confidentiality of the doctor/client relationship.
2. Practicing animal technology in an animal facility that is not currently registered. This shall not apply to emergency situations.
3. Violating any state law, federal law, or board regulation pertaining to the use of controlled substances.
4. Diagnosing, performing surgery, or prescribing drugs.

PART IV. ANIMAL FACILITIES.

§ 4.1. Requirements to be registered as an animal facility.

A. Applications must be made to the board 60 days in advance of opening or changing the location or name of the facility.

B. No animal facility will be registered by the board unless:

1. It is first inspected by the board and is found to meet the standards set forth by § 4.2 of these regulations where applicable. If, during a new or routine facility inspection, violations or deficiencies are found necessitating a reinspection, the prescribed reinspection fee will be levied. Failure to pay the fee shall be deemed unprofessional conduct and, until paid, the facility shall be deemed to be unregistered.
2. A veterinarian currently licensed by and in good standing with the board is registered with the board in writing as veterinarian-in-charge and has paid the facility registration fee.
 - a. The veterinarian-in-charge is responsible for:
 - (1) "Maintaining the facility within the standards set forth by § 4.2 of these regulations;
 - (2) Performing the biennial controlled substance inventory and ensuring compliance at the facility with any federal or state law relating to controlled substances as defined in § 54-524.2 of the Drug Control Act.
 - (3) Notifying the board of the closure of the permitted facility.
 - b. Upon any change in the veterinarian-in-charge, the facility permit previously issued shall be void and shall be returned to the board immediately. An application for a new permit shall be made in

advance or within 10 days of the change of the veterinarian-in-charge.

§ 4.2. Standards for facilities.

A. Every animal facility must have a permit. All facilities shall meet the requirements of this regulation, except as provided under subsection B of this regulation.

1. Buildings and grounds must be maintained to provide sanitary facilities for the care and medical well being of patients.

a. Temperature. The facility shall be equipped so as to maintain temperatures consistent with the medical well-being of the patients.

b. Ventilation. The facility shall be equipped with the capacity to ventilate.

c. Lighting. The facility shall be equipped with lighting commensurate with the procedures performed.

d. Water and waste. There shall be on-premises:

(1) Hot and cold running water from a source approved by the Virginia Department of Health;

(2) Toilet and lavatory approved by the Virginia Department of Health for the personnel and for the clients;

(3) A method of disposal of deceased animals; and

(4) Refrigeration exclusively for carcasses of companion animals that require storage for 24 hours or more.

2. Areas within building. The areas within the facility shall include:

a. A reception area separate from other designated rooms;

b. Examination room(s);

c. Surgery. Surgery shall be performed in a room which is reserved only for surgery and used for no other purpose. Surgery shall not serve as a corridor. In order that surgery can be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support, and monitoring procedures, the surgery room shall:

(1) Be of a size adequate to accommodate a surgical table, anesthesia support equipment, surgical supplies, the veterinarian, an assistant, and the patient; and

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(2) Be kept so that storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures.

d. Laboratory. The animal facility shall have, as a minimum, proof of use of either in-house laboratory service or consultant laboratory services for performing the following lab tests, consistent with appropriate professional care for the species treated:

- (1) Urinalysis, including microscopic examination of sediment;
- (2) Complete blood count;
- (3) Flotation test for ova of internal parasites;
- (4) Skin scrapings for diagnosing external parasites;
- (5) Examinations for circulating blood microfilaria;
- (6) Blood chemistries;
- (7) Cultures and sensitivities;
- (8) Biopsy;
- (9) Complete necropses, including histopathology; and
- (10) Serology

e. Animal housing areas. These shall be provided with:

- (1) Separate compartments constructed of nonporous materials;
- (2) Accommodations allowing for the effective separation of contagious and noncontagious patients by July 1, 1989. As a minimum, there shall be a room that can be accessed without the animal passing through another animal ward or holding area; and
- (3) Exercise runs which provide and allow effective separation of animals. (In lieu of exercise runs, documentation of walking the animals at medically appropriate intervals shall be deemed to be an acceptable form of exercise.)

3. Drug storage and dispensing:

a. All drugs shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

b. All repackaged scheduled tablets and capsules dispensed for companion animals shall be in approved safety closure containers, except safety caps shall not be required when any person who

requests that the medication not have a safety cap, or in such cases in which the medication is of such form or size that it cannot be reasonably dispensed in such containers (e.g., topical medications, ophthalmic, or otic). Repackaged topicals shall be exempt from the safety closure requirement.

c. All drugs dispensed shall be labeled with the:

- (1) Name and address of the facility;
- (2) Name of client;
- (3) Animal identification;
- (4) Date dispensed;
- (5) Directions for use;
- (6) Name, strength (if more than one dosage form exists), and quantity of the drug; and
- (7) Name of prescribing veterinarian.

d. All drugs shall be maintained in a secured manner with precaution taken to prevent diversion.

(1) All Schedule II drugs shall be maintained under lock at all times, with access to the veterinarian only, provided, that a working stock of Schedule II drugs under separate lock may be accessible to the certified animal technician.

(2) Whenever a veterinarian discovers a theft or any unusual loss of Schedules II, III, IV, or V drugs, he shall immediately report such theft or loss to the Virginia Board of Pharmacy and to the U.S. Drug Enforcement Administration. Schedules II, III, IV and V drugs may be destroyed only by an investigator of the Virginia Department of Health Regulatory Boards of the U.S. Drug Enforcement Administration.

e. The drug storage area shall have appropriate provision for temperature control for all drugs and biologics. The stock of drugs shall be reviewed frequently and removed from the working stock of drugs at expiration date.

4. Recordkeeping. Every veterinarian shall keep a written daily record of the animals he treats. This record shall include pertinent medical data such as drugs administered, dispensed or prescribed, and all relevant medical and surgical procedures performed.

a. Client records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

b. Individual records shall be maintained on each patient, except that records for economic animals

may be maintained on a per-client basis.

c. An animal identification system must be used by the facility.

d. A distribution record shall be maintained in addition to the patient's record, in chronological order, for the administration and dispensing of all Schedule II-V drugs. This record shall include the:

- (1) Date of transaction;
- (2) Drug name, strength, and the amount dispensed, administered, or wasted;
- (3) Client and animal identification; and
- (4) Identification of the person administering or dispensing the drug.

This record is to be maintained for a period of two years from the date of transaction.

e. Invoices for all Schedules II, III, IV and V drugs received shall be maintained in chronological order on the premises where the stock of drugs is held. Invoices for Schedule II drugs shall be maintained separate from other records. All drug records shall be maintained for a period of two years from the date of transaction.

f. A complete and accurate inventory of all Schedule II, III, IV and V drugs shall be taken, dated, and signed on the same day every two years. Drug strength must be specified. This inventory shall indicate if it was made at the opening or closing of business and shall be maintained on the premises where the drugs are held for two years from the date of taking the inventory.

5. Radiology. An animal facility shall:

a. Have proof of use of either in-house or consultant services for obtaining diagnostic-quality radiographs.

b. Permanently imprint each radiograph with the identity of the patient and the date of exposure. Each radiograph shall also distinguish by permanent imprinting left from right.

c. Document that radiographic equipment complies with all requirements of Section F. 10. Veterinary Medicine Radiographic Installations, of the Virginia Department of Health document, "Ionizing Radiation Rules and Regulations" (1980), which requirements are adopted by this board and incorporated herewith by reference in these regulations.

d. Maintain radiographs with and as a part of the patient's record.

6. Equipment - Minimum requirements:

a. Examination room:

- (1) Table with nonporous surface;
- (2) Waste receptacle; and
- (3) Sanitizing solution.

b. Surgery suite:

- (1) Surgical table with nonporous surface;
- (2) Surgical supplies, instruments and equipment commensurate with the kind of surgical services provided;
- (3) Circle gas anesthesia machine, utilizing an anesthetic vaporizer, by July 1, 1989;
- (4) Automatic emergency lighting;
- (5) Surgical lighting;
- (6) Instrument table, stand, or tray; and
- (7) Waste receptacle.

c. Radiology:

- (1) Lead aprons;
- (2) Lead gloves;
- (3) Radiation exposure badges;
- (4) X-ray machine.

d. Drug storage area:

- (1) Refrigerator, with interior thermometer maintained between 36° and 46° fahrenheit;
- (2) Locked storage for Schedule II drugs.
- (3) Drugs stored at room temperature shall be maintained between 59° and 86° fahrenheit.

e. General equipment:

- (1) Steam pressure sterilizer;
- (2) Internal and external sterilization monitors;
- (3) Stethoscope;
- (4) Ophthalmoscope;
- (5) Thermometer;

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(6) Storage for records;

(7) Anesthetic support equipment for delivery of assisted ventilation system, including but not necessarily limited to:

(a) A resuscitation bag; and

(b) Endotracheal tubes.

(8) Scales;

(9) Otoscope;

(10) Oxygen and delivery system; and

(11) Refrigerator for storage of carcasses.

Items 7(b), (8), (9), (10) and (11) are not required for large animal or ambulatory facilities.

B. All facilities shall meet the above requirements except in instances in which the scope of practice is limited. An application requesting a specifically restricted facility permit shall be made to the board. Upon satisfactory inspection and payment of the permit fee, a restricted facility permit will be issued. Such restricted facilities shall have posted in a conspicuous manner the specific limitations on the scope of practice in a form acceptable to the board.

§ 4.3. Revocation or suspension of registration certificate.

A. The board may revoke or suspend the registration permit of an animal facility or may declare it as not meeting the standards set forth in § 4.2 of these regulations if:

1. The board finds the facility to be in violation of § 1.7 "Renewal requirements";

2. The board finds the facility to be in violation of § 4.2 "Standards for facilities";

3. The board or its agents are denied access to the facility to conduct an inspection;

4. The licensee does not pay any and all prescribed fees;

5. Performing procedures beyond the scope of a restricted facility permit; or

6. The facility has no veterinarian-in-charge registered at the facility.

B. The Administrative Process Act, Chapter 1.1:1 (9-6.14:1 et seq.) of Title 9 of the Code of Virginia, shall apply to any determination under § 4.3.

PART V.

SEVERABILITY.

§ 5.1. Severability clause.

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

STATE WATER CONTROL BOARD

NOTICE: The State Water Control Board proposes to REPEAL the four regulations listed below:

Title of Regulation: Regulation No. 3.

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

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

Regulation No. 3 provides for local approval of the location or site of any proposed nongovernmentally owned sewage treatment plant before issuance of a certificate by the State Water Control Board.

* * * * *

Title of Regulation: Regulation No. 7 - Industrial Waste Survey.

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

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

Regulation No. 7 sets forth the methodology for all owners of sewerage systems or treatment works to survey discharges of industrial wastes or other wastes into their systems and to submit the results of the survey to the board by July 1, 1977.

* * * * *

Title of Regulation: Regulation No 10 - Trash and Pumpout Services for Vessels at Anchor.

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

Proposed Regulations

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section
for additional information)

Summary:

Regulation No. 10 requires commercial vessels in the foreign trade larger than 1,000 gross tons that anchor in Virginia waters for longer than 48 hours to properly dispose of trash, garbage, and sewage and sewage sludge.

* * * * *

Title of Regulation: Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.

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

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section
for additional information)

Summary:

The Priority System sets forth the criteria for properly evaluating and ranking communities which are receiving federal construction grant assistance in ascending order of the degree of financial hardship brought about by building, operating and maintaining a new or expanded wastewater treatment system.

* * * * *

Title of Regulation: Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

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

Public Hearing Date: March 9, 1987 - 2 p.m.
(See Calendar of Events section
for additional information)

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biological Oxygen Demand (BOD₅). These statements and loadings describe the water quality necessary to attain these water quality goals.

Section 62.1-44.15(3) and (13) of the Code of Virginia authorizes the State Water Control 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 modify, amend, or cancel any such standards or policies established. Such standards or policies 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 or policies as adopted, modified, amended or cancelled.

Title 40 Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which Water Quality Management Plans (WQMP) are a part. No NPDES permits may be issued that are not in conformance with the plans. If EPA determines that Virginia's continuing planning process is not consistent with the Act, EPA will not approve Virginia's NPDES permit program.

A summary of the proposed amendment follows.

Summary:

The proposed amendment would allow King George County to construct a 39,000 gallon per day (gpd) secondary treatment plant which would be expandable to 160,000 gpd for future growth. Estimated cost for the new waste treatment facility is \$195,000. Approval of the amendment would allow the County to increase economic development potential within the courthouse area and create central waste treatment facilities for an area which is unsuitable for continued on-site wastewater disposal.

Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

I. § 1. General.

A. This 208 Plan is based on the 208 Areawide Waste Treatment Management Plan for the RADCO Planning District prepared by Roy F. Weston, Consulting Engineers, located in Richmond, Virginia and subsequently amended by RADCO on October 18, 1982 and , September 19, 1983 , and May 19, 1986. The original report was financed through a grant from the U.S. Environmental Protection Agency under § 208 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

B. The purpose of the plan is to set forth those measures to be taken by agencies, companies, and individuals throughout the planning district to obtain and maintain the water quality goals as specified in the federal and state laws and regulations. This plan will be updated annually by the specified planning agency and the appropriate 303(e) River Basin Water Quality Management Plan will be amended as necessary to reflect the 208 Plan.

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C. The area considered in this plan consists of the RADCO Planning District (No. 16), which includes the Counties of Stafford, Spotsylvania, King George, and Caroline; and the City of Fredericksburg.

H. § 2. Technical plan.

A. Point source controls.

For the purpose of the 208 study, the RADCO Planning District was divided into six study areas based upon natural and political boundaries as indicated below.

1. Study Area I.

Study Area I is that portion of Stafford County that lies within the Potomac River Hydrologic Planning Unit (HPU). No new treatment facilities construction is envisioned. The Aquia treatment facility currently under construction will provide adequate wastewater treatment and disposal through the study period (20 years).

2. Study Area II.

Study Area II is made up of those portions of Stafford and Spotsylvania Counties within the Rappahannock HPU as well as the City of Fredericksburg. The plan for Study Area II is based upon the document entitled RADCO 208 Plan Amendment, dated September 1983. The Claiborne Run Plant is to be kept in operation to treat wastewater from the South Stafford service area until its design capacity is met (about the year 1990) or until nitrification is required. At such time either the plant can be upgraded or the flows transferred to the FMC plant. The former FMC facility is to be reactivated as a municipal secondary treatment plant, with a design capacity of 4.0 mgd to be initially permitted at 2.619 mgd based on the wasteload allocation, to treat a portion of the wastewater from Spotsylvania County and a portion of flow from the City of Fredericksburg. When nitrification or other more stringent treatment is shown by the Rappahannock River monitoring program to be needed, the plant will be upgraded to meet these requirements. It is expected that upgraded treatment will be required around 1990. The Deep Run interceptor and the Deep Run to FMC interceptor are to be constructed to reroute Spotsylvania County flows to the FMC plant. The Massaponax plant will continue in operation to treat the remainder of Spotsylvania County flows with no upgrading until at least the year 1990 unless nitrification becomes required. The Fredericksburg plant is kept in operation to treat the remainder of flows from the city. The recommendations of the Rappahannock Service Authority Infiltration/Inflow Update are to be implemented by Stafford and Spotsylvania Counties. A coordinated monitoring program for the Rappahannock River is to be conducted by the localities to determine the need for additional treatment at the area facilities.

3. Study Area III.

Study Area III is that portion of Spotsylvania County that lies in the York River HPU.

In the Spotsylvania Courthouse area the Wishner facility will be upgraded to provide secondary treatment and will replace the existing Aldrich lagoon.

4. Study Area IV.

Study Area IV is comprised of the portion of King George County that lies within the Potomac River HPU.

Secondary treatment to be followed by land application of the treated effluent will be provided to the Fairview Beach area.

Secondary treatment will be provided by expanding and upgrading the existing treatment facilities in the Dahlgren area.

Secondary treatment will be provided by building a new facility to serve an expansion of the King George Courthouse service area.

5. Study Area V.

Study Area V is made up of the areas of Caroline and King George Counties that are within the Rappahannock River HPU.

The U.S. Army Corps of Engineers is currently planning for the upgrade of the Camp A. P. Hill facility.

6. Study Area VI.

Study Area VI is made up of those portions of Caroline County that are within the York River HPU.

The Town of Bowling Green will upgrade the existing facility to provide secondary treatment for the service area.

~~Two additional areas are possible facilities study areas. They are the King George Courthouse area in King George County and the Carmel Church area in Caroline County. Neither of these areas are currently on the State Water Control Board Priority List; however, they will be considered for priority evaluation in the future.~~

B. Nonpoint source pollution.

The following actions are to be taken to insure the high quality of the waters within the planning district.

1. The State Water Control Board will continue, through its sampling programs, to monitor the water

Proposed Regulations

quality of the area and will insure that up-to-date water quality information is made available to the planning agency.

2. The existing Soil and Erosion Control Ordinances will be implemented and enforced by the localities.

3. A nonregulatory program will be instituted to voluntarily implement selected Best Management Practices (BMP) contained in the BMP Handbooks adopted by the State Water Control Board and listed in the report, Nonpoint Source Pollution Management in Planning District 16 by Rappahannock Area Development Commission, October 1982. Efforts and resources will be concentrated in those priority watersheds listed in that report and addressing categories of nonpoint source pollutants generated by agricultural, forestry and urban activities.

III. § 3. Management plan.

A. Planning agency.

The RADCO Planning District Commission will be the 208 Areawide Water Quality Management Planning Agency for the RADCO Planning District.

B. Management agency.

1. Point source plan.

With the exception of the wastewater treatment responsibilities assigned to the Rappahannock Service Authority, each of the political jurisdictions will be responsible for implementing the plan within the boundaries of their jurisdictions with guidance from the Virginia State Water Control Board.

2. Nonpoint source plan.

a. Upon execution of appropriate implementation agreements with the Rappahannock Area Development Commission, the following designated management agencies will be responsible for implementing the nonpoint source control program for the categories of pollutant sources indicated in the areas indicated below. These agencies will prepare annual progress reports and submit them to the Rappahannock Area Development Commission and to the State Water Control Board.

MANAGEMENT AGENCY	NONPOINT SOURCE CATEGORY	AREA OF RESPONSIBILITY
Tri-County Soil and Water Conservation District	Agriculture	King George Co. Spotsylvania Co. Stafford Co.

Hanover-Caroline Soil and Water Conservation District Agriculture Caroline Co.

Virginia Soil and Water Conservation Commission Agriculture Advisory to the Soil and Water Conservation Districts

Local Governing Bodies of Caroline, King George, Spotsylvania and Stafford Counties and City of Fredericksburg Urban Within the Respective Jurisdictional Boundaries

Virginia Division of Forestry Forestry Within Boundaries of the Rappahannock Area Development Commission Planning District

b. The Rappahannock Area Development Commission will consolidate progress reports and submit them to the State Water Control Board on or before November 1 each year, to be included in the State Nonpoint Source Progress Report submitted to the U. S. Environmental Protection Agency.

§ 4. King George County and King George Courthouse.

A. Description of facility:

King George County will be served by a 0.039 MGD secondary waste treatment plant, for the King George Courthouse area, which will discharge into Pine Hill Creek, a tributary to Rosier Creek (Potomac River Basin).

B. Project background:

The Courthouse area previously relied on on-site sewage disposal for wastewater treatment. Due to expected high failure rates of individual septic tank - drain field systems continued on-site disposal is infeasible. King George County's Comprehensive plan has identified the Courthouse area as a growth center for the County. Alternative wastewater disposal methods were proposed and the selected plan called for a 0.039 MGD secondary waste treatment plant. Limits for the proposed discharge into Pine Hill Creek are 30 mg/l BOD₅.

C. Selection considerations:

Two alternatives were considered for the King George Courthouse area. The first consisted of enhanced secondary treatment to meet stringent limitations, if so required by the stream model. The second alternative was land application which would have to be located outside the study area and would require approximately 20 acres of land for an application site.

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The first alternative was chosen since it was considered more cost effective and an acceptable alternative. Stream modeling determined that only secondary levels of treatment are necessary at the 0.039 MGD discharge level.

D. Institutional arrangement:

The institutional arrangement for the facility is for King George County to own and operate the waste treatment plant.

E. Project status:

King George County has received VCDBG funds for \$638,800 of which \$215,000 has been dedicated for the waste treatment plant. The County anticipates additional funds from other sources to complete the improvements for the King George Courthouse area project.

F. Project financing:

Construction cost for the waste treatment plant have been estimated at \$195,000 with an estimated annual operation and maintenance cost at \$30,000.

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TABLE 2A (continued)

POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME	RECEIVING STREAM	FACILITY		EFFLUENT LIMITS (mg/l)				INSTITUTIONAL ARRANGEMENT	
			RECOMMENDED ACTION	SIZE (MGD)	TREATMENT LEVEL (4)	BOD ₅	UOD	TKN		P
36	Colonial Beach	Monroe Creek EL (1-28)	No further action recommended	.85	Secondary	28 ⁽⁵⁾	-	-	-	Town of Colonial Beach
37	Machodoc Kinseale		Construct new facility	.89	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Machodoc Kinseale Sanitary District
38	Caliso		Construct new facility	.25	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Caliso Sanitary District
39	Heathville		Construct new facility	.10	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Heathville Sanitary District
40	King George Courthouse	Pine Hill Creek	Construct new facility	.039	Secondary	30				King George Co.

TABLE 2A

NOTES: POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER TREATMENT FACILITIES

- (1) Year 2000 design flow from 201 Facility Plan, P. L. 92-500, unless otherwise noted
- (2) Year 2000 average daily flow from Potomac/Shenandoah 303(e) Plans, Vol. V-A Appendix, 1975, pp. B-33-B-44
- (3) Future expansion at unspecified date
- (4) Secondary treatment: 24-30 mg/l BOD₅, advanced secondary treatment (AST): 11-23 mg/l, advanced wastewater treatment (AWT): <10 mg/l BOD₅. A range is given to recognize that various waste treatment processes have different treatment efficiencies.
- (5) Effluent limits calculated using mathematical modeling
- (6) Effluent limits based on Occoquan Watershed Policy, presently under reevaluation
- (7) Effluent limits based on treatment levels established by the Potomac/Shenandoah 303(e) Plan, Vol. V-A, 1975, p. 237, to protect low flow streams and downstream water supply
- (8) Effluent limits based on Potomac River Embayment Standards, presently under reevaluation. Nitrogen removal limits deferred until reevaluation is complete
- (9) Effluent limits based on Dulles Watershed Policy, recommended for reevaluation. Interim effluent limits of 12 mg/l BOD₅ and 20 mg/l Suspended Solids will be met until the Dulles Area Watershed Standards are reevaluated
- (10) Effluent limits based on Virginia Sewerage Regulation, Section 11.02.01
- (11) Interim effluent limits of 30 mg/l BOD₅, 30 mg/l Suspended Solids, and 4 mg/l Phosphorus, will be effective until average daily flow exceeds 0.75 MGD. At greater flows than 0.75 MGD, the effluent limitations will be defined by the Potomac Embayment Standards
- (12) Secondary treatment is permitted for this facility due to the extended outfall into the main stem of the Potomac River

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Title of Regulation: VR 680-11-03. Water Resources Policy.

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

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section
for additional information)

Summary:

The Water Resources Policy is a statement of broad water resource management principles. It provides guidance to the Agency staff in preparing water resource management plans, advising on the adequacy and desirability of water resource projects, authorizing specific water resource projects or in commenting on projects which affect water resources.

VR 680-11-03. Water Resources Policy.

1-0 § 1. Whereas The State Water Control Board finds that the Virginia water resource policy must be based upon the following broad precepts of natural and man-made law and must recognize natural conditions and the distribution and growth of Virginia's population and industry:

1-1 1. Virginia's hydrographic conditions are diverse, ranging from "mountain streams" to open ocean.

1-2 2. Natural salinity varies from near zero to that of the open ocean.

1-3 3. Natural rainfall in Virginia is such that total fresh water production far exceeds any foreseeable needs; however, accidents of times and geography may produce short-term ~~and~~ or geographic surpluses (flood) or deficits (drought).

1-4 4. Flood plains are the natural relief mechanism for surface streams.

1-5 5. Virginia has extensive ~~groundwater~~ *ground water* resources but these resources are not uniformly distributed, and are subject to depletion and pollution through use and to saline intrusion in coastal areas.

1-6 6. Quality of surface flows is, to a degree, dependent upon quantities of flow, natural pollution sources and, in part, activities of man.

1-7 7. Water is a reusable multi-purpose resource.

1-8 8. Development and use of water resources should be based on sound planning.

1-9 9. Water resources use is affected by and affects land resource management and population and economic growth.

1-10 10. Use of ~~groundwater~~ *ground water* and use of surface waters are interdependent functions.

1-11 11. Waste water ~~Wastewater~~, in many cases, can be safely and economically reclaimed for a variety of beneficial uses, including agricultural and industrial uses.

1-12 12. Municipal and industrial demands for water are relatively "constant" whereas the quantities of unmanaged supplies, particularly surface waters, are variable.

1-13 13. ~~Virginia must act to protect its water resources and the ecosystems dependent upon them from unnecessary pollution, degradation or destruction for~~ For the maximum social and economic benefits to all the citizens of the Commonwealth, *Virginia must act to protect its water resources and the ecosystems dependent-upon them from unnecessary pollution, degradation or destruction*. The needs of Virginia's citizens for water resources should be met in such a manner as to preserve these water related environments to the greatest possible degree.

1-14 14. State constitutional provisions, statutes and common law constrain water resources use ~~(see Table 1)~~.

1-15 15. Federal constitutional provisions and federal statutes constrain and influence water resources use at state level ~~(see Table 2)~~.

1-16 16. Potential sites for reservoirs for flood control and water supply are limited and the need for their preservation must be recognized by the Commonwealth so that their use for these purposes, if it is consistent with ecological and scenic considerations, will not be precluded ~~because by~~ uncontrolled development on these sites ~~will cause~~ *causing* them to become too expensive for use as reservoirs.

2-0 § 2. The board is ~~establishing~~ *has established* its Water Resources Policy in order to fulfill its statutory responsibilities ~~to: under § 62.1-44.36 of the Code of Virginia, as follows:~~

2-1 1. Assure, insofar as possible, that domestic, municipal, industrial, agricultural and other water quality and quantity needs are met at all times consistent with the responsibility of the *State Commonwealth* to protect the natural values of Virginia's water resources, and to assure equitable allocation in times of shortage consistent with the requirements of Virginia law.

2-2 2. Protect wetlands in recognition of the dependence of these natural systems upon suitable water quality and in recognition of the contribution of these natural systems to natural values.

2-3 3. Recognize the importance of water transportation to the economy and recreation, and to assure the optimum use of the waterways of Virginia.

2-4 4. Recognize and foster the unique and diverse role of water in recreation.

2-5 5. To the maximum extent practicable, minimize hazards from floods to human life and to economic and natural values.

2-6 6. Assure that groundwater ground water withdrawals do not, on the average, exceed recharge, and protect any existing common law or statutory rights to use of groundwater ground waters .

2-7 7. Provide policy guidance on the allocation of groundwater ground water in considering the issuance of groundwater ground water permits within critical groundwater areas Groundwater Management Areas under § 62.1-644.100 of the Groundwater Act of 1973 as amended .

2-8 8. Exercise the responsibility of the State Commonwealth within the framework of the existing common law riparian rights of land owners.

2-9 9. Evaluate the effect of projects and structures on:

2-9-1 a. Flexibility in future water resource use and project operation;

2-9-2 b. Cost effectiveness within the realistic alternatives available and within the constraints of public health and public safety;

2-9-3 c. Man-made historic and the natural environments;

2-9-4 d. The recommendations of other agencies with an interest in the projects and structures;

2-9-5 e. Local, regional and statewide land use plans and growth policies.

2-10 10. Minimize the bureaucratic process in order to facilitate cost effective implementation of water resources policy.

2-11 11. Assure that the management demands of a water resource project do not exceed the capability of that unit of government responsible for its operation and maintenance.

2-12 12. Take advantage of all federal water resource programs to the extent that these programs can provide timely assistance.

2-13 13. Promote technological innovations and be

responsive to the institution of such advancements.

2-14 14. Encourage maximum public participation in the formulation and implementation of specific plans and projects.

2-15 15. Recognize the importance of the preservation of critical reservoir sites for future water needs.

3-0 § 3. Governed by these precepts and in order to fulfill its statutory responsibilities in the development of the Water Resources Policy, the board hereby adopts will observe the following specific policies for its use in the preparation of preparing Water Resource Management Plans, advising on the adequacy/desirability adequacy and desirability of water resource projects, and authorizing specific water resource projects or in commenting on projects which affect water resources.

3-1 A. Natural water sources (groundwater ground water and surface water).

3-1-1 1. Community, natural resource and transportation development should proceed in such a way that the adverse effect on runoff (rates, quality and quantity) and groundwater ground water recharge are minimized and , that remedial structures (such as spreading basins and flow retarding structures) are incorporated as permanent features of developments and that adequate financial and legal provisions are made for the maintenance of such structures.

3-1-2 2. Total withdrawals from coastal zone aquifers should be limited to such a quantity as to prevent the intrusion of salinity beyond the limit determined acceptable for the beneficial uses of the aquifer.

3-1-3 3. Total withdrawals from a specific aquifer shall not exceed estimated recharge except for short (one or two year) periods of time: the divergence should not be so great as to affect unreasonably legal rights to withdrawal or to affect the capability of the aquifer to be recharged fully in the future.

4. Conjunctive use of ground water and surface water is encouraged.

3-2 B. Beneficial use and public benefit.

3-2-1 1. The natural values and natural processes occurring in water resources in an undisturbed state constitute a substantial social and economic benefit to the citizens of the Commonwealth, and protection of these processes should be considered in any resource management plan.

3-2-2 2. The public shall have full access to future facilities paid for by general public funds to the extent that such access is compatible with project purposes and to the extent that the primary purpose of the facility is not defeated.

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~~3-2-3~~ 3. Once a project site has been approved by the board it will be a policy of the board to encourage preservation of the site by other state agencies.

~~3-2-4~~ 4. Flow releases from reservoirs for the purpose of maintaining minimum flows necessary for prevention of eutrophic conditions ~~(due to natural sources); and for protection of fish, and wildlife values, marine organisms; and protection of aesthetic values~~ will be considered as beneficial uses.

~~3-2-5~~ 5. Generation of electricity by hydropower, both in conventional and ~~pump pumped~~ storage developments, is considered a beneficial use of water resources provided that the system is so operated that neither maximum nor minimum ~~operations~~ flow releases are unreasonable and so that the rate of flow does not change so rapidly as to be hazardous.

~~3-2-6~~ 6. Water resource projects and sewerage systems shall be so designed, operated and maintained that hazards ~~of to~~ health, public safety and environmental values are minimized.

~~3-2-7~~ 7. The consideration of water resources projects by the board shall include coordination with other public agencies in order to ~~insure~~ ensure that all relevant public policy and formal standards will have an appropriate bearing on the final decision.

3-3 C. Environmental protection.

~~3-3-1~~ 1. The long term protection of the environment shall be the guiding criterion in decisions relating to water and related land resources.

~~3-3-2~~ 2. Channel management projects should be designed, constructed and operated in such a way as to minimize, and preferable to avoid, both short term and long term adverse environmental effects; the capability of water resources to absorb change shall be a designed constraint for such projects (e.g. erosion during construction).

~~3-3-3~~ 3. Agricultural and urban channelization projects in natural water courses should be limited in size to that essential for the protection of property and should be developed and ~~for~~ constructed in such a way that fish and wildlife and aesthetic values ~~and are~~ protected, that erosion and flood hazards are not increased, and that ~~groundwater~~ ground water is not adversely affected.

~~3-3-4~~ 4. Water resource projects and sewerage system plans shall be accompanied by an adequate environmental evaluation.

3-4 D. Pollution and wasteful use.

~~3-4-1~~ 1. Industrial processes should be designed to minimize system demand through reuse and process

change and to minimize discharge of wastes. As a goal the board favors the design of industrial processes with minimum withdrawal.

~~3-4-2~~ 2. Flow releases from reservoir systems to dilute wastes are not to be considered as a substitute for adequate treatment of waste from industry, agriculture or municipalities.

~~3-4-3~~ 3. No water storage reservoir project will be endorsed or approved unless accompanied by adequate plans and programs for safeguarding reservoir storage from loss through sedimentation from upstream erosion and shoreline erosion ~~associated with a project~~, which may include the use of upstream sedimentation basins and ~~for the~~ control of pollutants from all sources. Any such plan and project shall have adequate legal and financial support.

~~3-4-4~~ 4. Plumbing and building codes should prevent needless waste of water, without interfering with maintenance of health values. ~~(see Table 1 - Virginia Uniform Statewide Building Code)~~. Metering of municipal water deliveries to users ~~should be essential~~ is encouraged .

~~3-4-5~~ 5. The discharge of pollutants into ~~deep groundwater~~ ground water aquifers shall be contrary to board policy except that brine derived from ~~naturally saline~~ aquifers may be returned to these aquifers and chemicals and water may be used in connection with the exploration for and development of water, brines, oil and natural gas to the extent that such uses do not result in pollution of ~~groundwater~~ ground water .

~~3-4-6~~ 6. Spoils produced from original dredging and channel maintenance projects should not be disposed of in any manner that would in itself adversely modify circulation in estuaries or wetlands. Installation and maintenance of drainage ditches, including disposition of any spoils produced thereby, or use of drain tile is permissible in managing wet or soggy agricultural lands.

~~3-4-7~~ 7. Fail-safe type mechanisms should be provided for all facilities designed to store substances which might be hazardous to stream environment or to ~~groundwater~~ ground water .

~~3-4-8~~ 8. Fail-safe devices shall be incorporated in the construction of wastewater treatment facilities to prevent discharges which would create a potential hazard to downstream uses.

All sewer systems shall be so designed and operated that bypassing occurs only under emergency conditions and that nearby residents and official agencies are informed and alerted whenever such bypassing of raw sewage occurs.

3.5 E. Water supply and storage.

3.5-1 1. Municipal areas should have adequate off-stream raw water storage. The amount of storage should be governed by such factors as community size and demand, hydrographic characteristics of the supply area(s) (including well fields) and susceptibility to accidental contamination.

3.5-2 2. Water systems should be interconnected whenever practicable in order that they may mutually support or aid each other in emergency situations, and assure the best possible uses of available surface and ~~groundwater~~ *ground water* resources. In order to ~~insure~~ *ensure* reliability and safety the use or development of multiple or alternate sources should be considered.

3.5-3 3. The use of reclaimed water should be considered in water resources planning for urban areas ~~providing~~ *provided* such uses are compatible with the public's health and safety. Acceptable uses which should be considered are:

1. a. Cooling waters
2. b. Agricultural
3. c. Irrigation
4. d. Industrial
5. e. Recreational

The direct reuse of sewage effluents as a raw domestic water source is not recommended or ~~condoned~~ .

3.5-4 4. The use of ~~reservoir surfaces~~ *reservoirs* for all compatible uses including recreation, municipal and industrial water supply and fish/wildlife management, and the use of reservoir shoreline for all purposes shall be subject to community/project controls which will protect the reservoir against pollution from runoff or discharges from point sources, and to zoning controls which will preserve agreed-upon aesthetic values.

3.5-5 5. Subsurface storage and ~~groundwater~~ *ground water* recharge should be encouraged subject to the provisions that such practices do not cause pollution of underground water resources.

3.5-6 6. Municipal sewage treatment plants shall, whenever possible, be so located to permit the beneficial reuse of effluents for the purposes set forth in subparagraph 3.5-3 3 above.

3.5-7 7. Criteria for guidance in the withdrawal and use of ~~groundwater~~ *ground water* should be considered as follows:

3.5-7.1 a. The relationships between ~~groundwater~~ *ground water* and surface water in the area.

3.5-7.2 b. Information relating to the planned use of the ~~groundwater~~ *ground water* , considering use for domestic drinking water as of greatest importance.

3.5-7.3 c. The economic effects involved in both the withdrawal and nonwithdrawal of ~~groundwater~~ *ground water* on the area and the State *Commonwealth* .

3.5-7.4 d. The urgency of the need for ~~groundwater~~ *ground water* in a given area.

3.5-8 8. ~~Provide~~ *The board encourages provision of* the highest degree of protection for the capacity and quality of reservoirs and storage through programs designed to assure reliable waste treatment systems, effective erosion and runoff controls, and effective control of quality of runoff in newly developed areas.

3.6 F. Flood plains and flood control.

3.6-1 1. Development of permanent, private or public structures should be discouraged on the flood plains unless there are overriding economic or social justifications for such development and compatible facilities are designed to withstand inundation and provide for the safety of ~~the users~~ *people and property* .

3.6-2 2. Communities and individuals should make optimum use of flood plain insurance and the level(s) of participation will be considered by the board in recommending protection measures.

Existing or authorized development of the flood plain should be protected *at a minimum* from a flood with a recurrence interval of 100 years.

3.6-3 3. Flood control measures approved or recommended for any ~~given~~ *community* shall incorporate a cost-effective mix of reservoirs, dry dams, protective levees, structure flood proofing, flood plain zoning and other measures necessary for preservation of environmental values including historic sites.

3.6-4 4. Any proposals for ~~additional development~~ *new construction* of water or sewerage systems in defined flood plains, with the exception of limited park and recreational facilities or agricultural uses, should be discouraged.

3.6-5 5. In the flood plain, construction of facilities designed to store substances which might be hazardous to the stream environment ~~should be~~ *is* discouraged.

3.6-6 6. In approving sewerage projects, the board will consider the extent to which the proposed project will

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result in increased erosion, changes in the rate and amount of surface runoff, changes in the development-induced quality of runoff, and increased exposure to flood damage.

3.7 G. Financial consideration.

3.7-1 1. Project costs (both nonrecurring and recurring), to the extent not financed by Federal and State programs, should be apportioned equitably among the *identifiable* project beneficiaries.

3.7-2 2. No community or area of Virginia, in the development or management of a water resource project, shall unduly place any hardship on another community or area without just compensation. The board in acting on a water resource project will consider the extent to which such inequities may be present and the steps, financial and otherwise, necessary to alleviate both short and long range consequences of such inequities. Compensation of individuals disrupted by water resource projects necessarily includes, to the extent reasonably possible, subjective as well as objective valuation factors.

3.7-3 3. Beneficiaries of water resource structures and projects shall be encouraged to adopt user charges which shall be based upon the total recurring and nonrecurring costs of the structures or projects.

3.8 H. Wetlands.

3.8-1 1. It is the policy of the State Water Control Board to preserve the wetland ecosystems, both tidal and nontidal, and to protect them from destruction.

4.0 § 4. The board may, from time to time and after public hearing, adopt, modify, amend or rescind any policy contained herein. Such action may be taken on the board's own motion or by virtue of a citizen action if presented in a manner acceptable to the board. Nothing in this Water Resource Policy statement in any way negates previous specific policy statements of the board.

The board will review this policy triennially.

TABLE 1
State Legislation Relating to Virginia's Water Resources

NAME:
Sections 1 and 2, Article XI (Conservation, Virginia State Constitution) States:

DESCRIPTION:
Section 1 - "To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and building. Further, it shall be

the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth."

Section 2 - "In the furtherance of such policy, the General Assembly may undertake the conservation, development, or utilization of lands or natural resources of the Commonwealth, the acquisition and protection of historical sites and buildings, and the protection of its atmosphere, lands, and waters from pollution, impairment, or destruction, by agencies of the Commonwealth or by the creation of public authorities, or by leases or other contracts with agencies of the United States, with other states, with units of government in the Commonwealth, or with private persons or corporations. Notwithstanding the time limitations of the provisions of Article X, Section 7, of this Constitution, the Commonwealth may participate for any period of years in the cost of projects which shall be the subject of a joint undertaking between the Commonwealth and any agency of the United States or of other states."

NAME:
Waters of the State, Ports and Harbors - Title 62.

DESCRIPTION:
Declares that the waterways of the Commonwealth are to remain the property of the Commonwealth and may be used as a common by all people of the State for fishing and fowling and catching shellfish. Refers to State policy as to waters, public water supply, hydroelectric dams, authorities and commissions, wharves, water safety, etc.

NAME:
State Water Control Law Section 62.1-44.2 to 62.1-44.34

DESCRIPTION:
States that it is the policy of the Commonwealth to maintain all State waters in, or restore them to, such condition of quality to permit all public uses and support the propagation and growth of aquatic life; safeguard the clean waters of the State from pollution; prevent any increase in pollution; and; reduce existing pollution.

NAME:
Marine Resources Law - Section 28.1-1 to 28.1-22

DESCRIPTION:
Organized the Commission of Marine Resources to make regulations to promote the general welfare of the seafood industry and to conserve and promote the seafood and marine resources of the State. The Commission has the power to establish a license for any device used for the taking of seafood in the waters of the State.

NAME:
Wetlands Act Policy - Section 62.1-13.1 to 62.1-13.20

DESCRIPTION:
Relates generally to protection of Virginia Wetlands;

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prescribes a Wetlands Ordinance, provides for the creation of Wetlands Boards, requires permits for certain activities and provides for review and appeal of decisions regarding permits.

NAME:

State Policy as to Water - Section 62.1-11

DESCRIPTION:

States that the regulation, control development, and use of waters for all purposes beneficial to the public are within the jurisdiction of the State. These resources should be put to uses beneficial to the public to the extent of which they are capable; the waste or unreasonable use should be prevented; and the conservation of such water is to be exercised.

NAME:

Groundwater Act of 1973 - Section 62.1-44.45

DESCRIPTION:

Authorizes the State Water Control Board and the State Health Department to regulate and control the use of groundwater in certain areas; authorizes the Board to issue permits to draw groundwater; includes provisions that the Board shall determine the geographical areas of the State which can be considered critical groundwater areas.

NAME:

Soil and Water Conservation District Laws - Section 21-1 to 21-122.21

DESCRIPTION:

The law recognizes that the preservation of land is necessary to promote the health, safety and general welfare of the people of the State. To this end, a policy is declared to provide for the conservation of the soil and soil resources of the State; for the control and prevention of soil erosion; prevention of floodwater and sediment damages; and furthering agricultural phases of the conservation, development, utilization and disposal of water.

To these ends, the law provides for the Virginia Soil and Water Conservation Commission to coordinate and assist the various soil and water conservation districts under the law. Such districts constitute governmental subdivisions of the State and have the power to develop comprehensive programs and plans for the conservation of soil and water resources and flood prevention.

NAME:

Erosion and Sediment Control Law - Section 21-433 to 21-450

DESCRIPTION:

Requires the development of a comprehensive and statewide program to protect the State's waters from sedimentation. The Soil and Water Conservation Commission is to establish minimum standards for the control of soil erosion, sediment deposition and

non-agricultural runoff.

NAME:

Hydroelectric Power Dams and Works - Section 62.1-80

DESCRIPTION:

Gives the State Corporation Commission jurisdiction over all hydroelectric power dams in the State constructed after January 1, 1928, in order to utilize the State's resources to the greatest extent and to control the construction or reconstruction of a dam in any of the State's waters for the generation of hydroelectric energy.

NAME:

Virginia Marine Resources Commission Powers Over Subaqueous Bed - Section 62.1-3

DESCRIPTION:

States that it is unlawful for anyone to build, dump or otherwise encroach upon the beds of the bays, rivers, creeks and shores of the State without first obtaining authority from the Marine Resources Commission except for previously authorized purposes such as the authorized erection of dams, uses incident to the construction and maintenance of approved navigation and flood control projects, uses of subaqueous beds authorized under the provisions of Title 28.1 of the Code, piers, docks, marine terminals and port facilities owned or leased by or to the State, fills by riparian owners opposite their property to any established bulkhead line (with a certificate of assurance from the State Water Control Board), the placement of private piers for non-commercial purposes by owners of riparian lands in waters opposite these lands (with length limitations), causing the removal of silt and other waste material inside an established bulkhead line by riparian owners incident to the construction and use of graving docks, dry docks or other shipbuilding facility (with a certificate of assurance from the State Water Control Board).

NAME:

Riparian Doctrine

DESCRIPTION:

The collection of principles which govern the use of Virginia's waterways, a common law system of water rights based on the ownership of land traversed or bordered by a natural watercourse. The Riparian Doctrine gives a proprietor the right to make any reasonable use of the water of a stream in connection with this riparian estate and for lawful purposes within the watershed, provided he leaves the flow diminished by no more than is reasonable.

NAME:

Hampton Roads Sanitation District Act - Section 21-201

DESCRIPTION:

Validates the creation of the Hampton Roads Sanitation District and its commission, authorizes the construction, maintenance and operation of a sewerage system;

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authorizes the commission to restrain, enjoin or otherwise prevent the pollution of any waters in the District.

NAME:

Sanitation Districts Law - Section 21-112, 21-140.2

DESCRIPTION:

Has the control of pollution as its stated purpose and authorizes the creation of special districts to provide facilities for the treatment of wastes, and contains a provision making unlawful the discharge of polluting matter into the waters of any sanitation district when the district has complied with the terms of the law regarding public notice.

NAME:

Sanitation Districts Law of 1946 - Non-Tidal Waters - Section 21-224 to 21-200

DESCRIPTION:

Makes provisions for the creation of sanitation districts in areas where there are rivers, creeks or other watercourses not affected by tidal flows; sets forth procedures for the creation of such districts. Also, puts forth rules and standards for the creation, operation and power of the commissions.

NAME:

Scenic Rivers Act (1970) - Section 10-167 to 10-175

DESCRIPTION:

The Act declares that rivers, streams, runs and waterways including their shores and immediate environs constitute natural resources and the conservation of these resources constitutes a beneficial use. To these end, the Act provides for a Virginia Scenic Rivers System. After a detailed study of the river, a report by the Commission of Outdoor Recreation in cooperation with the State Water Control Board and other agencies, and public hearings, if requested, a river can be included by the General Assembly into the system. Once designated a Scenic River, the natural flow of the stream may not be altered except by specific authorization of the General Assembly.

NAME:

Game, Inland Fisheries and Dogs Act - Section 20-25.1-20-35.2

DESCRIPTION:

Provides that any game warden of the State may take samples of water that he has reason to believe is polluted to the State Water Control Board, whereby the Board shall have a chemical analysis made. If these studies show the water to be polluted, further analyses should be made by the Board to determine the extent of such pollution and the most effective measures for controlling the same.

NAME:

Public Health Law - Section 32-9

DESCRIPTION:

States that the State Board of Health may regulate and prescribe the method or methods of disposition of sewage in this State, and is authorized and directed through joint studies with authorized representatives of common carriers to consider and investigate control devices to control the discharge of human waste.

NAME:

Public Water Supply - the Section 62.1-46

DESCRIPTION:

Gives the State Board of Health authority for the "supervision and control over all water supplies and waterworks in the State insofar as the sanitary and physical quality of waters furnished for drinking or domestic purposes may affect the public health, and may require that all water supplies be pure water." This is set up through regulations of the Board of Health, examination of water supplies, permits, investigations, injunctions, revocation of permits, hearings, appeals and emergency orders of the State Health Commissioner.

NAME:

Counties, Cities and Towns Public Utilities - Title 15.1, Chapter 9

DESCRIPTION:

Gives the governing body of every county, city and town the authority to obtain control of or establish, maintain, operate, extend and enlarge public utilities including water and sewerage systems within or without the limits of the county, city or town. Sets up powers and duties of the county, city and town as to sewage disposal systems and approval of such, and water supply systems and their approval by counties.

NAME:

Outdoor Recreation Act - Section 10-21.4 to 10-21.12

DESCRIPTION:

An Act to create the Commission of Outdoor Recreation which is to acquire property for the maintenance, improvement, protection and conservation of outdoor areas suitable for the development of a system of outdoor recreational facilities and to transfer such property to other State agencies; to act either independently or jointly with other agencies to carry out the Commission's powers and duties.

NAME:

Virginia Uniform Statewide Building Code

DESCRIPTION:

This statewide building code, published by the State Board of Housing, applies to all buildings and structures and their appurtenant constructions, including municipal, county, state and private buildings except where such buildings are otherwise specifically provided for by statute. The Code regulations control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment,

and supersedes all local building codes.

NAME:

Virginia Environmental Quality Act - Sections 10-177 to 10-186

DESCRIPTION:

To establish the policy of the Commonwealth to promote the wise use of its air, water, land and other natural resources in order to improve the quality of the environment. The Act provides for cooperation with other agencies to achieve this end, and creates the Council on the Environment to implement such policy.

NAME:

Environmental Impact Reports of State Agencies - Section 10-17.107 to 10-17.112

DESCRIPTION:

Requires all agencies of the Commonwealth to submit a report to the Commissioner of Conservation, Development and Natural Resources on each major State facility which they propose to construct, to include environmental impact, measures proposed to reduce this impact and alternatives to the construction. The Commissioner must then make a report to the Governor on such projects, and construction can begin only after approval from the Governor.

TABLE II

Federal Legislation Relating to Virginia's Water Resources

NAME:

Creation of Environmental Protection Agency December, 1970

DESCRIPTION:

Reorganization Plan No. 3 of 1970 provides for consolidation of pollution control and abatement activities which previously were assigned to several departments and agencies. Water Quality research and development program embodies: research on the effects of water quality on water uses; research on the processes which influence the fate of water pollutants; the development of improved sampling and analytical methods of measuring water quality and effluents and the development of improved technology for preventing water pollution. Water quality efforts are directed toward assisting states in carrying out water quality improvement programs by providing financial and technical support.

NAME:

Federal Water Pollution Control Act Amendments of 1972 - (Public Law 92-500)

DESCRIPTION:

Provides for the restoration and maintenance of the nation's waters by the establishment of guidelines for Federal, State and local agencies to follow, in cooperation with each other.

Requires each state to establish a continuing planning process for guiding the development of a water quality management plan, consistent with the Act and subject to the approval of the Administrator. The Administrator is authorized to conduct in the Environmental Protection Agency and to make grants to any State, municipality or intermunicipal or interstate agency for the purpose of assisting in the development of any project that will (1) demonstrate an improved method of preventing the discharge of pollutants from sewers or (2) demonstrate advanced waste treatment and water purification methods or improved methods of joint treatment systems for municipal and industrial wastes.

Each state is responsible for submitting yearly a report including: (1) A description of the water quality of the navigable waters; (2) an analysis of the extent to which the elimination of the discharge of pollutants provides for the protection and propagation of a balanced population of shellfish, fish and wildlife and allows recreational activities in and on the water; (3) an estimate of the environmental impact, economic and social costs necessary to achieve the objectives of the Act, economic and social benefits and date of achievements; and (4) a description of the nature and extent of nonpoint sources of pollutants and recommendations as to programs for control of such.

NAME:

Soil Conservation Act - February 20, 1936 and Domestic Allotment (Public Law 461)

DESCRIPTION:

Established the Soil Conservation Service which assists conservation districts, communities, watershed groups, federal and state agencies and other cooperators with erosion control and water management problems. The purpose is to conserve soil and water resources; improve agriculture and reduce damage caused by floods and sedimentation.

NAME:

National Environmental Policy Act of 1969 (Public Law 91-190)

DESCRIPTION:

To establish a national policy for the environment and promote efforts to prevent or eliminate damage to the ecological systems and natural resources of the Nation, and to establish a Council on Environmental Quality in an effort to meet these ends. This Act requires environmental impact review of most federally funded projects. All studies are coordinated with other Federal, State and local agencies.

NAME:

Environmental Quality Improvement Act of 1970 (Public Law 91-224)

DESCRIPTION:

To assure the Federal agencies conducting or supporting public works activities which affect the environment will

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implement the policies established under existing law, and to authorize an office of Environmental Quality to provide for the Council on Environmental Quality established by Public Law 91-190.

NAME:

Water Resources Research Act 1964 (Public Law 88-379)

DESCRIPTION:

Provides for federal state cooperative water resources research and training programs to meet the needs of the states in dealing with complex water problems.

NAME:

Water Resources Planning Act 1965 (Public Law 89-80)

DESCRIPTION:

Established that it is the policy of the Congress to encourage the conservation, development and utilization of water and related land resources of the U.S. on a comprehensive and coordinated basis by the Federal government, states, localities and private enterprise with the cooperation of all affected Federal, State and local agencies. Establishes the Water Resources Council, authorizes establishment of River Basin commissions and authorizes financial assistance to states for planning by means of matching grants.

NAME:

Watershed Protection and other Flood Prevention Act (Public Law 866)

DESCRIPTION:

Provides for cooperation with federal, state and local agencies in making investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. Plans from the basis for installing works of improvement for floodwater retardation, erosion control and reduction of sedimentation in the watersheds of rivers and streams.

NAME:

The Flood Control Acts: River & Harbor Act 1966 (Public Law 89-789); 1968 Amendments (Public Law 90-361); 1970 Amendments (Public Law 91-611)

DESCRIPTION:

As amended, provides for installation of mainstream works of improvement for (1) the control of floods, for which the Department of the Army is responsible and (2) watershed improvement measures to prevent floods, reduce flood water, sedimentation, and erosion damages, and further the conservation, development, utilization and disposal of water. Includes preparation of detailed subwatershed work plans in collaboration with other agencies.

NAME:

Fish and Wildlife Secretary Coordination Act (Public Law 85-624)

DESCRIPTION:

This act provides for the Interior to assist Federal, State, public and private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife; in the control of losses from disease, in minimizing damages from over abundant species; and in providing public shooting and fishing areas. The act provides that wildlife conservation will be coordinated with other water resource development programs.

NAME:

Federal Power Act - Title 16 Chapter 12 Federal Regulation and Development of Power Subchapter 1 - Regulations of the Development of Water Power and Resources

DESCRIPTION:

Section 702 of this Chapter creates the Federal Power Commission, and 707 provides the general powers thereof: investigations and data, cooperation with Executive Departments, publication of information, issuance of licenses for construction of dams; conduits, reservoirs. Other sections deal with projects affecting navigable waters (804); regulation by State or Commission as to service, rates, charges, etc. (812); power to enter into interstate commerce (813), and provision that State laws and water rights will be unaffected (821).

NAME:

Agricultural Credit Title 7 Agriculture, Chapter 50

DESCRIPTION:

Section 1024 of this Chapter deals with Soil and Water Conservation Loans: loans can be extended to any farm owner/tenant without regard to provisions/restrictions of Section 1022, for purposes only of land and water development, use and conservation.

Section 1026 water facilities loans to associations, prohibition against curtailment of services provides for the development of water and waste disposal facilities.

NAME:

Coastguard Regulation on Oil Spills - Code of Federal Regulations, Title 33, of Chapter 1, Subchapter 0

DESCRIPTION:

This provision requires that anyone with knowledge of a spill should immediately notify proper agency of U.S., if discharge; various regulations dealing with oil transfers, vessel design and operations, etc. also included.

NAME:

Rural Development Act of 1972 P.L. 92-410, Title II - Amendments to the Watershed Protection and Flood Prevention Act, As Amended

DESCRIPTION:

Provides for certain agencies to enter into agreements with land owners, individually or collectively, based on conservation plans of such landowners which are

developed in cooperation with and approved by the soil and water conservation district in which the land is located, providing for changes in cropping systems and land use for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife and recreation resources within this land included in plans for works of improvement.

* * * * *

Title of Regulation: VR 680-41-01. Public Participation Guidelines.

Statutory Authority: § 62.1-44.15(7) of the Code of Virginia.

Public Hearing Date: March 11, 1987 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

The public participation guidelines set forth the manner in which the State Water Control Board will encourage the participation of parties in the formation and development of regulations under the Virginia Administrative Process Act.

VR 680-41-01. Public Participation Guidelines.

I. § 1. Authority.

Section §§ 9-6.14:7.1 and 62.1-44.15(7) of the Code of Virginia.

II. § 2. Purpose.

These guidelines outline the manner in which the State Water Control Board will encourage the participation of interested parties in the formation and development of regulations under the Virginia Administrative Process Act.

The public participation guidelines establish, in writing, the manner in which the agency will solicit public input prior to and during the entire regulation development process, from formation and promulgation, to final adoption.

The procedures in Section III of these guidelines shall be used to identify and notify interested parties of the intent to enact regulations and to solicit their input in the formation of such regulations. These procedures shall be utilized during the entire formation, promulgation, and final adoption process.

III. § 3. PUBLIC PARTICIPATION PROCEDURES Guidelines.

a. Establish and maintain a Regulation Development List consisting of persons expressing an interest in the development of regulations. This list will be developed

and maintained by the following methods:

1. Survey the agency's existing computerized mailing list and permittees mailing list as to their interest in being placed on the Regulation Development List.
2. Announce the development of this list in the agency's publication, Virginia Water, and other organizations' newsletter requesting names and addresses of interested parties.
3. Prepare and disseminate a news release to the media.
4. Update list as changes occur and purge the list approximately once every two years.

A. Regulation development mailing list.

1. The agency will develop a list of parties interested in the development of regulations.
2. The list will be developed by:
 - a. Surveying persons on existing agency mailing lists; and
 - b. Announcing the existence of this list in various publications and requesting names and addresses of parties wanting to be placed on the list.
3. The agency will maintain this list by:
 - a. Correcting addresses as changes occur;
 - b. Surveying parties on the list as to their continued interest in the enactment of regulations at least once every two years; and
 - c. Periodically announcing the existence of this list in various publications and requesting names and addresses of parties wanting to be placed on the list.
- b. Prepare Notice of Proposed Regulatory Action which will include:
 1. Draft statement of the basis, purpose and estimated impact.
 2. Notification of time and place of public meeting.
 3. Listing of applicable laws or regulations, and locations where these documents can be reviewed or obtained.
 4. Request for comments from interested parties and time period for receiving comments.
 5. Name, address, and telephone number of staff person to be contacted for further information.

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B. Notice of intended regulatory action.

1. Whenever the agency intends to promulgate a regulation or make substantial change to existing regulations, a notice of intended regulatory action will be:

- a. Published in the Virginia Register of Regulations, and
- b. Mailed to all parties on the regulation development mailing list.

2. The notice of intended regulatory action will include:

- a. The type of regulatory action being considered,
- b. The title of the regulation,
- c. The purpose of the proposed regulation,
- d. The last date for submittal of written comments and the person to receive comments,
- e. The statutory authority for the proposed regulation,
- f. Other pertinent information, and
- g. A contact person for additional information.

e. Schedule a Public Meeting to receive views and comments and answer questions of the public. Meeting will be held at least thirty days following publication of the notice and will normally be held in Richmond; also other areas as needed. In the case where the proposed regulation has been developed under federal public participation requirements, the necessity for a public meeting shall be decided by the Executive Director. In the case of amendments to existing regulations, the necessity for a public meeting shall be decided by the Executive Director.

C. Advisory committee.

If major regulatory action is being considered, the executive director may create an advisory committee to assist the agency in development of the regulations.

- d. Disseminate notice to the public via:
1. Distribution by mail to persons on Regulation Development List.
 2. Publication in Virginia Water.
 3. News release to the media.

D. Public meetings.

1. The agency may schedule public meetings to receive public views and comments and answer questions on proposed regulatory action.

2. Reasonable notice of any public meetings will be:

- a. Published in the Virginia Register of Regulations, and
- b. By mail to all parties on the regulation development mailing list.

3. The agency may consolidate notice of any public meetings scheduled with the notice of intended regulatory action.

e. Form ad hoc advisory group, if requested by the Board, to make recommendations on the proposed regulation. The membership of the ad hoc advisory group shall be formed so as to give a balanced representation of interested parties.

E. Proposed regulation.

All proposed regulations will be submitted to the executive director or the board for authorization to proceed to the public comment period.

f. After consideration of public input, draft regulation (in consultation with ad hoc advisory group, if created), and prepare documentation for the Governor's Office.

F. Public comment period.

1. All draft regulations will be subjected to a public comment period in accordance with the Administrative Process Act.

2. Notice of the public comment period will be provided by publication in the Virginia Register of Regulations and by mail to persons on the regulation development mailing list.

3. The public comment period will provide a minimum of 30 days from the date of publication in the Virginia Register of Regulations for the submission of comments or to request that a public hearing be convened.

g. Present draft regulation to the Board and request authority to take to public hearing.

G. Public hearing.

1. A public hearing may be scheduled in response to requests received during the public comment period, or at the direction of the executive director.

2. A public hearing will be scheduled whenever required by applicable state or federal law or

regulation.

3. Notice of the public hearing will be in accordance with § 9-6.14:7.1(c) of the Administrative Process Act and by mail to those persons on the regulation development mailing list and by mail to those persons who responded during the public comment period.

4. The agency may, prior to subjecting any draft regulation to a public comment period, schedule a public hearing and consolidate the notice and comment periods of the two items. In this case, notice will be in accordance with § 3.G.2 of these Public Participation Guidelines.

h. Send copy of draft regulation to advisory group, if created, and to all who attended public meeting or submitted comments.

H. Adoption.

The final regulation will be adopted, filed and become effective in accordance with §§ 9-6.14:9 and 9-6.14:9.1 of the Administrative Process Act.

i. Submit draft regulation to a 60 day public comment period by forwarding the following documents to the Virginia Registrar of Regulations:

1. Notice of public hearing, which must contain the following:

i. The date, time, and place of hearing.

ii. The subject, substance, issues, basis, and purpose of the regulation.

iii. The legal authority of the agency to act.

iv. The name, address, and telephone number of an individual to contact for further information.

2. Full text of regulation.

3. Summary of regulation.

4. Statement of basis, purpose, and impact.

I. Exemptions.

These guidelines shall not apply to those regulatory actions exempted by § 9-6.14:4.1 of the Administrative Process Act.

j. Concurrently with the preceding step, submit required documentation to the Governor's Office.

k. Registrar of Regulation publishes the hearing notice in Virginia Register including all of the documents listed in item "i" 1-4 above, and will publish the hearing notice in the State capital newspaper. The

agency will coordinate other newspaper publications with the Registrar of Regulations, and will publish the hearing notice in at least one major newspaper of general circulation in each State Water Control Board Region affected.

l. If staff proposed substantive changes to the proposed regulation, those changes will be sent to the ad hoc advisory group, if created, and all those who attended the public hearing or submitted comments. After consideration of any comments received from this mailing, the Board will make its decision.

m. Following the action of the Board, the staff will prepare and distribute written responses to any recommendations made by the ad hoc advisory group, if created, and any other comments received from those who either attended the public hearing or submitted comments.

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.

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: VR 425-02-01. Virginia Hazard Communication Standard - Virginia Occupational Safety and Health Standards for General Industry.

Statutory Authority: § 40-1-22 (5) of the Code of Virginia.

Effective Date: February 20, 1987

Summary:

On September 30, 1986, Federal OSHA published an amendment to the Hazard Communication Standard (29 CFR 1910.1200), in the Federal Register (51 Fed. Reg. 34590).

The amendment includes occupational health nurses among those professionals who would be entitled to access to trade secret information in nonemergency situations. In addition, the amendment removes the last paragraph of Appendix D, entitled "Information not a trade secret."

The provision concerning occupational health nurses was made in light of the Third Circuit Court's decision in United Steelworkers of America v. Auchter, 763 F.2d 728 (3rd Cir. 1985), which provided trade secret access to employees and their designated representatives. "OSHA concluded that it would simply be incongruous to continue to exclude occupational health nurses. Giving nurses access would ensure greater protection for employees since nurses are frequently the only health professional available at a plant site to provide services to exposed employees." (51 Fed. Reg. 34595).

The last paragraph in Appendix D is being deleted because it pertains to the protection of information which is not a trade secret. Since the Hazard Communication Standard trade secret access provisions only protect bona fide trade secret information, OSHA has determined that the paragraph "does not add to the proper interpretation of the HCS trade secret rules and might be misunderstood as substantively modifying the HCS transmittal provisions with regard to information not a trade secret." (51 Fed. Reg. 34593).

Adopting this amendment will allow Virginia to conform to the federal standard. Since this amendment was adopted without public comment in accordance with § 9-6.14:4.1.C.4(c) of the Code of Virginia, the Department of Labor and Industry will receive, consider and respond to petitions by any

interested person at anytime with respect to reconsideration or revision.

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, Virginia Hazard Communications Standard, 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 September 30, 1986, amendment to paragraph (i)(3) in 29 CFR 1910.1200 is set out along with information regarding Appendix D. Copies of the Virginia Hazard Communication Standard 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 425-02-01. Virginia Hazard Communication Standard - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue an amendment to paragraph (i) (3) of 29 CFR 1910-1200 and amends Appendix D by removing the last paragraph entitled "Information not a trade secret".

"4. In 29 CFR 1910.1200, the introductory language of paragraph (i)(3) is revised as follows:

§ 1910.1200 Hazard communication.

* * * * *

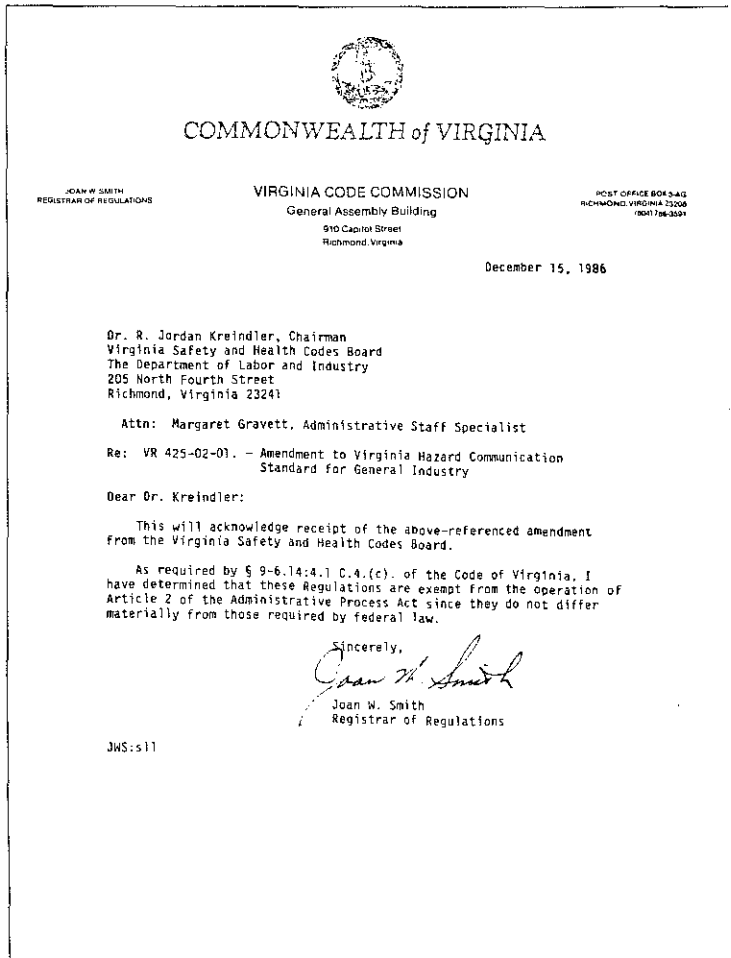
(i) * * *

(3) In nonemergency situations, a chemical manufacturer, importer or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under paragraph (i)(1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse), providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

* * * * *

Appendix D - [Amended]

5. Appendix D to 29 CFR 1910.1200, as set out in the interim final rule (50 FR 48759), is adopted as final, except that the last paragraph of Appendix D, titled "Information not a trade secret," is removed."



Title of Regulations: Asbestos Standard - Virginia Occupational Safety and Health Standards for General Industry and Construction Industry.

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

Effective Date: February 20, 1987

Summary:

On October 17, 1986, Federal OSHA published (51 Fed. Reg. 37002) a Partial Administrative Stay of its new Asbestos Standards for General Industry, 29 CFR 1910.1001, and the Construction Industry, 29 CFR 1926.58 insofar as they apply to nonasbestiform tremolite, anthophyllite and actinolite. Published along with the Stay were amendments to apply the 1972 Asbestos Standard to nonasbestiform tremolite, anthophyllite and actinolite.

The amendment applies the 1972 Asbestos Standard to nonasbestiform tremolite, anthophyllite and actinolite. The 1972 standard is being republished and redesignated as 1910.1101 to distinguish it from the recently adopted revised standard for General Industry, 1910.1001. The provisions in the prior standard which constituted the Emergency Temporary Standard for Asbestos issued in November, 1983, are being deleted. Also a note is added to clarify the scope and application of the redesignated 1910.1101.

At a public meeting on September 25, 1986, the Safety and Health Codes Board adopted the new Asbestos Standards for General Industry, 1910.1001, and the Construction Industry, 1926.58, with the Partial Administrative Stay in effect. The adoption of the present amendment will ensure continued protection for employees exposed to nonasbestiform tremolite, anthophyllite and actinolite while the Stay is in effect as well as in the event that other administrative stays or judicial actions render provisions of the new standards unenforceable.

Since this amendment was adopted without public comment in accordance with § 9-6.14:4.1.C.4(c) of the Code of Virginia, the Department of Labor and Industry will receive, consider and respond to petitions by any interested person at anytime with respect to reconsideration or revision.

Final Regulations

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standard for General Industry and for Construction Industry, Asbestos Standards, are declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standards are not being printed in the Virginia Register of Regulations. Copies of the Asbestos 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.


REGISTRAR'S NOTICE: Listed below are the standards contained in Parts 1910 and 1926 which are being amended:

VR 425-02-09. Asbestos Standard for General Industry (1910.1001) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to the Asbestos Standard for General Industry, as codified in 29 CFR 1910.1001 and published in the Federal Register, Vol. 51, No. 201, Page 37004, Friday, October 17, 1986. The amendments, as adopted, are not set out.

VR 425-02-10. Asbestos Standard for Construction Industry (1926.58) - Virginia Occupational Safety and Health Standards for Construction Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to the Asbestos Standard for Construction Industry, as codified in 29 CFR 1926.58 and published in the Federal Register, Vol. 51, No. 201, Page 37004, Friday, October 17, 1986. The amendments, as adopted, are not set out.


COMMONWEALTH of VIRGINIA

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(804) 786-5591

December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

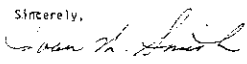
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-09. - Amendment to Asbestos Standard for General Industry


Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11


COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
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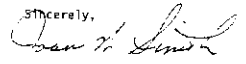
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-10. - Amendment to Asbestos Standard for Construction Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11

VR 425-02-15. Special Provisions for Air Contaminants (1910.19) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to the Special Provisions for Air Contaminants, as codified in 29 CFR 1910.19 and published in the Federal Register, Vol. 51, No. 201, Page 37004, Friday, October 17, 1986. The amendments, as adopted, are not set out.

VR 425-02-26. Asbestos Standard for Nonasbestiform, Tremolite, Anthophyllite and Actinolite (1910.1101) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to the Asbestos Standard for Nonasbestiform, Tremolite, Anthophyllite and Actinolite, as codified in 29 CFR 1910.1101 and published in the Federal Register, Vol. 51, No. 201, Page 37004, Friday, October 17, 1986. The amendments, as adopted, are not set out.


COMMONWEALTH of VIRGINIA

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5041-786-3001

December 15, 1986

Dr. R. Jordan Kreindler, Chairman
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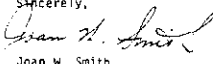
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-15. - Amendment to Special Provisions for Air Contaminants


Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11


COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS**VIRGINIA CODE COMMISSION**
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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
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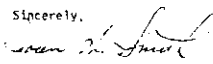
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-26. - Amendment to Asbestos Standard for Non-Asbestiform, Tremolite, Anthophyllite and Actinolite

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11

Final Regulations

Title of Regulations: Virginia Recordkeeping Requirements for Test, Inspections and Maintenance Checks - Virginia Occupational Safety and Health Standards for General Industry.

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

Effective Date: February 20, 1987

Summary:

The amendment revises recordkeeping requirements for test, inspections and maintenance checks in the following General Industry Standards: 1910.68, 1910.106, 1910.157, 1910.179 through 1910.181, 1910.217 through 1910.218, 1910.252, and 1910.440. The amendment eliminates certain requirements under which an employer must prepare and maintain detailed records, and requires instead that the employer simply prepare a certification record at the time the required work is done. The certification record is to include "the date the test, inspection or maintenance check was performed; the signature of the person who performed the work; and the identity of the equipment or machinery that was inspected or tested." (51 Fed. Reg. 34552).

The amendment was made in accordance with the Federal Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) which was enacted to minimize the paperwork burden and maximize the efficiency and usefulness of information gathering activities. This action was also in accordance with Section 8(d) of the Occupational Safety and Health Act of 1970, which states "any information obtained by the Secretary...under this Act shall be obtained with a minimum burden upon employers..."

The standards identified and revised by Federal OSHA were found to be not directly contributing to worker safety and health and, therefore, unnecessarily burdensome to employers. OSHA determined that some standards simply required more information than was necessary, one contained a duplicative recordkeeping provision, and another that dealt with concerns outside OSHA's jurisdiction. In addition, many requirements were found to be vaguely written and ambiguous. The amendment balances the concept of minimizing the paperwork burden on employers with the recordkeeping information needs of OSHA.


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, Virginia Recordkeeping Requirements for Tests, Inspections and Maintenance Checks is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard is not being printed in the Virginia Register of Regulations. Copies of the Virginia Recordkeeping Requirements for Tests, Inspections and Maintenance Checks 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.

REGISTRAR'S NOTICE: Listed below are the standards contained in Part 1910 which are being amended:

VR 425-02-16. Manlift (1910.68) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Manlifts as codified in 29 CFR 1910.68 and published in the Federal Register, Vol. 51, No. 188, Page 34560, Monday, September 29, 1986. The amendments, as adopted, are not set out.



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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
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Richmond, Virginia 23241

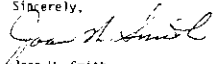
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-16. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Manlifts

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11

VR 425-02-17. Flammable and Combustible Liquids, (1910.106) - Virginia Occupational Safety and Health Standards for General Industry.

VR 425-02-18. Portable Fire Extinguishers (1910.157) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Flammable and Combustible Liquids as codified in 29 CFR 1910.106 and published in the Federal Register, Vol. 51, No. 188, Page 34560, Monday, September 29, 1986. The amendments, as adopted, are not set out.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to the Portable Fire Extinguishers, as codified in 29 CFR 1910.157 and published in the Federal Register, Vol. 51, No. 188, Page 34560, Monday, September 29, 1986. The amendments, as adopted, are not set out.


COMMONWEALTH of VIRGINIA

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December 15, 1986

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(804) 786-3561

Dr. R. Jordan Kreindler, Chairman
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The Department of Labor and Industry
205 North Fourth Street
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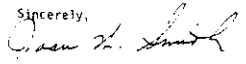
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-17. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Flammable and Combustible


Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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


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December 15, 1986

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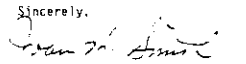
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-18. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Portable Fire Extinguishers

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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


Final Regulations

VR 425-02-19. Overhead and Gantry Cranes (1910.179) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Overhead and Gantry Cranes, as codified in 29 CFR 1910.179 and published in the Federal Register, Vol. 51, No. 188, Page 34560, Monday, September 29, 1986. The amendments, as adopted, are not set out.

VR 425-02-20. Crawler, Locomotive and Truck Cranes (1910.180) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Crawler, Locomotives and Truck Cranes, as codified in 29 CFR 1910.180, and published in the Federal Register, Vol. 51, No. 188, Page 34561, Monday, September 29, 1986. The amendments, as adopted, are not set out.


COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

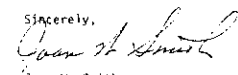
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-19. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Overhead and Gantry Cranes


Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:sjl


COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
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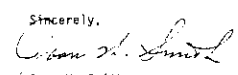
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-20. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Crawler, Locomotive and Truck Cranes

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:sjl

VR 425-02-21. Derricks (1910.181) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Derricks, as codified in 29 CFR 1910.181 and published in the Federal Register, Vol. 51, No. 188, Page 34561, Monday, September 29, 1986. The amendments, as adopted, are not set out.

VR 425-02-22. Mechanical Power Presses (1910.217) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Mechanical Power Presses, as codified in 29 CFR 1910.217 and published in the Federal Register, Vol. 51, No. 188, Page 34561, Monday, September 29, 1986. The amendments, as adopted, are not set out.


COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
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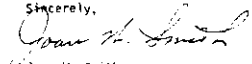
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-21. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Derricks


Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11


COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
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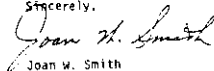
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-22. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Mechanical Power Presses

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11

Final Regulations

VR 425-02-23. Forging Machines (1910.218) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Forging Machines, as codified in 29 CFR 1910.218 and published in the Federal Register Vol. 51, No. 188, Page 34561, Monday, September 29, 1986. The amendments, as adopted, are not set out.

VR 425-02-24. Welding, Cutting and Brazing (1910.252) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board has adopted and issue amendments relating to Welding, Cutting and Brazing, as codified in 29 CFR 1910.252 and published in the Federal Register, Vol. 51, No. 188, Page 34562, Monday, September 29, 1986. The amendments, as adopted, are not set out.



COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-23. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Forging Machines

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11



COMMONWEALTH of VIRGINIA

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December 15, 1986

Dr. R. Jordan Kreindler, Chairman
Virginia Safety and Health Codes Board
The Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-24. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Welding, Cutting and Brazing

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

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:s11

VR 425-02-25. Recordkeeping Requirements (1910.440) - Virginia Occupational Safety and Health Standards for General Industry.

The Virginia Occupational Safety and Health Codes Board had adopted and issue amendments relating to Recordkeeping Requirements, as codified in 29 CFR 1910.440 and published in the Federal Register, Vol. 51, No. 188, Page 34562, Monday, September 29, 1986. The amendments, as adopted, are not set out.

VIRGINIA MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-8605. Opening of John East Turn and Poynter Rocks and Closing Beaseley Bay Rock and Deep Creek Channel, Buoy No. 7.

Statutory Authority: §§ 28.1-85 and 28.1-128.1 of the Code of Virginia.

Preamble:

This Order opens John East Turn Rock and Poynter Rock in Mockhorn Bay on the Seaside of Eastern Shore and closes Beaseley Bay Rock and Deep Creek Channel, Buoy No. 7 in the Pocomoke Sound Management Area.

VR 450-01-8605. Opening of John East Turn and Poynter Rocks and Closing Beaseley Bay Rock and Deep Creek Channel, Buoy No. 7.

§ 1. Authority and prior regulation.

A. This Order is promulgated pursuant to the authority contained in §§ 28.1-85 and 28.1-128.1 of the Code of Virginia.

B. This Order repeals Marine Resources Commission Order Number 450-01-8507 which was promulgated and made effective October 1, 1985, and modifies that portion of the Marine Resources Commission Order 450-01-8508 pertaining to Deep Creek Channel, Buoy No. 7, which was promulgated and made effective October 23, 1985.

§ 2. Purpose.


The purpose of this Order is to open certain designated areas on the Seaside of Eastern thereby allowing the harvesting of the oysters which have had sufficient time to grow to market size and, to close certain designated areas in the Pocomoke Sound Management Areas in order to conserve the numerous small oysters present in these areas.

§ 3. Designated opened and closed areas.

A. The following areas in Mockhorn Bay, Seaside Eastern Shore, are opened to the taking of oysters effective December 2, 1986:

1. John East Turn Rock, where the Commonwealth planted shells in 1984.

2. Poynter Rock, where the state planted shells in 1984.


COMMONWEALTH of VIRGINIA

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December 15, 1986

JOAN W. SMITH
REGISTRAR OF REGULATIONS

Dr. R. Jordan Kreindler, Chairman
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205 North Fourth Street
Richmond, Virginia 23241

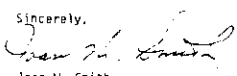
Attn: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-25. - Amendment to Virginia Recordkeeping Requirements for Tests, Inspection and Maintenance Checks for General Industry - Recordkeeping Requirements

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced amendment from the Virginia Safety and Health Codes Board.

As required by § 9-5.14:4.1 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

Final Regulations

B. The following areas in the Pocomoke Sound Management Area are closed to the taking of oysters effective December 8, 1986:

1. Beaseley Bay Rock, where the Commonwealth planted shells in 1984.
2. Deep Creek Channel, Buoy No. 7, where the Commonwealth planted shells in 1984.

§ 4. Rescinded and modified Orders.

A. Marine Resources Commission Order Number 450-01-8507 is hereby rescinded.

B. Marine Resources Commission Order Number 450-01-8508, § 3, paragraph B, which opened Deep Creek Channel, Buoy No. 7 is hereby rescinded.

§ 5. Penalty.

Pursuant to § 28.1-23 of the the Code of Virginia, any person, firm, or corporation who violates any regulations adopted and promulgated by the Commission shall be guilty of a Class I Misdemeanor.

/s/ William A. Pruitt
Commissioner

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Rehabilitative Services.

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

Effective Date: February 5, 1987

NOTICE: Due to its length, the State Plan for Medical Assistance is not being published. The proposed amendments to the Plan are set out below. The full text of the Plan is available for public inspection at the office of the Registrar of Regulations and the Department of Medical Assistance Services.

Summary:

These regulations provide rehabilitation services to certain recipients with specific, well defined rehabilitation needs, within rehabilitation facilities which have been exempted by Medicare from its DRG coverage limitations.

The department is requiring the preauthorization of this service through the information submitted on the Rehabilitation Certification Form. The recipient's attending physician must supply specific documentation to support his request for program coverage of these services. His patient must be medically stabilized from the condition causing the need for rehabilitation, and

require two intensive rehabilitation services in addition to rehab nursing. Regulations providing for the provision of durable medical equipment have been added to these final regulations as the result of the public comment period.

The department proposed to reimburse the facility providers of this service on a per diem cost basis, much like inpatient hospital facilities.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
REHABILITATIVE SERVICES

AMOUNT, DURATION AND SCOPE OF SERVICES
CATEGORICALLY NEEDY GROUP(s) = ALL

PEN/INK CORRECTION
(A.T. 85-3, Feb. 1985)
VR 460-02-3.1106

SERVICE	CATEGORICALLY NEEDY	MEDICALLY NEEDY	
13. Other diagnostic, screening, preventive, and rehabilitative services, i.e.; other than those provided elsewhere in this plan. a. Diagnostic services	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	
	b. Screening services	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided
	c. Preventive services	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided
	d. Rehabilitative services	<input checked="" type="checkbox"/> Provided <input type="checkbox"/> No limitations <input checked="" type="checkbox"/> With limitations* <input type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided

(See Pg. 11, Home Health Services)

Final Regulations

VR 460-02-3.1114.

PART I. REHABILITATIVE SERVICES.

§ 1.1. Medicaid covers intensive inpatient rehabilitation services as defined in § 2.1 in facilities certified as rehabilitation hospitals or rehabilitation units in acute care hospitals which have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.

§ 1.2. Medicaid covers intensive outpatient rehabilitation services as defined in § 2.1 in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORFs), or when the outpatient program is administered by a rehabilitation hospital or an exempted rehabilitation unit of an acute care hospital certified and participating in Medicaid.

§ 1.3. These facilities are excluded from the 21 day limit otherwise applicable to inpatient hospital services. Cost reimbursement principles are defined in Attachment 4.19-A.

PART II. COVERED REHABILITATION PROGRAM.

§ 2.1. An intensive rehabilitation program provides intensive skilled rehabilitation nursing, physical therapy, occupational therapy, [and, if needed,] speech therapy, cognitive rehabilitation, prosthetic-orthotic services, psychology, social work, and therapeutic recreation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a physician with special training or experience in the field of rehabilitation.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
REHABILITATIVE SERVICES

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED
MEDICALLY NEEDY GROUP(S): ALL

VR 460-02-3 1208

b. Screening services

Provided

No limitations

With limitations*

c. Preventive services

Provided

No limitations

With limitations*

d. Rehabilitative services

Provided

No limitations

With limitations*

14a. Services for individuals age 65 or
older in institutions for
tuberculosis.

(1) Inpatient hospital services.

Provided

No limitations

With limitations*

* Description provided on attachment.

Final Regulations

VR 460-02-3.1304.

PART I. ADMISSION CRITERIA FOR REHABILITATIVE SERVICES.

§ 1.1. A patient qualifies for intensive inpatient or outpatient rehabilitation if:

A. Adequate treatment of his medical condition requires an intensive rehabilitation program consisting of a multi-disciplinary coordinated team approach to upgrade his ability to function as independently as possible; and

B. It has been established that the rehabilitation program cannot be safely and adequately carried out in a less intense setting.

§ 1.2. In addition to the initial disability requirement, participants must meet the following criteria:

A.. Require at least two of the listed therapies in addition to rehabilitative nursing

1. Occupational Therapy
2. Physical Therapy
3. Cognitive Rehabilitation
4. Speech Therapy

B. Medical condition stable and compatible with an active rehabilitation program.

PART II. ADMISSION AUTHORIZATION.

§ 2.1. Within 72 hours of a patient's admission to a rehabilitation program, or within 72 hours of notification to the facility of the patient's Medicaid eligibility, the facility must notify the Department of Medical Assistance Services in writing of the patient's admission. This notification must include a description of the admitting diagnoses, plan of treatment, expected progress and a physician's certification that the patient meets the admission criteria. The Department of Medical Assistance Services will make a determination as to the appropriateness of the admission for Medicaid payment and notify the facility of its decision. If payment is approved, the Department will establish and notify the facility of an approved length of stay. Additional lengths of stay must be requested in writing and approved by the Department. Admissions or lengths of stay not authorized by the Department of Medical Assistance Services will not be approved for payment.

PART III. DOCUMENTATION REQUIREMENTS.

§ 3.1. Documentation of rehabilitation services must, at a

minimum:

A. Describe the clinical signs and symptoms of the patient necessitating admission to the rehabilitation program;

B. Describe any prior treatment and attempts to rehabilitate the patient; [in a less intensive setting;]

C. Document an accurate and complete chronological picture of the patient's clinical course and progress in treatment;

D. Document that a treatment plan specifically designed for the patient has been developed;

E. Document in detail all treatment rendered to the patient in accordance with the plan with specific attention to frequency, duration, modality, response to treatment, and identify who provided such treatment;

F. Document each change in each of the patient's conditions;

G. Describe responses to and the outcome of treatment; and

H. Describe a discharge plan which includes the anticipated improvements in functional levels, the time frames necessary to meet these goals, and the patient's discharge destination.

§ 3.2. Services not specifically documented in the patient's medical record as having been rendered will be deemed not to have been rendered and no coverage will be provided.

PART IV. INPATIENT REHABILITATION EVALUATION.

§ 4.1. For a patient with a potential for rehabilitation for which an outpatient assessment cannot be adequately performed, an inpatient evaluation of no more than seven (7) calendar days will be allowed. A comprehensive assessment will be made of the patient's medical condition, functional limitations, prognosis, possible need for corrective surgery, attitude toward rehabilitation, and the existence of any social problems affecting rehabilitation. After these assessments have been made, the physician, in consultation with the rehabilitation team, must determine and justify the level of care required to achieve the stated goals.

§ 4.2. If during a previous hospital stay an individual completed a rehabilitation program for essentially the same condition for which inpatient hospital care is now being considered, reimbursement for the evaluation will not be covered unless there is a justifiable intervening circumstance which necessitates a re-evaluation.

§ 4.3. Admissions for evaluation and/or training for solely

vocational or educational purposes are not covered services.

PART V. CONTINUING EVALUATION.

§ 5.1. Team conferences must be held as needed but at least every two weeks to assess and document the patient's progress or problems impeding progress. The team must periodically assess the validity of the rehabilitation goals established at the time of the initial evaluation, and make appropriate adjustments in the rehabilitation goals and the prescribed treatment program. A review by the various team members of each others' notes does not constitute a team conference. A summary of the conferences, noting the team members present, must be recorded in the clinical record and reflect the reassessments of the various contributors.

§ 5.2. Rehabilitation care is to be terminated, regardless of the approved length of stay, when further progress toward the established rehabilitation goal is unlikely or further rehabilitation can be achieved in a less intensive setting.

PART VI. THERAPEUTIC FURLOUGH DAYS.

§ 6.1. Properly documented medical reasons for furlough may be included as part of an overall rehabilitation program. Unoccupied beds (or days) resulting from [an overnight] therapeutic furlough will not be reimbursed by the Department of Medical Assistance Services.

PART VII. DISCHARGE PLANNING.

§ 7.1. Discharge planning must be an integral part of the overall treatment plan which is developed at the time of admission to the program. The plan shall identify the anticipated improvements in functional abilities and the probable discharge destination. The patient, unless unable to do so, [or the responsible party] shall participate in the discharge planning. Notations concerning changes in the discharge plan shall be entered into the record at least every 2 weeks, as a part of the team conference.

PART VIII. REHABILITATION SERVICES TO PATIENTS.

§ 8.1. Rehabilitation services are medically prescribed treatment for improving or restoring functions which have been impaired by illness or injury or, where function has been permanently lost or reduced by illness or injury, to improve the individual's ability to perform those tasks required for independent functioning. The rules pertaining to them are:

A. Physical Therapy:

1. Physical therapy [services] are those services furnished a patient which meet all of the following

conditions:

a. The services must be directly and specifically related to an active written treatment plan designed by a physician after any needed consultation with a qualified physical therapist;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature that the services can only be performed by a qualified physical therapist or a qualified physical therapy assistant who is under the direct supervision of a qualified physical therapist;

c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

B. Occupational Therapy:

1. Occupational therapy services are those services furnished a patient which meet all of the following conditions:

a. The services must be directly and specifically related to an active written treatment plan designed by the physician after any needed consultation with a qualified occupational therapist;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature, that the services can only be performed by a qualified occupational therapist or a qualified occupational therapy assistant under the direct supervision of a qualified occupational therapist;

c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services must be specific and provide

Final Regulations

effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

C. Speech Therapy:

1. Speech Therapy services are those services furnished a patient which meet all of the following conditions:

a. The services must be directly and specifically related to an active written treatment plan designed by a physician after any needed consultation with a qualified speech therapist;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature that the services can only be performed by a qualified speech therapist;

c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

D. Cognitive Rehabilitation:

1. Cognitive Rehabilitation services are those services furnished a patient which meet all of the following conditions:

a. The services must be directly and specifically related to an active written treatment plan designed by the physician after any needed consultation with a qualified cognitive rehabilitation therapist;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature, that the services can only be performed by, or under the direct supervision of a qualified cognitive rehabilitation therapist. A qualified cognitive rehabilitation therapist is a Virginia Board of Medicine licensed [clinical neuropsychologist; psychologist;]

c. Cognitive rehabilitation therapy services may be provided by occupational therapists, speech and

language therapists, and psychologists with experience in working with the neurologically impaired when provided under a plan developed and supervised by a qualified cognitive rehabilitation therapist;

d. The cognitive rehabilitation services must be an integrated part of the total patient care plan and must relate to information processing deficits which are a consequence of and related to a neurologic event;

e. The services include activities to improve a variety of cognitive functions such as orientation, attention/concentration, reasoning, memory, discrimination and behavior; and

f. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis.

E. Psychology:

1. Psychology services are those services furnished a patient which meet all of the following conditions:

a. The services must be directly and specifically related to an active written treatment plan ordered by a physician;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature that the services can only be performed by a qualified psychologist as required by state law;

c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

F. Social Work:

I. Social Work services are those services furnished a patient which meet all of the following conditions:

- a. The services must be directly and specifically related to an active written treatment plan ordered by a physician;
- b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature that the services can only be performed by a qualified social worker as required by state law;
- c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and
- d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

G. Recreational Therapy:

1. Recreational therapy are those services furnished a patient which meet all of the following conditions:

- a. The services must be directly and specifically related to an active written treatment plan ordered by a physician;
- b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature that the services are performed as an integrated part of a comprehensive rehabilitation plan of care by a recreation therapist certified with the National Council for Therapeutic Recreation at the professional level;
- c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's rehabilitation potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and
- d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

H. Prosthetic/orthotic services:

1. Prosthetic services furnished to a patient include prosthetic devices that replace all or part of an external body member, and services necessary to design the device, including measuring, fitting, and instructing the patient in its use;
2. Orthotic device services furnished to a patient include orthotic devices that support or align extremities to prevent or correct deformities, or to improve functioning, and services necessary to design the device, including measuring, fitting and instructing the patient in its use; and
3. Prosthetic/orthotic services must be ordered by the physician and must be necessary to carry out the rehabilitation plan.

[I. Durable Medical Equipment:

1. Durable medical equipment furnished the patient receiving approved covered rehabilitation services is covered when the equipment is necessary to carry out an approved plan of rehabilitation. A rehabilitation hospital or a rehabilitation unit of a hospital enrolled with Medicaid under a separate provider agreement for rehabilitative services may supply the durable medical equipment. The provision of the equipment is to be billed as an outpatient services. All durable medical equipment over \$1,000 must be preauthorized by the department; however, all durable medical equipment is subject to justification of need. Durable medical equipment normally supplied by the hospital for inpatient care is not covered by this provision.

VR 460-02-4.1914.

B. In the case of an asset not in existence as of July 18, 1984, the valuation of an visuoperceptual of a hospital or long-term care facility shall be the lesser of the first owner of record, or the acquisition cost to the new owner.

C. In establishing an appropriate allowance for depreciation, interest on capital indebtedness, and return on equity (if applicable) the base to be used for such computations shall be limited to A or B above.

D. Costs (including legal fees, accounting and administrative costs, travel costs, and feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) shall be reimbursable only to the extent that they have not been previously reimbursed by Medicaid.

E. The recapture of depreciation up to the full value of the asset is required.

F. Rental charges in sale and lease back agreements shall be restricted to the depreciation, mortgage interest and (if applicable) return on equity based on the cost of

Final Regulations

ownership as determined in accordance with A and B above.

VIII.

Effective [~~2/25/86~~ 2/27/86] , hospitals that have obtained Medicare certification as inpatient rehabilitation hospitals or rehabilitation units in acute care hospitals, which are exempted from the Medicare Prospective Payment System (DRG), shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in the preceding paragraphs (1), (2), (3), (4), (5) and (7) in V above. Additionally, rehabilitation hospitals and rehabilitation units of acute care hospitals which are exempt from the Medicare Prospective Payment System will be required to maintain separate cost accounting records, and to file separate cost reports annually utilizing the applicable Medicare cost reporting forms (HCFA 2552 series) and the Medicaid forms (MAP-783 series). [~~For rehabilitation units with sub-provider status, separate cost reporting forms, Worksheets D, D-1, MAP-782, etc., must be completed.~~]

A new facility shall have an interim rate determined using a pro forma cost report or detailed budget prepared by the provider and accepted by the DMAS, which represents its anticipated allowable cost for the first cost reporting period of participation. For the first cost reporting period, the provider will be held to the lesser of its actual operating costs or its peer group ceiling. Subsequent rates will be determined in accordance with the current Medicaid Prospective Payment System as noted in the preceding paragraph of VIII.]

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

July 1, 1986

Administrative Letter 1986-18

TO: All Companies Licensed to Write Property and Casualty Insurance in Virginia.

RE: Notice of Termination of Commercial Liability Other than Automobile Insurance Policies.

With Administrative Letter 1986-10, dated June 4, 1986, Companies were forwarded a copy of House Bill 140 that becomes effective July 1, 1986, together with a prototype termination notice to facilitate implementation of the new law.

In response to a number of questions recently directed to the Bureau of Insurance, please be advised that the written termination notice requirement of the new law does apply to package policies insuring business entities that include as a part thereof coverages as defined in §§ 38.2-117 and 38.2-118 (Formerly §§ 38.1-15 and 38.1-16).

/s/ James M. Thomson
Commissioner of Insurance

* * * * *

Bureau of Insurance

October 10, 1986

Administrative Letter 1986-19

TO: All Companies Licensed to Write Title Insurance in Virginia and All Licensed Title Insurance Agents in Virginia.

RE: Prohibition Against the Payment or Receipt of Title Insurance Kickbacks, Rebates, Commissions and Other Payments.

Questions have arisen regarding the requirements of § 38.2-4614 and various agency arrangements made by title insurance agents with persons in a position to refer business.

Subsection A of § 38.2-4614 prohibits a person selling real estate, or performing services as a real estate agent, attorney, or lender, who performs services regarding a particular real estate settlement or sale, from paying or receiving any payment, directly or indirectly, in connection with the issuance of title insurance on such property. The provisions of this subsection apply regardless of whether these entities are licensed title insurance agents.

There are two exceptions to the prohibitions outlined in § 38.2-4614. First, federally insured lenders, holding companies to which they belong, or subsidiaries of such lenders or holding companies are exempt from the statutory prohibitions. In addition, subsection C states that the kickback prohibition is not violated solely by stock ownership in a "bona fide title insurance company, agency or agent", which is defined as "...a company, agency or agent that passes upon and makes title insurance underwriting decisions on title risks, including the issuance of title insurance policies or binders and endorsements." Therefore, as long as the dividends received by the entities in question are a legitimate return on their investment and are not disguised referral fees, then such payment is not in violation of § 38.2-4614.

The statute in question should be reviewed carefully by companies and agencies in addition to all agency arrangements currently in effect in this State to make certain that payments are not being made to persons who are not entitled to same. Arrangements which are in violation of the Code may result in penalties being levied, including conviction for a misdemeanor.

Please make certain that your company or agency is in compliance with the requirements of this law. Should you have any questions concerning this matter, kindly communicate same to the Bureau in writing.

/s/ James M. Thomson
Commissioner of Insurance

* * * * *

Bureau of Insurance

November 10, 1986

Administrative Letter 1986-20
(REVISED)

TO: All Continuing Care Providers

RE: New Regulatory Requirements

This letter clarifies and supersedes Administrative Letter 1986-20, dated October 27, 1986. Certain revisions are deemed necessary in order to delineate clearly the dollar amounts of entrance fees to be escrowed under Virginia Code § 38.2-4904.1. Those areas changed appear underlined below.

The 1986 General Assembly enacted legislation that affected continuing care providers in the following areas:

- A. Who comes under the act;
- B. Entrance fee escrow provisions; and
- C. The contract.

State Corporation Commission

A. Excluded from the purview of "continuing care" are all providers whose entrance fee is in the aggregate less than the sum of the regular periodic charges for one year of residency. In addition, those providers which do not charge an entrance fee and only accept assignment of government transfer payments, contributions from charitable organizations and third party health care coverages as their regular periodic charges are specifically excluded. Providers which are now exempt under the amended statute should request the exemption afforded by the definitional changes and provide to the Bureau of Insurance evidence that supports the exemption.

B. The newly required escrow provisions must be in accordance with Virginia Code § 38.2-4904.1. All entrance fees or portions thereof in excess of \$1,000 per person received by the provider prior to the prospective resident's date of occupancy must be escrowed. "Entrance fee" is defined for the purposes of the section as advanced payment or a series of advanced payments totaling at least \$5,000. The funds must be placed in escrow as the property of the potential resident and shall not be subject to any claim against the provider. The funds become available to the provider when the unit is occupied or is available to the tenant for immediate occupancy.

Funds are to be released to the prospective resident only:

1. When the assets have not been released within three years after placement in escrow, or three years after start of new construction whichever is later, but in any event assets must be released within six years after placement in escrow unless additional time is approved by the Commission;
2. If the prospective resident dies before occupancy in a unit;
3. If construction of a facility not yet operating is stopped indefinitely before completion; and
4. Upon rescission of the continuing care contract pursuant to provisions in the continuing care contract.

Escrowed funds may be held in the form received or invested according to Chapter 18 (§ 2.1-327 et seq.) of Title 2.1. The escrow requirements do not apply to entrance fees for initial occupancy for units under construction June 30, 1986, or to entrance fees not in excess of \$1,000 per person.

C. The contractual requirements for including the estimated current monthly cost to the provider for providing the care set forth in the contract has been deleted. Two new elements of good cause justifying termination of the contract on the part of the provider have been added. Misrepresentation and a material breach of the terms and conditions of the continuing care contract are now good cause for termination. However, the misrepresentation must be made intentionally or recklessly

in the application regarding information which if accurately provided would have resulted in either a failure of the resident to qualify for residency or a material increase in the costs of providing to the resident the care and services under the contract. As of July 1, 1986, and afterward contracts may include a misrepresentation clause and a material breach clause.

On July 1, 1986, applicable disclosure statements to meet approval must contain escrow provisions that satisfy the new statute. The disclosure statement must include the escrow clause after June 30, 1986 in order to be approved.

Those providers whose disclosure statements have been approved prior to July 1, 1986, have 30 days from January 1, 1987 to file amended disclosure statements in accordance with Virginia Code § 38.2-4904. The amended disclosure statement must discuss the required escrow information.

/s/ James M. Thomson
Commissioner of Insurance

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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 consider amending regulations entitled: **VR 230-30-002. Community Diversion Program Standards.** The regulations establish standards for the operation of Community Diversion Programs. The current effort is to clarify the standards and make them more measurable.

Statutory Authority: § 53.1-182 of the Code of Virginia.

Written comments may be submitted until January 5, 1987.

Contact: Robert S. Cooper, Community Corrections Specialist, Department of Corrections, 5306-A Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7430 (SCATS 676-7430)

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 consider amending regulations entitled: **VR 230-30-003. Adult Residential Services Standards.** The regulations establish standards for the operation of Adult Residential Service Programs. The current effort is to clarify the standards and make them more measurable.

Statutory Authority: § 53.1-178 of the Code of Virginia.

Written comments may be submitted until January 5, 1987.

Contact: Robert S. Cooper, Community Corrections Specialist, Department of Corrections, 5306-A Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7430 (SCATS 676-7430)

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Regulations of the Board of Education.** The Board of Education is currently undergoing an extensive regulatory review and is reviewing all of its existing regulations. The purpose of this review is to reduce the burden imposed by regulations, improve their clarity, and evaluate their effectiveness in meeting their stated purpose. Comments are encouraged to help identify regulations of the board that are unclear, duplicative, or in conflict with regulations of other state agencies or the federal government.

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

Written comments may be submitted until February 15, 1987.

Contact: Joseph D. Roberts, Director of Audit Services, Department of Education, P.O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-4506 or (SCATS 335-4506)

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **1984 Editions of the Uniform Statewide Building Code, Volumes I and II; Public Building Safety Regulations; Industrialized Building and Mobile Home Safety Regulations; LP Gas Regulations; and the Tradesmen Certification Standards.** The purpose of these amendments is to provide safety standards for the construction and maintenance of buildings and structures; provide safety standards for the handling and storage of LP Gas; and to provide standards for the certification of building related tradesmen.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6

General Notices/Errata

of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Contact: Jack A. Proctor, CPCA Deputy Director, DBRS, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to promulgate regulations entitled: **(1) The Virginia Amusement Device Regulations and (2) The Virginia Statewide Fire Prevention Code.** The purpose of the proposed amendment is to (i) provide safety standards for the construction, maintenance, operation and inspection of amusement devices and to provide standards for the certification of amusement device inspectors; and (ii) provide safety standards to safeguard life and property from the hazards of fire or explosion.

Statutory Authority: (1) § 36-98.3 and (2) § 27-97 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Contact: Jack A. Proctor, Deputy Director, DBRS, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751.

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to promulgate regulations entitled: **Provision of Vocational Rehabilitation Services.** The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to disabled persons.

Statutory Authority: §§ 51.01-8 through 51.01-30 of the Code of Virginia.

Written comments may be submitted until January 30, 1987, to Charles H. Merritt, Assistant Commissioner, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230

Contact: Jim Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va.

23230, telephone (804) 257-6446 (toll-free 1-800-552-5019)

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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: **Minimum Standards for Licensed Child Care Centers.** The purpose of the regulation is to identify standards applicable to centers providing child care on an occasional basis only.

Statutory Authority: § 63.1-196.4 of the Code of Virginia.

Written comments may be submitted until January 21, 1987.

Contact: Meredyth P. Partridge, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

VIRGINIA DEPARTMENT FOR VISUALLY HANDICAPPED

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department for the Visually Handicapped intends to consider promulgating regulations entitled: **(1) Regulations Governing Education Service, (2) Regulations Governing Vocational Rehabilitation, and (3) Regulations Governing Low Vision.** The purpose of the proposed regulations is to establish policies, procedures, and requirements governing the provision of services to blind and visually impaired persons in the areas of Education, Vocational Rehabilitation and Low Vision.

Statutory Authority: § 63.1-68, 63.1-71, and 63.1-78 of the Code of Virginia.

Written comments may be submitted until January 30, 1987.

Contact: David H. Kennedy, Assistant Program and Policy Specialist, Virginia Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140.

DEPARTMENT OF WASTE MANAGEMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Waste Management intends to consider promulgating and amending regulations entitled: VR 672-20-01. Financial Assurance Regulations for Solid Waste Facilities. The purpose of the proposed regulations is to replace emergency regulations promulgated on August 8, 1986, which will expire on June 1, 1987. Those regulations established the financial assurance requirements for privately owned or operated nonhazardous solid waste disposal facilities. The proposed amendments will provide for specific exemptions from liability insurance requirements and alternatives for fulfilling the liability insurance requirements. The new regulations will be titled Financial Assurance Regulations for Solid Waste Facilities, VR 421-20-01.

Statutory Authority: §§ 10-266 and 10-273 of the Code of Virginia.

Written comments may be submitted until January 9, 1987.

Contact: Cheryl Cashman, Public Information Officer, Department of Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to promulgate regulations entitled: **Toxics Management.** The purpose of this regulation is to control and manage the discharge of toxic pollutants into the waters of the Commonwealth to insure that no adverse impacts occur.

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

Written comments may be submitted until January 19, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Other pertinent information: Public meetings will be held at the times and places listed below:

January 5, 1987, at 2 p.m. in the Community Room, Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 7, 1987, at 2 p.m. in the Council Chamber, Williamsburg/James City County Courthouse, Court and South Henry Street, Williamsburg, Virginia

January 8, 1987, at 2 p.m. in the McCourt Building Board Room, County of Prince William, 1 County Complex, 4850 Davis Ford Road, Prince William, Virginia

Contact: Alan J. Anthony, Richard Ayers, or Durwood Willis, Office of Environmental Standards and Research, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0791

* * * * *

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **Regulations for the Reporting of Ground Water Withdrawals Greater Than 300,000 Gallons of Water Per Month for Agricultural and Livestock Purposes in Ground Water Management Areas.** The purpose of these regulations will be to more accurately and fully assess the withdrawal of ground water in Ground Water Management Areas.

Statutory Authority: § 62.1-44.87 of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: Gerard Seeley, Jr., Ground Water Program Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6306

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Rules of the Board and Standards for Water Wells.** The purpose of amending the regulations is to (i) delete well standards that will be required as part of § 32.1-176.5 (State Health Department's Well Construction Permit Program); (ii) add agriculture/livestock ground water withdrawal requirements; and (iii) amend and clarify the existing regulations.

Statutory Authority: § 62.1-44.92 of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: Russell P. Ellison, III, UST Project Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6350

General Notices/Errata

GENERAL NOTICES

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES Division of Animal Health

DIVISION ADMINISTRATION DIRECTIVE
NUMBER: 79-1

METHODS PRESCRIBED OR APPROVED FOR ANIMAL EUTHANASIA

I. PURPOSE:

This Directive sets forth methods that are currently prescribed and approved by the State Veterinarian for use in the euthanasia of animals by animal wardens, employees of humane societies and/or public animal shelters, and other officers as defined in § 29-213.66 of the Comprehensive Animal Laws.

II. AUTHORITY:

Chapter 9.4, Articles 4, § 29-213.66 of the Code of Virginia, cited as the Authority of Local Governing Bodies and Licensing of Dogs, states, in part, "Any animal destroyed following the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian."

III. APPROVED METHODS:

- A. Sodium pentobarbital administered parenterally.
- B. Sodium pentobarbital with lidocaine administered parenterally.
- C. Carbon monoxide gas dispensed into a chamber.
- D. Firearms under specified conditions.

IV. APPROVED PROCEDURES:

Methods currently prescribed or approved by the State Veterinarian for the euthanasia of animals pursuant to the provisions contained in § 29-213.66 of Chapter 9.4 are as follows:

1. Sodium pentobarbital.

Sodium pentobarbital is to be administered by hypodermic syringe and needle in a concentration of not less than 4 grains of sodium pentobarbital per cubic centimeter (cc) of water. Current regulations of the Board of Pharmacy specify that the drug must be ordered in the injectable form only.

Route of Administration

Intravenously

The preferred route of administration is intravenously if (1) a trained and skilled operator capable of performing intravenous injection is present; (2) the animal is able to be handled and can be properly restrained without undue stress; and (3) a vein is readily accessible. The amount of drug needed will be dependent upon the body weight of the animal. In general, one (1) cc per 10 pounds of body weight is needed, but dosage directions on the product should be followed. In all cases, an overdose rather than an underdose is preferred. The minimum use, regardless of size is one (1) cc. The use of a 20 or 22 gauge needle, one inch in length, is suggested for injection in dogs.

Intravenous euthanasia of cats required increased expertise and a smaller one inch needle, 24 or 25 gauge. Cats are often euthanized using the alternate method below of intraperitoneal injection.

Intraperitoneally

An alternate method of sodium pentobarbital injection is intraperitoneally. This is the easiest method to learn and is especially effective for young animals, cats and small dogs, wildlife or animals that are difficult to handle.

It is suggested that that solution be injected into the peritoneal cavity about one inch behind the umbilicus. Again, a trained and skilled person is necessary to administer the injections and proper restraint must be used. A one inch, 20 gauge needle is suggested for dogs over 10 pounds; for cats and dogs under 10 pounds, a 24 gauge needle works well. The volume of the drug used should be double or triple the intravenous dose; a rule of thumb is 2 or 3 cc's per 10 pounds of body weight. The minimum dosage regardless of size is 3 cc. The higher dose required for intraperitoneal injection is due to the increased time it takes for the drug to be absorbed and take effect when given in the abdomen. Due to this prolonged time, death does not occur instantaneously, often taking up to 30 minutes. After intraperitoneal injection, the animal should be placed in a cage or run, preferably in a quiet area, and observed so that it does not injure itself by stumbling or falling as unconsciousness occurs. The time from unconsciousness to death will vary.

Intracardiac

According to the 1986 American Veterinary Medical Association Report on Euthanasia, "Because crying and struggling may follow improper intracardiac injection, this route of administration is objectional. Skill is required to penetrate the heart of an animal with one thrust of a hypodermic needle, especially if the animal is not easily restrained. Intracardiac injection of drugs is not recommended for euthanasia, except in depressed, anesthetized, or comatose animals."

Therefore, intracardiac injection is not approved at this time.

Considerations

All animal, regardless of route of injection, should be carefully checked to be sure death has occurred before disposal. Lack of a heartbeat, no pupillary reflexes, and failure to breathe are indications that death has occurred.

It is preferable that euthanasia by injection be done when two people are present, one to administer drug and one to restrain the animal. This reduces stress on the animal, ensures proper administration of the drug, and protects the administrator.

The procedure to obtain and use sodium pentobarbital involves state and federal licensing. Information on this may be obtained from the Animal Welfare Veterinarian, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219, telephone (804) 786-2483.

2. Sodium Pentobarbital with Lidocaine.

Several new products are available which are composed of sodium pentobarbital with lidocaine. The effect of lidocaine is most notable in intraperitoneal injections, because it increases absorption of the drug into the blood stream and also acts directly on the heart and brain to decrease the time it takes for unconsciousness to occur. It appears that this drug will be a valuable asset in humane euthanasia. At this time, however, the State Board of Pharmacy only allows the procurement of Schedule II sodium pentobarbital for euthanasia of impounded animals; the new products containing lidocaine are Schedule III drugs. This office will cooperate with the Board of Pharmacy in hopes that these new products may be accessible to shelters in the future.

Carbon Monoxide Gas

Carbon monoxide gas may be a preferred method for euthanasia of wildlife and animals that are difficult to manage. It is also acceptable for euthanasia of most dogs and cats. Puppies and kittens under eight weeks of age cannot be effectively euthanized with carbon monoxide gas due to their small lung capacity. If euthanasia of such young animals cannot be achieved by sodium pentobarbital injection, the concentration of gas should be increased and the young animals put in a small carrier inside the chamber. Time until unconsciousness and death is prolonged for young animals. Sodium pentobarbital intraperitoneal injection by shelter personnel or a veterinarian is preferred.

Commercial grade carbon monoxide gas shall be dispensed from a cylinder into the chamber at a pressure and rate that it achieves a 5% concentration

within the chamber. Too much or too little gas will result in animal struggling and suffering. Unconsciousness should result in 45-60 seconds; death should occur within 2-4 minutes. Some reflex movements and sounds may occur from the unconscious animals; this must be differentiated from conscious struggling.

The chamber should be well sealed and should include a light to be used during the operation of the chamber and a window so that the animals may be observed to ensure that euthanasia is occurring properly. Animals should never be crowded together; only compatible animals of the same size and species should be placed in the chamber together. Cats should be placed individually in carriers.

Carbon monoxide euthanasia should occur only in well ventilated areas because of the danger to the operator. The animals should be left in the chamber at least ten minutes after death has occurred before the chamber is opened. The operator should open the chamber in a well ventilated areas and again leave the animals another 5-10 minutes. Animals euthanized by carbon monoxide must be carefully examined to ensure death has occurred, using the absence of heartbeat, breathing and eye reflexes to indicate death prior to disposal.

4. Firearms.

The shooting of animals with firearms for the purpose of effecting euthanasia is not approved for routine use. According to the authority granted to the State Veterinarian by Chapter 9.2, the shooting of animals for the purpose of effecting euthanasia is approved for use only when conditions do not permit the employment of the aforementioned prescribed or approved methods of euthanasia or when all humanely accepted methods of capture have failed.

NOTE: Please observe local rules and regulations governing the use of firearms.

V. APPROVAL OF ADDITIONAL METHODS AND PROCEDURES

Advances in animal euthanasia research will be continually monitored by the Office of the State Veterinarian and those methods which are proved to be acceptable will be added to the approved list.

Local authority or individuals seeking approval of specific methods of animal euthanasia may submit requests for the consideration of such proposals to:

State Veterinarian
Division of Animal Health
Washington Building, Suite 600
1100 Bank Street
Richmond, Virginia 23219

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TELEPHONE: (804) 786-2481

IV. PUBLIC HEARING

This Directive, relating to the approval of the State Veterinarian of methods of animal euthanasia, is drawn pursuant to § 29-213.66 of the Code of Virginia.

No public hearing or comment has been solicited concerning the publishing of this Directive. The State Veterinarian will receive, consider, and respond to, any petition for a hearing or for reconsideration of the methods prescribed or approved for animal euthanasia.

Such petitions should be submitted to State Veterinarian, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219, telephone (804) 786-2481.

Done in Richmond, Virginia, on this 1st day of November, 1986

/s/ William D. Miller, D.V.M.
State Veterinarian

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DIVISION ADMINISTRATION DIRECTIVE NUMBER 83-1

APPROVED DRUGS AND DRUG ADMINISTERING EQUIPMENT

I. PURPOSE:

This Directive sets forth drugs and drug administering equipment approved by the State Veterinarian for use in the capture of dogs by animal wardens and other officers as defined in § 29-213.88 of the Comprehensive Animal Laws.

II. AUTHORITY:

Chapter 9.4, Article 5, § 29-213.88 of the Code of Virginia of 1984, states, in part, "All drugs and drug administering equipment used by animal wardens or other officers to capture dogs pursuant to this chapter shall have been approved by the State Veterinarian".

III. APPROVED DRUGS AND DRUG ADMINISTERING EQUIPMENT

A. Drugs

The following drugs are currently approved by the State Veterinarian for the chemical restraint of dogs pursuant to provisions contained in § 29-213.88 of the Code of Virginia, Comprehensive Animal Laws:

<u>GENERIC NAME</u>	<u>TRADE NAME</u>	<u>CLASS OF DRUG</u>
Xylazine	Rompun	1-3 Thiazine derivative
Xylazine & Ketamine hydrochloride combination	Rompun & Ketaset	1-3 Thiazine derivative & cyclohexamine

According to Leon Nielsen, author of the book Chemical Immobilization in Urban Animal Control Work, "The dosage suggested is 5.0 mg/kg ketamine and 1.0 mg/kg xylazine for intramuscular injection in dogs only. This regimen has produced immobilization (recumbency) in dogs in 2.6 - 3.6 minutes, with a recovery time of 131 and 110 minutes respectively. The most practical way of preparing the mixture is to add 2 Ml (200 mg) of xylazine to a 10 ml (1000 mg) vial of ketamine. Testing has shown that this premixed solution will remain stable with undiminished potency for 6 months. The dosage to use of the 5:1 combination is 6.0 mg/kg..."

The above recommended dosage of the combination is calculated to be 0.027 cc per pound of body weight or 0.82 cc per 30 pounds of body weight.

The suggested dose for rompun alone must be determined by the supervising veterinarian. As a rule, animals under 25 pounds should not be captured chemically by means of remote injection.

Veterinary supervision is required for the purchase and administration of the above drugs. It is important that animal wardens and other officers receive instructions and training in the handling of hazardous drugs such as those administered for the chemical restraint of dogs.

B. Drug Administering Equipment

Drug administering equipment manufactured by the following named companies is currently approved by the State Veterinarian for administering chemical restraint drugs to capture dogs:

COMPANY NAME AND ADDRESS

CAP-CHUR Equipment
Palmer Chemical & Equipment Company, Inc.
P. O. Box 867, Palmer Village
Douglasville, GA 30133

DIST-INJECT Equipment
Glasgow Veterinary Supply
Fort Peck Route
Glasgow, MT 59230

PAXARMS Equipment
Nielsen Associates
P.O. Box 17375
Milwaukee, WI 53217

SIMMONS Equipment

Zoolu Arms of Omaha
10315 Wright Street
Omaha, NE 68124

TELINJECT Equipment
Telinject, U.S.A., Inc.
16133 Ventura Boulevard
Suite 635
Encino, CA 91436

1100 Bank Street
Richmond, Virginia 23219
TELEPHONE: (804) 786-2481

Done in Richmond, Virginia, on this 1st day of November, 1986.

/s/ William D. Miller, D.V.M.
State Veterinarian

Research conducted by the State Veterinarian verifies that equipment manufactured by the above named firms will do an acceptable job of administering chemical restraint drugs used in the capture of dogs, provided that users of the equipment are well trained in its use, and that they follow operating instructions prescribed by the manufacturer. It is important that the equipment be well maintained and in a high state of repair at all times. The State Veterinarian does not recommend the equipment produced by one manufacturer over that of another.

IV. APPROVAL OF ADDITIONAL DRUGS AND DRUG ADMINISTERING EQUIPMENT

Advances in research relative to drugs and drug administering equipment for use in capturing dogs will be monitored on a continuing basis by the Office of the State Veterinarian. Chemical restraint drugs and drug administering equipment which are proved to be acceptable will be added to the approved list.

Firms or individuals seeking the approval of specific drugs or drug administering equipment for use in capturing dogs may submit a request for the consideration of such proposals to:

State Veterinarian
Division of Animal Health
Washington Building, Suite 600
1100 Bank Street
Richmond, Virginia 23219
TELEPHONE: (804) 786-2481

V. PUBLIC HEARING

This Directive, relating to the approval of the State Veterinarian of approved drugs and drug administering equipment, is drawn pursuant to § 29.213.88 of the Code of Virginia.

No public hearing or comment has been solicited concerning the publishing of this Directive. The State Veterinarian will receive, consider, and respond to, any petition for a hearing or for reconsideration of the approval of drugs and drug administering equipment.

Such petitions should be submitted to:

State Veterinarian
Division of Animal Health
Washington Building, Suite 600

NOTICE TO THE PUBLIC

DEPARTMENT OF WASTE MANAGEMENT

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act) that the Virginia Waste Management Board intends to amend the regulations entitled: **Virginia Hazardous Waste Management Regulations**.

The proposed Amendment 8 to these regulations includes changes to the U.S. Environmental Protection Agency's regulations on solid and hazardous waste management. These new provisions enacted by U.S. EPA during 1985-86, require that changes be made to existing, April 1, 1985, state regulations. These proposed changes maintain consistency with the federal program, as required.

STATEMENT

Amendment 8 to the Virginia Hazardous Waste Management Regulations

Basis and authority: Section 10-266.11 (Chapter 24, Title 10) of the Code of Virginia directs the Virginia Waste Management Board to promulgate such regulations as may be necessary. Extensive changes in the federal regulations promulgated in 1985-86 necessitates an amendment which keeps the Virginia Hazardous Waste Management program consistent with these federal requirements, thus preserving the final authorization granted to the Virginia program, and maintaining its independent authority to enforce the Resource Conservation and Recovery Act (RCRA) provisions here in the Commonwealth.

Purpose: The Virginia Waste Management Board and the Executive Director of the Virginia Department of Waste Management Board and the Executive Director of the Virginia Department of Waste Management propose to promulgate these amended regulations in order to effectively monitor the generation, transportation, treatment, storage and disposal of hazardous waste in the Commonwealth. By regulating these activities the Commonwealth protects public health, natural resources,

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and the environment.

Summary and analysis: Amendment 8 proposes to incorporate changes in the federal regulations promulgated up to October 1, 1986. Other minor revisions, such as editorial changes, additions of reference materials, or clarifying language—have been included for the convenience of the regulated community, and to maintain equivalence with the federal requirements for a hazardous waste management program.

The major changes in Amendment 8 are as follows:

1. Initial Hazardous and Solid Waste Amendment codification (FR 1978ff, 1/14/85); and HSWA codification rules (50 FR 28702ff, 7/15/85) for:

- Delisting petitions
- Household waste exclusion
- Waste minimization requirement
- Prohibition of management in salt domes
- Prohibition of liquids in landfills
- Prohibition against use of hazardous waste as a dust suppressant
- Requirements for double liners
- Removal of exemptions for groundwater monitoring
- Corrective action requirements
- Changes to permitting requirements
- Requirement for transmittal of exposure information;

2. Listing of new wastes (50 FR 42936, 10/23/85; 50 FR 53315, 12/31/85; 51 FR 5330, 2/13/86; 51 FR 6541, 2/25/86);

3. Storage and treatment of hazardous waste in tank system (51 FR 25422, 07/14/86);

4. Buring of used oil (HSWA) (50 FR 49164ff, 11/29/85);

5. Small quantity generators of hazardous waste (HSWA) (51 FR 10174ff, 3/24/86);

6. Financial responsibility settlement (51 FR 16443ff, 5/2/86); and

7. A change to the wording of § 6.4.E of existing regulations on Accumulation time.

Among the various editorial changes and clarifying language proposed, will be changes reflecting the reorganization of the Division of Solid and Hazardous Waste Management of the Virginia Department of Health into the Virginia Department of Waste Management. Accordingly, "Board of Health," "Commissioner," and similar wording will be changed to read: Board of Waste Management, Executive Director, etc.,.

Impact: These proposed changes in the initial draft of the amendment are expected to impact upon certain segments of the regulated community of hazardous waste management facilities, notable the facilities which manage

hazardous waste in tanks, and upon small businesses which must properly manage their hazardous wastes (e.g., vehicle maintenances, dry cleaners, small laboratories, etc.). Although these changes represent additional costs to these businesses, it should be remembered that these regulations are already enforced by the federal authorities, and there will be no additional costs if the Commonwealth assumes enforcement responsibility by promulgation of this proposed amendment.

Written comments on proposed Amendment 8 can be submitted until 5 p.m., Tuesday, February 10, 1987, to Dr. Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, Virginia Department of Waste Management, James Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia 23219.

Free copies of these initial draft materials are available from the Information Officer.

Contact: Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 or the Hazardous Waste Hotline 1-800-552-2075

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act) that the Virginia Waste Management Board intends to amend the Regulations entitled: **Virginia Hazardous Waste Management Regulations.**

The proposed Amendment 9 to these regulations includes changes proposed by the U.S. Environmental Protection Agency on performance-based standards which cover hazardous waste management technologies which cover hazardous waste management technologies not addressed by existing regulations. This proposed initial draft would amend the Virginia regulations of April 1, 1986.

STATEMENT

Amendment 9 to the Virginia Hazardous Waste Management Regulations

Basis and authority: Section 10-266.11 (Chapter 24, Title 10) of the Code of Virginia directs the Virginia Waste Management Board to promulgate such regulations as may be necessary. The change proposed by the federal regulatory authority requires a response by the Virginia program which will maintain the Commonwealth's independent authority to enforce the Resource Conservation and Recovery Act (RCRA); this response is to propose an amendment which keeps the Virginia Hazardous Waste Management program consistent with federal requirements.

Purpose: The Virginia Waste Management Board and the

Executive Director of the Virginia Department of Waste Management proposes to promulgate these amended regulations in order to effectively monitor the generation, transportation, treatment, storage and disposal of hazardous waste in the Commonwealth. By regulating these activities, the Commonwealth protects public health, natural resources, and the environment.

Summary and analysis: Amendment 9 proposes to incorporate changes in the Federal Regulations, published on November 7, 1986, in the Federal Register (51 FR 40726ff, 11/7/86). These regulations, proposed by the U.S. Environmental Protection Agency, discuss waste management technologies not addressed by the existing regulations (Part 264, Title 40, Code of Federal Regulations/Part X, "Standards for Permitted Hazardous Waste Management Regulations, April 1, 1986). The proposed amendment establishes performance-based standards for these technologies in hazardous waste management.

Major changes in Amendment 9 include a new definition to Part I of the Virginia Hazardous Waste Management Regulations, April 1, 1986, to read: "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, waste pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, or underground injection well."

All proposed changes in Part X and XI, VHWMR, concern requirements for "miscellaneous units" in such respects as environmental performance standards of location, design, construction, operation, maintenance, and closure, and includes the issues of post-closure care, etc.,

Other changes are editorial, and represent clarifying language for the convenience of the regulated community.

Impact: These proposed changes will impact only on those facilities with "miscellaneous units: for hazardous waste management; only two such facilities exist in the Commonwealth, at present.

Written comment on proposed Amendment 9 may be submitted until 5 p.m., February 10, 1987, to Dr. Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, Virginia Department of Waste Management, James Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia 23219.

Free copies of these initial draft materials are available from the Information Officer.

Contact: Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Building, 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 or Hazardous Waste Hotline 1-800-552-2075.

NOTICES 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

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: **VR 115-04-02. Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.**

Issue VA.R., 3:5, pp. 459-461, December 8, 1986

The correction to the Final regulation is as follows:

Page 459, Column 2, Line 1:

Delete "Ashland" (The incorporated town of Ashland (Hanover County) was listed as an independent city; Ashland is an incorporated town, not an independent city).

CALENDAR OF EVENTS

Symbols Key	
†	Indicates entries since last publication of the Virginia Register
Ⓜ	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

reauthorization of the federal Older American Act.

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.

VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA STATE BOARD OF ACCOUNTANCY

January 19, 1987 - 10 a.m. - Open Meeting
January 20, 1987 - 8 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. Ⓜ

A meeting to (i) review and approve applications for licensure and certification; (ii) review disciplinary cases; (iii) review correspondence items; and (iv) consider new business.

Contact: Roberta L. Banning, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

GOVERNOR'S ADVISORY BOARD ON AGING

January 20, 1987 - 1 p.m. - Open Meeting
January 21, 1987 - 9 a.m. - Open Meeting
Jefferson Sheraton Hotel, 101 West Franklin Street, Richmond, Virginia. Ⓜ

The board will discuss issues of interest to older Virginians including legislation before the 1987 Session of the Virginia General Assembly and the impending

Contact: William Peterson, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2271/225-3140

STATE AIR POLLUTION CONTROL BOARD

January 14, 1987 - 10 a.m. - Public Hearing
Council Chambers, Town of Abingdon Municipal Building, 133 West Main Street, Abingdon, Virginia.

January 14, 1987 - 10 a.m. - Public Hearing
Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, State Capitol Regional Office, 8205 Hermitage Road, Richmond, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, Hampton Roads Regional Office, Pembroke Four - Suite 409, Pembroke Office Park, Virginia Beach, Virginia

January 14, 1987 - 10 a.m. - Public Hearing
State Air Pollution Control Board, National Capital Regional Office, Springfield Towers - Suite 502, 6320 Augusta Drive, Springfield, Virginia

January 14, 1987 - 7 p.m. - Public Hearing
Old Roanoke County Courthouse, 2nd Floor Courtroom, Salem, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain level of air quality as will protect human health and welfare.

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

Written comments may be submitted until January 14, 1987 to Director of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Virginia 23240

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089,

Calendar of Events

Richmond, Va. 23240, telephone (804) 786-7564

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

† January 6, 1987 - 9:30 a.m. - Open Meeting
† January 20, 1987 - 9:30 a.m. - Open Meeting
† February 3, 1987 - 9:30 a.m. - Open Meeting
† February 17, 1987 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0617

VIRGINIA APPRENTICESHIP COUNCIL

January 15, 1987 - 9 a.m. - Open Meeting
Division of Motor Vehicles, Agecroft Room 131, 2300 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting. The council will hear public comments from 9 a.m. to 10 a.m. and then conduct the remainder of the meeting. If anyone wishes to address the council, please send a written request to: Richard H. Webb, Chairman, Virginia Apprenticeship Council, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241

Contact: R. S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

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

Virginia State Board of Professional Engineers

† January 20, 1987 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 19, 1986, meeting; (ii) review applications; (iii) discuss regulatory review; and (iv) discuss enforcement cases.

Virginia Board of Land Surveyors

† January 23, 1987 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,

3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the August 1, 1986, meeting; (ii) possibly discuss regulations; (iii) conduct a psychometrician study; (iv) discuss NCEE Part IV exam; (v) discuss enforcement cases; and (vi) review applications.

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

VIRGINIA AUCTIONEERS BOARD

† January 9, 1987 - 9 a.m. - Open Meeting
Sheraton-Harrisonburg Inn, Harrisonburg, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) discussion of revenue and expenditures; (iii) review of certification examination; and (iv) discussion of Virginia revenue licenses.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508

* * * * *

February 3, 1987 - 10 a.m. - Open Meeting
Roanoke City Circuit Court, 315 West Church Avenue, Roanoke, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Auctioneers Board v. Earl Frith

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

VIRGINIA BOARD OF BARBER EXAMINERS

January 26, 1987 - 9 a.m. - Public Hearing
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

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: **VR 170-01-1. Virginia Board of Barber Examiners.** The proposed change of regulation § 1.7 will decrease the license renewal fee from \$35.00 to \$30.00 (§ 1.7H) and late renewal fee, barber from \$70.00 to \$60.00 (§ 1.7L).

Statutory Authority: § 54.1-28 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until January 23, 1987.

Contact: Evelyn W. Brennan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509 (toll-free 1-800-552-3016)

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

† **January 9, 1987 - 8 a.m.** – Open Meeting
Department of Corrections, 4615 West Broad Street, Room 105, Richmond, Virginia. ☒

A meeting to consider (i) proposal for interim monitoring; (ii) report from advisory committee meeting; and (iii) report from liaison committee.

Contact: John J. Allen, Jr., Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

STATE BOARD FOR COMMUNITY COLLEGES

January 14, 1987 - 1 p.m. – Open Meeting
James Monroe Building, Conference Room B, 1st Floor, 101 North 14th Street, Richmond, Virginia. ☒

The State Board will have a joint meeting with the State Council of Higher Education for Virginia.

January 14, 1987 - 3 p.m. – Open Meeting
James Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia. ☒

A meeting of the State Board Committees (Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance). No agenda available now.

January 15, 1987 - 9 a.m. – Open Meeting
James Monroe Building, Board Room, 15th Floor, 101 N. 14th Street, Richmond, Virginia. ☒

A regular board meeting (agenda unavailable).

Contact: Mrs. Joy Graham, James Monroe Bldg., 15th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Cave Board

January 10, 1987 - 1 p.m. – Open Meeting
Virginia Western Community College, Fishburne Hall, President's Conference Room, Roanoke, Virginia

A regular business meeting open to the public.

Contact: Evelyn W. Bradshaw, 1732 Byron St., Alexandria, Va. 22303, telephone (703) 765-0669 (202) 483-3751

Virginia Soil and Water Conservation Board

† **January 15, 1987 - 9 a.m.** – Open Meeting
Farm Credit Office, Farm Bureau Building, 6526 Mechanicsville, Virginia

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-2064

Falls of the James Advisory Board

January 16, 1987 - 12 Noon – Open Meeting
Richmond City Hall, 3rd Floor, 9th and Broad Streets, Richmond, Virginia. ☒

A regular meeting to discuss issues related to the Falls of the James River.

Contact: Richard G. Gibbons, Division of Parks and Recreation, 1201 Washington Bldg., Capitol Square, Richmond, Va. 23219, telephone (804) 786-4132

BOARD OF CORRECTIONS

January 14, 1987 - 10 a.m. – Open Meeting
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☒

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

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

CRIMINAL JUSTICE SERVICES BOARD

January 7, 1987 - 10:30 – Open Meeting
Department of Motor Vehicles, Agecroft Room, 2300 West
Broad Street, Richmond, Virginia. ☒

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

Committee on Training

January 7, 1987 - 9 a.m. – Open Meeting
Department of Motor Vehicles, Agecroft Room, 2300 West
Broad Street. ☒

A meeting to discuss matters related to training for criminal personnel.

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

STATE BOARD OF DENTISTRY

† **January 14, 1987 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, 1601 Rolling Hills Drive, Richmond,
Virginia. ☒

The Virginia Board of Dentistry will take action on the Findings of Fact and the Conclusions of Law of hearing officers in:

Board of Dentistry v. Edwin Gendron, D.D.S.
Board of Dentistry v. Lord Cecil Rhodes, D.D.S.
Board of Medicine v. George McLennan, D.D.S.

The board will also review the proposed regulations.

Contact: Nancy T. Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0311

STATE BOARD OF EDUCATION

January 16, 1987 - 1 p.m. – RESCHEDULED TO
† **January 23, 1987 - 1 p.m.** – Public Hearing
James Monroe Building, Rooms C and D, 101 North 14th
Street, Richmond, Virginia. ☒

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: **Certification Regulations for Teachers.** These regulations are the requirements for all personnel

whose employment must be certified based on the standards in the regulations.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until December 31, 1986, to Dr. S. John Davis, Superintendent of Public Instruction, Department of Education, P.O. Box 6Q, Richmond, Virginia. 23216

Contact: Dr. William L. Helton, Administrative Director of Teacher Education, Certification, and Professional Development, Department of Education, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2027

VIRGINIA COUNCIL ON THE ENVIRONMENT

January 8, 1987 - 10 a.m. – Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond,
Virginia. ☒

This is a quarterly meeting of the council. Topics of discussion will include an update of ongoing staff activities, a state rivers policy, 1987 environmental legislation, land use, and state assumption of the federal underground injection control program. A final agenda will be available in mid-December.

This meeting is open to the public and citizens are encouraged to address council on environmental topics of concern during the Citizen's Forum portion of the agenda.

Contact: Hannah Crew, Council on the Environment, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **January 20, 1987 - 9 a.m.** – Open Meeting
† **January 21, 1987 - 9 a.m.** – Open Meeting
† **January 22, 1987 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, Conference Room 2, 1601 Rolling Hills
Drive, Richmond, Virginia. ☒

Informal conference (may continue to the next day).
On the 21st and 22nd a general board meeting which includes discussion of proposed regulations,

Contact: Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 786-0076

Calendar of Events

COMMISSION OF GAME AND INLAND FISHERIES

867-8030

† **January 23, 1987 - 9:30 a.m.** – Public Hearing
Game Commission Offices, 4010 West Broad Street,
Richmond, Virginia. ☐

The commission will act on new proposed regulations pertaining to the use of steel shot for waterfowl hunting as required by the U.S. Fish and Wildlife Services which, if adopted, will be implemented for the 1987-88 waterfowl season and the 1990-91 waterfowl season in Virginia.

General administrative matters will be considered also.

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

VIRGINIA STATE BOARD OF GEOLOGY

† **January 13, 1987 - 10 a.m.** – Open Meeting
Alderman & McCormick Road, Charlottesville, Virginia

A meeting to (i) approve minutes of the November 5, 1986, meeting; (ii) develop examinations; and (iii) discuss regulatory review.

† **February 17, 1987 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the January 13, 1987, meeting; (ii) develop examinations; and (iii) discuss regulatory review.

Contact: Joan L. White, Assistant Director, Geology, Department of Commerce, 5th Floor, Room 507, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

January 9, 1987 - 10 a.m. – Open Meeting
February 6, 1987 - 10 a.m. – Open Meeting
Virginia Museum of Fine Arts, Main Conference Room,
Boulevard and Grove Avenue, Richmond, Virginia. ☐

The board 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: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P.O. Box 1817, Newport News, Va. 23601, telephone (804)

Division of Consolidated Laboratory Services Advisory Board

January 9, 1987 - 9:30 a.m. – Open Meeting
James Monroe Building, Conference Room D, 1 North 14th Street, Richmond, Virginia. ☐

A meeting to discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

DEPARTMENT OF HEALTH (BOARD OF)

February 9, 1987 - 7 p.m. – Public Hearing
Washington County Public Library, Auditorium, Valley & Oak Street, Abington, Virginia

February 10, 1987 - 7 p.m. – Public Hearing
Walnut Hill Elementary School, Auditorium, 300 South Boulevard, Petersburg, Virginia

February 12, 1987 - 7 p.m. – Public Hearing
Henrico Government Center, Henrico County Board Room, Parham and Hungary Spring Roads, Richmond, Virginia

February 17, 1987 - 7 p.m. – Public Hearing
Harrisonburg Election Commission, 89 West Bruce Street, Harrisonburg, Virginia

February 18, 1987 - 7 p.m. – Public Hearing
Warren/Green Building, Meeting Room, 10 Hotel Street, Warrenton, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **VR 355-34-02. Sewage Handling and Disposal Regulations**. The Sewage Handling and Disposal Regulations specific criteria by which sewage is handled and disposed of in a safe and sanitary manner.

Written comments may be submitted until February 8, 1986.

Contact: Robert W. Hicks, Director, Division of Sanitation Services, James Madison Bldg., Room 522, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559

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February 24, 1987 - 10 a.m. – Public Hearing
James Madison Building, Main Floor Auditorium, 109
Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **VR 355-01-5. Virginia Voluntary Formulary (July 1987 Revision)**. A list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted until February 24, 1987.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

February 23, 1987 - 1 p.m. – Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to adopt regulations entitled: **VR 360-01-03. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services**. (Amends portions of the Virginia State Health Plan; supersedes the nursing home bed need projection methodology currently published in the State Medical Facilities Plan.) These regulations specify the method by which nursing home bed need shall be computed and specifies other standards for evaluating Certificate of Public Need Applications.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until February 23, 1987.

Contact: John P. English, Health Planning Consultant, Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4766

COUNCIL ON HEALTH REGULATORY BOARDS

January 20, 1987 - 11 a.m. – Open Meeting
Koger Center, Surry Building, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular quarterly meeting of the council. Reports of standing and special committees will be considered.

Executive Committee/Regulatory Evaluation and Research Committee

January 5, 1987 - 10 a.m. – Open Meeting
Koger Center, Surry Building Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for the deaf provided if requested)

The committees will review regulations proposed by health regulatory boards within the Department of Health Regulatory Boards and prepare comments for council approval in accordance with the provision of the Code of Virginia § 54-955.1.L.

Administration and Budget Committee

† **January 15, 1987 - 1 p.m. – Open Meeting**
Koger Center, Surry Building, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review and comment on budget projections of boards within the Department of Health Regulatory Boards and the Council on Health Regulatory Boards for 1987-88.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, Koger Center, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9918

VIRGINIA BOARD FOR HEARING AID DEALERS AND FITTERS

January 5, 1987 - 8:30 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review (i) disciplinary cases; (ii) correspondence; and (iii) administrator Hearing Aid Dealer and Fitter Examination.

Contact: Roberta L. Banning, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

Calendar of Events

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA.

† **January 14, 1987 - 9:30 a.m.** – Open Meeting
James Monroe Building, 9th Floor, 101 N. 14th Street,
Richmond, Virginia. ☒

A monthly council meeting. Agenda available on request.

Contact: Grace I. Lessner, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

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† **March 13, 1987 10 a.m.** – Public Hearing
James Monroe Building, Conference Room C, 101 North
14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt and repeal regulations entitled: **VR 380-02-01. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas, and Certificates.** This regulation states process and conditions for approval of private in-state institutions to offer credit instruction and to award degrees, diplomas, and certificates in Virginia.

STATEMENT

Basis: The proposed regulations have been developed pursuant to § 23.268 of the Code of Virginia.

Purpose: To clarify and strengthen the minimal requirements to be met by in-state private institutions and all - out-of-state institutions operating in Virginia, and to clarify and simplify the process by which these institutions receive and maintain approval from the council to offer instruction for degree credit and award degrees, diplomas and certificates in Virginia.

Impact: Existing in-state institutions that currently hold less than full approval to award degrees must seek new approval under the proposed regulations when their current terms of approval expire. All new in-state institutions and all existing in-state institutions that seek approval for new degree levels or programs must apply for approval under the proposed regulations. All out-of-state institutions must seek new approvals for five-year, renewable terms. The application process for additional programs in existing institutions and for authorization of offer degree courses is simplified.

Statutory Authority: § 23-268 of the Code of Virginia.

Written comments may be submitted until March 6, 1987.

Contact: Dr. John Molnar, Institutional Approval Coordinator, SCHEV, 101 N. 14th St., Richmond, Va. 23219,

telephone (804) 225-2634

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION BOARD COMMONWEALTH TRANSPORTATION BOARD (As of 1/1/87)

January 15, 1987 - 10 a.m. – Open Meeting
February 19, 1987 - 10 a.m. – Open Meeting
Department of Transportation Building, Board Room, 3rd Floor, 1401 East Broad Street, Richmond, Virginia. ☒
(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., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

January 8, 1987 - 8:30 a.m. – Open Meeting
Fourth Street Office Building, 7th Floor Conference Room, 205 North 4th Street, Richmond, Virginia. ☒

To develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

Contact: Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-4751

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† **January 8, 1987 - 1 p.m.** – Public Hearing
Richmond Public Library Auditorium, 101 East Franklin Street, Richmond, Virginia. ☒

A public hearing to solicit comment on the 1987 draft Program Design and obtain the views of citizens on housing and community development needs.

Contact: Shea Hollifield, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4474

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† January 15, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to adopt regulations entitled: VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program. The proposed regulations establish a VHDA Mortgage Credit Certificate Program.

STATEMENT

Purpose: To authorize VHDA to issue Mortgage Credit Certificates to qualified purchasers of mobile/manufactured housing units which will entitle such purchasers to a credit against their federal income taxes.

Basis: Section 25 of the Internal Reveue Code as amended by § 612 of the Tax Reform Act of 1984.

Subject, Substance and Issues: Pursuant to the temporary regulations for Mortgage Credit Certificates issued by the Internal Revenue Services on May 8, 1985, (26 C.F.R. Parts 1, 6 and 602), VHDA elected not to issue \$9,731,504 in mortgage revenue bond issuing authority for the calendar year 1985 and to use those funds for a Mortgage Credit Certificate Program. The proposed regulations implement VHDA's Mortgage Credit Certificate Program.

Impact: The authority expects that the proposed regulations will enable the authority to provide Mortgage Credit Certificates to approximately 200 persons and families of low and moderate income who are purchasers of mobile/manufactured homes throughout the Commonwealth. The Mortgage Credit Certificates should result in an effective reduction of as much as 40% of the purchasers's monthly mortgage payments. This will result in many persons and families being able to purchase a new mobile/manufactured home that otherwise would not have sufficient income to qualify for a loan. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed regulations.

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

Written comments may be submitted until January 15, 1987.

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

† January 20, 1987 - 9 a.m. - Open Meeting 13 South 13th Street, Richmond, Virginia. ☐

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 progams; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve the Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program; and (v) 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

DEPARTMENT OF LABOR AND INDUSTRY

February 2, 1987 - 7 p.m. - Public Hearing Woodbridge Senior High School, 3001 Old Bridge Road, Woodbridge, Virginia

February 3, 1987 - 7 p.m. - Public Hearing J. Sargeant Reynolds Community College, The Auditorium, 1st Floor, 700 East Jackson Street, Richmond, Virginia

February 4, 1987 - 8 p.m. - Public Hearing Old Dominion University, Chandler Hall, Norfolk, Virginia

February 5, 1987 - 7 p.m. - Public Hearing Department of Highways and Transportation, 731 Harrison Avenue, Salem, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to adopt regulations entitled: VR 425-02-12. Virginia Confined Space Standard 1910.146. This standard proposes to regulate entry into and work in confined spaces in Virginia general industry and Virginia construction industry.

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

Written comments may be submitted until January 31, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241

Contact: Jay Withrow, Technical Services Director, Department of Labor and Industry-VOSH, 205 N. 4th St., Richmond, Va. 23241, telephone (804) 786-8011

February 2, 1986 - 1 p.m. - Public Hearing War Memorial Building, Lord Fairfax Room, Winchester, Virginia.

February 3, 1986 - 2 p.m. - Public Hearing Southside Community College, John H. Daniel Campus,

Calendar of Events

Room 55, Keysville, Virginia

February 4, 1986 - 3 p.m. - Public Hearing
Eastern Shore Community College, Lecture Hall, Route 13,
Melfa, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to adopt regulations entitled: **VR 425-02-13. Virginia Field Sanitation Standard 1928.110.** This standard proposes to regulate sanitation requirements for Virginia Agricultural Hand-Labor Operations.

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

Written comments may be submitted until January 31, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241

Contact: Jay Withrow, Technical Services Director, Department of Labor and Industry, 205 N. 4th St., Richmond, Va. 23241, telephone (804) 786-8011

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

† **January 7, 1987 - 10:30 a.m. - Open Meeting**
Department of Commerce, Travelers Building, Conference room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct (i) regulatory review; (ii) discussion of revenue and expenditures; and (iii) signing of certificates.

Contact: Gerald W. Morgan, Assistant Director, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

VIRGINIA STATE LIBRARY BOARD

† **January 27, 1987 - 11 a.m. - Open Meeting**
Virginia State Library, 11th Street at Capitol Square, Richmond, Virginia. ☒

A regular meeting to discuss administrative matters.

General Library Committee

† **January 7, 1987 - 11 a.m. - Open Meeting**
Virginia State Library, 3rd Floor, Conference Room B, 11th Street at Capitol Square, Richmond, Virginia.

A meeting to discuss General Library Committee matters.

Public Library Development Committee

† **January 27, 1987 - 9 a.m. - Open Meeting**
Virginia State Library, 3rd Floor, Conference Room A, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss Public Library Development Committee matters.

Automated Systems and Networking Committee

† **January 27, 1987 - 1:30 a.m. - Open Meeting**
Virginia State Library, 3rd Floor, Conference Room B, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss Automated Systems and Networking Committee matters.

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

COMMISSION ON LOCAL GOVERNMENT

† **January 13, 1987 - 10 a.m. - Open Meeting**
Ninth Street Office Building, Room 901, Richmond, Virginia. ☒

A regular meeting of the Commission on Local Government in order to discuss pending issues on the Commission's agenda.

Contact: Barbara J. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA LONG-TERM CARE COUNCIL

January 6, 1987 - 9:30 a.m. - Open Meeting James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss Virginia's long-term care service system and issues relating to the coordination and provision of services and programs. The council will continue to develop the Statewide Information Management System for human services.

Contact: Catherine Saunders, Long-Term Care Manager, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/225-2912

LONGWOOD COLLEGE

Board of Visitors

† January 29, 1987 - 2 p.m. - Open Meeting
† January 30, 1987 - 2 p.m. - Open Meeting
Virginia Room, Longwood College, Farmville, Virginia. ☒

A quarterly meeting of the governing board of the college in order to transact business pertaining to the institutions.

Contact: Dr. Janet D. Greenwood, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211

MARINE RESOURCES COMMISSION

January 12, 1987 - 9:30 a.m. - Open Meeting
February 3, 1987 - 9:30 a.m. - Open Meeting
Newport News City Council Chamber, 2400 Washington Avenue, Newport News, Virginia

The Marine Resources Commission will meet to hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It will also hear and decide 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

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† January 13, 1987 - 2 p.m. - Open Meeting
Richmond Convention Center, East Marshall and 5th Streets, Richmond, Virginia. ☒

A meeting to discuss (i) updates on 1987 legislation; (ii) 1987 budget, (iii) DMAS studies; and (iv) report of subcommittee on indigent health care.

Contact: Jacqueline Fritz, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7958

VIRGINIA STATE BOARD OF MEDICINE

Chiropractic Examination Committee

January 29, 1987 - 12 Noon - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Board Room, 2nd Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting in open and executive session to continue the development of the Virginia Chiropractic Part III examination.

Credentials Committee

January 30, 1987 - 8 a.m. - Open Meeting
January 31, 1987 - 8 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Board Room 1, 2nd Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session.

Executive Committee

January 9, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Board Room 1, 2nd Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review case decisions made by the president of the board on disciplinary matters and discuss other items which may come before the committee.

Informal Conference Committee

January 16, 1987 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Second Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 (A)(6) of the Code of Virginia.

† February 11, 1987 - 1 p.m. - Open Meeting
Roanoke Memorial Hospital Rehab Center, Belview and Jefferson Street, Roanoke, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The

Calendar of Events

committee will meet in opened and closed sessions pursuant to § 2.1-344 (A) (6) of the Code of Virginia, executive and closed meetings.

Contact: Eugenia K. Dorson, Regulatory Board Administrator, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 786-0575

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

January 28, 1987 - 10 a.m. - Open Meeting
Planning District 19, Petersburg, Virginia. ☐

A regular monthly meeting. The agenda will be published on January 21 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

State Human Rights Committee

January 9, 1987 - 9 a.m. - Open Meeting
James Madison Building, Conference Room, 13th Floor, 109 Governor Street, Richmond, Virginia. ☐

A regular meeting to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., State Human Rights Director, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

MIGRANT AND SEASONAL FARM WORKERS BOARD

January 7, 1987 - 10 a.m. - Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond, Virginia. ☐

A regular meeting of the board that will include (i) exploring concerns of the agricultural worker and employer; (ii) setting the goals and objectives of the board; and (iii) any other business.

Contact: Ms. Jeff Hudson, VEC, 703 E. Main St., Richmond, Va. 23219, telephone (804) 786-8706

DEPARTMENT OF MINES, MINERALS AND ENERGY

January 7, 1987 - 10 a.m. - Public Hearing
Division of Mined Land Reclamation Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-19. Coal Surface Mining Reclamation Regulations.** Proposed amendments to Virginia's program for surface coal mining operations to consider areas unsuitable for mining, and for reclaiming abandoned mines.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until January 7, 1986.

Contact: Conrad T. Spangler, Chief Engineer, Division of Mined Land Reclamation, P.O. Drawer U, Big Stone Gap, Va. 24219, telephone (703) 523-2925

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Division of Mined Land Reclamation

† **January 16, 1987 - 2 p.m. - Open Meeting**
Division's AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☐

The purpose of this public meeting is to give interested persons an opportunity to be heard in regard to the proposed amendments to the Virginia Abandoned Mine Reclamation Plan. The amendments involve an update of the State Reclamation Plan and Provisions for the state to assume the Emergency Reclamation Program.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, Va. 24219, telephone (703) 523-2925

VIRGINIA MUSEUM OF FINE ARTS

Full Board of Trustees

† **January 15, 1987 - 11:30 a.m. - Open Meeting**
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A regularly-scheduled meeting of the full board regarding reports of the president, director, staff, and committees and a review of financial position.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave.,

Richmond, Va. 23221, telephone (804) 257-0553

STATE BOARD OF NURSING

† January 26, 1987 - 9 a.m. - Open Meeting
† January 27, 1987 - 9 a.m. - Open Meeting
† January 28, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, 1601 Rolling Hills Drive, Richmond,
Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting of the Virginia State Board of
Nursing to consider (i) matters related to nursing
education programs, (ii) discipline of licensees; (iii)
licensing by examination and endorsement; and (iv)
other matters under jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601
Rolling Hills Dr., Richmond, Va. 23229, telephone (804)
786-0377

VIRGINIA BOARD OF OPTOMETRY

January 10, 1987 - Written comments may be submitted
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Virginia Board of Optometry
intends to amend regulations entitled: VR 510-01-1.
Regulations of the Virginia Board of Optometry. The
proposed amendments provide standards for the practice
of optometry in Virginia and state requirements for
candidates for licensure of optometrists.

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

Written comments may be submitted until January 10,
1986.

Other pertinent information: The proposed regulations were
developed as a part of the comprehensive review of
regulations initiated by Governor Charles S. Robb.

Contact: Moira C. Lux, Executive Director, Board of
Optometry, Koger Center, Surry Bldg., 1601 Rolling Hills
Dr., Richmond, Va. 23229-5005, telephone (804) 662-9915
(Toll-free number 1-800-533-1560)

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January 20, 1987 - 8 a.m. - Open Meeting
Egyptian Building, Baruch Auditorium, 1223 East Marshall
Street, Richmond, Virginia

To administer Virginia Practical Examination and
Diagnostic Pharmaceutical Agents Examination.

January 21, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, Conference Room 1, 1601 Rolling Hills
Drive, Richmond, Virginia. ☒

A general business meeting.

Contact: Moira C. Lux, Executive Director, Virginia Board
of Optometry, Koger Center, Surry Bldg., 1601 Rolling Hills
Dr., Richmond, Va. 23229, telephone (804) 662-9915
(Toll-free number 1-800-533-1560)

VIRGINIA OUTDOORS FOUNDATION

† January 7, 1987 - 11 a.m. - Open Meeting
Farmer's Delight, Loudoun County, Virginia. ☒

A general business meeting.

Contact: Tyson B. VanAuken, 221 Governor St., Richmond,
Va. 23219, telephone (804) 786-5539

PERINATAL SERVICES ADVISORY BOARD

January 8, 1987 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Auditorium, 109
Governor Street, Richmond, Virginia. ☒

A regular meeting. (Agenda will be provided upon
request two weeks prior to the meeting.)

Contact: Alice C. Linyear, M.D., M.P.H., Director, Division
of Maternal and Child Health, James Madison Bldg., 6th
Floor, 109 Governor St., Richmond, Va. 23219, telephone
(804) 786-7367

STATE BOARD OF PHARMACY

† February 12, 1987 - 9 a.m. - Open Meeting
† February 13, 1987 - 9 a.m. - Open Meeting
† February 14, 1987 - 9 a.m. - Open Meeting
Jefferson-Sheraton Hotel, Franklin and Adams Street,
Richmond, Virginia. ☒

The board will meet on the 12th to discuss routine
business and proposed regulations. A meeting of the
Pharmacy Jurisprudence Committee will be held on
the 13th and 14th.

Contact: J. B. Carson, Executive Director, 1601 Rolling
Hills Dr., Richmond, Va. 23229, telephone (804) 786-0182

Calendar of Events

ADVISORY BOARD ON PHYSICAL THERAPY

January 23, 1987 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, Board Room 1, 2nd Floor, 1601 Rolling
Hills Drive, Richmond, Virginia. ☐

The meeting will cover the review of the proposed regulations, reports from the Ad Hoc Committee and presentations from Compliance on Complaint Procedures and other items which may come before the board.

Contact: Eugenia K. Dorson, Executive Secretary, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 786-0575

BOARD OF PROFESSIONAL COUNSELORS

† January 22, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Board, Koger Center,
Surry Building, 2nd Floor, Board Room 1, 1601 Rolling
Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business, (ii) make policies; (iii) respond to board correspondence; and (iv) review applications. (Formal hearing at 1:30 p.m.)

† January 29, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, 1601 Rolling Hills Drive, Richmond,
Virginia. ☐

Informal conferences.

Contact: Joyce D. Williams, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-7702

VIRGINIA BOARD OF PSYCHOLOGY

† January 16, 1987 - 12 Noon - Open Meeting
John Marshall Hotel, 5th and Franklin Streets, Richmond,
Virginia. ☐

A meeting to (i) conduct general board business; (ii) certify oral examinations results; and (iii) conduct credentials review.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 786-3434

VIRGINIA REAL ESTATE BOARD

January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, Room 395,
3600 West Broad Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Real Estate Board intends to amend regulations entitled: **VR 585-01-1. Virginia Real Estate Board Licensing Regulations.** Regulate licensed real estate firms, brokers and salesperson; registered rental location agents; and proprietary schools

Statutory Authority: §§ 54-1.28 and 54-740 of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Florence R. Brassier, Assistant Director, Virginia Real Estate Board, Department of Commerce, 3600 W. Broad St., Richmond Va. 23230-4917, telephone (804) 257-8552 (toll-free number 1-800-552-3016)

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January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. 23230 ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Real Estate Board intends to amend regulations entitled: **VR 585-01-2. Condominium Regulations.** Rules and regulations governing the marketing and sale of condominiums in Virginia.

Statutory Authority: § 55-79.98 (a) of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Lucia Anna Trigiani, Property Registration Administrator, Virginia Real Estate Board, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8510 (toll free number 1-800-552-3016)

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January 16, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Real Estate Board intends to amend regulations entitled: **VR 585-01-3. Time-Share Regulations.** Rules and regulations governing the marketing and sale of time-shares in Virginia. The board is amending these

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regulations because of statutory changes and for clarification.

Statutory Authority: § 55-396 A of the Code of Virginia.

Written comments may be submitted until January 10, 1987.

Contact: Lucia Anna Trigiani, Property Registration Administrator, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8510 (toll-free number 1-800-552-3016)

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† **January 16, 1987 - 2 p.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☒

† **January 17, 1987 - 9 a.m.** – Open Meeting
Hyatt Richmond, Board and Interstate 64, Richmond,
Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration and licensing issues (e.g. reinstatement, eligibility requests). The board will also consider proposed regulations, comments received during the 60-day public comment period and testimony given at the public hearing on this date. The board may choose to adopt the proposed regulations at this meeting. The meeting will continue on January 17, 1987, at the Hyatt Richmond.

Contact: Florence R. Brassier, Assistant Director, Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804)257-8552

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

† **January 15, 1987 - 3 p.m. and 7 p.m.** – Public Hearing
Neff Vocational Center, Abingdon, Virginia.
George Mason University School of Law, Metro Campus,
3401 Fairfax Drive, Arlington, Virginia.
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia.
City Council Chambers, City Hall Building, 11th Floor,
Norfolk, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Rehabilitative Services intends to adopt regulations entitled: **VR 595-01-1. Provision of Vocational Rehabilitation Services.** These regulations govern the determination of eligibility criteria and all vocational rehabilitation services to be provided citizens who have been determined as eligible to receive such

services.

STATEMENT

Subject: This regulation sets forth the basis for the provision of vocational rehabilitation services to those persons eligible to receive them.

Substance: The proposed regulations define who shall be eligible for services; the order of selection for services; the kind and amount of services they may receive; the conditions under which they may receive them; and their rights and responsibilities which include their rights to appeal department decisions affecting them.

Issues: The intent of this regulation is to establish criteria for referrals and applicants, eligibility, evaluation of potential, order of selection for services, scope of services, agency and client financial participation, appeal procedures, confidentiality of information, and review of extended employment.

Basis and Purpose: This regulation is issued under authority granted by the Federal Rehabilitation Act of 1973 as amended; Federal Vocational Rehabilitation Regulations; and Chapter 5, § 51-01 of the Code of Virginia which requires written standards (regulations).

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until January 30, 1987, to Charles H. Merritt, P.O. Box 11045, Richmond, Virginia.

Contact: James L. Hunter, Board Administrator, P.O. Box 11045, Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800-552-5019)

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† **January 22, 1987 - 1 p.m.** – Open Meeting
† **January 23, 1987 - 9 a.m.** – Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike,
Richmond, Virginia. ☒

A one and one-half day workshop retreat in which no public business will be discussed. The workshop will be conducted by professionals who will focus on communication skills among board members with agency staff, the media and the public and techniques of decision making.

Contact: Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800 552-5019)

Calendar of Events

VIRGINIA RESOURCES AUTHORITY

† **January 6, 1987 - 10 a.m.** - Open Meeting
The Mutual Building, Authority Board Room, Suite 305, 909
East Main Street, Richmond, Virginia

The board will meet to (i) approve minutes of the December 9, 1986, 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 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

BOARD FOR RIGHTS OF THE DISABLED

† **January 28, 1987, 10 a.m.** - Open Meeting
James Monroe Building, Conference Room D, 101 North
14th Street, Richmond, Virginia. ☐

A quarterly meeting to review committee reports and plan of cooperation issues.

Contact: James A. Rothrock, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free number 1-800-552-3962)

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

January 9, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-5. Health Care Coverage.**

Statutory Authority: Code of Federal Regulations 45 CFR 302, 304, 305 and 306 and §§ 20-60.3, 63.1-250, 63.1-250.1, 63.1-250.2, 63.1-252.1 and 63.1-287 of the Code of Virginia.

Contact: Jane Clements, Bureau of Chief Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23228, telephone (804) 281-9074

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January 7, 1987 - 10 a.m. - Public Hearing
Commonwealth Building, Suite 100, 210 Church Street, S.W.,
Roanoke, Virginia

January 14, 1987 - 8:30 a.m. -Open Meeting
Blair Building, Rooms A and B, 8007 Discovery Drive,

Richmond, Virginia. ☐

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: **VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.** This regulation will establish the timeframe and rationale for name entry into the Central Registry.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Written Comments may be submitted until January 23, 1987.

Contact: Janine Tondrowski, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081 (toll-free 1-800-552-7091)

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February 6, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend the regulation entitled: **VR 615-70-1. State Income Tax Intercept for Child Support.**

Statutory Authority: § 63.1-25 of the Code of Virginia and 45 CFR 303.102 of the Code of Federal Regulations effective October 1, 1985.

Written comment may be submitted until February 6, 1987, to Ray C. Goodwin, Acting Director, Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Jane L. Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone 281-9074

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† **February 9, 1987 - 10 a.m.** - Public Hearing
Offices of the Department of Social Services, Blair Building, Conference Room C, 8007 Discovery Drive, Richmond, Virginia.

Notice is hereby given in accordance with the requirements of federal law 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.** State Plan describes method for implementing the Weatherization Program in Virginia.

STATEMENT

The Plan sets forth the method of development and implementation of a program to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwelling of low income persons.

The Virginia Department of Social Services hereby announces its intention to hold a public hearing to receive comments from interested persons on its State Plan for a program of weatherization assistance for low-income persons. This plan has been prepared in accordance with rules and regulations established by the U.S. Department of Energy.

The plan sets forth the method of development and implementation of a weatherization program to assist in achieving a healthful dwelling of low income persons.

The Department of Energy has allocated \$2,512,702 to the Commonwealth of Virginia for this program for FY 1987. Up to \$167,272 of this allocation may be used for training and technical assistance activities in this program.

Copies of the State Plan are available from: Department of Social Services, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699, telephone (804) 281-9050 (toll-free 1-800-552-7091)

Statutory Authority: 42 U.S.C. 6851 et seq., 42 U.S.C., 1701 et seq., and 10 CFR 440.

Written comments may be submitted until February 9, 1987.

Contact: Alice Fascitelli, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9050 (toll-free 1-800-552-7091)

February 10, 1987 - 10 a.m. - Public Hearing
Koger Center, Blair Building, 8007 Discovery Drive, Richmond, Virginia. ☒

February 12, 1987 - 10 a.m. - Public Hearing
Commonwealth Building, 201 Church Street, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services (Board of) and Division of Licensing Programs intend to amend regulations entitled: **VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of these amendments is to regulate homes which provide care and maintenance to the aged and infirm.

Statutory Authority: § 63.1-174 of the Code of Virginia.

Written comments may be submitted until February 1, 1987.

Contact: Catherine A Loveland, Program Specialist, Division of Licensing Programs, Department of Social Service, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

February 20, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-50-3. Minimum Standards for Local Agency Operated Volunteer Respite Care Programs.** These regulations establish minimum standards for the provision of volunteer staffed respite care for children by local social service/public welfare agencies.

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

Written comments may be submitted until February 20, 1987.

Contact: Vernon Simmons, State Volunteer Services Coordinator, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9288 (toll free 1-800-552-7091)

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

January 7, 1987 - 9:30 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

† February 25, 1987 - 9 a.m. - Open Meeting
James Monroe Building, Room C, 101 North 14th Street, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: David Effert, James Madison Bldg., Room 502, 109 Governor St., Richmond, Va. 23119, telephone (804) 786-1750

Calendar of Events

THE TREASURY BOARD

January 8, 1987 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room B, 101 North
14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that The Treasury Board intends to amend regulations entitled: **VR 640-02. The Virginia Security for Public Deposits Act Regulations.** These regulations make permanent and amend the emergency regulation that expires May 21, 1987.

Statutory Authority: § 2.1-364(a) of the Code of Virginia.

Written comments may be submitted until January 9, 1986.

Contact: Pat Watt, Director, Financial Policy Analysis, Department of Treasury, P.O. Box 6H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

March 5, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Veterinary Medicine intends to adopt, amend, or repeal new and existing regulations entitled: **VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.** The proposed regulations, a revision of existing ones, provide standards for the practice of veterinary medicine in Virginia and state requirements for candidates for licensure of veterinary medicine, animal technology, and animal facilities.

Statement of purpose: The purpose of these regulations is to protect the public health and safety in the field of veterinary medicine by assuring the competence of the licensees and certificants and the adequacy of animal facilities. The regulations provide standards for the maintenance of animal hospitals and for the practice of veterinary medicine and animal technology. They also state requirements for applicants for examination and licensure and govern the board in the performance of its duties.

Animals have many significant roles in human society—domestic pets offer companionship, while livestock provide sources of food and materials for industrial purposes. Good health is essential for animals to fulfill these roles, and, accordingly, veterinary medicine is a concern of the public domain.

The proposed regulations protect the public health and safety by providing standards of competency and conduct for practicing veterinarians and their certified assistants—

animal technicians. Disciplinary cases that come intermittently to the board demonstrate that a certain portion of practitioners would provide less-than-adequate care in the absence of state regulations. Without these regulations, there would only be the control over veterinary medicine that is provided by statute. The statutes do not furnish detailed standards of conduct for veterinarians, grounds for disciplinary action, and qualifications for licensure. Therefore, regulations are essential for the protection of the public and for the proper provision of veterinary services in the Commonwealth.

The proposed regulations are a revision of existing regulations. They are the result of the extensive regulatory review the board undertook upon Governor Charles S. Robb's direction.

During the review process, the board identified existing rules and regulations that had no vital purpose. These were deleted. Also identified were important regulations needing clarification. Lastly, the board identified several aspects of veterinary medicine previously unaddressed that needed regulation. The impact of the regulations that increase the regulatory burden are analyzed below.

Estimated impact:

A. Regulated entities: Virginia's 1,800 licensed veterinarians, 340 certified animal technicians, and 425 animal facilities are affected by the proposed rules.

B. Projected costs to the regulated: The revised regulations both increase and decrease costs for the licensees in the following ways:

Veterinarians and technicians will have to pay higher licensure, certification, and permit-related fees. With more specific requirements for the licensing of animal facilities, some veterinarians may have to buy new equipment. However, according to the proposed regulations, veterinarians wishing to offer fewer services may receive from the board a "limited facility" permit and save by not having to purchase as extensive an array of equipment. Restrictions on ownership of veterinary facilities are eliminated. According to the proposed regulations, a second, national level examination—the Clinical Competency Test—will be required prior to licensure. The deadline for applying for examination and permits is lengthened. Each animal facility will be required to designate a "veterinarian-in-charge." New grounds for unprofessional conduct also are established.

1. Fee increases (§ 1.10 of the proposed regulations)

The board proposes fee changes in five categories: (i) licensure fees; (ii) examination fees; (iii) late fees; (iv) reinstatement fees, and (v) reinspection fees.

a. Licensure fees: The board proposes to increase the annual licensure fee from \$35 to \$125 for

veterinarians; from \$15 to \$30 for animal technicians; and from \$25 to \$50 for animal facilities. The board proposes to establish a new licensure fee category—"inactive" veterinarian—to reduce the cost of licensure for licensees not practicing in the Commonwealth.

A \$90-a-year increase in licensure fee will impact the approximately 900 in-state veterinarians. It is likely that they will pass the cost on to their clients. This may result in slightly higher fees for veterinary services for some member of the public. Some retired veterinarians may decline to renew their licenses because of the increase, but most practitioners in Virginia will pay the fee because their livelihood is derived from their veterinary practice.

A \$15-a-year increase in licensure fee will impact the approximately 900 out-of-state veterinarians. Some may decide to drop their licensure. Most, however, are expected to renew, passing the cost on to their clients, and will not be adversely affected.

b. Examination fee: The board proposes increasing the state board examination fee from \$50 to \$75 for animal technicians.

The proposed increase of \$25 for examination as an animal technician will affect the approximately 50 candidates for certification each year. The increase may deter a few from seeking certification in Virginia. Those sitting for the examination may have to draw from limited funds to pay an additional \$25.

The following fee categories are avoidable and only paid by the user:

c. Late fee: The board proposes to increase from \$10 to \$25 the veterinary license renewal late fee. The late fees for renewal of animal facility registration and animal technician certificates do not change.

Veterinarians who fail to renew by the deadline will have to pay \$15 more than they did in previous late-payment situations.

d. Reinstatement fees: The board proposes to create three fee categories for the reinstatement of (i) veterinary licenses; (ii) animal technician certificates; and (iii) animal facility permits. The proposed fees, respectively, are \$250, \$50, and \$100.

The reinstatement fees will affect those people who allow a license to lapse and then, at some later date, wish to reactivate their former status. Currently, this charge is at the board's discretion; under the proposed regulations, it will be standardized.

e. Reinspection fee: The board proposes to create a reinspection fee that will be applied when a facility's unsatisfactory condition necessitates a repeat inspection. The reinspection fee does not apply to

routine inspections for which there is no specific charge.

The reinspection fee of \$100 will affect the owners of the approximately 25 facilities a year that require reinspection (there are approximately 425 permitted animal facilities in Virginia). The cost is avoidable as it will only be charged when a follow-up inspection is necessary because of noncompliance.

2. Facility requirements (§ 4.1 of the proposed regulations).

The board proposes to state with greater specificity the requirements for the surgery suite and general equipment at animal facilities. The board proposes to establish a new facility requirement—that animal hospitals provide isolation for contagious patients. The board has included in its regulations certain portions of the Drug Control Act applicable to veterinary hospitals. Lastly, the board proposed a new class of animal facility registration—the limited facility.

a. Surgery suite: The proposed regulations require that the surgery table have a nonporous surface, that the lighting in the suite be of surgical quality, that there be emergency lighting, and that the room have a waste receptacle. Furthermore, the rules require that a circle gas vaporizer be present in order to provide anesthesia.

These requirements will affect the owners of 425 registered facilities. Most facilities already have the equipment proposed as being required. Those lacking a certain element and those outfitting a new facility will incur the costs of the equipment.

Item	Cost Range
Table	\$100-\$1,000
Lighting	\$100-\$500
Emergency lighting	\$75-\$150
Waste receptacle	\$5-\$75
Anesthesia machine	\$250-\$1,000
Total	\$530-\$2,725

Anesthesia, lighting, proper sanitation, and appropriate equipment are required under the existing regulations. The new costs incurred under the proposed regulations, therefore, result from the differential between baseline versus surgical quality equipment.

b. General equipment: The board proposes to require that animal facilities contain certain basic equipment, including sterilization monitors, a stethoscope, an

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ophthalmoscope, a thermometer, and a resuscitation bag. Small animal facilities also must have endotracheal tubes, a scale, an otoscope, an oxygen delivery system, and refrigeration for exclusive storage of carcasses.

These requirements will affect any owners of animal hospitals who do not already have the equipment. Because the equipment proposed is basic to providing standard veterinary care, little impact will occur. Those few hospitals that lack one or several of the items will incur the costs of the new items. Newly opening facilities will incur the costs of the equipment, however, most, if not all, of the equipment would be necessary to provide adequate veterinary services in the absence of regulations.

Item	Cost Range
Sterilization monitors	\$0.05-\$0.10
Stethoscope	\$15-\$70
Ophthalmoscope	\$125-\$200
Thermometer	\$2-\$10
Resuscitation bag	\$25-\$35
Endotracheal tubes	\$50-\$200
Scale	\$25-\$100
Otoscope	\$25-\$40
Refrigerator	\$300-\$600
Oxygen delivery system	\$0-\$200
Total	\$567.05-\$1,455.10

c. Isolation room: The board proposes to require that by 1989 every full-service hospital provide a room for the effective separation of contagious patients.

A facility lacking such a room will incur the costs of constructing it. The costs will depend on the design of the building, but may range between \$500 and \$5,000.

d. Drug storage and recordkeeping: The board proposes several new regulations pertaining to drug recordkeeping.

No new impact will occur as a result of these new regulations because veterinarians are already subject to the rules excerpted from the Virginia Drug Control Act because they prescribe, administer, and dispense drugs. The rules are included in the board's regulations as a service to the licensees.

e. Limited facility: The board proposes that it be

permissible to operate an animal facility where the scope of practice is limited if the owners apply and receive advance approval from the board to have a restricted facility permit. This proposed regulation would require that the hospital post signage, approved by the board, that the animal hospital is only equipped to treat certain conditions and/or provide certain services.

The owners and employees of the 425 animal facilities in Virginia will be impacted by this regulation. It could represent a significant savings to those veterinarians who wish to specialize in one aspect of the field and have no use for some of the equipment required under current regulations.

However, for those practitioners and owners who already have invested in an animal hospital permitted under present rules, the new regulation could have adverse impacts. Limited facilities may allow veterinarians just entering the marketplace a competitive edge in pricing because their debt burden is less. However, this advantage may be off-set because some consumers may prefer to remain with the existing facilities so that they have no doubt that their animal can be treated on site, regardless of the problem diagnosed.

3. Restrictions on ownership of veterinary facilities: The limited facility provision described above has impacts that are compounded when considered in conjunction with another proposed regulatory changes—that the rule requiring veterinary hospitals be owned by veterinarians be deleted. If both changes occur, entry into the veterinary marketplace by “nonveterinary” corporations, offering minimal veterinary services, is possible. A company with the financial ability to publicize its services widely could legally offer a single, high-profit-margin service, such as vaccinations. Veterinarians providing all services sometimes rely on the income from vaccinations to make up for losses taken on surgery patients.

There being no requirement that veterinarians own animal hospitals, at the least, may change the pricing structure of veterinary services. It also may invite entry into the marketplace and increase competition to the extent that some licensed veterinarians will fail financially. An exact prediction of the impact cannot be made in the absence of data such as local market saturation for veterinary services, and the potential profits or related incentives that may attract nonveterinarians into the business.

4. Clinical competency test § 2.1(A)(3) of the proposed regulations: The board proposes to include as a requirement for licensure that a candidate take and obtain an acceptable score on an exam called the Clinical Competency Test (CCT).

Little impact is expected to result from this new rule because the CCT is already taken by most candidates for licensure. The test is nationally recognized and required

for licensure in many states. Virginia graduates routinely take the test in preparation for licensing in a number of states. The Virginia Board of Veterinary Medicine has administered the exam in Virginia for the past three years and intends to offer it in the future as well. The exam is offered the day after the the already mandatory national exam for veterinarians, so travel costs to the test administration location are not a new cost.

When a licensure candidate does not need to take the CCT for any reason other than to practice in Virginia, under the proposed regulations, they would incur a new cost. Currently it costs \$100 to sit for the CCT. Such a candidate would also incur the costs of a hotel for a night, approximately \$45, plus travel.

5. Deadline changes (§ 3.2 of the proposed regulations):

a. Examination: The deadlines for applying for the state board examination is changed in the proposed rules from 30 to 45 days.

This proposed rule will not have an impact other than to cause applicants to prepare their applications two weeks sooner.

b. Facility permits: The deadline for applying to open an animal facility is changed from 30 to 60 days in the proposed rules.

This rule will make it necessary for facility owners to plan thirty days sooner the events preceding the opening of an animal facility. Before a facility can be opened, it must be inspected and approved by the board. The inspection cannot be conducted until the facility is fully equipped. The change of deadlines may necessitate greater coordination of events, contractors, and suppliers on the part of facility owners.

6. Veterinarian-in-charge (§ 4.1(b) of the proposed regulations): The board proposes a requirement that each animal facility have a veterinarian-in-charge (VIC). The VIC would be responsible for the facility's complying with standards for facilities and the federal and state drug laws.

This will significantly increase the legal accountability of one veterinarian per facility. This new rule also may cause the veterinarian to incur the cost of higher insurance coverage.

7. Unprofessional conduct (§ 3.2 of the proposed regulations): The board proposes to add several grounds for unprofessional conduct.

a. Veterinarians

1) A proposed rule, § 2.4(17), makes in unprofessional conduct to prescribe for human use.

This is a reiteration from The Drug Control Act, therefore, it will cause no new impact.

2) A proposed rule, § 2.4(13), makes it unprofessional conduct to fail to pay any required fees.

This regulation only affects the licensee delinquent in payment. It will not impact the general, regulated community.

3) A proposed rule, § 2.4(14), makes it unprofessional conduct to fail to pay Board-imposed fines.

This regulation only affects recalcitrant violators and not the general, regulated community.

4) A proposed rule, § 2.4(15), makes it unprofessional conduct to refuse a facility inspection at reasonable hours.

Board agents already have the right to enter and inspect a facility. This rule creates no new obligation, it merely ties an enforceable law to a more discrete violation. Therefore, no new impact is anticipated.

5) A proposed rule, § 2.4(12), makes it unprofessional conduct to practice so as to endanger the health and welfare of patients or the public. Practice while impaired by illness, drugs, or alcohol would be prohibited.

This rule is a reiteration of a Code section and would, therefore, have no new impact.

b. Animal technicians: The board proposes to make it unprofessional conduct for an animal technician to violate drug laws.

Because it already is illegal to violate drug laws, no new impact will result from this rule.

C. Projected cost to agency: Implementing the new rules will not increase the board's operating costs. The regulatory changes proposed can be implemented under existing programs. The fee increases are necessary to implement existing, rather than proposed rules.

D. Source of funds: Most of the board's funds come from licensure, examination, registration, and late fees.

3. Legal Authority: § 54-784.03 (13) of the Code of Virginia authorizes the Board of Veterinary Medicine to adopt regulations.

4. Attorney general assurance: The Attorney's General's office has reviewed the proposed regulations and assures that the board has the statutory power to promulgate the rules.

5. Public hearings: Because these regulations were revised as a result of the comprehensive review of regulations

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directed by Governor Charles S. Robb, their development included several public hearings and comment periods.

On August 16, 1984, the Commission on Health Regulatory Board held a public hearing on the existing regulations of the Board of Veterinary Medicine. The board then developed and submitted a report on the evaluation of its existing and proposed regulations to the Governor's Regulatory Reform Advisory Board (GRRAB). The comments from the Reform Board were received and responded to by the Board of Veterinary Medicine.

On May 17, 1985, the Board of Veterinary Medicine participated in a hearing held by GRRAB to receive public comment on the proposed regulations.

On February 3, 1986, a 60-day public comment period began, and the proposed regulations were published in the Virginia Register of Regulations. A hearing was held on April 8, 1986, in Richmond to receive additional public comments. The board has carefully reviewed, incorporated, and responded to these comments.

Because of a procedural omission, the board recommended the process of promulgating these regulations with a Notice of Intent to promulgate in the July 21, 1986 issue of the Virginia Register of Regulations.

All public comments and board responses are available on request, as are all the documents relating to the regulatory and subsequent processes.

Additional public hearings on the regulations have not been scheduled at this time, but may be scheduled if appropriate. The current public comment period shall close on March 5, 1987.

Prior to March 5, comments will be received by the board at the address stated in 6 below.

6. Contact person: For further information about these proposed regulations, please contact:

Moira C. Lux, Executive Director
Virginia Board of Veterinary Medicine
Department of Health Regulatory Boards
Koger Center, Surrey Building
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005
(804) 662-9915

7. Statement of need.

A. Fee increases: Higher licensure, examination, and late fees are needed to fund the board's examination, enforcement, and administrative programs. Without the fee increases, the board will generate income of \$156,000 during the 1986-88 biennium. With the projected minimum expenditures of \$283,905 during the biennium to meet costs necessary for board operations, a deficit of \$118,905 will occur.

The board's costs have increased as a result of inflation, a greater volume of complaints requiring investigation, and the addition of a citizen member on the board.

Reinstatement fees are necessary to cover the board's administrative costs of reinstating a license. When there is an application for reinstatement, the board must compile information about the individual's eligibility, continuing education, and licensure record in other states. Then each board member must review this file. Under the current rules, a like fee is added to the licensure fee at the board's discretion. With the proposed rules, this cost figure will be standardized.

A reinspection fee is necessary because the board incurs substantial costs, making follow-up inspections at facilities to assure that problems have been corrected. The board also incurs unnecessary costs making repeat inspections at new facilities when the original inspection was requested before all equipment is in place. The reinspection fee will allow the board to pass the costs of reinspection back to the sources of the costs rather than to the entire regulated community.

B. Facility requirements: The surgery suite and general equipment requirements stated in the proposed regulations are the minimum equipment the board feels must be present in a full-service hospital in order to render adequate animal care. Most of the equipment is already required—greater specificity about the equipment in the regulations is necessary so that licensees are better informed about what is expected.

An isolation room for contagious patients is necessary to prevent the spread of disease and loss of animal life that can occur when a clinic has no means to separate patients.

Rules pertaining to drug storage recordkeeping are necessary to assist veterinarians in complying with the federal and state drug control acts.

The limited facility rule—allowing veterinarians to restrict their scope of practice—recognizes the changing nature of veterinary medicine. As in human medicine, specialties are now commonplace. A regulation was necessary to allow specialists to practice without having to purchase equipment they would never need.

C. Ownership of veterinary facilities: The regulation which prohibited nonveterinarian ownership of animal hospitals was deleted because it restricted free commerce. Without evidence that the public receives poor-quality animal care from veterinarians employed by nonveterinarians, the board does not believe such a rule is warranted.

D. Clinical competency test: The regulation requiring the Clinical Competency Test is necessary because the CCT evaluates skills critical to measuring a veterinarian's preparation to enter practice. Previously, the board

members developed a state-level examination aimed at evaluating clinical competency. That examination will be replaced by the CCT. The CCT is developed by professional psychometricians, and each question is validated by sample groups before it is administered in Virginia. The CCT, therefore, is a more defensible instrument with which to judge a licensure candidate's abilities.

E. Deadline changes: The extension of the deadline for receipt of examination and facility applications is necessary to enable the board to conduct its work in a timely fashion. Under the current deadline, staff overtime hours are needed prior to an examination, and inspectors sometimes do not have enough time to arrange travel across the state by the opening date of a facility.

F. Veterinarian-in-charge: Designation of a veterinarian-in-charge is necessary so that a single party agrees to be responsible for assuring compliance of the facility with certain, primarily drug-related, regulations. Each facility, in order to prevent and recognize illegal drug diversion, must take a biennial inventory of all drugs on the premises. However, this duty is sometimes overlooked at animal facilities. Compliance with drug laws at animal facilities is presently distributed among staff, making it difficult to isolate the cause or responsible party when a violation is noted during an inspection. The veterinarian-in-charge provision will address this ambiguity and help prevent the possible illegal distribution of drugs.

G. Unprofessional conduct: All five of the rules that are proposed as grounds for unprofessional conduct concern matters that are already against the law. Placing them in the unprofessional conduct section of the regulations provides the board with an efficient legal mechanism to enforce the law. Violations of the unprofessional conduct rules subject a practitioner to sanctions, including license suspension or revocation. Before any sanction action is taken against a licensee, however, the practitioner will be offered an informal conference or hearing in accordance with the Virginia Administrative Process Act.

8. Clarity: Clearer and simpler regulations are important outcomes of the Board of Veterinary Medicine's regulatory review experience. A consultant was contracted to edit and assist the board to develop a more concise body of rules.

9. Small business impact: Veterinary practices will be affected by the increased licensure fees. However, the licensee is able to pass those costs on to his or her clients. The increases average less than \$.25 per day.

Veterinary practices will be affected by the deletion of the regulation requiring ownership of animal hospitals by veterinarians. This change could adversely affect small veterinary practices given a certain chain of events. If there is the potential for profit, large, diversified corporations may enter the veterinary marketplace. Their resources and staying power may allow them to underprice local practitioners and, eventually, drive them

out of the market. This might result in the unavailability of full-service facilities which could impact negatively on the quality of veterinary care available to the public.

Some veterinary practices will be affected by the requirements that facilities have certain minimum equipment. Those lacking an item will be impacted by that cost. However, the impacts of buying equipment can be offset if the small veterinary business restricts its scope of practice. The limited facility permit allows a veterinary practice to buy only the equipment justified by their function.

10. Alternatives considered: The Board of Veterinary Medicine participated in the extensive regulatory review process mandated by Governor Robb. These regulations were developed over a two-year period that included two public hearings. Numerous comment from the public were received by the board and incorporated into these regulations. Each regulation has been reviewed as to need and the least restrictive alternatives while assuring the protection of the public, have been considered and integrated into these proposed regulations.

The proposed regulations clarify, simplify, and shorten the topics of the existing regulations—examination, licensure, and unprofessional conduct. The proposed regulations, in the board's opinion, constitute the least burdensome alternative for assuring public protection.

11. Continued need: Within two years after the effective date of these regulations, these rules will be reviewed at one of the board's scheduled meetings. The board will evaluate their effectiveness and initiate any revisions or deletions deemed necessary.

By statute, these proposed, revised regulations of the board are subject to the review of the Council on Health Regulatory Boards, an advisory body consisting of one member from each of the ten regulatory boards within the Department of Health Regulatory Boards and five citizen members, all appointed by the Governor.

12. Forms, reports mandated: The proposed regulations will require the revision of the board's facility inspection forms to make them reflect current rules, but no new forms will be required.

13. It is estimated that the proposed rules will be published in the Virginia Register of Regulations on January 5, 1987.

14. The public comment period will end on March 5, 1987. If all stages of the promulgation process occur as scheduled, the effective date of the regulations will be May 5, 1987.

SPECIAL NOTICE

This statement addresses the estimated impact of substantive changes to existing regulations as required by

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the Administrative Process Act (Code of Virginia, § 9-6.14:9.B). Other proposed changes to regulations have been made by the board after careful consideration. These are reviewed in an Index to Existing and Proposed Regulations which is incorporated by reference for the purpose of this statement. All relevant documents are available to the public from the Executive Director, Moira C. Lux, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Drive, Richmond, Va. 23229, telephone (804) 662-9915

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

Written comments may be submitted until March 5, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **January 14, 1987 - 9:30 a.m.** – Open Meeting
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia.

The agenda will include (i) review survey of vocational programs for handicapped students; (ii) review survey questions for JTPA evaluation; (iii) status report of the state foundation for vocational education; (iv) update on revision of the Virginia Board of Education regulations for vocational education; and (v) committee reports.

Contact: George S. Orr, Jr., Executive Director, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

VIRGINIA WASTE MANAGEMENT BOARD

† **January 28, 1987 - 1 p.m.** – Open Meeting
James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. ☐

A general business meeting

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

DEPARTMENT OF WASTE MANAGEMENT

January 6, 1987 - 10 a.m. – Open Meeting
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

A public meeting to consider the proposed draft of the

regulations entitled "Financial Assurance Regulations for Solid Waste Facilities."

† **February 10, 1987 - 10 a.m.** – Open Meeting
James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. ☐

An informational meeting will be held for Amendment 8 to the Virginia Hazardous Waste Management Regulations to discuss the proposed changes in U.S. Environmental Protection Agency regulations in solid and hazardous waste management. The regulated community, public and interested persons are invited to attend. (Refer to the General Notices section for Notice to the Public)

† **February 10, 1987 - 10 a.m.** - Following meeting on Amendment 8
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☐

An informational meeting will be held for Amendment 9 to the Virginia Hazardous Waste Management Regulations to discuss the proposed changes in U.S. Environmental Protection Agency regulations in solid and hazardous waste management, following the meeting on Amendment 8. The regulated community, public, and interested persons are invited to attend. (Refer to General Notices section for Notice to the Public)

Contact: Cheryl Cashman, Public Information Officer, Department of Waste Management, James Monroe Building, 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

January 5, 1987 - 2 p.m. – Open Meeting
Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

January 7, 1987 - 2 p.m. – Open Meeting
Williamsburg/James City County Courthouse, Council Chambers, Court and South Henry Street, Williamsburg, Virginia

January 8, 1987 - 2 p.m. – Open Meeting
McCourt Building, Board Room, County of Prince William, 1 County Complex, 4850 Davis Ford Road, Prince William, Virginia

A public meeting to receive comments on the promulgation of regulations to control and manage the discharge of toxic pollutants into the waters of the Commonwealth to ensure that no adverse impacts occur.

Contact: Alan J. Anthony, Ph.D., Richard Ayers, or

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Durwood Willis, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0791

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† February 24, 1987 - 7 p.m. - Open Meeting
Eastern Shore Community College, Route 13, Melfa, Virginia

† February 25, 1987 - 2 p.m. - Open Meeting
Norfolk City Council Chambers, City Hall Building, 11th Floor, 810 Union Street, Norfolk, Virginia

The State Water Control Board is considering promulgation of a regulation to obtain data on agricultural ground water withdrawals in Ground Water Management Areas pursuant to the 1986 amendments to the Groundwater Act (§ 62.1-44.87 of the Code of Virginia). The purpose of the meeting will be to discuss the reporting method employed by the Virginia Cooperative Extension Services in 1986 to obtain such data; to determine if this method was effective; and if not, discuss what other methods may be suitable.

Contact: Gerard Seely, Jr., Ground Water Program Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6306

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† March 9, 1987 - 2 p.m. - Public Hearing
King George General District Courthouse, King George, 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: **Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin Water Quality Management Plan.** Revision of the plans to include water quality management planning for RADCO Study Area IV which includes waste treatment disposal alternatives for the King George Courthouse area of King George County where previous planning had not yet occurred.

STATEMENT

Basis: Section 62.1-44.15(3) and (13) of the Code of Virginia authorizes the State Water control 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 modify, amend, or cancel any such standards and policies established. Such standards and policies 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 and policies as adopted, modified, amended or cancelled.

Section 62.1-44 15(3) of the Code of Virginia authorized the establishment of policies and programs for area and basinwide water quality control and management.

Title 40 Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which Water Quality Management Plans (WQMP) are a part. No NPDES permits may be issued that are not in conformance with the plans. If EPA determines that Virginia's continuing planning process is not consistent with the Act, EPA will not approve Virginia's NPDES permit program.

Purpose: Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biological Oxygen Demand (BOD5). The purpose of this proposal is to amend the RADCO 208 Areawide Waste Treatment Management Plan and the Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan to include water quality management planning for RADCO Study Area IV. The amendment includes waste treatment disposal alternatives for the King George Courthouse area of King George County where previous planning had not yet occurred.

Impact: Issuance of NPDES permits to dischargers required that the permit be in compliance with the appropriate area and basin wide WQMP. The proposed amendment would expand RADCO Study Area IV to include areas eastward to U.S. 301 and propose a new secondary waste water treatment plant as an alternative for the King George Courthouse area.

Currently King George county relies on on-site septic systems for waste water disposal in the courthouse area. The county proposes to construct a 39,000 gallon per year (gpd) secondary treatment plant which would be expandable to 160,000 gpd for further growth. Approval of the amendment would allow the county to increase economic development potential within the courthouse area and create central waste treatment facilities for an area which is unsuitable for continued on-site wastewater disposal. Water quality modeling has indicated that no violations of the Water Quality standards will be anticipated with the proposed discharge limitations.

Summary of the proposed amendment to the RADCO 208 Areawide Waste Treatment Management Plan and the Potomac-Shenandoah River Basis 303 (e) Water Quality Management Plan.

The proposed RADCO 208 amendment updates the wastewater treatment and disposal alternatives for the King George Courthouse area of King George County and serves as a base document for future water quality management planning. In summary the RADCO 208

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amendment amends revises the conclusions and recommendations to the Areawide Waste Treatment Management Plan so that King George County may be allowed to construct a 39,000 gallon per day (gpd) secondary treatment plant. The amendment to the Potomac-Shenandoah River Basis 303 (e) Water Quality Management Plan will add an additional planning area to the basins water quality management plan. It summarizes the information on the proposed wastewater treatment plant which is proposed for the courthouse area. Approval of the amendments would allow the county to increase economic development potential within the courthouse area and create central waste treatment facilities for an area which is unsuitable for continued on-site wastewater disposal.

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

Written comments may be submitted until March 19, 1987, to Ms. Doneva Dalton, Hearing Reporter, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia. 23230

Contact: Stephen L. Hogye, Supervisor, Water Resources Development, State Water Control Board, 5515 Cherokee Ave., Suite 404, Alexandria, Va. 22312, telephone (703) 642-7422

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REPEAL NOTICE: The State Water Control Board proposes to repeal the four following regulations: **Regulation No. 3; Regulation No. 7. Industrial Waste Survey; Regulation No. 10. Trash and Pumpout Services for Vessels at Anchor; Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.**

† **March 11, 1987 - 2 p.m. – Public Hearing**
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 3.** Regulation No.3 provides for local approval of the location or site of any proposed nongovernmentally owned sewage treatment plant before issuance of a certificate by the State Water Control Board.

STATEMENT

Basis: Regulation No. 3 was adopted under § 62.1-44.2 et seq. of the Code of Virginia in order to insure local approval of the location or site of any nongovernmentally owned sewage treatment plant, prior to issuance of a certificate by the board.

Purpose: The proposed repeal of Regulation No. 3 is a

result of an evaluation of the regulation conducted in accordance with the Commonwealth's regulatory reform initiative. The evaluation found that conditions which prompted adoption of Regulation No. 3 have changed, localities have more sophisticated planning capabilities and procedures for issuance of permits for sewage treatment plants have improved. Therefore, it was concluded that the regulation should be repealed.

Impact: No impact is anticipated from the repeal of this regulation. Localities have expressed a concern that this repeal may impair their ability to control development in their area. However, the findings noted above indicated that this will not be the case.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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† **March 11, 1987 - 2 p.m. – Public Hearing**
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 7 - Industrial Waste Survey.** Regulation No. 7 sets forth the methodology for owners of sewerage systems or treatment works to survey discharges of industrial wastes or other wastes into their systems and to submit the results of the survey to the board by July 1, 1977.

STATEMENT

Basis: Section 62.2-44.2 et seq. with specific reference to §§ 62.1-44.15(10) and 62.1-44.18:1 of the Code of Virginia.

Purpose: The proposed repeal of Regulation No. 7 is a result of an evaluation conducted in accordance with the Commonwealth's regulatory reform initiative. Regulation No. 7 was adopted in 1976 in response to emergency legislation after an incident of long-term discharging of toxic wastes into a municipal sewage treatment plant. The intent of the regulation was to identify industrial discharges of wastes that represented a possible threat to public health or to the environment.

The evaluation concluded that the requirements of Regulation No. 7 had been satisfied and the regulation has no other applicability. Therefore, the regulation should be repealed.

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Impact: No impact is anticipated from the repeal of this regulation because the requirements of the regulation have been satisfied and the regulation has no further applicability.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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† **March 11, 1987 - 2 p.m.** – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor.** Regulation No. 10 requires commercial vessels in the foreign trade larger than 1,000 gross tons that anchor in Virginia waters for longer than 48 hours to properly dispose of trash, garbage, sewage and sewage sludge.

STATEMENT

Basis: Regulation No. 10 was adopted under § 62.1-44.2 et seq. with specific reference to § 62.1-44.15(10) of the Code of Virginia in response to unprecedented conditions in the Hampton Roads Harbor.

Purpose: The proposed repeal of Regulation No. 10 is a result of an evaluation conducted in accordance with the Commonwealth's regulatory reform initiative. Regulation No. 10 was adopted in 1982 in order to protect State waters and public and private beaches from contamination by improperly treated sewage and trash from commercial vessels at anchor in Virginia waters. The evaluation determined that the conditions which prompted adoption of Regulations No. 10 no longer exist and are not likely to reappear. Further, should circumstances bring a return of the former conditions, existing statutory authority would be effective in protecting the quality of the waters of the Commonwealth. Therefore, the evaluation concluded that Regulation No. 10 should be repealed.

Impact: No impact is anticipated from the repeal of this regulation because the conditions which prompted its adoption no longer exist.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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† **March 11, 1987 - 2 p.m.** – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.** The Priority System (more commonly referred to as the Hardship System) sets forth the criteria for properly evaluating and ranking communities which are receiving federal construction grant assistance in ascending order of the degree of financial hardship brought about by building and operating wastewater treatment facilities.

STATEMENT

Basis: The Priority System (more commonly referred to as the Hardship System) was adopted under § 62.1-44.2 et seq. with specific reference to § 62.1-44.15(10) of the Code of Virginia in order to distribute appropriations made by the General Assembly for those granted recipients who may experience an extraordinary financial hardship.

Purpose: The proposed repeal of the Hardship System is a result of an evaluation conducted in accordance with the Commonwealth's regulatory reform initiative. The Hardship System was adopted in 1974 to properly evaluate and rank communities which are receiving federal construction grant assistance in ascending order of the degree of financial hardship brought about by building, operating and maintaining a new or expanded wastewater treatment system.

The evaluation determined that the Hardship System has not been used since 1976 because there have been no appropriations for this program since that time. Further, current appropriations from the General Assembly for constructing sewage treatment facilities are not dependent on the receipt of federal grants and are more routinely in the form of loans instead of grants. Therefore, the evaluation concluded that the Harship System should be repealed.

Impact: No impact is anticipated from the repeal of this regulation.

Calendar of Events

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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† **March 11, 1987 - 2 p.m.** – Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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: **VR 680-41-01. Public Participation Guidelines.** The guidelines set forth the manner in which the agency will encourage the participation of parties in the formation and development of regulations. The proposed amendments are intended to clarify requirements of the Guidelines and the Administrative Process Act and facilitate the regulatory adoption process.

STATEMENT

Basis: Sections 9-6.14:7.1 and 62.1-44.15(7) of the Code of Virginia.

Purpose: The Public Participation Guidelines set forth the manner in which the State Water Control Board will encourage the participation of parties in the formation and development of regulations under the Virginia Administrative Process Act (APA). The proposed amendments are intended to clarify areas in the Guidelines which do not directly relate to the APA and facilitate the regulatory adoption process.

Impact: No impact is anticipated on the public participation process from the proposed amendments.

Statutory Authority: § 62.1-44.15(7) of the Code of Virginia.

Written comments may be submitted until March 11, 1987 to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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† **March 11, 1987 - 2 p.m.** – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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: **VR 680-11-03. Water Resources Policy.** The Water Resources Policy is a statement of broad water resource management principles. The proposed amendments are editorial changes not affecting the principles set forth in the policy.

STATEMENT

Basis: The Water Resources Policy was adopted under § 62.1-44.36 of the Code of Virginia.

Purpose: The proposed amendments to the Water Resources Policy are a result of an evaluation conducted in accordance with the Commonwealth's regulatory reform initiative. The Water Resources Policy was adopted by the State Water Control Board for its use in preparing water resources management plans, advising on the adequacy and desirability of water resources projects, authorizing specific water resources projects, and commenting on projects which affect water resources.

The evaluation determined that the Water Resources Policy has value as an instrument articulating the precepts which - the agency wishes to be considered in matters relating to water resources. Further, it was determined that several editorial changes were necessary and Tables 1 and 2 should be eliminated because their contents were out-of-date and of limited value to the policy. Therefore, the evaluation concluded that the Water Resources Policy should be amended and retained.

Impact: No impact is anticipated from the proposed amendments.

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

Written comments may be submitted until March 11, 1987 to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

VIRGINIA COUNCIL ON THE STATUS OF WOMEN

† **January 20, 1987 - 4:30 p.m.** – Open Meeting
Ramada Renaissance Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A meeting of the education committee, followed by a meeting of the education, employment, family/support and public relations committees at 8 p.m.

† **January 21, 1987 - 10 a.m.** – Open Meeting
Ramada Renaissance Hotel, 555 East Canal Street,

Richmond, Virginia. ☐

A regular meeting of the council to conduct general business and to receive reports from the committees of the council.

Contact: Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

Subcommittee will meet to discuss report and make any revisions that may be necessary. (HJR 43)

Contact: Terry Barrett, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Richmond, Va. 23219, telephone (804) 786-3591

LEGISLATIVE

COAL AND ENERGY COMMISSION

Oil and Gas Subcommittee

January 13, 1987 - 10:30 a.m. - Open Meeting
General Assembly Building, Conference Room, 5th Floor West, Capitol Square, Richmond, Virginia. ☐

The subcommittee will meet to discuss any recommendations to the full commission regarding the Virginia Recycled Oil Program and changes to the Virginia Oil and Gas Act.

Contact: Michael Ward, Staff Attorney, OR Martin Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION STUDYING LOCAL GOVERNMENT STRUCTURES

January 6, 1987 - 10 a.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room, Capitol Square, Richmond, Virginia. ☐

This Commission has scheduled a working session to discuss information obtained at 1986 public hearings and plans for 1987 interim. (HJR 163)

Contact: C. M. Conner, Jr., Staff Attorney OR Dr. R. J. Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SUBCOMMITTEE STUDYING MATTERS RELATING TO MOTOR VEHICLES LIABILITY INSURANCE, INCLUDING INSURANCE RATES OF TAXICAB OWNERS

January 13, 1987 - 1 p.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

CHRONOLOGICAL LIST

OPEN MEETINGS

January 5

Hearing Aid Dealers and Fitters Board, Virginia State Board of
Health Regulatory Board, Council on
- Executive Committee
- Regulatory Evaluation and Research Committee
Water Control Board, State

January 6

† Alcoholic Beverage Control Board, Virginia
Local Government Structures, Commission Studying
Long Term-Care Council, Virginia
† Resources Authority, Virginia
Waste Management, Department of

January 7

Criminal Justice Services Board
Criminal Justice Services Board
- Committee on Training
† Librarians, State Board for the Certification of
† Library Board, Virginia State
- General Library Committee
Migrant and Seasonal Farm Workers Board
† Outdoors Foundation, Virginia
Sewage Handling and Disposal Appeals Review Board,
State
Water Control Board, State

January 8

Environment, Virginia Council on the
Housing and Community Development, Department of
- Amusement Device Technical Advisory Committee
Perinatal Services Advisory Board
Water Control Board, State
Corrections, Board of

January 9

† Auctioneers Board, Virginia
† Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
Medicine, Virginia State Board of
- Executive Committee
Mental Health and Mental Retardation, Department of

Calendar of Events

- State Human Rights Committee

January 10

Conservation and Historic Resources, Department of
- Virginia Cave Board

January 12

Marine Resources Commission

January 13

Coal and Energy Commission
- Oil and Gas Subcommittee
† Geology, Virginia State Board of
† Local Government, Commission on
† Medicare and Medicaid, Governor's Advisory Board
Motor Vehicles Liability Insurance, Including Insurance
Rates of Taxicab Owners, Subcommittee Studying
Matters Relating to

January 14

Community Colleges, State Board for
† Dentistry, Virginia Board of
† Higher Education for Virginia, State Council of
† Vocational Education, Virginia Council on

January 15

Apprenticeship Council, Virginia
Community Colleges, State Board for
† Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
† Health Regulatory Boards, Council on
- Administration and Budget Committee
Highways and Transportation Board, Virginia
Department of
† Museum of Fine Arts, Virginia
- Full Board of Trustees

January 16

Conservation and Historic Resources, Department of
- Falls of the James Advisory Board
† Psychology, Virginia Board
Medicine, Virginia State Board of
- Informal Conference Committee
† Mines, Minerals and Energy
- Division of Mined Land Reclamation
† Real Estate Board, Virginia

January 17

† Real Estate Board, Virginia

January 19

Accountancy, Virginia State Board of

January 20

Accountancy, Virginia State Board of
Aging, Governor's Advisory Board on
† Alcoholic Beverage Control Board, Virginia
† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Professional Engineers
† Funeral Directors and Embalmers, Virginia Board of

Health Regulatory Boards, Council on
† Housing Development Authority, Virginia
Optometry, Virginia Board of
† Women, Virginia Council on the Status of

January 21

Aging, Governor's Advisory Board on
† Funeral Directors and Embalmers, Virginia Board of
Optometry, Virginia Board of
† Women, Virginia Council on the Status of

January 22

† Funeral Directors and Embalmers, Virginia Board of
† Professional Counselors, Board of
† Rehabilitative, Services, Virginia Board of

January 23

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
Board of Land Surveyors
† Education, Department of
† Game and Inland Fisheries, Commission of
Physical Therapy, Advisory Board on
† Rehabilitative Services, Virginia Board of

January 26

† Nursing, State Board of

January 27

† Library Board, Virginia State
† Library Board, Virginia State
- Automated Systems and Networking Committee
- Public Library Development Committee
† Nursing, State Board of

January 28

Mental Health and Mental Retardation Board, State
† Nursing, State Board of
† Rights for the Disabled, Board for
† Waste Management Board, Virginia

January 29

† Counselors, Board of Professional
† Longwood College
- Board of Visitors
Medicine, Virginia State Board of
- Chiropractic Examination Committee

January 30

† Longwood College
- Board of Visitors
Medicine, Virginia State Board of
- Credentials Committee

January 31

Medicine, Virginia State Board of
- Credentials Committee

February 3

† Alcoholic Beverage Control Board, Virginia
Auctioneers Board, Virginia

Calendar of Events

Marine Resources Committee
† Pharmacy, State Board of

February 6

General Services, Department of
- Art and Architectural Review Board
† Medicine, Virginia State Board of
- Informal Conference Committee

February 10

† Waste Management, Department of

February 11

† Medicine, Virginia State Board of
- Informal Conference Committee

February 12

† Pharmacy, State Board of

February 13

† Pharmacy, State Board of
† Pharmacy, State Board of

February 17

† Alcoholic Beverage Control Board
† Geology, Virginia State Board of

February 19

Highways and Transportation Board, Virginia
Department of

February 24

† Water Control Board, State
- Ground Water Program Staff

February 25

† Sewage Handling and Disposal Appeals Review
Board, State
† Water Control Board, State
- Ground Water Program Staff

PUBLIC HEARINGS

January 7

Mines, Minerals and Energy, Department of
Social Services, Department of

January 8

† Housing and Community Development, Department
of
Treasury Board

January 14

State Air Pollution Control Board
Social Services, Department of -

January 15

† Rehabilitative Services, Department of
Virginia Real Estate Board

January 23

† Education, State Board of

January 26

Barber Examiners, Virginia Board of

February 2

Labor and Industry, Department of

February 3

Labor and Industry, Department of

February 4

Labor and Industry, Department of

February 5

Labor and Industry, Department of

February 9

Health, Department of
† Social Services, Department of

February 10

Health, Department of
Social Services, Department of

February 12

Health, Department of
Social Services, Department of

February 17

Health, Department of

February 18

Health, Department of

February 23

Statewide Health Coordinating Council, Virginia

February 24

Health, Department of

March 9

† Water Control Board, State

March 11

† Water Control Board, State

March 13

† Higher Education for Virginia, State Council of

Calendar of Events
