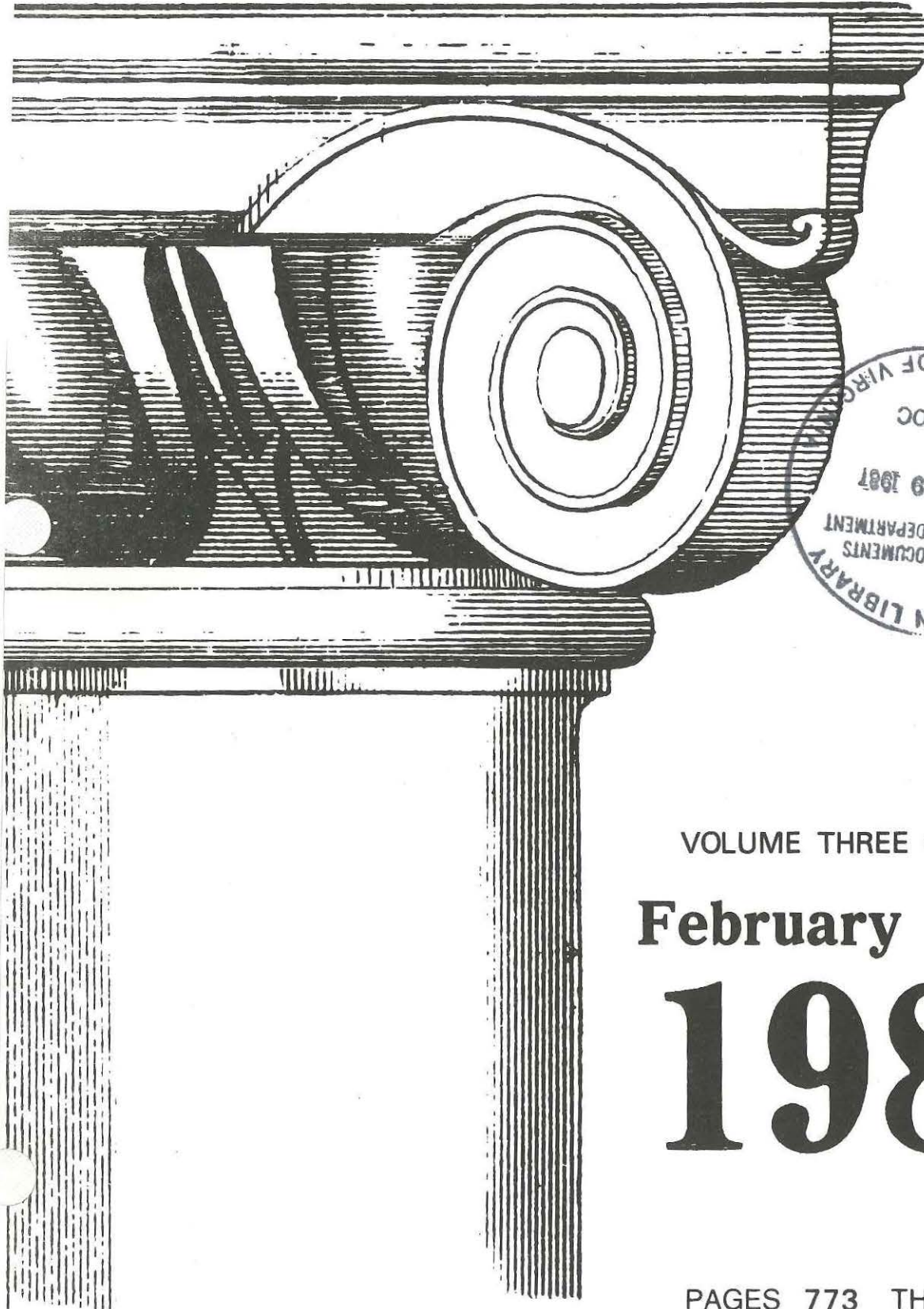


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THE VIRGINIA REGISTER

OF REGULATIONS

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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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Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman, Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; H. Lane Kneedler, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

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

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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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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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: 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 400-02-0011. **Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits.**

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 provide for the allocation by the authority of low-income housing tax credits to owners of residential rental projects pursuant to § 42 of the Internal Revenue Code of 1986, as amended.

VR 400-02-0011. Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits.

§ 1. Definitions.

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

"Authority" means the Virginia Housing Development Authority.

"Code" means the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

"Credits" means the low-income housing tax credits as described in § 42 of the Code.

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

"Low-income housing units" means those units which meet the applicable requirements in § 42 of the Code to qualify for credits thereunder.

§ 2. Purpose and applicability.

The following procedures, instructions and guidelines will govern the allocation by the authority of credits pursuant to § 42 of the Code.

Notwithstanding anything to the contrary herein, the executive director is authorized to waive or modify any provision herein where deemed appropriate by him for good cause, to the extent not inconsistent with the Code.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of the credits. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 3. General description.

The Code provides for credits to the owners of residential rental projects providing low-income housing units as described therein. The aggregate amount of such credits (other than credits for developments financed with certain tax-exempt bonds) allocated in any calendar year within the Commonwealth may not exceed the Commonwealth annual low-income credit authority limitation for such year, which is equal to \$1.25 for every resident of the Commonwealth. An amount equal to 10% of such limitation is set-aside for certain qualified nonprofit organizations. Credit allocations are counted against the Commonwealth's annual credit authority limitation for the calendar year in which the credits are allocated. The Code provides for the allocation of the Commonwealth's credit authority limitation to the housing credit agency of the state. The authority has been designated by executive order of the Governor as the housing credit agency under the Code and, in such capacity, shall allocate for each calendar year credits to owners of low-income housing units in accordance herewith.

Credits may not be allocated before the calendar year in which the subject building in a development is placed in service. Prior to such allocation, the authority shall receive and review applications for set-asides of credits as described hereinbelow and shall make such set-asides of credits to low-income housing units, subject to satisfaction of certain terms and conditions as described herein. Upon compliance with such terms and conditions and the placement in service of the low-income housing units, the credits shall be allocated to the owner of such units in the

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calendar year for which such credits were set-aside by the authority.

The authority shall charge to each applicant who receives an allocation of credits an administrative fee in such amount as the executive director shall determine but not to exceed the maximum amount permitted under the Code. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for good cause require.

§ 4. Solicitations of applications.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for credits. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications and the selection thereof as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available credits are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications. The authority may also consider and approve applications submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 5. Application.

Application for a set-aside of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority, including, but not limited to: site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; evidence of a source of financing for the proposed development; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; an estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; identification of the low-income housing units; the maximum incomes of the persons and families who are to occupy the low-income housing units and the

maximum rents which may be charged to such persons and families under the Code; an estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the residents of units in the proposed development; the allowances permitted by the Code for utility expenses to be paid by the residents of the low-income housing units; the amount of any governmental loan, insurance, subsidy or assistance which the applicant expects to receive for the proposed development; a schedule for the acquisition of the property, obtaining any financing, commencement and completion of any construction or rehabilitation, and placement of the development in service; a legal opinion as to compliance of the proposed development with the Code; and a certification, together with an opinion of an independent certified public accountant, setting forth the calculation of the amount of credits requested by the application and certifying that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable procedures, instructions and guidelines.

The authority may consider and approve, in accordance herewith, the allocation of credits to any developments which the authority may own or may intend to acquire, construct and rehabilitate.

§ 6. Review of application.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each application. Such review shall include, but not be limited to, the following:

1. A review of the rights of the applicant with respect to the acquisition and ownership of the site and an analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. A review of the proposed housing development costs and an analysis of the adequacy of the proposed financing and other available moneys to fund such costs;
3. A review and evaluation of the applicant's schedule and of the feasibility of placing the low-income housing units in service in accordance therewith;
4. A review of the estimated operating expenses, utility expenses and allowances, and proposed rents and an evaluation of the adequacy of the proposed rents and other income to sustain the proposed

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development based upon the occupancy rate approved or required by the authority and upon estimated operating expenses and financing costs;

5. A market analysis as to the present and projected demand for the proposed development in the market area;

6. A review of the terms and conditions of the proposed financing and any governmental assistance;

7. A review of the (i) ability, experience and financial capacity of the applicant and general contractor and (ii) the qualifications of the architect, management agent and other members of the proposed development team;

8. An analysis of the proposed design and structure of the development, including the functional use and living environment for the proposed residents, the marketability of the units, the amenities and facilities to be provided to the proposed residents, and the management and maintenance characteristics of the proposed development; and

9. An analysis as to the feasibility of the applicant's qualifying for the credits in accordance with the Code.

§ 7. Selection of application; set-aside of credits.

Based on the authority's review of applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority, the executive director shall prepare a recommendation to the Board of Commissioners of the authority that a set-aside of credits be made to those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not now, nor is it likely in the future to become, subject to uses or determination which could adversely affect its operation, marketability or economic feasibility.

2. There are or will be available on or before the estimated completion date such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.

3. The characteristics of the site (such as its size, topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development.

4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.

5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to proceed with the development in accordance with the proposed schedule and these procedures, instructions and guidelines.

6. The design of the proposed development is attractive and esthetically appealing, will contribute to the marketability of the proposed development, and will otherwise provide a safe, habitable and pleasant living environment for such residents.

7. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development.

8. The architect, management agent and other members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.

9. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these regulations.

10. The applicant's estimates of housing development costs (i) include all costs necessary for the development and construction of the proposed development, (ii) are reasonable in amount, (iii) are based upon valid data and information, and (iv) are comparable to costs for similar multifamily rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may nevertheless be satisfied if, in the judgment of the executive director, the applicant will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.

11. All operating expenses (including customary replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.

12. Based upon the proposed rents and projected

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occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable and comparable to income received on similar developments. The estimated income may include (i) rental income from commercial space within the proposed development if the executive director determines that a strong, long-term market exists for such space and (ii) income from other sources relating to the operation of the proposed development.

13. The estimated income from the proposed development, including any governmental subsidy or assistance, is sufficient to pay debt service, operating expenses, and customary replacement and other reserves.

14. The low-income housing units will, prior to such data and during such period as the Code shall require, be occupied by persons and families whose incomes do not exceed the limits prescribed by the Code.

15. Sufficient demand in the market area of the development exists and will exist for the units in the development during the term of the credits. Occupancy of the development will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other reserves and escrows) within the usual and customary time for a development for its size, nature, location and type and (ii) will continue to be self-sufficient for the full term of the credits.

16. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with paragraph 1 of this section.

17. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.

18. In the case of any development to be insured, subsidized or otherwise assisted or aided by any federal, state or local government, the proposed development will comply in all respects with any laws, rules and regulations relating thereto, and adequate insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable governmental entity.

19. The gross rents to be paid by families for the low-income housing units do not exceed 30% of the

applicable qualifying income for a family of its size (reduced by any utility allowances as required by the Code). The amounts of any utility allowances are calculated in accordance with the requirements of the Code.

20. The applicant will be able to proceed with the development in accordance with the schedule submitted with the application, and as a result the proposed development will be placed in service prior to or during the initial year for which the credits are requested.

21. A reliable source of financing is available in an amount and on terms and conditions which will permit the applicant to proceed with the development as proposed. Such financing, together with other moneys to be available to the applicant, will be sufficient to fund the acquisition and any construction or rehabilitation of the proposed development.

22. The prerequisites necessary for the members of the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied within a period of time consistent with the applicant's schedule for the proposed development. These prerequisites include, but are not limited to obtaining: (i) site plan approval, (ii) proper zoning status, (iii) assurances of the availability of the requisite public utilities, (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development, (v) building occupancy, and other permits required for any construction or rehabilitation and occupancy of the proposed development, and (vi) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia.

23. The allocation of credits to the applicant will result in an increase, or will prevent a decrease, in the supply of decent, safe and sanitary housing at affordable rents for the low-income persons and families intended to be served by the credits under the Code.

24. The applicant and the proposed development will satisfy all requirements set forth in the Code in order to be eligible for receipt of the credits in the amount requested.

If only one application is being reviewed, the executive director shall recommend to the Board of Commissioners that a set-aside of credits be made for such application if he determines that such application adequately satisfies the criteria set forth above in this section.

In determining whether to recommend the selection of

an application or applications, the executive director may take into account the desirability of allocating credits to different applicants throughout the Commonwealth. The executive director may also give special consideration to developments located in areas having severe shortages of low-income housing and to developments for the mentally and physically disabled and for persons and families having special housing needs.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual credit authority limitation shall be available for set-asides to developments in which "qualified nonprofit organizations" materially participate in the development and operation thereof, as described in the Code. In no event shall more than 90% of the Commonwealth's annual credit authority limitation be available for developments other than those described in the preceding sentence.

If the executive director determines not to recommend the set-aside of credits to an applicant, he shall so notify the applicant.

If the executive director determines that one or more of the criteria set forth above in this section have not been adequately satisfied by an applicant, he may nevertheless in his discretion recommend to the Board of Commissioners that the set-aside be approved subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate.

The Board of Commissioners shall review and consider the analysis and recommendation of the executive director for the set-aside of credits, and, if it concurs with such recommendation, it shall by resolution approve the application and authorize the executive director to set aside the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the Code and these procedures, instructions and guidelines. If the Board of Commissioners determines not to approve an application for a set-aside of credits, the executive director shall so notify the applicant.

Upon approval by the Board of Commissioners of a set-aside of credits to an applicant, the executive director shall notify the applicant of such set-aside and of any terms and conditions imposed with respect thereto and may require the payment by the applicant of a nonrefundable processing fee, in such amount as the executive director determines, to reimburse the authority for its administrative costs. Such fee shall be applied, upon allocation of the credits, toward the payment of the authority's administrative fee. The executive director may also require the applicant to make a good faith deposit to assure that the applicant will comply with all requirements under the Code and these Procedures, Instructions and Guidelines for allocation of the credits. Upon allocation of the credits, such deposit (or a pro rata portion thereof based upon the portion of credits so allocated) shall be refunded to the applicant.

If the low-income housing units in the development have been placed in service as of the date the application is approved by the Board of Commissioners and if the owner thereof is otherwise then entitled to the use of the credits under the Code, the executive director may at that time allocate the credits to such owner without first providing a set-aside of such credits.

The executive director may require that applicants to whom credits have been assigned shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development at its compliance with the schedule submitted with the application. If on the basis of such written confirmation and documentation and other available information the executive director determines that the low-income housing units in the development will not be placed in service prior to or during the calendar year for which such credits are set aside or will not otherwise qualify for such credits, then the executive director may terminate the set-aside of such credits.

Any material changes to the development, as proposed in the application, occurring subsequent to the set-aside of the credits therefor shall be subject to the prior written approval of the executive director. If such changes are made without the prior written approval of the executive director, he may terminate the set-aside of such credits.

In the event any set-aside of credits are terminated by the executive director under this section, he may set aside or allocate, as applicable, such credits to other qualified applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such other manner as he shall deem appropriate.

§ 8. Allocation of credits.

At such time as the low-income housing units in a development are placed in service, the applicant shall so advise the authority, shall request the allocation of all of the credits or such portion thereof to which the applicant is entitled under the Code, and shall submit such certifications, legal and accounting opinions, and other documentation (including, without limitations, evidence that the low-income housing units will be occupied within the time period required by the Code) as the executive director shall require in order to determine that the applicant is entitled to such credits under the Code and these procedures, instructions and guidelines. If the executive director determines that the applicant is so entitled to the credits, he shall allocate the credits (or such portion thereof as he deems the applicant to be entitled) to the applicant in accordance with the requirements of the Code. If the executive director shall determine that the applicant is not so entitled to the credits, he shall not allocate the credits to the applicant and shall so notify the applicant; provided, however, that he may nevertheless allocate such credits subject to satisfaction of terms and conditions as he shall deem

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necessary or appropriate to assure that the applicant shall become entitled to the credits. Upon approval or denial by the executive director of the applicant's request for allocation of credits, the applicant shall pay the balance of the administrative fee to the authority. In the event that any such applicant shall not request all of the allocation of its credits or shall be deemed by the executive director not to be entitled to any or all of its credits, the executive director may set aside or allocate, as applicable, such unallocated credits to other qualified applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such other manner as he shall deem appropriate.

Prior to the initial determination of the "qualified basis" (as defined in the Code) of the low-income housing units in a development pursuant to the Code, an applicant to whom credits have been set aside may request a set-aside of additional credits. Subsequent to such determination of the qualified basis, the applicant may request an increase in the amount of credits by reason of an increase in the number of low-income housing units or in the amount of floor space of the low-income housing units. Any request for additional credits shall include such opinions, certifications and documentation as the executive director shall require in order to determine that the applicant will be entitled to such additional credits under the Code and these procedures, instructions and guidelines and shall be submitted, reviewed and selected by the executive director in accordance with the provisions hereof.

The effective date of the foregoing procedures, instructions and guidelines shall be February 17, 1987.

DEPARTMENT OF LABOR AND INDUSTRY

APPRENTICESHIP COUNCIL

Title of Regulation: VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI).

Statutory Authority: § 40.1-118 of the Code of Virginia.

Public Hearing Dates:

April 13, 1987 - 7 p.m.

April 14, 1987 - 7 p.m.

April 15, 1987 - 7 p.m.

April 16, 1987 - 7 p.m.

April 20, 1987 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

This proposal would establish a program sponsor

evaluation procedure framework; the specific criteria and procedures needed to implement this proposal will be developed at a later date, with the assistance of interested parties.

VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Biennial Program Sponsor Evaluation (XI).

§ 1. Purpose of regulation.

This regulation establishes procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with Chapter 6, Title 40.1 of the Code of Virginia (1950), as amended. This regulation is intended to insure that apprenticeship training programs developed and registered with the Virginia Apprenticeship Council are of the highest possible quality in all aspects of on-the-job training and related instruction and that all apprenticeship programs provide meaningful employment and relevant training for all apprentices.

§ 2. Definitions (as used in this regulation).

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

"Apprentice" shall mean means a person as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeable occupation" shall mean means an occupation as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeship agreement" shall mean means a written agreement between an apprentice and a program sponsor, which agreement shall meet the criteria outlined in § 5 of these regulations.

"Apprenticeship council" or "council" means the Virginia Apprenticeship Council established pursuant to § 40.1-117 of the Code of Virginia (1950), as amended.

"Apprenticeship program" means a written plan conducted or sponsored by an employer, an association of employers, a joint apprenticeship committee or an organization of employees, which contains all terms and conditions as outlined in this regulation.

"Commissioner" means the Commissioner of the Virginia Department of Labor and Industry.

"Sponsor" shall mean means an employer, an association of employers, a joint apprenticeship committee or an organization of employees that has an approved apprenticeship program registered with the council.

"Supervisor of apprentices" shall mean means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.

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§ 3. Eligibility for registration of programs and agreements.

A. Proposed apprenticeship programs conforming to § 4 of these regulations may be submitted to the council for approval and registration by any of the following potential program sponsors:

1. A Joint Apprenticeship Committee (State Commonwealth , area or in plant).
2. An individual employer having no bargaining agreement with those of his employees engaged in the trade to which the standards apply.
3. An association of employers whose members participating under the standards have no bargaining agreement with their employees.
4. An individual employer or an association of employers where there is a collective bargaining agreement or other instrument that provides for union participation in any manner in the proposed program, and such participation is exercised. The sponsor must obtain from the collective bargaining agent written acknowledgement of the union agreement or a statement of no objection to the registration of the proposed program. (NOTE: Where no such participation is evidenced and practiced, the employer or association of employers shall simultaneously furnish to the union, which is the collective bargaining agent of the employees to be trained, a copy of the apprenticeship program. The council will allow 60 days for receipt of union comments, if any, before final action is taken on the application for approval and registration.)
5. An organization of employees when the employer or employer association waives participation in the standards.
6. Apprenticeship programs and standards to employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered, pursuant to all requirements of Title 29, Part 29 of the Code of Federal Regulations, by any recognized State Apprenticeship Agency/Council or the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be accorded registration upon request by the sponsoring entity.

B. Apprentices must be individually registered under a registered program. Such registration may be effected:

1. By program sponsors filing copies of each apprenticeship agreement; or
2. By program sponsors filing a master copy of such agreement followed by a listing of the name and other required data of each individual when apprenticed.

C. The council may refuse to accept a program proposed for registration if, in its judgment, the program, the sponsor or any participants are unable to conduct the program in accordance with this regulation.

D. Approved apprenticeship programs shall be accorded registration, evidenced by written notification of registration.

§ 4. Standards for apprenticeship programs.

An apprenticeship program to be eligible for registration with the Virginia Apprenticeship Council shall conform to the following standards:

A. The program is an organized written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

B. The program standards contain the equal opportunity pledge and, when applicable, conform with all other requirements in accordance with the Virginia State Plan for Equal Employment Opportunity in Apprenticeship and provisions concerning the following:

1. The employment and training of the apprentice in an apprenticeable occupation.
2. A statement that on or after the date the standards of apprenticeship are duly executed, it shall be the policy of the sponsor that all apprentices employed in the occupation covered herein shall be governed by the terms and conditions of the standards of apprenticeship, a copy of which will be provided for the sponsor who will make it available to the apprentice for review, upon request.
3. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years.
4. A provision for the granting of advanced standing or credit on the term of apprenticeship for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted. Credit will be granted only after the record of the apprentice has been reviewed by the sponsor's supervisor of apprentices.
5. The placement of an apprentice under a written apprenticeship agreement, which agreement shall conform to the standards for apprenticeship agreements as stated in § 5 of this regulation.
6. A term of apprenticeship not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice and a statement that overtime hours worked by the

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apprentice will or will not be credited to the term of apprenticeship.

7. Provisions for an initial probationary period of not less than 500 clock hours and no more than 2,000 clock hours of employment and training, during which time termination of the apprenticeship agreement may be effected by the council upon written notification from either party. Full credit will be given for the initial probationary period toward completion of the apprenticeship program.

8. The designation of the supervisor of apprentices whose duties shall include.

a. Maintaining adequate records of the progress of each apprentice;

b. Assurance of qualified training personnel and adequate supervision on the job;

c. Making reports as required at specified intervals regarding the aptitude, skill and progress of each apprentice;

d. Assurance the apprentice is given instruction in safe working methods in each operation as it is encountered throughout the term of apprenticeship;

e. Making arrangements with the local vocational education authorities for the required related instruction;

f. Such other duties as may be necessary in developing and maintaining an effective apprenticeship program.

9. An outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process.

10. Provision for organized, related and supplemental instruction in technical subjects related to the trade. Such instruction may be given in a classroom through trade industrial courses or correspondence courses of equivalent value, or other forms of self-study. All related and supplemental instruction will be approved by the director of vocational education. A minimum of 144 hours is recommended for each year of apprenticeship.

11. Provision for a periodic evaluation of each apprentice's progress in job performance and related instruction prior to the expiration of each wage period. Should such a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period of time to determine improvement or failure. At the end of the probationary period, if the apprentice has not shown

acceptable improvement, the apprentice agreement may be suspended or revoked. The sponsor will provide written notice of the final action taken to the apprentice and the Virginia Apprenticeship Council.

12. A statement that hours of work for apprentices shall be the same as for other employees in the trade and whether time spent at related instruction will or will not be considered as hours of work.

13. A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and established in accordance with federal and state wage laws.

14. The numeric ratio of apprentices to journeymen consistent proper supervision, training, safety and continuity of employment and applicable provisions contained in collective bargaining agreements or an industry area practice. The ratio language shall be specific and clear as to application in terms of job site, work force, department or plant. (Where there is no bargaining agreement or existing area practice, the ratio shall not exceed one apprentice to every three journeymen or a fraction thereof.) Emergency ratios exceeding area practice or the ratio stated above may be granted for specified periods of time as determined justifiable.

15. A procedure for lay-off suspension, cancellation and reinstatement of apprentices. Apprentices may be laid off in the commensurate ratio of apprentices to journeymen. Provided, however, any apprentice laid off shall be offered reinstatement in the seniority standing before any new apprentices shall be registered. Where there is a collective bargaining agreement providing for lay-off procedures for apprentices, it shall prevail over the above stated procedures. The council will be notified in writing of all lay-offs, suspensions, cancellations and reinstatements. The notice will state the reason for the specific action.

16. A statement that if and when the sponsor is no longer able to fulfill his obligations for the training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor.

17. A statement that the sponsor will notify the council of persons who have successfully completed the apprenticeship program and request the council to prepare a Certificate of Completion for issuance to each person.

18. A statement that the sponsor shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and the Construction Industry, developed

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pursuant to the Federal Occupational Safety and Health Act.

19. A statement that in the event a difference of opinion should arise as to any provision of the apprenticeship agreement, either party to the apprenticeship agreement may consult with the council for clarification of the matter in question.

20. The sponsor's assurance that any modification or amendment of the apprenticeship program will be promptly submitted to the council. Any such modification must be approved by the council and such modification shall not alter or affect apprenticeship agreements in effect without the consent of all parties affected.

21. A statement that the sponsor may have the program cancelled by submitting a written request to the council.

22. A statement that the apprenticeship program may be cancelled by the council if the program is not conducted in accordance with these regulations.

23. A statement identifying the Virginia Apprenticeship Council as the registration agency which agency is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor.

24. A statement identifying the apprentice's responsibilities as an employee.

§ 5. Standards for apprenticeship agreements.

The apprenticeship agreement shall contain explicitly or by reference:

A. 1. Names and signatures of the contracting parties (apprentice and sponsor) and the signature of a parent or guardian if the apprentice is a minor.

B. 2. The date of birth, sex, race, social security number and veteran status of the apprentice.

C. 3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.

D. 4. The trade or craft in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.

E. 5. The number of hours to be spent by the apprentice in work on the job and the number of hours to be spent in related or supplemental instruction.

F. 6. A schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

G. 7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance and whether or not the apprentice will be paid for attendance at related or supplemental instruction.

H. 8. Statements providing:

I. a. For a specific initial probationary period conforming to subsection B, paragraph 7 of § 4 of these regulations;

2. b. That after the initial probationary period, the apprenticeship agreement and as it may be amended or modified during the period of the agreement.

I. 9. A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended or modified during the period of the agreement.

J. 10. A statement that the employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, sex or physical handicap which is unrelated to the person's qualification and ability to perform the job.

K. 11. The educational level of the apprentice.

L. 12. Credit for previous experience granted the apprentice.

M. 13. A provision that a sponsor who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the apprentice agreement.

§ 6. Deregistration procedure.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a written request for cancellation of the registration or by the council instituting formal deregistration proceedings in accordance with the provisions of this section.

A. Voluntary deregistration.

The council may cancel the registration of an apprenticeship program by a written acknowledgement of a request stating, but not limited to, the following matters:

1. The registration is cancelled at the sponsor's request, and the effective date thereof.

2. That within 15 days of the date of the acknowledgement, the sponsor shall:

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- a. Notify all apprentices of such cancellation and the effective date;
- b. Inform each apprentice that such cancellation automatically deprives the apprentice of individual registration; and
- c. That the cancellation of the program removes the apprentice from coverage for federal and state purposes which require approval of an apprenticeship program.

B. Involuntary deregistration.

Deregistration proceedings may be undertaken by the council when an apprenticeship program is not conducted, operated and administered in accordance with these regulations, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

1. Where it appears a program is not being operated in accordance with these regulations, the council will notify the sponsor in writing.
2. The notice shall:
 - a. Be sent by registered or certified mail, with return receipt requested;
 - b. State the violation(s) and the remedial action required; and
 - c. State that deregistration proceedings will be initiated unless corrective action is effected within 30 days of the receipt of the notice.
3. Upon request by the sponsor and for good cause, the 30-day term may be extended for another 30 days. During the period of correction, the sponsor shall be assisted by the council in every reasonable way to achieve conformity.
4. If the council determines that the required correction is not effected within the allotted time, a notice will be sent to the sponsor, by certified or registered mail, return receipt requested, stating the following:
 - a. The notice is sent pursuant to this subsection;
 - b. Certain deficiencies or violations (stating them) were called to the sponsor's attention and remedial measures requested, with dates of such occasions and letters, and that the sponsor has failed to effect correction;
 - c. Based upon the stated deficiencies and failure of remedy, the program will be deregistered, unless

within 15 days of the receipt of this notice, the sponsor requests a hearing before the council;

d. If a request for a hearing is not made, the program will be deregistered.

§ 7. Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to these regulations may be reinstated upon presentation of adequate evidence that the program is operating in accordance with these regulations. Such evidence shall be presented to the council.

§ 8. Hearings.

All hearings will be held in accordance with the provisions of the Administrative Process Act, Chapter 1.1:1, § 9-6.14:11 of Title 9, of the Code of Virginia (1960), as amended.

§ 9. Limitations.

Nothing in these regulations or in any apprenticeship agreement shall operate to invalidate:

A. 1. Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

B. 2. Any special provisions for veterans, minority persons or females in the standard apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by state or federal law, executive order or other regulation adopted pursuant thereto.

§ 10. Complaints.

A. This section is not applicable to any complaint concerning discrimination or equal opportunity matters; all such complaints will be processed in accordance with the provisions in the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

B. Except for matters described in ~~Paragraph~~ *subsection* A of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his authorized representative within 60 days after the local decision to the council for review. Matters covered by a collective bargaining agreement are not subject to review.

C. The complaint must be in writing and signed by the complainant or his authorized representative. It shall state the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the

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complaint.

D. The council shall render an opinion within 90 days after receipt of the complaint. During such 90 day period, the council shall make reasonable efforts to effect a satisfactory resolution between the parties involved.

E. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

§ 11. Program sponsor evaluation procedure.

Program sponsors will be evaluated once every two years to determine adequate compliance with the goal of training apprentices under proper supervision, in a safe environment, in such a manner as to acquire the skills of the trade, with fair compensation based on individual progress consistent with average like compensation of similar industries in the area. Such evaluations will be conducted by the Apprenticeship Division staff pursuant to procedures and criteria established by the Virginia Apprenticeship Council. The council may cancel apprenticeship programs where preexisting criteria are not met.

* * * * *

Title of Regulation: VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen (IV.B.14).

Statutory Authority: § 40.1-118 of the Code of Virginia.

Public Hearing Dates:

April 13, 1987 - 7 p.m.
April 14, 1987 - 7 p.m.
April 15, 1987 - 7 p.m.
April 16, 1987 - 7 p.m.
April 20, 1987 - 7 p.m.
(See Calendar of Events section for additional information)

Summary:

This proposal would amend the minimum numeric ratio of apprentices to journeymen from 1:3 to 1:1.

VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia: Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen (IV.B.14).

§ 1. Purpose of regulation.

This regulation establishes procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with Chapter 6, Title 40.1 of the Code of Virginia (1950), as amended. This

regulation is intended to insure that apprenticeship training programs developed and registered with the Virginia Apprenticeship Council are of the highest possible quality in all aspects of on-the-job training and related instruction and that all apprenticeship programs provide meaningful employment and relevant training for all apprentices.

§ 2. Definitions (as used in this regulation).

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

"Apprentice" shall mean means a person as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeable occupation" shall mean means an occupation as defined by § 40.1-120 of the Code of Virginia (1950), as amended.

"Apprenticeship agreement" shall mean means a written agreement between an apprentice and a program sponsor, which agreement shall meet the criteria outlined in § 5 of these regulations.

"Apprenticeship council" or "council" means the Virginia Apprenticeship Council established pursuant to § 40.1-117 of the Code of Virginia (1950), as amended.

"Apprenticeship program" means a written plan conducted or sponsored by an employer, an association of employers, a joint apprenticeship committee or an organization of employees, which contains all terms and conditions as outlined in this regulation.

"Commissioner" means the Commissioner of the Virginia Department of Labor and Industry.

"Sponsor" shall mean means an employer, an association of employers, a joint apprenticeship committee or an organization of employees that has an approved apprenticeship program registered with the council.

"Supervisor of apprentices" shall mean means the person designated by the sponsor to perform the duties outlined in the standards of apprenticeship.

§ 3. Eligibility for registration of programs and agreements.

A. Proposed apprenticeship programs conforming to § 4 of these regulations may be submitted to the council for approval and registration by any of the following potential program sponsors:

1. A Joint Apprenticeship Committee (State Commonwealth , area or in plant).
2. An individual employer having no bargaining agreement with those of his employees engaged in the trade to which the standards apply.

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3. An association of employers whose members participating under the standards have no bargaining agreement with their employees.

4. An individual employer or an association of employers where there is a collective bargaining agreement or other instrument that provides for union participation in any manner in the proposed program, and such participation is exercised. The sponsor must obtain from the collective bargaining agent written acknowledgement of the union agreement or a statement of no objection to the registration of the proposed program. (NOTE: Where no such participation is evidenced and practiced, the employer or association of employers shall simultaneously furnish to the union, which is the collective bargaining agent of the employees to be trained, a copy of the apprenticeship program. The council will allow 60 days for receipt of union comments, if any, before final action is taken on the application for approval and registration.)

5. An organization of employees when the employer or employer association waives participation in the standards.

6. Apprenticeship programs and standards to employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered, pursuant to all requirements of Title 29, Part 29 of the Code of Federal Regulations, by any recognized State Apprenticeship Agency/Council or the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be accorded registration upon request by the sponsoring entity.

B. Apprentices must be individually registered under a registered program. Such registration may be effected:

1. By program sponsors filing copies of each apprenticeship agreement; or

2. By program sponsors filing a master copy of such agreement followed by a listing of the name and other required data of each individual when apprenticed.

C. The council may refuse to accept a program proposed for registration if, in its judgment, the program, the sponsor or any participants are unable to conduct the program in accordance with this regulation.

D. Approved apprenticeship programs shall be accorded registration, evidenced by written notification of registration.

§ 4. Standards for apprenticeship programs.

An apprenticeship program to be eligible for registration with the Virginia Apprenticeship Council shall conform to the following standards:

A. The program is an organized written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

B. The program standards contain the equal opportunity pledge and, when applicable, conform with all other requirements in accordance with the Virginia State Plan for Equal Employment Opportunity in Apprenticeship and provisions concerning the following:

1. The employment and training of the apprentice in an apprenticeable occupation.

2. A statement that on or after the date the standards of apprenticeship are duly executed, it shall be the policy of the sponsor that all apprentices employed in the occupation covered herein shall be governed by the terms and conditions of the standards of apprenticeship, a copy of which will be provided for the sponsor who will make it available to the apprentice for review, upon request.

3. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years.

4. A provision for the granting of advanced standing or credit on the term of apprenticeship for previously acquired experience, training or skills for all applicants equally, with commensurate wages for any progression step so granted. Credit will be granted only after the record of the apprentice has been reviewed by the sponsor's supervisor of apprentices.

5. The placement of an apprentice under a written apprenticeship agreement, which agreement shall conform to the standards for apprenticeship agreements as stated in § 5 of this regulation.

6. A term of apprenticeship not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice and a statement that overtime hours worked by the apprentice will or will not be credited to the term of apprenticeship.

7. Provisions for an initial probationary period of not less than 500 clock hours and no more than 2,000 clock hours of employment and training, during which time termination of the apprenticeship agreement may be effected by the council upon written notification from either party. Full credit will be given for the initial probationary period toward completion of the apprenticeship program.

8. The designation of the supervisor of apprentices whose duties shall include:

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- a. Maintaining adequate records of the progress of each apprentice;
 - b. Assurance of qualified training personnel and adequate supervision on the job;
 - c. Making reports as required at specified intervals regarding the aptitude, skill and progress of each apprentice;
 - d. Assurance the apprentice is given instruction in safe working methods in each operation as it is encountered throughout the term of apprenticeship;
 - e. Making arrangements with the local vocational education authorities for the required related instruction;
 - f. Such other duties as may be necessary in developing and maintaining an effective apprenticeship program.
9. An outline of the work processes in which the apprentice will receive supervised work experience on the job and the allocation of the approximate time to be spent in each major process.
10. Provision for organized, related and supplemental instruction in technical subjects related to the trade. Such instruction may be given in a classroom through trade industrial courses or correspondence courses of equivalent value, or other forms of self-study. All related and supplemental instruction will be approved by the director of vocational education. A minimum of 144 hours is recommended for each year of apprenticeship.
11. Provision for a periodic evaluation of each apprentice's progress in job performance and related instruction prior to the expiration of each wage period. Should such a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period of time to determine improvement or failure. At the end of the probationary period, if the apprentice has not shown acceptable improvement, the apprentice agreement may be suspended or revoked. The sponsor will provide written notice of the final action taken to the apprentice and the Virginia Apprenticeship Council.
12. A statement that hours of work for apprentices shall be the same as for other employees in the trade and whether time spent at related instruction will or will not be considered as hours of work.
13. A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and established in accordance with federal and state wage laws.
14. The numeric ratio of apprentices to journeymen consistent proper supervision, training, safety and continuity of employment and applicable provisions contained in collective bargaining agreements or an industry area practice. The ratio language shall be specific and clear as to application in terms of job site, work force, department or plant. (Where there is no bargaining agreement or existing area practice, the ratio shall not exceed one apprentice to every three journeymen or a fraction thereof.) Emergency ratios exceeding area practice or the ratio stated above may be granted for specified periods of time as determined justifiable; The number of apprentices to be trained by a sponsor will be determined by the need to fill job vacancies consistent with the availability of proper supervision, training, safety and reasonable continuity of employment. No sponsor shall train more than one apprentice for each journeyman employed or employ more than one apprentice for each journeyman on a job site.
15. A procedure for lay-off suspension, cancellation and reinstatement of apprentices. Apprentices may be laid off in the commensurate ratio of apprentices to journeymen. Provided, however, any apprentice laid off shall be offered reinstatement in the seniority standing before any new apprentices shall be registered. Where there is a collective bargaining agreement providing for lay-off procedures for apprentices, it shall prevail over the above stated procedures. The council will be notified in writing of all lay-offs, suspensions, cancellations and reinstatements. The notice will state the reason for the specific action.
16. A statement that if and when the sponsor is no longer able to fulfill his obligations for the training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor.
17. A statement that the sponsor will notify the council of persons who have successfully completed the apprenticeship program and request the council to prepare a Certificate of Completion for issuance to each person.
18. A statement that the sponsor shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that meet the Virginia Occupational Safety and Health Standards for General Industry and the Construction Industry, developed pursuant to the Federal Occupational Safety and Health Act.
19. A statement that in the event a difference of opinion should arise as to any provision of the apprenticeship agreement, either party to the apprenticeship agreement may consult with the council for clarification of the matter in question.

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20. The sponsor's assurance that any modification or amendment of the apprenticeship program will be promptly submitted to the council. Any such modification must be approved by the council and such modification shall not alter or affect apprenticeship agreements in effect without the consent of all parties affected.

21. A statement that the sponsor may have the program cancelled by submitting a written request to the council.

22. A statement that the apprenticeship program may be cancelled by the council if the program is not conducted in accordance with these regulations.

23. A statement identifying the Virginia Apprenticeship Council as the registration agency which agency is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor.

24. A statement identifying the apprentice's responsibilities as an employee.

§ 5. Standards for apprenticeship agreements.

The apprenticeship agreement shall contain explicitly or by reference:

A. 1. Names and signatures of the contracting parties (apprentice and sponsor) and the signature of a parent or guardian if the apprentice is a minor.

B. 2. The date of birth, sex, race, social security number and veteran status of the apprentice.

C. 3. Name and address of the sponsor, apprentice and the Virginia Apprenticeship Council.

D. 4. The trade or craft in which the apprentice is to be trained, and the beginning date and duration of the apprenticeship.

E. 5. The number of hours to be spent by the apprentice in work on the job and the number of hours to be spent in related or supplemental instruction.

F. 6. A schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

G. 7. A graduated scale of wages to be paid the apprentice contingent upon satisfactory performance and whether or not the apprentice will be paid for attendance at related or supplemental instruction.

H. 8. Statements providing:

1. a. For a specific initial probationary period

conforming to subsection B, paragraph 7 of § 4 of these regulations;

2. b. That after the initial probationary period, the apprenticeship agreement and as it may be amended or modified during the period of the agreement.

I. 9. A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended or modified during the period of the agreement.

J. 10. A statement that the employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, sex or physical handicap which is unrelated to the person's qualification and ability to perform the job.

K. 11. The educational level of the apprentice.

L. 12. Credit for previous experience granted the apprentice.

M. 13. A provision that a sponsor who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the council, transfer such contract to any other sponsor, provided the apprentice consents and such other sponsor agrees to assume the obligations of the apprentice agreement.

§ 6. Deregistration procedure.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a written request for cancellation of the registration or by the council instituting formal deregistration proceedings in accordance with the provisions of this section.

A. Voluntary deregistration.

The council may cancel the registration of an apprenticeship program by a written acknowledgement of a request stating, but not limited to, the following matters:

1. The registration is cancelled at the sponsor's request, and the effective date thereof.

2. That within 15 days of the date of the acknowledgement, the sponsor shall:

a. Notify all apprentices of such cancellation and the effective date;

b. Inform each apprentice that such cancellation automatically deprives the apprentice of individual registration; and

c. That the cancellation of the program removes the

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apprentice from coverage for federal and state purposes which require approval of an apprenticeship program.

B. Involuntary deregistration.

Deregistration proceedings may be undertaken by the council when an apprenticeship program is not conducted, operated and administered in accordance with these regulations, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

1. Where it appears a program is not being operated in accordance with these regulations, the council will notify the sponsor in writing;
2. The notice shall:
 - a. Be sent by registered or certified mail, with return receipt requested;
 - b. State the violation(s) and the remedial action required; and
 - c. State that deregistration proceedings will be initiated unless corrective action is effected within 30 days of the receipt of the notice.
3. Upon request by the sponsor and for good cause, the 30-day term may be extended for another 30 days. During the period of correction, the sponsor shall be assisted by the council in every reasonable way to achieve conformity.
4. If the council determines that the required correction is not effected within the allotted time, a notice will be sent to the sponsor, by certified or registered mail, return receipt requested, stating the following:
 - a. The notice is sent pursuant to this subsection;
 - b. Certain deficiencies or violations (stating them) were called to the sponsor's attention and remedial measures requested, with dates of such occasions and letters, and that the sponsor has failed to effect correction;
 - c. Based upon the stated deficiencies and failure of remedy, the program will be deregistered, unless within 15 days of the receipt of this notice, the sponsor requests a hearing before the council;
 - d. If a request for a hearing is not made, the program will be deregistered.

§ 7. Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to these regulations may be reinstated upon presentation of adequate evidence that the program is operating in accordance with these regulations. Such evidence shall be presented to the council.

§ 8. Hearings.

All hearings will be held in accordance with the provisions of the Administrative Process Act, Chapter 1.1:1, § 9-6.14:11 of Title 9, of the Code of Virginia (~~1950~~), as amended.

§ 9. Limitations.

Nothing in these regulations or in any apprenticeship agreement shall operate to invalidate:

- A. 1. Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or
- B. 2. Any special provisions for veterans, minority persons or females in the standard apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by state or federal law, executive order or other regulation adopted pursuant thereto.

§ 10. Complaints.

- A. This section is not applicable to any complaint concerning discrimination or equal opportunity matters; all such complaints will be processed in accordance with the provisions in the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.
- B. Except for matters described in ~~Paragraph~~ subsection A of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his authorized representative within 60 days after the local decision to the council for review. Matters covered by a collective bargaining agreement are not subject to review.
- C. The complaint must be in writing and signed by the complainant or his authorized representative. It shall state the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.
- D. The council shall render an opinion within 90 days after receipt of the complaint. During such 90 day period, the council shall make reasonable efforts to effect a satisfactory resolution between the parties involved.
- E. If so resolved, the parties shall be notified that the

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case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property: State Plan for Medical Assistance.

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

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

Summary:

These regulations amend the State Plan for Medical Assistance and propose to define home ownership, in compliance with an act of the General Assembly, as the "house and lot used as the principal residence and contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less."

The significance of this regulation is that it is used during the determination of Medicaid eligibility. If the value of the real property owned by the applicant exceeds the dollar value set in this regulation, the applicant can have their application for medical assistance denied on the grounds of excess resources. The implementation of this regulation requires no new forms or procedures.

VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property: State Plan for Medical Assistance.

200. Aged, blind, and disabled (SSI related) individuals.

201. Real property.

201.1. Home ownership - Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. A home means the house and lot used as the principal residence and contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one

acre whichever is less. The additional value of land contiguous to the homesite is not exempted unless it meets the income-producing requirements in section 201.2 below, or the exceptions to ownership of other real property precluding eligibility (below).

201.2. Income-producing real property other than the home - does not affect eligibility if:

A) It is used in a trade or business or is otherwise income-producing and

B) The equity value (current market value less the balance of any recorded lien(s) against the property) of the property does not exceed \$6,000, and

C) The property produces a net annual income to the individual of at least 6% of the property's equity value.

D) If the property produces less than the 6% net annual income, it may be excluded if its equity value does not exceed \$6,000 and it is used in a business or nonbusiness income-producing activity, and the following conditions are met:

1) Unusual or adverse circumstances, such as a fire, street repair in front of a store, or natural disaster, cause a temporary reduction in the rate of return, and

2) The property usually produces net annual income of at least 6% of the equity value, and

3) The individual expects the property to again produce income at the 6% rate of return within 18 months of the end of the calendar year in which the unusual incident caused the reduction in the rate of return.

When the property's equity exceeds \$6,000 but it produces a net annual return of at least 6% on \$6,000 of equity, only the equity amount over \$6,000 is a countable resource. When the property must be counted because the net annual return is less than 6% of equity, the total equity is counted.

VIRGINIA STATE BOARD OF NURSING

Title of Regulation: VR 495-01-1. Board of Nursing Regulations.

Statutory Authority: § 54-367.11 of the Code of Virginia.

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

Proposed Regulations

Summary:

The proposed Board of Nursing regulations state the criteria for the establishment of and continuing approval of nursing education programs; requirements for licensure; disciplinary provisions and fees for licensing registered nurses and licensed practical nurses. The proposed regulations are the result of the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 52 (84) of Governor Charles S. Robb.

This review resulted in proposals to delete some existing regulations, amend or relocate other existing regulations and add some new regulations. These changes are outlined in the Index to Existing and Proposed Regulations which is incorporated by reference for the purpose of this summary. All relevant documents are available for inspection at the office of the Board of Nursing, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 786-0377.

Preamble:

These regulations state the requirements for nursing education programs and the licensing of registered nurses and practical nurses in the Commonwealth of Virginia. The regulations are proposed by the Virginia State Board of Nursing under the authority of Title 54, Chapter 13.1 Nurses, §§ 54-367.1 through 54-367.36 of the Code of Virginia.

The board believes that each practitioner of nursing is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of nursing.

The registered nurse shall be responsible and accountable for making decisions that are based upon educational preparation and experience in nursing. The registered nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself or others who are under his supervision.

The licensed practical nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself based upon educational preparation and experience.

VR 495-01-1. Board of Nursing Regulations.

PART I. GENERAL PROVISIONS.

Authority: §§ 54-367.11, 54-367.12, 54-367.27 and 54-367.29 of the Code of Virginia.

§ 1.1. Definitions.

The following words and terms, when used in these

regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Approval," as used in these regulations, is synonymous with accreditation and means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the State Board of Nursing.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2.2 of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered professional nurse who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until

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the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ 54-367.13, 54-367.14, 54-367.19 and 54-367.20 of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Regulatory Boards.

B. The executive director shall issue license to each applicant who qualifies for such license under § 54-367.25 of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

1. Application for R.N. Licensure\$45
2. Application for L.P.N. Licensure\$35
3. Biennial Licensure Renewal \$28.
4. Reinstatement Lapsed License \$50.
5. Duplicate License \$10.
6. Verification of License \$10.
7. Transcript of Examination Scores\$5.
8. Transcript of Applicant/Licensee Records \$10.
9. Returned Check Charge \$15.

§ 1.4. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Nursing (board) will 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 regulation.

3. Final regulation adopted.

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 formation or promulgation of regulations. Persons on the list will be provided all above-listed information. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

B. 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.

C. Public comment period.

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 proceedings may be held separately or in conjunction with other informational proceedings.

D. Petitions to the board.

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

E. Publication in the Virginia Register of Regulations.

At any meeting of the board or any subcommittee or advisory committee, where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

F. Advisory committee.

The board, in cooperation with the Council on Health Regulatory Boards, may appoint advisory committees as they deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

PART II. NURSING EDUCATION PROGRAMS.

Authority: §§ 54-367.11, 54-367.27, 54-367.28 and 54-367.29 of the Code of Virginia.

§ 2.1. Establishing a nursing education program.

Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population; and
 - i. Tentative time schedule for planning and initiating the program.
3. Respond to the board's request for additional information.

B. The board, after review and consideration, shall either approve or disapprove Phase I.

1. If Phase I is approved, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.
2. If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

Phase II.

C. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2.C of these regulations);
2. A tentative written curriculum plan developed in accordance with § 2.2.F of these regulations has been submitted; and
3. A site visit has been conducted by a representative of the board.

D. The board, after review and consideration, shall either grant or deny provisional approval.

1. If provisional approval is granted, the program director shall submit bi-monthly progress reports to the board which shall include information as required by the board.
2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

E. Following graduation of the first class, the institution shall apply for approval of the nursing education program.

Phase III.

F. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations has been submitted and a survey visit has been made by a representative of the board.

G. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting.

H. The board shall either grant or deny approval. If denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

§ 2.2. Requirements for approval.

A. Organization and administration.

1. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution; by resolution of its board of control; or by the institution's own charter or articles of incorporation.
2. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the

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appropriate state agencies and the Southern Association of Colleges and Schools.

3. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Hospitals.

4. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

5. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

6. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

7. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

B. Philosophy and objectives.

Clearly written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;
4. Descriptive of the practitioner to be prepared; and
5. The basis for planning, implementing and evaluating the total program.

C. Faculty.

1. Qualifications.

a. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. Every member of a faculty responsible for teaching students in a cooperating agency located

outside the jurisdictional limits of Virginia should hold a current license to practice nursing in that jurisdiction as well.

c. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. For baccalaureate degree programs:

(1) The program director shall hold a doctoral degree. If the doctoral degree is not in nursing, the program director shall hold a graduate degree with a major in nursing.

(2) Every member of the nursing faculty shall hold a graduate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have graduate preparation and clinical experience in the nursing specialty.

e. For associate degree and diploma programs:

(1) The program director shall hold a graduate degree with a major in nursing.

(2) Every member of the nursing faculty shall hold a graduate degree, with the majority holding a graduate degree with a major in nursing. Faculty members without a nursing graduate degree shall have a baccalaureate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have graduate preparation and clinical experience in the nursing specialty.

f. For practical nursing programs.

(1) The program director shall hold a baccalaureate degree with a major in nursing.

(2) The majority of the nursing faculty shall hold baccalaureate degrees with a major in nursing.

g. Program directors and faculty members who do not meet the above qualifications on the effective date of these regulations shall be exempted from the provisions of subparagraphs d, e, and f of this subsection insofar as they apply to such individuals in their present employment and position.

h. Individuals appointed to positions after the effective date of these regulations who are NOT in compliance with subparagraphs d, e, or f of this subsection shall be required to comply by September 1, 1989.

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2. Number.

a. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and such number shall be reasonably proportionate to:

- (1) Number of students enrolled;
- (2) Frequency of admissions;
- (3) Education and experience of faculty members;
- (4) Number and location of clinical facilities; and
- (5) Total responsibilities of the faculty.

b. When students are giving direct care to patients, the maximum ratio of students to faculty in clinical areas shall be 10 students to one faculty member.

3. Conditions of employment.

a. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. Functions.

The principal functions of the faculty shall be to:

- a. Develop, implement and evaluate the philosophy and objectives of the nursing education program;
- b. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;
- c. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;
- d. Participate in academic advisement and counseling of students; and
- e. Provide opportunities for student evaluation of teaching and program effectiveness.

5. Organization.

a. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program. Written rules shall govern the conduct of meetings.

b. All members of the faculty shall participate in the regular faculty meetings.

c. Committees shall be established to implement the functions of the faculty.

d. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.

e. There shall be provision for student participation.

D. Students.

1. Admission, promotion and graduation.

a. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

(EXPLANATORY NOTE: Reference subdivision 2 of subsection a of § 54-367.13 of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

- (1) A general educational development (GED) certificate for high school equivalence; or
- (2) Satisfactory completion of the college courses required by the nursing education program.)

b. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

E. Records.

1. School records.

A system of records shall be maintained and be made available to the board representative and shall include:

- a. Data relating to accreditation by any agency or body,
- b. Course outlines,
- c. Minutes of faculty and committee meetings,
- d. Reports of standardized tests,
- e. Survey reports.

2. Student Records.

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a. A file shall be maintained for each student. Each file shall be available to the board representative and shall include:

- (1) The student's application,
- (2) High school transcript or copy of high school equivalence certificate,
- (3) Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

3. School bulletin or catalogue.

Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

- a. Description of the program.
- b. Philosophy and objectives of the controlling institution and of the nursing program.
- c. Admission and graduation requirements.
- d. Fees.
- e. Expenses.
- f. Financial aid.
- g. Tuition refund policy.
- h. Education facilities.
- i. Living accommodations.
- j. Student activities and services.
- k. Curriculum plan.
- l. Course descriptions.
- m. Faculty-staff roster.
- n. School calender.

F. Curriculum.

1. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.

2. The ratio between nursing and non-nursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.

3. Learning experiences shall be selected to fulfill curriculum objectives.

4. Curriculum shall be evaluated by the faculty with provisions for student participation.

5. Nursing education programs preparing for practical nursing licensure shall include:

a. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

b. Basic concepts of the nursing process;

c. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;

d. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;

e. Ethics, nursing history and trends, vocational and legal aspects of nursing; and

f. Basic concepts of pharmacology, nutrition and diet therapy.

6. Nursing education programs preparing for registered nurse licensure shall include:

a. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

b. Concepts of the nursing process;

c. Concepts of anatomy, physiology, chemistry, microbiology and physics;

d. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;

e. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;

f. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing; and

g. Concepts of leadership, management and patient education.

G. Resources, facilities and services.

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1. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty and students.

2. Secretarial and other support services shall be provided.

3. Classrooms, conference rooms, laboratories and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.

4. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.

5. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:

a. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

b. Provide that an instructor shall be present on the clinical unit(s) to which students are assigned for direct patient care.

c. Provide for cooperative planning with designated agency personnel.

6. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

7. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

H. Program changes requiring board of nursing approval.

The following proposed changes require board approval prior to their implementation:

1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.

2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.

3. Proposed additions, deletions or major revisions of courses.

I. Procedure for approval of program change.

1. When a program change is contemplated, the

program director shall inform the board or board representative.

2. When a program change is requested, a plan shall be submitted to the board including:

a. Proposed change,

b. Rationale for the change,

c. Relationship of the proposed change to the present program.

3. Twelve copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.

§ 2.3. Procedure for maintaining approval.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated at least every eight years and shall require:

1. A comprehensive self-evaluation report based on § 2.2 of these regulations, and

2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions.

D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.

E. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations are attained and maintained.

F. If the board determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations, the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

G. If the governing institution fails to correct the

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identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4. B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.

§ 2.4. Closing of an approved nursing education program.

A. Voluntary closing.

When the governing institution considers the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:

1. The program shall continue until the last class enrolled is graduated.
 - a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.
 - b. The date of closure is the date on the degree, diploma or certificate of the last graduate.
 - c. The governing institution shall notify the board of the closing date.
2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.
 - a. The program shall continue to meet the standards required for approval until all students are transferred.
 - b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.
 - c. The date on which the last student was transferred shall be the closing date of the program.

B. Closing as a result of denial or withdrawal or approval.

When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.
2. A list of the names of students who have transferred to approved programs and the date on

which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred shall be the closing date of the program.

C. Custody of records.

Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.
2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.

PART III. LICENSURE.

Authority: §§ 54-367.11, 54-367.13, 54-367.14, 57-367.19, 54-367.20, 54-367.25, 54-367.35 and 54-367.36 of the Code of Virginia.

§ 3.1. Licensure by examination.

A. The licensing examinations of the National Council of State Boards of Nursing constitute the board examinations for registered nurse licensure and practical nurse licensure.

B. The minimum passing score on the examination for registered nurse licensure shall be the scaled score of 1600.

C. The minimum passing score on the examination for practical nurse licensure shall be the scaled score of 350.

D. The board shall administer examinations for registered nurse licensure and examinations for practical nurse licensure no less than twice each year on the dates established for all jurisdictions by the National Council of State Boards of Nursing.

E. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit.

F. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall be noticed for a hearing before the board to determine whether the license shall be issued.

G. The board shall not release examination scores to any individual or agency without written authorization from the applicant or licensee.

H. An applicant for the licensing examination shall:

1. File the required application and fee no less than 60 days prior to the scheduled date of the examination.
2. Arrange for the board to receive the final certified transcript from the nursing education program at least 15 days prior to the examination date.

I. Practice of nursing pending receipt of examination results.

1. Graduates of approved nursing education programs may practice nursing in Virginia pending the results of the first National Council Licensing Examination given by a board of nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.
2. Candidates who practice nursing as provided in § 3.1.1.1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.
3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who do not take or who have failed the first examination for which they are eligible.

J. Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.
2. An applicant for reexamination shall file the required application and fee no less than 60 days prior to the scheduled date of the examination.
3. Applicants who have failed the licensing examination in another U.S. jurisdiction and who meet the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing shall be eligible for licensure by endorsement in Virginia, provided the qualifications for licensure were equivalent to those in effect in Virginia at the time the applicant was

initially licensed.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3. B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and
2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;
2. Provide evidence of secondary education to meet the statutory requirements;
3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure form directly to the board office; and
4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the application and

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return it with the required fee.

D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of § 54-367.35 of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Replacement of lost license.

A. The licensee shall report in writing the loss of the original certificate of registration or the current license.

B. A duplicate license for the current renewal period shall be issued by the board upon receipt of the required form and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

PART IV. DISCIPLINARY PROVISIONS.

Authority: §§ 54-367.11, 54-367.32, 54-367.35 of the Code of Virginia.

§ 4.1. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of § 54-367.32 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. Fraud or deceit shall mean, but shall not be limited to:

1. Filing false credentials;
2. Falsely representing facts on an application for initial license, reinstatement or renewal of a license;

or

3. Giving or receiving assistance in writing the licensing examination.

B. Unprofessional conduct shall mean, but shall not be limited to:

1. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 13.1, or as provided by Chapter 12, § 54-274, of the Code of Virginia;

2. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;

3. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

4. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;

5. Falsifying or otherwise altering patient or employer records; or

6. Abusing, neglecting or abandoning patients or clients.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-17. Deprivation Requirement in the Aid to Dependent Children (ADC) Program.

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

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

Summary:

Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. The proposed regulation set forth herein will amend ADC program policy which is used to determine if a child is deprived of parental care and support on the basis of the continued absence of at least one parent.

Under current program requirements a child is considered to be deprived on the basis of continued absence when his parents are separated only if it is determined that the absent parent does not provide for the child's maintenance, physical care, and guidance. The proposed regulation will amend ADC

program policy to allow the parent's separation from the family to be sufficient to constitute deprivation, except in situations where the separation is the result of employment away from home. The proposed amendment is based on the premise that when one parent is not living in the home, his ability to function as a parent by providing support and care for his child is substantially diminished. In situations involving employment away from home, however, it will be necessary to determine if such employment interrupts the parent's provision of support and care.

VR 615-01-17. Deprivation Requirement in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.

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

"Continued absence" means the absence of a parent from the home when (i) the parent is out of the home, (ii) the nature of the absence is such as either to interrupt or terminate his ability to function as a parent, and (iii) the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the support or care of the child.

"Parent" means a mother or father, married or unmarried, natural or adoptive, following entry of an interlocutory order.

"Separation" means living apart for reasons other than uniformed services. Separation includes simply living apart or employment away from home.

PART II. DEPRIVATION.

§ 2.1. In order to be found eligible to receive ADC, a child shall meet certain financial and categorical eligibility requirements. One such categorical requirement is that the child shall be deprived of parental care and support by reason of death, continued absence from the home, or physical or mental incapacity of a parent.

A. Death of a parent.

If either of the child's parents is deceased, the child will be considered to be deprived. Evidence of the death shall be verified and recorded. Deprivation on the basis of death of the father cannot exist if paternity has not been established.

B. Continued absence.

The following conditions will meet the definition of continued absence and will render the child deprived:

1. Court decreed divorce when one parent is actually out of the home;
2. Deportation of a parent by the U.S. Immigration and Naturalization Service;
3. Unestablished paternity;
4. Incarceration of a parent;
5. Conviction of a parent who is serving a court imposed sentence of unpaid public work or community service during working hours while still living in the home. Deprivation based on this provision is only applicable when both parents are in the home;
6. Desertion by a parent who is out of the home and has made no provision for support;
7. Separation of the parents. In situations where the separation is solely the result of employment away from home, it shall be established that such employment interrupts the absent parent's provision of support and care.

C. Incapacity of a parent.

A child will be considered deprived if either parent has a physical or mental defect, illness or disability and that incapacity substantially reduces or prevents his ability to provide care and support. The incapacity may be total or partial but will be expected to last for at least 30 days.

Title of Regulation: VR 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

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

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

Summary:

Section 63.1-25 of the Code of Virginia grants the State Board of Social Services the authority to make rules and regulations necessary or desirable to carry out the true purpose and intent of Title 63.1. 45 Code of Federal Regulations 206.10(a)(6)(i)(C) allows the proposed change which ensures that an individual does not lose assistance for the month of application when the GR or ADC application is approved in a month following the month of application.

The current regulation governing the entitlement date for maintenance assistance from the General Relief Program specifies two situations where an individual or family eligible for maintenance must receive

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assistance for the month of application. The current regulation governing the entitlement date for the Aid to Dependent Children Program, specifies one situation where eligible individuals must receive assistance beginning with the date of application. The amended regulation for both programs specifies that assistance for eligible individuals will begin with the date of application.

VR 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

PART I. GENERAL RELIEF PROGRAM.

§ 1. § 1.1. Definitions.

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

"Agency action or action" means action taken by the superintendent/director or local board certifying the individual or family is eligible for maintenance assistance.

"Entitlement date or entitlement" means the date maintenance assistance begins.

"Maintenance payments or maintenance" means ongoing financial assistance from the General Relief Program.

§ 2. § 1.2. Maintenance payments.

A. Entitlement date.

When an individual or family has been found by agency action to be eligible When eligibility is determined to exist, entitlement shall begin effective no later than the first day of the month following the month date of application, provided the individual or family meets all eligibility conditions at the time. In the following situations, the date of entitlement shall be the first of the month in which the application was made.

1. Action is taken during the month of application.
2. Action is taken in a month later than the month of application;
 - a. For reasons beyond the control of the applicant, as determined by the agency; and
 - b. The applicant received GR maintenance from another locality in Virginia for the month prior to the month of application.

PART II. AID TO DEPENDENT CHILDREN PROGRAM.

§ 1. § 2.1. Definitions.

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

"Entitlement date or entitlement" means the date assistance begins.

§ 2. § 2.2. Entitlement date.

When eligibility for financial assistance is determined in the same month in which the application is received to exist, entitlement shall begin effective the date of application. If eligibility is not determined in the month the application is received, the date of entitlement will be the first of the next month (month following the month in which the application is received).

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-10-112. Welfare Assistance Redeemable in Goods (Retail Sales and Use Tax).

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

Public Hearing Date: April 6, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

This regulation references the exemption from the sales and use tax enacted by the 1986 session of the General Assembly for purchases of tangible personal property made with food stamps and WIC drafts. In addition, this regulation sets forth the methods that a food dealer may use to account for such exempt sales when filing his sales and use tax returns.

VR 630-10-112. Welfare Assistance Redeemable in Goods (Retail Sales and Use Tax).

§ 1. Generally.

Except as provided in § 2, Food stamps and WIC drafts, the tax applies to tangible personal property purchased by individuals with welfare benefits.

§ 2. Food stamps and WIC drafts.

Effective October 1, 1986, the tax does not apply to tangible personal property purchased by individuals with food coupons ("food stamps") issued by the U.S. Department of Agriculture under the Food Stamp Program or drafts (WIC drafts) issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

§ 3. Other purchases by food stamp and WIC program participants.

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The exemptions set forth in § 2, Food stamps and WIC drafts, apply only to food or other items of tangible personal property actually purchased with food stamps or WIC drafts. Thus, all other purchases by food stamp and WIC program participants that are not paid for with food stamps or WIC drafts are subject to the tax.

§ 4. Dealer's returns.

In computing the total exempt sales relating to goods paid for with food stamps and WIC drafts, a dealer may make an exact accounting of such sales or may choose one of the two following alternative methods:

ALTERNATIVE 1.

A dealer may compute his exempt food stamp and WIC sales by utilizing the monthly total of all food stamps deposited, plus the total number of \$1 food stamps retained at the end of the month, less reduced by the total amount of coinage given as change from food stamps during the month and the total number of \$1 food stamps on hand on the first day of the month. To this total should be added the total amount of WIC drafts deposited during the month.

Example: Tendered to Dealer A during the month are \$10,000 in food stamps on purchases of eligible foods. In addition, Dealer A had \$40 in food stamps on hand on the first day of the month. Dealer A returns \$1,000 of such stamps and \$180 in coin to customers as change from food stamp purchases. Thus, Dealer A has taken in a net total of ~~\$0,000~~ \$9,040 in food stamps for the month. Of this total, Dealer A deposits with his bank during the month ~~\$8,950~~ \$8,990 and on the last business day of the month withholds fifty food stamps of the \$1 denomination in order to have sufficient change for the next business day. In addition, Dealer A deposits WIC drafts totalling exempt purchases of \$500 during the month. Dealer A would compute his total deduction from gross receipts for exempt food stamp and WIC sales as follows:

Food stamps deposited during month	\$0050 \$8,990
Food stamps retained at end of month	50
Food stamps on hand at first of month	(40)
WIC drafts deposited during month	500
Coin change from food stamp purchases	(180)
Total deduction for exempt food stamp and WIC sales	\$9,320

ALTERNATIVE 2.

The second option available to a dealer in computing his exempt food stamp and WIC sales is to utilize the monthly total of food stamps deposited, plus the total number of \$1 food stamps retained at the end of the month (reduced by the total amount of food stamps on hand on the first day of the month), multiplied by 98%. To this total should then be added the total amount of WIC drafts deposited during the month.

Dealers utilizing this approach may also seek authorization from the department to use an alternative percentage to account for coin change returned to customers from food stamps. Any such request must be accompanied by a detailed analysis of not less than one month's food stamp transactions.

Example: Tendered to Dealer B during the month are \$10,000 in food stamps. In addition, Dealer B had on hand \$40 in food stamps on the first day of the month. Returned to customers in change from such stamps are \$1,000 in food stamps; thus, Dealer B has taken in a net total of ~~\$0,000~~ \$9,040 in food stamps during the month. Of this total, Dealer B deposits ~~\$8,950~~ \$8,990 into his bank account and retains \$50 in food stamps on the last day of the month. In addition, Dealer B deposits WIC drafts totalling \$500 during the month. Dealer B would compute his total deduction from gross receipts for exempt food stamp and WIC sales as follows:

Food stamps deposited during month	\$8,950 \$8,990
Food stamps retained at end of month	50
Food stamps on hand on first day of month	(40)
.....	\$9,000
.....	x .98
.....	\$8,820
WIC drafts deposited during month	500
Total deduction for exempt food stamp and WIC sales	\$9,320

The total exempt food stamp and WIC sales arrived at under either option would then be added to the total of other exempt sales and deducted from gross receipts when the dealer files his monthly sales and use tax return, Form ST-9. The option selected by the dealer for purposes of filing his first return for taxable periods beginning on or after October 1, 1986 must be followed for all subsequent returns, unless the dealer obtains written authorization from the Tax Commissioner for the use of an alternative method. Section revised 1/79, 10/86, 7/87.

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For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

DEPARTMENT OF MINES, MINERALS AND ENERGY

DEFINITIONS.

Title of Regulation: VR 480-03-16. Minerals Other Than Coal Surface Mining Regulations.

Statutory Authority: § 45.1-180 of the Code of Virginia.

Effective Date: March 4, 1987

Summary:

The regulations establish rules for issuing surface mining permits, and requirements for bonds, operations, reclamation procedures, road construction, revegetation and other matters related to the surface mining of minerals other than coal. These regulations establish the procedures and requirements for implementing Chapter 16, Title 45.1 of the Code of Virginia.

The regulations incorporate by reference two handbooks. The Revegetation Guidelines provide recommendations and guidelines for establishing various types of vegetation on land which is surface mined for minerals other than coal. The Minerals Other Than Coal (MOTC) Surface Mining Drainage Handbook provides standards and specifications for the construction and installation of drainage control structures and facilities.

Most of the proposed amendments to the regulations are editorial in nature and are intended to clarify and simplify the existing regulations. The major change in the regulation relates to the number of inspections for determining adequacy of revegetation and bond release.

Proposed changes to the Revegetation Guidelines relate to the establishment of grass and legume mixtures and vegetation of critical or problem areas.

Proposed changes to the MOTC Surface Mining Drainage Handbook relate to specifications for water impoundments, definition of temporary and permanent ponds, compaction requirements for the construction of dams, spillway design requirements and standards for stream diversions.

VR 480-03-16. Minerals Other Than Coal Surface Mining.

SECTION 2: DEFINITIONS

PART I.

2.01 § 1.1. Statutory Definitions. As used in these regulations, the words surface mining, disturbed land, overburden, spoil, reclamation, director, division, person, operator, and board shall have the meaning assigned to them by 45.1-180; (a) through (z), as these subparagraphs of 45.1-180 presently appear and as they may be hereafter severally amended. *Statutory definitions. As used in these regulations, the words mining, disturbed land, overburden, spoil, reclamation, division, operator shall have the meaning assigned to them by § 45.1-180 of the Code of Virginia.*

2.02 § 1.2. Regulatory Definitions. Unless the context in which used clearly requires a different meaning as used in these regulations, the below listed words shall have the meanings assigned to them as follows: The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

(a) "Active removal point" means any location within the permitted area where minerals are being removed from its natural state.

(b) Affected or Disturbed Land. The areas from which overburden has been removed in any mining operation, plus the area covered by the spoil and refuse, plus any areas used in such mining operation including land used for processing, stockpiling and settling ponds.

(c) "Backfill" means the placement of material into an excavated area in order to achieve a predetermined grade.

(d) "Berm" means a stable ridge of material used in reclamation for the control of sound, surface water, safety, aesthetics, or such other purpose as may be applicable.

(e) "Check dam" means a small barrier installed across a natural or constructed drainageway to retard water flow and to catch sediment.

(f) Completion of Operation.

A. A mining operation where no mineral has been removed or overburden removed or regraded for a period of twelve (12) consecutive months, unless the operator, within thirty (30) days of receipt of the Director's notification declaring completion, submits sufficient evidence that the operation is in fact not completed. Stock piles of material in designated areas shall be allowed to continue under permit to provide orderly removal and/or disposal of the stockpiles after the operation is considered

completed.

B. At the option of the operator and with the Director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed as much as practical to prevent erosion and sedimentation.
2. All drainage structures such as culverts, ditches, etc., are maintained to the Director's satisfaction.
3. All vegetation is maintained (reseeded as necessary) to the Director's satisfaction.

If the above conditions are not met, the permit can be revoked by the Director in accordance with Section 45.1-186.1 of the Code of Virginia.

(g) **Critical Areas.** Areas, not adequately protected or vegetated, which can cause deposition of sediment in valleys and streams. More specifically, they are areas which fail to stabilize adequately within sixty (60) days following corrective measures. "Critical areas" means problem areas such as those with steep slopes, easily erodible material, hostile growing conditions, concentration of drainage or other situations where revegetation or stabilization will be potentially difficult.

"Department" means the Department of Mines, Minerals and Energy.

"Director" means the Director of the Department of Mines, Minerals and Energy.

(h) "Diversion ditch" means a ditch designed and installed to change the course of ground or surface water.

(i) **End dumping or side dumping.** The placement of overburden in a valley fill either by direct dumping or dozing spoil over the edge of outslope to provide the natural gravity segregation of large boulders and finer sized rocky material.

"Drainage design" means a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and control structures to be installed with the appropriate design data.

(j) "Filter strip" means a protective strip of vegetation between disturbed areas and streams that retards the flow of runoff water and causes deposition of transported material.

(k) "Highwall" means the vertical or near-vertical wall created by mining operations.

(l) "Intermittent or perennial stream" means a stream or part of a stream that flows continuously during all

(perennial) or for at least one month (intermittent) of the calendar year as a result of ground water discharge or surface runoff.

"Internal service roads" means roads which are to be used for internal movement of raw materials, soil, overburden, finished or in-process materials within the permitted area, some of which may be temporary.

(m) "Lime" means an agent, normally agricultural limestone, that is capable of reducing soil and ~~for~~ spoil acidity to levels suitable for revegetation.

"Methods of operation plan" means a description of the proposed method of mining and processing, location of topsoil, overburden, stockpiles, equipment storage and maintenance areas, proposed slopes and roadways. The method of operation shall provide for the conducting of reclamation simultaneously, where practicable, with the mining operation.

(n) "Natural drainageway" means any natural or existing channel, streambed, or watercourse which carries surface or ground water.

"Operation/Reclamation plan" means an attachment to a permit application which consists of reclamation schedule, methods of operation plan, drainage design, and map of the permitted area.

(o) **Permitted Area.** The area shown on the application map and corresponding to the description stated on the permit application form which has been approved by the Director.

"Permitted area" means the disturbed land area and areas used for asphalt plants, cement plants, access roads and other activity in the area approved for mining within the boundary shown on the application map.

(p) "pH" Refers to degrees means a measurement of the acidity or alkalinity of a substance. A pH of seven is neutral; values below seven are in the acid range and values above seven are in alkaline range.

"Principal access roads" means roads which are well defined roads leading from scales, sales office, or loading point to a public road.

"Reclamation schedule" means a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation.

(q) **Pit or Quarry.** That part of the surface mining operation from which mineral is or has been removed.

(r) "Regrade or grade" means to change the contour of any surface.

(s) "Sediment" means undissolved organic or inorganic

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material transported or deposited by water.

(t) **Sediment Basin.** A basin created by the construction of a barrier, embankment, or dam across a waterway or by excavating a basin.

"Sediment basin" means a basin created by the construction of a barrier, embankment, or dam across a drainage way or by excavation.

"Sediment channel" means a channel constructed below the toe of the cut or fill slope to form a basin for the control of sediment.

(u) **"Stabilize"** means any method used to prevent movement of soil, spoil piles, or areas of disturbed earth, and includes increasing bearing capacity, increasing shear strength, draining, compacting, rip-rapping, or by vegetation.

(v) **"Topsoil"** means the surface layer and its underlying materials that have properties capable of producing desirable reclamation and vegetation.

(w) **"Toxic-forming materials"** means earth materials or wastes which if acted upon by air, water, or weathering processes, may produce chemical or compound elements in soils or water that, if present in soil and water, are detrimental to biota or uses of water.

(x) **Underdrain.** A permeable fill section placed in the valley floor to dewater the earth fill above.

(y) **Valley Fill.** A controlled earth and rock fill across or through the head of a valley or hollow to form a stable, permanent storage space for mine spoil material.

(z) **Water Bar.** A shallow depression used to divert water toward drainage ways.

SECTION 2A. DEFINITIONS

(aa) **Operations Plan.** The operations plan includes, but is not limited to, provisions and specifications on drainage, operations, and reclamation.

(bb)

1. **Internal Service Roads.** Roads which are to be used for internal movement of raw materials, soil, overburden, finished or in process materials within the permitted area, some of which may be temporary.

2. **Principal Access Roads.** Roads which are well defined roads from scales, sales office, or loading point to a public road.

(cc) **Sediment Channel.** A channel constructed below the toe of the cut or fill slope to form a basin for the control of sediment.

SECTION 1. GENERAL

PART II. GENERAL.

1.01 § 2.1. Scope.

These regulations establish general and specific rules for surface mining permits, bonds, operations, and reclamation procedure, roads, revegetation, and other matters related to minerals other than coal surface mining.

1.02 § 2.2. Authority.

These regulations are promulgated pursuant to Chapter 16, Title 45.1 of the Code of Virginia.

1.03 Effective Date August 1, 1978.

1.04 Division. Division of Mined Land Reclamation.

1.05 § 2.3. Commissioner.

The Commissioner of the Division of Mined Land Reclamation shall be an authorized agent of the director for the purposes of Chapter 16, Title 45.1, Code of Virginia, and all rules and regulations issued by the Board of Conservation and Economic Development Department of Mines, Minerals and Energy pursuant thereto.

1.06 § 2.4. Inspectors.

Inspectors shall make all necessary surveys and inspections of disturbed areas, shall administer and enforce all laws, rules and regulations, and shall perform such other duties as prescribed by the director.

1.07 Amendments. All amendments, changes, and modifications of plans approved by the Director shall be valid only when evidenced by a writing.

§ 2.5. Modifications.

The division may approve reasonable modifications or amendments to any drainage, reclamation and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations. All modifications or amendments shall be valid only when evidenced in writing.

1.08 Construction of Facilities. It is not intended for these regulations to require the reconstruction of existing facilities or construction of additional facilities upon existing permitted operations unless such operations, or portions thereof, constitutes a hazard to public safety, health, welfare, and the environment. Then the operator shall take immediate action to abate the hazard and prepare plans to assure the elimination thereof.

§ 2.6. Remedies.

Any operation failing to comply with requirements set forth in these regulations shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

§ 2.7. Severability.

If any provisions of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

§ 2.8. Drainage and Sediment Control Handbook.

The Virginia Surface Mine Drainage Handbook (revised 1986), hereinafter referred to as the "Handbook" contains approved design methods and technical standards for design and construction for drainage and sediment control measures, roads, and spoil disposal methods. Alternate methods and designs other than those contained in the Handbook may be submitted with appropriate design data and construction specifications for approval.

§ 2.9. Revegetation guidelines.

The Minerals Other Than Coal Revegetation Guidelines (revised 1986), hereinafter referred to as the "Guidelines," have been prepared to facilitate revegetation of surface mined areas and are a supplement to and part of these regulations. The guidelines provide recommendations and procedures for the establishment of various types of vegetation on land surface mined for minerals other than coal.

SECTION 3. REQUIREMENTS FOR ISSUANCE OF MINERALS OTHER THAN COAL SURFACE MINING PERMITS AND EXEMPTIONS

PART III. REQUIREMENTS FOR ISSUANCE OF MINERALS OTHER THAN COAL SURFACE MINING PERMITS AND EXEMPTIONS.

3-01 § 3.1. Contiguous area.

Contiguous areas shall be covered under one permit; however, the director may, at his discretion, combine noncontiguous areas into a single permit where such areas are approximate to each other and are part of the same operation.

3-02 Signs. Sign to be considered by the Division shall be installed on the mining site adjacent to the principal access road. This marker shall be constructed of metal or wood; have dimensions of no less than two (2) feet x three (3) feet; be securely affixed to a metal pipe post of no less than two (2) inches in diameter. The marker must

be no less than four (4) feet above the ground and visible to access road traffic. The name of permittee and the permit number must be legibly painted on marker:

XYZ MINE COMPANY
PERMIT NUMBER 12

§ 3.2. Signs.

Signs to be considered by the division shall be those installed on the mining site adjacent to the principal access road. The marker must be visible to access road traffic. The material used and the mounting of the sign must be approved by the division. The name of permittee and the permit number shall be legibly painted on the marker.

3-03 Operator Conference with Mined Land Reclamation Inspector. Prior to submitting application of Minerals Other Than Coal surface mining permit, all maps, and plans shall be reviewed in the field at the proposed mining site with the Mined Land Reclamation inspector assigned to the areas to be mined. Two (2) copies of a pre-inspection report shall be completed by the inspector. One (1) copy shall be handed to the operator and one (1) copy shall be sent to the Division office.

§ 3.3. Operator conference with inspector.

Prior to submitting application of Minerals Other Than Coal surface mining permit, all maps and plans shall be reviewed in the field at the proposed mining site with the inspector.

3-04 Minerals Other Than Coal Surface Mining Permits. Minerals Other Than Coal surface mining permits shall continue to be in effect in accordance with Sections 45.1-181 and 45.1-185 and shall not be transferable. Permits must be renewed annually in accordance with Sections 45.1-181 and 45.1-185.

§ 3.4. Minerals Other Than Coal Surface Mining permits.

Permits shall not be transferable and shall be renewed annually to continue to be in effect.

3-05 Permit Application. Two (2) copies of the permit application shall be submitted to the Division. The application shall be signed and sworn to by the person, or his legal representative, intending to engage in surface mining of minerals other than coal. One (1) copy shall be returned to the operator after being reviewed.

§ 3.5. Permit application.

Application for a mining permit shall be made in writing on a form prescribed by the director and shall be signed and sworn to by the applicant or his duly sworn representative. Two copies of the notarized application shall be submitted to the division.

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3.06 The following must accompany the permit applications:

(a) Permit Fee.

1. Initial Permit Application. A fee of twelve (12) dollars per acre for the land to be affected by the total operation shall accompany an initial application for which plans have been submitted. The fee shall be in the form of cash, cashier's check, or certified check.

2. Succession of Operation by Another. A fee of six (6) dollars per acre for the land to be affected by the total operation where one operator succeeds another on an uncompleted operation for which plans have been submitted. The fee shall be in the form of cash, cashier's check or certified check.

(b) Bond.

1. Bond shall be furnished on a form prescribed by the Director in the amount of not less than \$200 or more than \$1000 per acre estimated to be affected within the next ensuing year.

2. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, or insurance surety bond.

3. No bond shall be less than \$1,000 for any permit except as provided for in Section 3.00.

(c) The Operations Plan shall consist of the following material:

1. The Operations Plan shall include a statement of the planned land use to which the disturbed land is to be returned through reclamation and the proposed actions to assure suitable reclamation. Planned land use may change by virtue of circumstances and time, therefore, amendments will be allowed.

2. A description of the proposed method of operation, including the manner, grading, the method of removal of metal, lumber, and debris including processing equipment, buildings, and any other equipment relative to the mining operation, the method of seeding, fertilizing, and liming. The plan shall provide for the conducting of reclamation simultaneously wherever practicable with the mining operation and complete reclamation on each segment of the operation where activity has ceased. (See schedule in Section 7.01.)

3. Drainage Plan. The drainage plan shall consist of a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and all sediment and drainage control structure to be installed and appropriate design data. Alternate methods and designs of sediment and drainage control structures other than

those contained in the Virginia Surface Mine Drainage and Sediment Control Handbook may be submitted with appropriate design data and construction specifications for approval. approved design standards and construction specifications are contained in the VSMD & SC Handbook.

4. Maps. Maps shall be supplied as described under Section 46.1-181 hereof, showing the total area to be permitted (with acreage calculated and the area to be affected in the next ensuing year (with acreage calculated.)

5. Utility Easements. The operator shall submit a copy of a written notification of proposed surface mining to any utility easement on the area to be disturbed and within five hundred (500) feet of such an area.

(d) Legal Right. A statement of the source of the legal right of the applicant to enter and conduct operations on the land proposed to be covered by the permit.

(e) Past and Outstanding Permits. A statement of any mineral permits issued by the State and held, at the time of or prior to application, by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

(f) Revocations and Forfeitures. A statement of any and all surface mining permit revocations and bond forfeitures in Virginia or any other state experienced by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

(g) Application for Permit. The application for a permit shall be accompanied by a statement showing the names and addresses of the owners of property within one-thousand (1,000) feet of the property line of any land proposed to be permitted and certification that such landowners have been notified previously. Such a statement shall be on a form prescribed by the Director.

(h) Public Comments on Issuance of Permit. In order to allow sufficient time for owners of property within one-thousand (1,000) feet of the property line of any land proposed to be permitted to receive from the operator notification by certified mail of the application for a permit to surface mine for minerals other than coal and to file with the Director within ten (10) days after receipt of such notifications objections to the issuance of a permit to surface mine, no permit shall be issued until fifteen (15) days after date of receipt by the Director of an application for a permit to surface mine for minerals other than coal, or QR 1 form, for such permit.

§ 3.6. The following must accompany the permit application:

1. Permit fee.

a. Initial permit application. A fee of \$12 per acre for the total permitted acres shall be submitted.

b. Succession of operation by another. A fee of \$6.00 per acre for the land permitted by the total operation where one operator succeeds another on an uncompleted operation for which plans have been submitted.

c. Fees. All fees must be in the form of cash, cashier's check, certified check, or company check.

2. Bond.

a. Surety shall be furnished on a form prescribed by the director in the amount of \$1,000 per acre estimated to be affected within the next ensuing year. Additional bond or surety can be required by the division to cover amended acreage.

b. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, or insurance surety bond.

c. No bond shall be less than \$1,000 for any permit except as provided for in § 3.7 hereof.

3. Reclamation fund.

a. Membership in fund; payments required. Each operator who has had five years of satisfactory operation in the Commonwealth under Chapter 16, Title 45.1 of the Code of Virginia, shall become a member of the fund by making an initial payment to the fund of \$50 for each acre estimated to be affected by mining operations during the next ensuing year. Thereafter, the member shall make an annual payment of \$12.50 for each acre estimated to be affected during the next ensuing year. Such payments shall continue until the member has paid into the fund a total of \$500 for each acre affected.

4. Operation reclamation plan. Shall be attached to the application on a form prescribed by the director and consist of the following:

a. Reclamation schedule. Shall include a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation. The method of grading, removal of metal, lumber, and debris, including processing equipment, buildings, and other equipment relative to the mining operation, seeding, fertilizing, and liming shall be specified.

b. Method of operation. Shall include a description of the proposed method of mining and processing, location of topsoil, overburden, stockpiles, equipment storage, and maintenance areas, proposed slopes and roadways. The method of operation shall provide for the conducting of reclamation simultaneously where practicable with the mining operation.

c. Drainage design. The design shall consist of a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and all sediment and drainage control structures to be installed with appropriate design data.

d. Maps. Maps shall be supplied as described in Title 45.1 of the Code of Virginia, showing the total area to be permitted (with acreage calculated) and the area to be affected in the next ensuing year (with acreage calculated).

5. Legal right. A statement of the source of the legal right of the applicant to enter and conduct operations on the land proposed to be covered by the permit.

6. Outstanding permits, revocations, and forfeitures. A statement of all past mineral surface mining permits, revocations, and bond forfeitures in Virginia or any other state experienced by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

7. Permit notifications.

a. Name and address of property owners within 1,000 feet of the permit boundary and a copy of the certified mail receipts or other proof of recent prior notification of each landowner.

b. Statement certifying that the chief administrative official of the local political subdivision has been notified.

c. Copy of notification of proposed operation to any utilities on or within 500 feet of the permitted area.

8. Public comments. Property owners within 1,000 feet of the permitted line have 10 days from notification of proposed mining to file objections with the director. No permit will be issued until 15 days after receipt of the application by the division.

3-07 Additional Bond. If, during any operation, it is found that the operator's estimate of the amount of disturbed land for which bond or other surety has been posted for reclamation is less than the actual area disturbed, the Division shall require the operator to file additional bond or surety sufficient to cover an amended estimate of land to be disturbed by such operation.

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§ 3.7. Exemption for restricted mining.

Any operator engaging in mining and disturbing less than one acre of land and removing less than 500 tons of minerals is exempt from all mining permit fees and renewal fees of this chapter. The restricted mining operator shall submit an application for a permit, sketch of the mining site, methods of operations plan, and shall be adhered to in accordance with §§ 45.1-181 and 45.1-182.1 of the Code of Virginia.

3.08 Release of Bond. Minerals Other Than Coal surface mining bond shall be released by the Director in accordance with the provisions of Section 45.1-185, Code of Virginia, and applicable provisions of the regulations.

3.09 Exemption for Restricted Mining. Any operator engaging in mining and disturbing less than one (1) acre and removing less than five hundred (500) tons of minerals is exempt from all mining permit fee, renewal fee, and bond requirement of this Chapter. The restricted mining shall submit an application for a permit, sketch of the mining site, and operation plan and shall be adhered to in accordance with Sections 45.1-181 and 45.1-182.1.

3.10 Modifications. The Division may make reasonable modifications to any drainage and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

3.11 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 3A. AMENDMENTS

3A. (01) The Division may require the submission of an amendment to cover areas which the operator has disturbed outside his original permitted boundaries.

3A. (02) Amendments may, at the discretion of the Division, be allowed to cover additional mining areas or to change the drainage, operations, or reclamation plans.

3A. (03) Material to accompany the amendment shall meet the requirements of Chapter 16, Title 45.1-181 and 45.1-182.1.

SECTION 4. MAP REQUIREMENTS

PART IV. MAP REQUIREMENTS.

4.01 § 4.1. Preparation of maps.

All application, renewal, and completion maps shall be prepared and certified under the direction of a licensed

engineer or licensed land surveyor or issued by a standard mapping service or prepared in such a manner as to be acceptable to the director.

4.02 § 4.2. Certification.

The certification of the maps will read as follows: "I, the undersigned, hereby certify that this map is correct and shows to the best of my knowledge and belief, all the information required by the surface mining laws of this State the Commonwealth of Virginia ." The certification will be signed and notarized. The director may reject any map as incomplete if its accuracy is not so attested.

4.03 § 4.3. Map information.

The applicant shall furnish the director with two copies an an accurate *acceptable map* or aerial photograph map meeting the following requirements:

(a) 1. Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping service or prepared in such a manner as to be acceptable to the director.

(b) 2. Identify the area to correspond that corresponds with the land described to in the application.

(c) 3. Show adjacent deep mining, if any, and the boundaries and names of owners of surface properties with the names of owners of the affected area which lie within a 100 feet of any part of the affected area and adjacent deep mining, if any .

(d) 4. Be drawn to a scale of 400 feet to the inch or better at a scale acceptable to the director .

(e) 5. Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within 500 feet of such area.

(f) 6. Show by appropriate markings the boundaries of the area of land affected, the outcrop of the seam at the surface or deposit area to be mined and the total number of acres involved in the area of land affected.

(g) 7. Show the date on which the map was prepared, the north arrow, and the quadrangle name.

(h) 8. Show the drainage plan on and away from the area of land affected, including the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving the discharge.

4.04 § 4.4. Color code.

A color code as prescribed by the director, shall be used in preparing the map to indicate critical features of

the permit area as follows .

- (a) Red shall indicate boundary of permit area.
- (b) Yellow shall indicate the total number of acres disturbed including access roads.
- (c) Blue shall indicate water and drainage pattern.
- (d) Brown shall indicate estimated additional acres to be disturbed in the next twelve (12) months.
- (e) Green shall indicate number of acres revegetated last twelve (12) months.
- (f) Black arrows shall show the direction of water flow from the affected area of the mining site.
- (g) Gross hatch red shall indicate deleted areas.

4.05 § 4.5. Alternate to color code.

At the option of the operator, a reproducible map using graphic symbols to represent the different areas as indicated in Section 4.04, color code, can be submitted instead of a color coded map. The map shall also comply with all provisions of Section 4. A legend shall accompany the map which shows the graphic symbol and the acreage for each of the different areas as indicated in Section 4.04. The director may approve use of graphic symbols to represent the different areas instead of a color coded map. A legend shall accompany the map which shows the graphic symbol and the acreage for each of the different areas.

4.06 § 4.6. Map submittal.

At the option of the operator, if in a given year there are no changes in the different areas or other map features, the operator may submit a certification instead of the map for the year. The certification shall read as follows: "I, the undersigned, hereby certify that no changes have been made in the different areas (Section 4.04) or in other map features since the last annual permit renewal." The certification will be signed and notarized.

SECTION 5. PERMIT RENEWAL

PART V. PERMIT RENEWAL AND SURETY ADJUSTMENTS.

5.01 § 5.1. Time for renewal.

If the operator wishes to continue operations, the minerals surface mining permit shall be renewed each year 10 days following the anniversary date of the permit. Renewal progress report and maps must be received by the anniversary date. If the time requirements set forth herein are not met, the permit shall expire 10 days following the anniversary date.

5.02 Area of Renewal. The acreage alterations listed below are allowed:

- (a) Deletions of acreage which seriously threaten or endanger health, safety, or property rights and abatement is not feasible by the application of control techniques.
- (b) Increase acreage due to underestimating affected land.

5.02 § 5.2. Renewal fee.

A renewal fee in the amount of \$6.00 per acre for previous acres disturbed plus estimated additional acres to be disturbed in the next 12 months shall accompany the progress report.

5.03 Renewal Fee. A renewal fee in the amount of six (6) dollars per acre for land to be affected by the total operation in the next ensuing year must accompany the progress report.

§ 5.3. Renewal progress report.

Information as may be required shall be submitted on a form prescribed by the director. The report shall be signed and sworn to by the applicant or his legal representative.

5.04 Renewal Progress Report. progress Report for renewal shall be submitted on a form prepared by the Director. The progress report form shall be signed and sworn to be the person, or his legal representative, engaging in surface mining of minerals other than coal. In addition to such other information as may be reasonably required, the progress report shall contain the following information:

- (a) Pounds of fertilizer, lime and mulch used in the past twelve (12) months.
- (b) Species and amount of seed and seedlings planted in the past twelve (12) months.
- (c) Number of acres covered by the surface mining permit.
- (d) Number of acres affected including access roads.
- (e) Number of acres estimated to be affected during the next twelve (12) months.
- (f) Number of acres vegetated in the past twelve (12) months.
- (g) Certification by Notary Public.

§ 5.4. Request for additional bond at time of renewal.

If at renewal time or any time during the mining operation, bond or other surety is considered to be less

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than required coverage, the director will notify the operator in writing of the amount required. The operator will have 30 days from the date of notification to submit the required bond.

5.05 Request for Additional Bond at Time of Renewal. Upon receipt of the progress report, the Director shall review the progress report to determine if additional bond is needed. If additional bond is needed, the Director will notify the operator in writing of the amount required. The operator will have thirty (30) days from date of notification to submit the required bond.

§ 5.5. Renewal map.

A renewal map meeting the requirements of Part IV of these regulations shall accompany the renewal progress report unless exempted by § 4.6.

5.06 Adjustment of Bond Rate. The rate of bond required upon renewal of permit shall be the same as the previous year unless the Director finds:

(a) Need for increase due to the exigencies of any unanticipated circumstances or event.

(b) Need for increase due to operator having received, during past year of operation, three (3) notices of non-compliance from the Director. If such is the case, the bond shall be at the maximum rate.

(c) Partial release of bond will be considered at renewal time or after the operation is completed. One half of the bond on the area shown on the renewal or completion map and vegetated will be released if approval has been given; however, bond shall be reduced to no less than one half of the current bond rate as required for new permits.

5.07 Renewal Map. A renewal map meeting the requirements of Section 4 of these regulations shall accompany renewal progress report. Further upon the map must be placed the areas involved and reported pursuant of 4.04 of these regulations.

5.08 Modifications. The Division may make reasonable modifications of any drainage, reclamation, and operation plans required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

5.09 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 6. ROADS

PART VI. ROADS.

6.01 Planning

(a) Items to be shown on the Operations Plan. The following items shall be submitted as a part of the Operations Plan.

1. The general location of internal service roads which are to be used for internal movement of raw materials, soil, overburden, finished or in process materials within the permitted area, some of which may be temporary.

2. Specific location of principal access roads, which are well defined roads from scales, sales office, or loading point to a public road. (The center line of proposed access roads shall be flagged prior to field inspection.)

3. Surveyed location of access point and intersection design at intersection of principal access roads with public street or road.

4. Typical cross sectional view of all principal access roads and ditches.

5. Locations and sizes of all proposed culvert installations on access roads and location where any road crosses or lies adjacent to a stream.

6. Cross sectional view of a typical culvert installation including inlet and outlet protective measures.

§ 6.1. Planning.

A. The following items shall be submitted as a part of the Operation/Reclamation Plan:

1. The general location of internal service roads.

2. Specific location of principal access roads.

3. Accurate design of access points and intersections with public streets or roads as approved in a commercial entrance permit as required by the Virginia Department of [Highways and] Transportation or the local governing body.

4. Typical section view of all principal access roads and ditches.

5. Locations and sizes of all proposed culvert installations on access roads and location where any road crosses or lies adjacent to a stream.

6. Typical section view of a culvert installation including inlet and outlet protective measures.

(b) Use of Secondary Roads and Location with Respect to Developed Areas. Access roads connected to minor residential streets in developed areas shall not be used for commercial hauling, including transporting heavy

equipment unless specifically authorized by the Director. Internal service roads and principal access roads shall be planned to minimize impact of traffic, dust, and vehicle noise on developed areas outside the mining site. This provision shall not apply to operations in existence at the time of adoption of these regulations.

B. Use of roads and location with respect to developed areas.

Internal service roads and principal access roads shall be planned to minimize the impact of traffic, dust, and vehicle noise on developed areas outside the mining site.

(c) Traffic Safety. Access roads shall be designed to minimize traffic hazards, particularly at intersections with public roads.

6.02 § 6.2. Construction standards.

(d) A. Relation to streams:

1. Natural Drainways ~~drainageways~~. Alterations and relocations of natural ~~drainways drainageways~~ as shown on the operations plan will be permitted if the natural ~~drainway drainageway~~ will not be blocked and if no damage results to the natural ~~drainway drainageway~~ or to adjoining landowners.

2. Stream crossings. Drainage structures shall be required in order to cross a stream channel. Such structures shall be constructed so as not to restrict the flow of the stream, i.e., the bridge or culvert(s) shall be of adequate size to permit stream flow throughout the seasonal periods during the life of the surface mine permit.

3. Filter strips. A protective strip of absorbent undisturbed forested or grassed area at least 50 feet wide measured on the slope should be provided, where feasible, between the road and stream to reduce the sediment load of the stream. As the steepness of slope increases, so should the width of the filter strip.

(e) B. Erosion and sedimentation. Road surfaces and ditches shall be stabilized. Side slopes shall be constructed in a stable manner to minimize erosion and sedimentation.

(f) Slopes. Slopes shall be constructed in a stable manner as to support vegetation and planted in accordance with Section 9 after construction.

(g) C. Ditches. Ditches shall be provided when constructed where necessary and be of shall have sufficient capacity to control surface runoff. Ditches shall have a minimum constructed depth of one (1) foot measured from the lowest point in the road surface adjacent to the ditch.

(h) D. Culverts. Culverts shall be used as necessary to

facilitate the handling of storm runoff from roads and for road crossings at streams if desired. Culverts shall be installed in accordance with the following standards:

1. Ditch Relief culverts shall be installed at intervals as required to prevent overloading of ditches.

2. Culverts shall be placed on a minimum grade to assure free drainage and covered by compacted fill as specified by manufacturer.

3. Culverts shall be covered by compacted fill to a minimum depth as specified by the manufacturer.

4. 3. The inlet end shall be protected by a headwall of a suitable material such as concrete retaining wall, sand bags, rock riprap, or other approved material.

5. 4. The outlet end shall discharge onto an apron of rock riprap or other approved material. Where practical, the outlet end shall be placed below the toe of the fill. At no time should runoff be allowed to flow over an unprotected fill slope.

6. 5. Culvert openings installed on roads Culverts shall not be be no less than 12 inches in diameter. ; but, in any event, all culvert openings All culverts shall be adequate to carry storm runoff and shall receive necessary maintenance to function properly at all times be properly maintained .

7. 6. If sediment is to be controlled on roads by use of culverts, said culverts Sediment control culverts shall have a perforated vertical or 45° riser risers on the upstream end and discharge must be controlled to prevent erosion of slopes.

(i) E. Road surface.

1. Except as provided in items b. and e. of this section paragraphs 2 and 3 below, roads may be unpaved provided dust is adequately controlled by the operator.

2. Approaches to public roads. Access roads which intersect with a state highway or a public street shall be paved with an approved all-weather surface for the entire length of road from the state highway or street to the active loading point or for a shorter distance if the type of surfacing will eliminate and prevent the depositing of mud or debris onto the state highway or public street. All weather surface shall consist of either asphalt, concrete or stone, or sand and gravel.

3. Roads shall not be surfaced with any acid producing material, or any material which will introduce a high concentration of suspended solids into surface drainage.

(j) F. Innovative designs. Innovation and improved designs and construction techniques shall be encouraged.

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Designs and construction techniques for roads, drainage structures, and control of drainage, erosion and sedimentation other than those contained or referred to in these regulations shall be subject to review and approval by the division.

(k) G. These standards shall only apply to any roads within the disturbed *permitted* area which due to their location, would, when exposed to weather conditions, cause pollution, sedimentation, or erosion to areas outside the permitted area.

6.03 § 6.3. Maintenance.

Maintenance is required to insure the proper functioning of the road and drainage system. Maintenance of the road system shall consist of inspection of roadways, ditches, culverts, and bridges after every storm event and at other time as necessary, the *inspecting*, repairing and cleaning of roadways, ditches, and culverts, and bridges wherever damaged or obstructed as necessary. Particular attention shall be given to removing debris from culvert inlets.

6.04 § 6.4. Abandonment.

When a road is abandoned, steps shall be taken immediately to minimize erosion and establish vegetative cover in accord with the operations plan *Operation/Reclamation Plan*.

6.05 Modification: The Division may make reasonable modifications to any drainage, reclamation, and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

6.06 Remedies: Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 7. OPERATIONS

PART VII. OPERATION/RECLAMATION PLAN.

7.01 § 7.1. Integration of reclamation with mining operations.

The operations *Operation/Reclamation Plan* shall be designed to minimize adverse effects on the environment and facilitate integration of reclamation with mining operations according to the special requirements of various individual mineral types.

(a) A. Sand and gravel. Prior to beginning work at a mining site heretofore undisturbed by mining, a plan shall be prepared to minimize the acreage to be disturbed and to facilitate reclamation at the conclusion of mining. At the conclusion of mining, the affected area shall have

been graded to conform with the original or amended provisions of the Operations Plan and revegetated in accordance with applicable regulations. Cut and fill mining shall be accomplished by removing top material and placing it adjacent to the excavation, removing the mineral to be mined, and then grading the top material back over the excavation, generally by use of a coordinated and continuous method designed to minimize unreclaimed area, all in accordance with the approved Operations Plan. Mining below the water table shall take place under the following conditions:

1. A lake with a minimum depth of four (4) feet is provided and approved in the Operations Plan.

2. Other suitable reclamation practices, for example, agricultural land is provided for in the Operations Plan. In no case can shallow depressions be left which will create water impoundment of less than four (4) feet in depth.

1. The Operation/Reclamation Plan shall be prepared to minimize the acreage to be disturbed and to facilitate simultaneous reclamation.

2. Cut and fill mining shall be performed in the following sequence:

a. By removing top material and storing it on adjacent area.

b. Removing the mineral.

c. Restoring top material back over the excavation by use of a coordinated and continuous method.

3. Mining below the water table may take place if the following conditions are met:

a. A plan for mining below the water table must be submitted and approved by the division.

b. In no case can lakes or ponds of water be created if less than four feet in depth.

4. Other suitable reclamation practices may be adopted if approved by the division.

Examples are:

a. Development of agricultural land.

b. Sanitary landfills if approved by the Department of Waste Management and the local governing body.

c. Other desirable land development projects.

(b) B. Clay and shale.

1. The mining shall be planned in such a manner as to facilitate grading and reclamation in accordance

with the Operations Plan. Wherever possible, the spoil shall be deposited in the inactive mining area. Reclamation shall be performed on that part of the mining site as soon as mining on that part is concluded, revegetation simultaneously with the operation.

2. Mined areas which are subject to redisturbance other than stockpile area, roads, and active removal points, shall be temporarily vegetated.

3. Due to the particular process of excavating at clay and shale mines and the nature of the soil, excavation shall be done in such a manner as to keep storm drainage flowing toward sediment control structures. Diversions shall be used to minimize storm runoff over disturbed areas.

(e) C. Limestone, Dolomite, Granite, Slate, and other Non-Metallic and Metallic Minerals. Stone, nonmetallic, and metallic minerals.

1. Prior to beginning work at a mining site heretofore undisturbed by mining, a plan. An Operation/Reclamation Plan shall be prepared to minimize the acreage to be disturbed and to facilitate simultaneous reclamation, at the conclusion of mining. Mining operations and handling and placement of spoils, as well as content of spoils piles, shall be planned to minimize unsightly appearance to the public during mining and to achieve a prompt and permanent reclamation of that part of the site where mining is concluded. Special consideration shall be given to possibilities for use of a completed excavation for water impoundments suitable for recreation, water supply and storage, and wildlife.

2. Mining operation shall be planned to minimize unsightly appearance to the public during mining and to achieve simultaneous and final reclamation.

3. Special consideration shall be given to possibilities for use of a completed excavation for water impoundments suitable for recreation, water supply and storage, and wildlife.

7.02 Protection of the Public. The Operations Plan shall include provisions for protection of the public, especially where mining is to be done in the immediate vicinity of a town, village, heavily populated urban area, or element of a public road system. Operators will be required to leave land undisturbed, construct a screening berm, or to grade generally to some level and terrain as an existing public road within a strip of land of a reasonable width, usually fifty (50) to one hundred (100) feet, lying adjacent and parallel to the public road involved.

§ 7.2. Slopes.

A. Proposed grade of completed slopes are to be indicated on the Operation/Reclamation Plan. Long

uninterrupted slopes must be provided with proper structures, such as terraces, berms, waterways, etc., to minimize erosion due to surface runoff.

B. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state in order to prohibit erosion onto an unprotected site.

C. Constructed slope shall not extend closer than 25 feet to any property boundary without written permission of the adjoining property owner or unless to improve drainage by methods acceptable to the director.

7.03 Slopes. Proposed slopes are to be indicated on the Operations Plan. Slopes must be in keeping with good conservation practices acceptable to the Division. Long uninterrupted slopes must be provided with proper structures, such as terraces, berms, waterways, etc. to accommodate surface waters, where necessary, to minimize erosion due to surface runoff. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state at the time reclamation is completed. No mining operation or slope shall extend closer than twenty-five (25) feet to any property boundary, except as provided in Section 7.02 for public roads, without written permission of the property owner therefore.

§ 7.3. Treatment of acid material.

All acid material which is part of or directly associated with the mineral seam or seams being mined shall be properly controlled during mining, and upon completion of mining, shall be covered with a material capable of shielding the acid material and supporting plant cover in accordance with approved vegetative standards. Unless otherwise specified by the director, the minimum cover shall be four feet in depth.

7.04 Weather Conditions. A reasonable extension of time shall be granted by the Division when weather conditions make compliance with an approved time schedule impracticable.

§ 7.4. Handling of spoil piles and stockpiles.

A. Grading spoil piles. All spoil piles will be graded in accordance with the Operation/Reclamation Plan in such a manner as to minimize sediment runoff.

B. Stockpiles. Stockpiles shall be removed to ground level and the area shall be scarified and planted in accordance with the approved Operation/Reclamation Plan. A reasonable time shall be allowed for sale of stockpiles.

7.05 Removal of Equipment. All grading and backfilling shall be completed before equipment necessary for such work is removed from the operation unless otherwise authorized by the Division.

§ 7.5. Storage of topsoil.

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A. Topsoil required for reclamation shall be stored in such a manner as to remain available for reclamation. Topsoil will be needed for future reclamation and shall not be removed from the permitted area unless authorized by the division.

B. The stockpile topsoil shall be seeded with quick growing grasses or legumes for stabilization until used in final reclamation.

7.06 Treatment of Toxic Material: All toxic material which is part of or directly associated with the mineral seam or seams being mined shall be properly controlled during mining, and upon completion of mining, shall be covered with a material capable of shielding the toxic material and supporting plant cover in accordance with approved vegetative standards. Unless otherwise specified by the Director, the minimum shall be four (4) feet.

§ 7.6. Screening.

A. Screening shall be provided to improve the appearance of the mining site from public roads, public buildings, recreation areas, and occupied dwellings.

B. If screening is to be undisturbed forest, a distance of 100 feet must be left undisturbed from the permit line. Planted earth berms, natural topography, appropriately designed fences or walls may be used if approved in the Operation/Reclamation Plan.

C. On permanent berms for screening, the spoils (waste materials) shall be initially placed on the proposed berm area and topsoil (where available) shall be spread over the spoil areas, not less than four inches in thickness, and if possible, 12 inches in thickness for a permanent screen. The remaining topsoil shall be placed in a designated area for future spreading on other sites which need top dressing. The topsoil shall be seeded or planted in accordance with the approved revegetation schedule.

7.07 Metal, Lumber and Debris: Metal, lumber and debris, including equipment, shall be disposed of in a manner acceptable to the Director upon completion of operation. Usable buildings for specified purposes may be left on the mining site in accordance with the approved Operations Plan.

§ 7.7. Completion of active mining.

A. A mining operation, where no mineral has been removed or overburden removed or regraded for a period of 12 consecutive months, will be declared complete and total reclamation begun.

B. At the option of the operator and with the director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed to prevent

erosion and sedimentation as directed by the director.

2. All drainage structures such as culverts, ditches, etc., are maintained to the director's satisfaction.

3. All vegetation is maintained (reseeded as necessary) to the director's satisfaction.

4. All improvements on site, including machinery and equipment, are to be maintained to a reasonable state of repair and condition.

If the above conditions are not met, the permit may be revoked by the director in accordance with § 45.1-186.1 of the Code of Virginia.

7.08 Handling of Spoil Piles and Stock Piles Upon Completion of Operations.

(a) Grading Spoil Piles: All spoil piles shall be graded in such a manner as to conform with the approved Operations Plan.

(b) Stock Piles: Stock piles shall be removed to ground level and the area shall be scarified and planted in accordance with the approved Operations Plan. A reasonable time shall be allowed for sale of stockpiles.

7.09 Removal of Topsoil: Topsoil, where it exists, shall remain in place and vegetated as long as feasible prior to use for mining operations and shall be removed progressively from designated areas and stored in accordance with the approved Operations Plan. In general, topsoil, where it exists, will be removed from areas designated to be occupied by stock piles, spoil piles, processing equipment and buildings, and other areas to be utilized in mining operations. The approved Operations Plan may include provision for sales of excess topsoil provided sufficient topsoil is stockpiled as necessary to carry out the Operations Plan.

7.10 Storage of Topsoil.

(a) Topsoil shall be stored in such a manner as to remain available for reclamation and not carried away or covered up with other material.

(b) On permanent berms for screening, the spoils (waste materials) shall be initially placed on the proposed berm area and topsoil (where available) shall be spread over the spoil areas, not less than four (4) inches, and if possible, twelve (12) inches in thickness for a permanent screen. The remaining topsoil shall be placed in a designated area for future spreading on other sites which need top dressing. The topsoil shall be seeded or planted in accordance with the approved revegetation schedule.

(c) In piles or temporary berms, the topsoil shall be seeded with quick growth grasses or legumes for

stabilization until used in final reclamation.

(d) Topsoil which has been saved for future reclamation shall not be removed from the permitted area unless authorized by the Division.

7.11 Screening. Screening shall be planned to effectively eliminate or favorably modify an unsightly view of mining operation and, in general, to improve the appearance of the mining site from an exterior view, particularly the view from the public streets and highways, public buildings, recreation areas, and occupied dwellings. Screening may consist of undisturbed forest, planted screening, planted earth berms, natural topography, or appropriately designed fences or walls, in all cases arranged or constructed to comply with the approved mining Operations Plan.

7.12 Rock Riprap. Riprap shall be used for the control of erosion on those areas where it is impractical to establish vegetation or other means of erosion control or in any areas where rock riprap is an appropriate means of reclamation. Placing of rock riprap shall be in accordance with drainage standards and the approved Operations Plan.

7.13 Conditioning the Soil. Soil shall be conditioned to comply with vegetation standards. Crusted and hard soil surfaces shall be scarified prior to the seeding of legumes and perennial grasses. Steep, graded surfaces shall be tracked by running a cleared crawler tractor or similar equipment up and down the slope.

7.14 Accumulation at Perimeter. No operator shall cause or allow the accumulation of overburden, spoil, or other material outside of the permit area, or place any such material in a manner that erosion or slides might cause such material to encroach upon land or waterways not covered by the permit.

7.15 Modification. The Division may make reasonable modifications to any drainage or operations plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

7.16 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia, and these regulations.

SECTION 8. DRAINAGE AND SEDIMENT CONTROL

PART VIII. DRAINAGE AND SEDIMENT CONTROL.

8.01 § 8.1. Drainage and sediment control.

All mining operations shall have adequate drainage, erosion, and sediment control measures incorporated in the Operations Operation/Reclamation Plan and installed in

accordance with the plan or as acceptable to the division. If in the event adequate drainage, erosion, and sediment control cannot be provided, surface mine permits may be denied.

8.02 Drainage and Sediment Control Handbook. The Virginia Surface Mine Drainage and Sediment Control Handbook, hereinafter referred to as the "Handbook" contains approved design methods and technical standards for design and construction for drainage and sediment control measures referred to in the Virginia Minerals Other Than Coal Surface Mining Reclamation Regulations. Alternate methods and designs of sediment and drainage control structures other than those contained in the Handbook may be submitted with appropriate design data and construction specifications for approval.

8.03 § 8.2. Sediment basins.

Disturbed areas that are not adequately controlled by acceptable erosion and sediment control measures or mining methods which incorporate sediment control shall have sediment basins installed on drainageways from all proposed disturbed areas. Sediment basins shall be located as close to the disturbed area as possible. Sediment basins shall not be located in perennial streams. Sediment control measures shall be installed prior to land disturbing activities within the drainage area controlled by the sediment basin. Approved Design standards and construction specifications are contained in the handbook.

8.04 § 8.3. Diversion structures.

Diversion structures, where conditions necessitate, shall be required by the division to divert water away from surface mined areas and direct runoff from spoil slopes to sediment control structures, thereby reducing sediment problems and interference with active mining operations. Approved Design standards and construction specifications are contained in the handbook.

8.05 § 8.4. Protecting intermittent or perennial streams.

All intermittent or perennial streams shall be protected from spoil by natural or constructed barriers.

8.06 § 8.5. Natural drainageways.

Drainageways will be identified on the map submitted with the application. If, in the operation, it is necessary to cross or fill such a drainageway, proper drainage structures shall be provided to allow free-flowing drainage and minimize erosion. Where necessary, water retarding structures will be placed in the drainageways. Approved Design standards and construction specifications relating to natural drainageways are contained in the handbook.

8.07 § 8.6. Acid Water Water quality. Acid water produced by surface mining shall be adequately treated. The pH of all water resulting from surface mining of minerals shall be between pH 6.0 to pH 9.0.

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8.08 § 8.7. Water impoundments.

Plans for water impoundments including, but not limited to, those to be used for livestock, recreation, or industry shall be submitted to the Division for approval approved by the division .

8.09 § 8.8. Landfills.

Plans for sanitary or industrial landfills will be accompanied by the written approval of the State Department of Waste Management .

8.10 § 8.9. Certification of drainage and sediment control structures.

All alternate methods and designs for drainage and sediment control structures other than those contained in the handbook shall be under the supervision of a registered licensed professional engineer.

8.11 § 8.10. Completion of structures.

Written notification shall be filed *within 30 days* with the division by the operator as to the completion of the drainage and/or sediment control structures *sediment ponds, water impoundments, and diversions* in accordance with the approved plan.

8.12 Modification. The Division may make reasonable modifications to any drainage, reclamation, and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

§ 8.11. Rock riprap.

Riprap shall be used for the control of erosion on those areas where it is impractical to establish vegetation or other means of erosion control or in any areas where rock riprap is an appropriate means of reclamation. Placing of rock riprap shall be in accordance with drainage standards and the approved Operation/Reclamation Plan.

8.13 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the code of Virginia and these regulations.

SECTION 9. REVEGETATION

PART IX. REVEGETATION.

9.01 § 9.1. Objective in revegetation.

To stabilize the area as quickly as possible after it has been disturbed in order to achieve permanent and protective vegetative cover. Plant species that will provide a quick, permanent protective cover and enrich the soil

will be given priority. All plant species will be considered for their usefulness in obtaining stabilization as well as for agriculture, forest products, and wildlife habitat. A system of inspections involving specific criteria will be made to determine adequacy of vegetative cover (see Section 9.05, Inspection Criteria.) A Handbook on the Revegetation of Areas Surface Mined for Minerals Other Than Coal (hereafter referred to as Guidelines) has been prepared to facilitate revegetation of surface mined areas and is a supplement to and part of these regulations. *Revegetation Guidelines (revised 1986) have been prepared to facilitate revegetation of surface mined areas and are a supplement to and a part of these regulations. Exposed areas subject to erosion on an active mining site shall be protected by a temporary or permanent vegetative cover or by other approved methods. Simultaneous revegetation shall be incorporated into the Operation/Reclamation Plan. Final reclamation shall be performed on areas where mining has ceased.*

9.02 Liming and Fertilization.

Lime. In the event soil testing indicates a pH of 3.9 or less and the area is to be vegetated, the material must be limed in accordance with soil tests and covered with suitable soil and/or material. (Refer to section on critical areas in Guidelines.) If the pH is four (4) or above, agricultural lime, or other acid neutralizing materials must be applied, as shown by a soil test, prior to seeding or planting as specified in Guidelines.

Fertilization. With pH levels of 5.5 and above, revegetation for purposes of stabilization and erosion control can likely be accomplished with 1,200 pounds of 5-10-10 fertilizer per acre, or its equivalent. For fertilizer recommendations based on soil tests, see Guidelines.

§ 9.2. Process in revegetation.

A. Grading. Slopes shall be graded in keeping with good conservation practices acceptable to the division. Slopes must be provided with proper structures such as terraces, berms, waterways, etc. to accommodate surface water where necessary to minimize erosion due to surface runoff. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state at the time reclamation is complete.

B. Conditioning the soil. Crusted and hard soil surfaces shall be scarified prior to revegetation. Steep graded slopes shall be tracked (running a cleated crawler tractor or similar equipment up and down the slope).

C. Liming and fertilization. Application of lime and fertilizer shall be performed according to soil test and revegetation guidelines.

D. Seeding and mulching. Appropriate vegetation shall be planted or seeded and mulched according to the mixtures and practices shown in Revegetation Guidelines for the different physiographic regions of the State.

E. Seed quality. The seed used must meet the purity and germination requirements of the Virginia Department of Agriculture. The Division may, at its discretion, take samples for laboratory testing.

9.03 Time of Seeding and Planting. Appropriate vegetation shall be planted or seeded based on alternative mixtures and practices shown in Guidelines. Seeding is not required during the period November 1 to March 1 in the Northern Piedmont, Mountains, and Valley regions and during the period November 15 to February 15 in the Southern Piedmont and Coastal Plains regions. Due to cold weather conditions, it is unlikely that seedlings will be successful during these periods. If it is too late to revegetate, temporary measures for control of erosion and sediment loss may be made by the use of mulch, straw bales, and physical structures.

§ 9.3. Trees and shrubs.

Specific use, regional adaptability, and planting requirements shall be determined from the revegetation guidelines. Tree and shrub planting shall only be considered an appropriate ground cover when combined with well established grass species.

9.04 Tree and Shrub Plantings. Tree and shrub species, specific use, regional adaptability, and planting requirements are shown in Guidelines. A minimum tree stocking of sixty (60) percent survival randomly distributed is required based on recommended planting rate shown in Guidelines. Where owners' interest is wildlife habitat improvement, follow recommendations and procedures as shown in Guidelines.

§ 9.4. Critical or problem areas.

Critical or problem areas are those areas containing steep slopes, easily erodible material, hostile growing conditions, concentration of drainage or other situations where revegetation or stabilization will be potentially difficult. On such areas, the operator must follow procedures shown in the revegetation guidelines for revegetation of critical or problem areas.

9.05 Inspections for Adequacy of Vegetation and Bond Release. A minimum of three (3) inspections, all passing requirement standards, will be necessary for bond release. The first inspection shall be made within sixty (60) days after seeding. The second inspection shall occur in the fall or spring following seeding. The third inspection for bond release shall be made after a minimum of two growing seasons have elapsed. Seedings made on or before May 15 in the northern piedmont, mountains, and valleys region will be considered to have had a full growing season for that particular year. The final inspection for bond release, when time of seeding is as described above, will occur after the second growing season. The final inspection for bond release for seedings made after the final dates described above will be made twenty-four (24) months from time of seeding. The transect method of obtaining a

randomly distributed sample and vegetative stand count is described in the Guidelines.

(a) First Inspection—Vegetative Mixture (Sixty (60) days after seeding.)

New stands of grasses, legumes, trees and wildlife species that are two-three inches in height and have the following stand counts can normally be expected to give seventy-five (75) percent ground cover after two (2) full growing seasons.

1. One (1) to two (2) plants per square foot of rhizomatous species such as bermuda grass, crown vetch, black locust, bicolor lespedeza, etc., randomly distributed over area being inspected.

2. Three (3) to five (5) plants per square foot of non-rhizomatous species such as Kentucky 31 fescue, orchardgrass, sericea lespedeza, ladino clover, etc., randomly distributed over area being inspected.

3. If planted to an agricultural crop, an average stand or plant population per acre would be acceptable.

(b) Second Inspection.

This inspection will generally be made from September 1 through October 15 for spring seedings. For seedings made during late summer and fall (August 15 through October 31) the second inspection can be made during the spring season after grasses and legume species are clearly visible. The criteria for this inspection will be the same as for the first inspection with the exception that plant height will be greater and/or growth is more vigorous.

(c) Third Inspection.

This inspection is to be made two (2) full growing seasons, or twenty-four (24) months after seeding. Criteria for this inspection include the following:

1. A minimum of seventy five (75) percent randomly distributed perennial vegetative type ground cover is present.

2. No areas exist, larger than one fourth (1/4) acre, having inadequate vegetative cover. Such areas must be reseeded.

§ 9.5. Intensive agricultural use.

If post-mining use is to be intensive agriculture, then planting and harvesting of a normal crop yield would meet regulatory requirements for full or partial bond release. A normal yield for a particular crop would be interpreted as being equal to the five year average for the Commonwealth. The use of grass, water bars, or diversion strips and natural vegetative drain control may be

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required in the initial planning year as specified by the director.

9.06 Intensive Agricultural Use. If post mining is to be intensive agriculture, then planting and harvesting of a normal crop yield would meet regulatory requirements for full or partial bond release. A normal yield for a particular crop would be interpreted as being equal to the five (5) year average for the State. The use of grass, water bars, or diversion strips and natural vegetative drain control may be required in the initial planning year as specified by the Director.

§ 9.6. *Inspections for adequacy of vegetation and surety release.*

A. Inspections.

1. *The first inspection after seeding shall be within 60 days to determine if areas need to be reseeded.*
2. *Final inspection for surety release shall be made within 24 months after seeding.*

B. Final inspection for surety release shall require:

1. *No noncritical areas larger than 1/2 acre will be allowed to exist with less than 75% ground cover. Vegetation must exhibit growth characteristics for long term survival.*
2. *Seeded portions of critical areas shall have adequate vegetative cover so that, in combination with other measures that may have been used, the area is completely stabilized.*

9.07 Vegetation and Stabilization of Critical Areas. Critical areas are those that may cause deposition of sediment in valleys and streams and/or are difficult to revegetate. More specifically, they are areas which failed to revegetate adequately within the sixty (60) day period following seeding. If the mine operator does not obtain a vegetative cover as determined by the first inspection (after the first sixty (60) days) then the mine operator must follow procedures shown in the Guidelines for revegetation of critical areas.

9.08 Grass and Legume Mixtures and Recommended Practices for Establishment. Grasses and legumes, with proper liming fertilizations, are to be established on all affected areas according to the Operations Plan. Several vegetative mixtures are satisfactory for sediment and erosion control and other uses including agriculture, forest products, and habitat for wildlife. See Guidelines for alternative vegetative mixtures and the uses for which best adapted.

Temporary seedings of annual type grasses, legumes, and grains are to be used on exposed areas which are not in use and subject to sediment loss and/or erosion for a year or less, or where extensive grading of an area will

be done prior to establishment of permanent vegetation. Examples of such areas would be stockpiled topsoil and/or spoil (except toxic material), and other areas subject to being regraded. Alternate mixtures and recommended practices for their establishment can be found in the Guidelines.

9.09 Seed Quality. The seed used must meet the purity and germination required of the Virginia Department of Agriculture. The Division may, at its discretion, take samples of seed being sown for laboratory testing. See Guidelines for purity and germination criteria of different kinds of seed used in reclaiming surface mined land.

9.10 Other Vegetation. If the land owner or operator desires grasses, legumes, trees, or shrubs other than those shown in the Operations Plan, prior approval must be obtained from the Division.

9.11 Modification. The Division may make reasonable modifications in accordance with Chapter 16, Title 45.1-182.1 C of the Code of Virginia and provisions of these regulations.

9.12 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia, and these regulations.

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

SECTION 10.

OTHER GOVERNMENTAL AGENCIES AND LAWS

PART X.

OTHER GOVERNMENTAL AGENCIES AND LAWS.

10.01 § 10.1. Whenever the Commissioner deems it necessary or desirable, he may consult with, and seek the assistance of, local soil and water conservation districts, consulting agencies and any agencies of the State *Commonwealth* charged with environmental responsibilities.

10.02 § 10.2. Any permit issued hereunder shall not be construed to permit or condone violation of applicable laws and regulations of the Commonwealth and the federal government, especially those related to air and water pollution.

DEPARTMENT OF MINES, MINERALS AND ENERGY
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINING RECLAMATION
 MINERALS OTHER THAN COAL
 P. O. BOX 1299, LYNCHBURG, VA 24502-0499
 TELEPHONE: (804) 239-0402



FOR OFFICE USE ONLY
 Permit No. _____
 Receipt No. _____

APPLICATION FOR PERMIT TO SURFACE MINE
 FOR MINERALS OTHER THAN COAL

Chapter 16, Section 3-1-181. It shall be unlawful for any person or operator to engage in any mining operation in this state which has not first obtained from the Department a permit to engage in such operation. Section 3-1-181. Any violation of any provision of this act or of any regulation promulgated hereunder shall be a misdemeanor punishable by a maximum fine of one thousand dollars or a maximum of one year in jail, or both.

Date: _____

1. Business name and address of operator making application for permit: _____
2. State whether applicant is:
 Corporation () ; Partnership () ; Joint Venture () ; Trust () ; Individual ()
3. Give the names and addresses of every officer, director, partner, joint venturer, or trustee, if any, together with all persons, if any and if known, owning of record or beneficially (alone or with associates), ten percent or more of any class of stock of the applicant.

Name	Title	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

4. If applicant is a corporation, give (a) state of incorporation and (b) name and address of registered agent:

(a) _____ (b) _____
 If known, state whether applicant or any subsidiary or affiliate or any partnership, association, trust or corporation controlled by or under common control with applicant, if any person (identified by item 3 above, has ever had a mining permit of any type issued under the laws of this or any other state revoked, or has ever had a mining or other bond of security deposited in lieu of bond, forfeited: Yes () No () Unknown (). If yes, give brief statement of what action was taken, and which person was affected:

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 2/1/87

6. State whether any mining permits of any type are now held by applicant. Yes () No ()
 If yes, give type(s) and permit number(s) thereof: _____

7. Give name, title, and address of any person (such as general manager, site foreman, etc.) who is not listed in item 3 above and who is authorized by applicant to act on its behalf in matters dealing with the Division of Mined Land Reclamation: _____

8. If no such person is authorized, or if there are any limitations on this authority, so state: _____

9. Give the common name (and geologic title, if known) of the mineral, ore, or other solid matter to be extracted by applicant: _____

10. State city or county in which operation will be conducted (the exact location and boundaries of operation are to be shown on the maps which the applicant will attach hereto): _____

11. State total number of acres to be covered by the permit _____ (acres) must be shown on map attached hereto).

12. Give reasonable estimate of the number of acres that would be disturbed by mining operations on the area to be covered by the permit during the next 12 months: _____

13. Give the name and address of the owner or owners of the surface of the land to be mined.

Name _____ Address _____

14. Give the name and address of the owner or owners of the mineral, ore, or other solid matter to be mined.

Name _____ Address _____

Final Regulations

(a) State the source of the applicant's legal right to enter and conduct operations on the land to be covered by the permit:

(b) If this source is in writing, give its date, the names of the parties who have signed it and provide a copy if possible.

(c) If this source is not in writing, give the names of the parties who made the agreement and the date of the agreement.

14. This application includes and is to be accompanied by the following material:

(a) Two copies of a map which meets the requirements of Section 45.1-181.

(b) Operations plan which meets the requirements of Section 45.1-182.1.

(c) Fee in the amount of twelve dollars per acre for every acre to be affected.

(d) Bond, cash, or collateral security as provided for in Section 45.1-183.

(e) Statement showing the names and addresses of the owners of property within one thousand feet of the property line as provided for in Section 45.1-184.1.

(f) Does the county require a land use or any special permit for minerals other than coal surface mining? Yes () No ()
If yes, please submit a copy of the permit or other evidence of the county's approval.

(g) Any other material that the Department may require.

State of _____
County/City of _____

I, _____, having been duly sworn, do state that all the representations contained in the foregoing application are true to the best of my knowledge; and that I am (an executive officer) (a general manager) (the state proprietor) (a legal representative) of the applicant, duly authorized to make this application on its behalf.

On behalf of the applicant, I hereby authorize the Virginia Division of Mined Land Reclamation to conduct, without a warrant, such inspections as it may deem necessary or as may be required by law of the permit area covered by this application.

Title

Subscribed and sworn to, this _____ day of _____, 19 _____

Notary Public

My commission expires _____

DEPARTMENT OF MINES, MINERALS AND ENERGY
 VR 488-03-16 FORMS

COMMISSIONER OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 MINERALS OTHER THAN COAL
 P. O. BOX 6499
 LYNCHBURG, VIRGINIA 24502
 TELEPHONE (804) 279-6602



OPERATION/RECLAMATION PLAN

Permit No. _____
 County _____
 Mag. District _____
 Bus. Phone () _____

1. Business Name and Address of Operator _____

Mine is located _____ of _____ town _____
 miles direction _____ Proposed depth of mine _____ Est. mining period _____

2. Deposit to be mined _____
 3. Will any underground workings be encountered? _____
 Is water present? _____ Surface _____ Underground _____ Est. Amount _____
 Is there an active discharge from the proposed area of operation? _____
 What is the pH of active discharge? _____
 What is the pH of receiving stream - Upstream? _____ Downstream? _____

4. Will natural drainages be interrupted during operation? Yes () No ()
 Explain: _____
 Describe handling of storm and sewage water during operation: _____

5. Surface Acquire: Agricultural _____ Worked _____
 Other _____ Fields _____

6. Describe in detail the procedures for mining and reclamation on this site as related to concurrent and final handling of: _____
 Drainage (ponds require formal plans): _____

MTC-073
 Rev. 9-85

DEPARTMENT OF MINES, MINERALS AND ENERGY
 VR 480-03-16 FORMS

Bond Policy No. _____
 BOND

KNOW ALL MEN BY THESE PRESENTS: That we _____

hereinafter called the Principal, and _____

hereinafter called the Surety, or Sureties, are held and firmly bound unto the Commonwealth of Virginia, Department of Mines, Minerals and Energy, in the sum of _____

Dollars (\$ _____) for the payment thereof the Principal and Surety, or Sureties bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the Principle proposes to commence surface mining for Minerals Other Than Coal, to be known as _____, on the _____ lease, involving _____ acres to be disturbed, in the Magisterial District of _____ County, Virginia.

Now, therefore, the condition of this obligation is such that if the Principal shall comply with the approved _____ plan of operation, including the reclamation plan as filed with said Department, under Permit No. _____, and furnish compliance with all the laws of the Commonwealth of Virginia relating thereto, then this obligation shall be null and void. Otherwise it shall remain in full force and effect until and unless released by the Division of Mined Land Reclamation in accordance with Chapter 16, Section 65.1 of the Code of Virginia (1950) as amended.

Signed and Sealed this _____ day of _____ 19 _____

In the presence of: _____ As to _____ (Seal)

 (Name)

 (Address)

 (Name)

 (Address)

 (Name)

 (Address)

 (Name)

 (Address)

Insurance Agency Name and Address Issuing Bond _____

Date Received _____

Signed _____

DEPT. OF MINES, MINERALS AND ENERGY

MTC-075
 Rev. 7/86

DEPARTMENT OF MINES, MINERALS AND ENERGY
 COMMONWEALTH OF VIRGINIA
 DIVISION OF MINED LAND RECONSTRUCTION
 MINERALS OTHER THAN COAL SECTION
 P. O. BOX 4499
 LYNCHBURG, VIRGINIA 24502-0499
 TELEPHONE (804) 239-4602



COMPANY NAME: YEARLY PROGRESS RENOVATE PERMIT NUMBER: _____
 OPERATING OFFICIAL: _____ COUNTY: _____
 TITLE: _____

1. The following report is required by Title 45, 1-185, Code of Virginia. This section requires that this information be provided by the operator within 10 days following the anniversary date of the issuance of any permit.

2. COMPLETE BELOW:
3. Has metal, lumber, and other debris been removed? Yes _____ No _____
4. ACRES RECLAIMED LAST 12 MONTHS:
- A. Regraded _____
 - B. Vegetated _____
 - C. Approved by Supervisor during the past 12 months and eligible for release or otherwise released (SEE PLAN HERE AND IN 4 C BELOW) _____
 - D. Fertilizer (Total) _____
 - E. Lime (Total) _____
 - F. Tree Seedlings
- | Species | Amount | Date |
|--------------------|--------|-------|
| C. Grasses/legumes | _____ | _____ |
| Species | Amount | Date |
| Species | Amount | Date |
| Species | Amount | Date |

4. Number of acres covered by this permit (DPR Records): _____

5. BRAD ACCEGE CALCULATION:

- A. Acres under bond the previous year (DPR Records): _____
- B. Additional acreage to be affected the next 12 months: _____
- C. Acres regraded the past 12 months (increase has to be approved by Area Supervisor) or acres otherwise released: _____

TOTAL BRADAL ACCEGE (A + B + C): _____

6. RTIC Surface Mining Operator _____
 Date Substantiated _____, 19____
 by commission expires _____ day of _____, 19____
 Xerox _____
 XMP-078
 Rev. 6-85

DEPARTMENT OF MINES, MINERALS AND ENERGY
 COMMONWEALTH OF VIRGINIA
 DIVISION OF MINED LAND RECONSTRUCTION
 MINERALS OTHER THAN COAL SECTION
 P. O. BOX 4499, LYNCHBURG, VA 24502-0499



COMPANY NAME: _____ PERMIT NUMBER: _____
 OPERATING OFFICIAL: _____ TITLE: _____
 AN AMENDMENT IS REQUESTED TO THIS PERMIT AS LISTED BELOW:

REQUEST FOR AMENDMENT

LIST OF ATTACHED ITEMS: _____

INSPECTOR'S COMMENTS/RECOMMENDATIONS: _____

OPERATOR'S SIGNATURE _____ DATE _____

INSPECTOR'S SIGNATURE _____ DATE _____

OFFICE USE ONLY

Send back for revisions and/or additions as indicated on attached letter.
 Date: _____

AMENDMENT: APPROVED _____ DISAPPROVED _____
 SIGNATURE: _____ SIGNATURE: _____

ASSISTANT COMPLIANCE MANAGER _____
 COMPLIANCE MANAGER _____

DMLR-079
 REV. 7-85

PAGE 6 OF 6

DEPARTMENT OF MINES, MINERALS AND ENERGY
VR 480-03-16 FORMS

WATC 073
Rev. June '80

LEGEND

PERMIT NO. _____ MINE INDEX NO. _____ COUNTY _____ DATE _____

COMPANY NAME _____ USGS QUAD _____

MAP SCALE 1" = _____ MAP PREPARED BY _____

COLOR CODE:

- RED NO. OF ACRES COVERED BY THIS PERMIT _____ ACS
- YELLOW NO. OF ACRES DISTURBED INCLUDING ACCESS RDS. _____ ACS
- BROWN EST. OF AREA TO BE DISTURBED NEXT 12 MOS. _____ ACS
- ORANGE NO. OF ACRES REGRADED LAST 12 MOS. _____ ACS
- GREEN NO. OF ACRES VEGETATED LAST 12 MOS. _____ ACS

Final Regulations

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is being adopted in response to a federal regulatory mandate. The Department of Social Services is requesting exclusion from the requirements of Article 2 (§ 9-6.14:7.1 et seq.) of the Code of Virginia.

Title of Regulation: VR 615-01-19. Aid to Dependent Children (ADC) Program - Allocation of Income.

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

Effective Date: April 1, 1987

Summary:

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

Title 45 of the Code of Federal Regulations (CFR) § 233.20(a)(3)(ii)(C) requires that the parent's gross earned and unearned income be counted in determining eligibility for the assistance unit when the parent is excluded or removed from the assistance unit because he/she did not register for the Employment Services Program or failed/refused to participate in the Employment Services Program or complete applicant job search, or to cooperate in establishing paternity and securing support, or failure to furnish or show proof of application for a Social Security number.

As the proposed regulation is being adopted in response to a federal regulatory mandate, the Department of Social Services, at the direction of the State Board of Social Services, is requesting exclusion from the requirements of Article 2 of the Administrative Process Act.

VR 615-01-19. Aid to Dependent Children (ADC) Program - Allocation of Income.

§ 1. Definitions.

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


"Assistance unit" means those persons whose needs are considered when determining eligibility for assistance.

"Gross earned and unearned income" means total income whereby no portion thereof is allocated to meet the needs of a parent.

§ 2. Treatment of parent's income.

When a parent is excluded or removed from the

assistance unit because he did not register for the Employment Services Program (ESP) or failed/refused to participate in ESP or complete applicant job search, or to cooperate in establishing paternity and securing support, or failure to furnish a Social Security number (SSN) or show proof of application for a SSN, the children's pro-rata share of the parent's gross unearned and earned income must be counted in determining eligibility for the assistance unit and the amount of payment.


COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 542
RICHMOND VIRGINIA 23208
(804) 786-3591

January 6, 1987

JOAN W. SMITH
REGISTRAR OF REGULATIONS

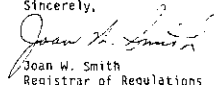
William L. Lukhard, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-19. - Aid to Dependent Children Program (ADC) -
Allocation of Income

Dear Mr. Lukhard:

This will acknowledge receipt of the above-referenced regulation from the Department of Social Services.

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

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-10-3. Advertising (Retail Sales and Use Tax).

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

Effective Date: March 6, 1987, retroactive to July 1, 1986.

Summary:

This final regulation does not differ substantively from the proposed regulation. Section 2(B) (2) of the regulation was amended to clarify that it applies only to advertising businesses purchases of noncustomized or stock mailing lists. This section of the regulation was amended to add cross references to other sections of the regulation applicable to printing and catalogs and other printed materials. In addition, the last paragraph of § 2(C) was amended to simplify the illustration of the application of the exemption to handling fees and cost plus charges.

All changes are nonsubstantive and are made pursuant to either public comments received or to technical changes recommended by the Department of Planning and Budget in order to make the regulations more easily understood.

VR 630-10-3. Advertising (Retail Sales and Use Tax).

§ 1.

A person who is engaged in the production of commercial advertisements is not providing a service but is engaged in the production of tangible personal property. The total charge for the production of tangible personal property used in any form of advertising, including any services in connection with such production, is subject to the tax, absent any other specific exemption. Charges for professional services performed by advertising agencies for others where such services do not result in the production of tangible personal property are not subject to the tax. For example, if a customer contracts with an advertising agency to conduct a marketing survey which results only in a report or recommendations, the charge for conducting such survey represents a nontaxable charge for a professional service. However, if the same customer contracts with the agency to produce a magazine advertisement for a product and in conjunction therewith the agency conducts a marketing survey, the total charge for the production of the advertisement, including charges for the survey is subject to the tax.

Any person engaged in producing tangible property must register as a dealer and collect and remit the tax on sales of all such property.

§ 1. Definitions.

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

"Advertising" means the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting or other media, including without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision.

"Advertising business" means any person or group of persons providing "advertising" as defined herein.

"Media" means and includes newspapers, magazines, billboards, direct mail, radio, television, and other modes of communication.

§ 2. Advertising Agencies.

The tax applies to the total charge made by an advertising agency as set forth in § 1 above, regardless of the method in which the agency bills a client for the production of an advertisement whether as a fixed fee, hourly rate or cost plus basis. Where an agency is paid a

retainer for the performance of a variety of functions which may or may not involve the production of tangible advertising, the entire retainer will be subject to the tax unless the agency separately states the charge for the production of the tangible product.

Where an agency provides services which do not result in the production of a tangible product, the tax will not apply to charges for such services. However, all tangible personal property purchased by the agency for use in performing the services is subject to the tax at the time of purchase.

§ 2. Advertising businesses.

A. Ad creation.

The tax does not apply to charges by an advertising business for professional services in the planning, creating or placing of advertising in newspapers, magazines, billboards, direct mail, radio, television, or other media regardless of how such charges are computed by the advertising business and whether or not such business actually places the advertising in the media.

The tax does not apply to charges by an advertising business for the provision of concept, writing, graphic design, mechanical art, photography and production supervision in the development of an advertising campaign, whether or not all aspects of the campaign are actually performed by the [same] advertising business. For example, charges by an advertising business for concept, writing, graphic design, mechanical art, photography, etc... provided by another advertising business, for use in the development of an advertising campaign are not subject to the tax.

B. Purchases.

Advertising businesses are engaged in providing professional services and are the users and consumers of all tangible personal property purchased for use in such businesses. Therefore, the tax applies to all purchases by an advertising business including, without limitation, the following items:

1. Administrative items, including paper, ink, pencils, layout boards, blank audio and video tapes, office furniture, office supplies and similar equipment and supplies;

2. Printing, including direct mail items, [noncustomized or stock] mailing lists, handbills, brochures, flyers, bumper stickers, posters and similar printed materials whether or not for use in the development of a specific advertising campaign, and whether or not any of such materials are intended for distribution out of state [; . (For printing generally, see § 630-10-86; for catalogs and other printed materials, see § 630-10-18.1)]

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3. Promotional items, including pens, pencils, ash trays, calendars, balloons, t-shirts and similar items whether or not for use in a specific advertising campaign, and whether or not such items are intended for distribution out of state.

In addition, the tax applies to all purchases by an advertising business of concept, writing, graphic design, mechanical art, photography, etc., not made pursuant to the development of a specific advertising campaign. For example, if an advertising business purchases scenic photographs of Virginia for possible use in future advertising campaigns, the purchase of such photographs will be subject to the tax. (For photographs generally, see VR 630-10-82).

C. Billing.

The tax does not apply to the total charge made by an advertising business for the creation or placement of advertising in the media, regardless of the method(s) used in computing such charge, as for example by fixed fee, hourly rate, percentage of media placed, or other method. Nor does the tax apply to handling fees or cost plus charges added to out of pocket expenses incurred by advertising businesses on behalf of their clients.

For example, if an advertising business contracts to develop a media advertising campaign for its client, and [if] pursuant to such contract [, the client permits it is permitted] to retain a commission equal to 15% of all media placed during the campaign, and [in addition to reimburse it is reimbursed] for any out of pocket expenses [incurred for items such as postage, mailing list rentals, blank audio and video tapes, and other specified production materials,] on an actual cost plus 20% handling fee basis, neither the 15% commission, nor the 20% handling fee would be subject to the tax. (For purchases by an advertising business generally, see subsection 2, paragraph B of this regulation).

§ 3. Newspaper and other print media advertising.

A. Ad production.

The tax applies to the total charge for preparing an advertisement for placement in a newspaper or other publication. The amount subject to the tax includes charges for concept and copy, art work furnished to the customer, charges for labor to produce the layout, compose the ad or display, and to produce mechanicals and charges for models, props, type and similar items.

Materials which become a part of the newspaper advertisement such as art work, typesetting, photographs, and similar items may be purchased exclusive of the tax under a resale exemption. However, pencils, layout boards, and similar equipment and supplies used in producing advertising are used and consumed by the person engaged in such production and are subject to the tax at the time of purchase.

B. Charges for placing and running advertisement in newspaper or other print media.

1. The charge for placing and running an advertisement in a newspaper or other print media is not subject to the tax.

2. Where the newspaper or magazine develops the advertisement but makes no charge, either implicit or specific, for such development, there is no taxable transaction. Generally, this nontaxable transaction will occur only where a newspaper or magazine utilizes standard "space" charges based upon the amount of newspaper or magazine space purchased by a customer and such charge is uniformly applied to all customers regardless of whether the advertisement is prepared by the newspaper or furnished by the customer. Additional surcharges for special affects, such as color, will not negate this exclusion provided all other criteria are met. Where a newspaper or magazine prepares an advertisement and does not utilize standard space charges or make a separate charge for the production of the advertisement, such charges will be subject to the tax.

§ 3. Newspaper and other media advertising.

A. Space and time charges.

Charges for placing or running advertising in the media, as defined herein, are not subject to the tax. For example, the tax does not apply to charges for space in newspapers, magazines, or other print media nor to airtime charges on radio, television or other broadcast media.

B. Interstate commerce.

Charges by an advertising business for professional services in the development and placement of advertising in the media are not subject to the tax whether or not the advertising business, the client which contracts with such business or the advertising media itself are located in Virginia. (For Interstate Commerce, see VR 630-10-51).

§ 4. Audio visual advertising.

A. Ad production.

The tax applies to the total charge for the production of an audio advertisement or an audio visual film or television advertisement or promotion. The amount subject to the tax includes charges for concept development, sound affects, props, canned music and talent. The film or tape on which the advertisement or promotion is transmitted may be purchased exclusive of the tax under a resale certificate of exemption. Items used or consumed by the producer of the advertising such as cameras, film or tape editing equipment, and similar items are subject to the tax at the time of purchase.

B. Charges for placing and airing advertisement on

television or radio.

1. The charge for airing an advertisement on television or radio is not subject to the tax.

2. Where the television or radio station develops the advertisement but makes no charge, either implicit or specific, for such development, there is no taxable transaction. Generally, this nontaxable transaction will occur only where the station utilizes standard "airtime" charges based upon the amount and the time period of air time purchased by a customer and such charge is uniformly applied to all customers regardless of whether the advertisement is prepared by the station or furnished by the customer. Where a radio or television station prepares an advertisement and does not utilize standard airtime charges or makes a separate charge for the production of the advertisement, such charges will be subject to the tax.

§ 5. Other advertising.

The tax applies to the total charge for other advertising which results in the production of tangible personal property. Examples of such taxable property include the design of advertising logos, business cards, envelopes, forms, banners, display racks, brochures, letters, specialty, promotional and premium items, and campaign flyers, posters and brochures. The amount subject to the tax includes any labor or service charges in connection with the production of this property. Items which become a part of taxable property may be purchased exclusive of the tax under a resale certificate of exemption. However, supplies and equipment used in the production of taxable property, including art supplies, drawing boards and similar items are used and consumed by the person engaged in such production and are subject to the tax at the time of purchase.

§ 6. § 4. In-house advertising.

Materials and supplies and other tangible personal property used in "in-house" advertising, that is, advertising produced by any entity to advertise, promote or display its own products or services, are subject to the tax at the time of purchase.

For outdoor signs, see VR 630-10-100; for interstate commerce, see VR 630-10-51 ; for catalogs and other printed materials for distribution out of state, see VR 630-10-18.1 . Section under review 1/79 through 5/85; section revised 6/86.

NOTE: This regulation is effective June 1, 1985, and will expire on June 30, 1986. Effective July 1, 1986, charges for the planning, creating, or placing of advertising in newspapers, magazines, billboards, broadcasting or other media, including without limitation, the providing of concept, writing, graphic design, mechanical art, photography and production supervision will not be subject to the tax. Persons providing these services will be

deemed to be the users and consumers of all tangible personal property purchased.

* * * * *

Title of Regulation: VR 630-10-49.2. Innovative High Technology Industries and Research (Retail Sales and Use Tax).

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

Effective Date: March 15, 1987, retroactive to December 1, 1986.

Summary:

This regulation represents a revision of an earlier emergency regulation on the subject. The regulation sets forth the applicability of the sales and use tax, including the exemptions for industrial manufacturing and research and development activities, to businesses engaged in innovative high technology production or research. The emergency text has been revised to reflect amendments to the sales and use tax law enacted by the 1986 Session of the General Assembly. Such amendments relate to the sale of custom computer programs and modified prewritten computer programs and to the withdrawal of tangible personal property from inventory for donation to certain nonprofit and governmental organizations.

This final regulation does not differ substantively from the proposed regulation. Section 6.A was rewritten in a more clear and concise manner as recommended by the Department of Planning and Budget. The changes to § 6.A are not substantive in nature, however.

VR 630-10-49.2. Innovative High Technology Industries and Research (Retail Sales and Use Tax).

§ 1. Generally.

Generally, any person producing a "high technology" or technologically innovative product, including systems, for sale or resale is entitled to the industrial manufacturing exemptions set forth in VR 630-10-63. In addition, a person engaged in basic research and/or developmental research and development activities in the experimental or laboratory sense which have as their ultimate goal the advancement of technology, the development of new products or processes, or the improvement of existing products or processes is generally entitled to the research exemption set forth in VR 630-10-92. Sales of tangible personal property by a high technology business are generally subject to the sales tax unless the seller takes from the purchaser a valid certificate of exemption. As set forth in VR 630-10-97.1, some transactions which involve both the provision of personal services and the sale of tangible personal property are not subject to the tax. Purely service transactions which do not involve a transfer of tangible personal property are also not subject to the

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tax.

High technology businesses already located or planning to locate in Virginia are encouraged to request rulings from the Tax Commissioner in order to clarify the exemptions available to them under the Virginia Retail Sales and Use Tax Act.

§ 2. Industrial manufacturing exemptions generally.

The industrial manufacturing exemptions are explained in detail in VR 630-10-63. Generally, those items exempted from the tax include materials that become a component part of finished products, machinery and tools, including computer hardware and software, that are used directly in production, power used to run exempt machinery, tangible personal property used directly in production line testing and quality control, and the materials, containers, labels, etc., used for the packaging of finished products. As stated in VR 630-10-63, the exemption applies only to the manufacture of products for sale or resale; thus, items used primarily in the production of products for one's own use are not entitled to the industrial manufacturing exemption. The preponderance of use test, which is applicable to tangible personal property used both in a taxable and exempt manner by an industrial manufacturer, is explained in VR 630-10-63.

§ 3. Research and development exemptions generally.

The exemption available for research activities is explained in detail in VR 630-10-92. To qualify for the exemption, tangible personal property must be used directly and exclusively in basic research or research and developmental activities in the experimental or laboratory sense. Generally, a research activity which has as its goal the advancement of existing knowledge or technology, the development of new uses for existing products, technology or processes, or the improvement of existing products, technology or processes will be entitled to the exemption. Thus, most research into innovative technologies or fields will qualify for the research exemption. However, the production of management studies and similar projects does not constitute exempt research under VR 630-10-92 as such projects do not involve experimental or laboratory research.

§ 4. Sales of tangible personal property or services.

The sale, lease or rental of tangible personal property by a high technology business is generally subject to the sales tax unless the purchaser or lessee furnishes the seller or lessor with a valid certificate of exemption as explained in VR 630-10-20. Pursuant to § 58.1-602.16 of the Code of Virginia, a "sale" is "any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property." The term "lease or rental" is defined in § 58.1-602.8 of the Code of Virginia as "the leasing or renting of tangible personal property and the possession or use thereof by the lessee or renter for a

consideration, without transfer of the title to such property."

"Custom programs" (custom computer software) are specifically excluded from the definition of "tangible personal property" found in § 58.1-602.19 of the Code of Virginia; therefore, the sale, lease or rental of such programs is not subject to the sales and use tax. "Custom program" is defined in § 58.1-602.24 of the Code of Virginia as "a computer program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom."

As provided in VR 630-10-57 and VR 630-10-95, the tax is applicable to the total charge made to the purchaser or lessee by the vendor, including charges made for services in connection with the sale, rental or lease. Service and labor charges in connection with a sale, rental or lease are taxable because they are specifically included in the statutory definitions of "sales price" (§ 58.1-602.17 of the Code of Virginia) and "gross proceeds" (§ 58.1-602.4 of the Code of Virginia), upon which the tax is computed. Those statutes permit, however, the deduction of separately stated installation and repair labor charges from the base used for computing the tax. *Effective July 1, 1986, those statutes also permit the deduction of "an amount separately charged for labor or services rendered in connection with the modification of prewritten programs." "Prewritten program" is defined in § 58.1-602.25 of the Code of Virginia as a "computer program that is prepared, held or existing for general or repeated sale or lease, including a computer program developed for in-house use and subsequently sold or leased to unrelated third parties."*

Purely service transactions in which no tangible personal property passes to the customer are not subject to the tax. Tangible personal property used or consumed in the provision of such services is subject to the tax at the time of purchase.

As explained below in § 5, True object test, certain transactions which involve the sale of tangible personal property as an inconsequential element of a personal service transaction are not subject to the tax.

§ 5. True object test.

Certain "mixed" transactions that involve both the sale of tangible personal property and the provision of personal services by the vendor are not taxable. Those transactions deemed exempt are ones in which the sale of tangible personal property is inconsequential to the services provided by the vendor and for which a lump sum charge is made by the vendor.

The procedure for determining whether a mixed transaction is nontaxable is set forth in VR 630-10-97.1.

Liability for the tax depends on whether the true object of the transaction is to obtain a nontaxable service or taxable tangible personal property. If the true object is to obtain tangible personal property, a taxable sale occurs.

§ 6. Specific high technology activities.

A. Computer software.

The production of computer software in tangible form for sale or resale *generally* constitutes industrial manufacturing. Therefore, the [*industrial manufacturing*] exemptions set forth in VR 630-10-63 are *generally* applicable to such production [; . ~~however, the exemptions are not available for persons who produce computer software for purposes other than for sale or resale or computer software that does not constitute tangible personal property.~~ However, as explained in VR 630-10-63, the industrial manufacturing exemptions do not apply when the tangible personal property produced is not for sale or resale, such as the production of computer software for in-house use. The industrial manufacturing exemptions also do not apply to the production of computer software that does not constitute tangible personal property, i.e., custom computer programs.]

Examples of exempt tangible personal property used directly in the production of computer software for sale or resale include, but are not limited to, computer hardware and software used to encode magnetic tapes or other storage medium or to otherwise produce finished [*software*] products [; . ~~and~~ Also exempt is] the tangible medium that the finished products will take (tapes, discs, etc.).

Tangible personal property used directly and exclusively in computer software research and development activities is *generally* exempt from the tax. Exempt research and development activities are those that have as their ultimate goal the advancement of computer software technology, the development of new computer software products, the improvement of existing computer products, or the development of new uses for existing computer software products. An example of exempt tangible personal property used in a research and development activity is computer hardware and software used in programming and other developmental activities, ~~including the testing, of with respect to~~ new computer software products, ~~including the testing of such new products~~ .

B. Information technology.

Persons engaged in research and development in the fields of computer hardware and software engineering, operations research and decisions sciences, systems engineering and analysis, and human-computer interface with the ultimate goal of advancing information technology or developing new products, technology or processes or improving or finding new uses for existing products, technology or processes are *generally* entitled to the exemption explained in VR 630-10-92.

Research and development activities entitled to the research exemption include, but are not limited to, (i) developing the theory and design of digital or analog computer hardware along with the integrated design of software and firmware; (ii) developing the theory, modeling, and design of management information systems; (iii) the design and analysis of information systems as physical entities with a focus on the system life-cycle; and (iv) human factors engineering for the design, testing, and evaluation of the human-computer interface.

Persons engaged in the production of products for sale or resale resulting from research and development in the information technology fields are *generally* deemed to be industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

C. Biotechnology.

Persons engaged in research and development in the fields of biotechnology and genetic engineering with the ultimate goal of advancing knowledge or technology in those fields, developing new products, technology or processes, developing new uses for existing products, technology or processes, or improving existing products, technology or processes are *generally* entitled to the research exemption set forth in VR 630-10-92.

Research and development activities entitled to the exemption include, but are not limited to, the application of recombinant DNA techniques to the development and improvement of agricultural and biomedical products, technology or processes, the development of monoclonal antibodies using hybridoma technology, and the development of instrumentation for use in scientific research.

Generally, persons engaged in the production of products resulting from biotechnological research are industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

D. Computer aided engineering.

Persons engaged in research and development in the field of computer aided engineering are *generally* entitled to the research exemptions set forth in VR 630-10-92 when such research has as its goal the advancement of technology, the development of new products, technology or processes, the development of new uses for existing products, technology or processes, or the improvement of existing products, technology or processes.

Exempt research activities include, but are not limited to, research and development into advanced automation (including artificial intelligence and computer vision), integrated manufacturing systems (robotics and computer vision), and structural dynamics.

Generally, persons engaged in the production of products resulting from research and development into computer

Final Regulations

aided engineering are industrial manufacturers entitled to the exemptions set forth in VR 630-10-63.

E. Materials science.

Persons engaged in research and development in the field of materials science with the ultimate goal of advancing technology, developing new products, technology or processes, or new uses for existing products, technology or processes, or improving existing products, technology or processes are *generally* entitled to the research exemption found at VR 630-10-92.

Examples of exempt research activities include, but are not limited to, research and development into the making and use of composite materials, high performance alloys, and semiconductor materials.

Persons engaged in the production of products resulting from materials science research are *generally* entitled to the industrial manufacturing exemptions set forth in VR 630-10-63.

F. Other high technology activities.

To determine the correct application of the tax to high technology activities other than the five set forth above, a request or a ruling should be addressed to the Tax Commissioner as suggested in § 1, Generally.

§ 7. Innovative Technology Authority.

The Innovative Technology Authority is exempt from the sales and use tax under ~~VR 630-10-45~~ § 9-262 of the Code of Virginia on all of its purchases, leases or rentals of tangible personal property. *The application of the tax generally to political subdivisions such as the Innovative Technology Authority is set forth in VR 630-10-45.* In addition, all tangible personal property purchased, leased or rented by a nonprofit college or university in conjunction with research sponsored, encouraged or inspired by the Innovative Technology Authority or the Center for Innovative Technology is exempt from the tax pursuant to VR 630-10-96.

Effective July 1, 1986, tangible personal property donated withdrawn from inventory for donation to the Innovative Technology Authority, Center for Innovative Technology, or nonprofit colleges or universities on which the sales and use tax has not previously been paid is generally not taxable generally to the donor pursuant to ~~VR 630-10-20-D~~ § 58.1-608.59 of the Code of Virginia.

For additional information on the manufacturing exemptions, see VR 630-10-63; for the research exemption, see VR 630-10-92; for the "true object" test, see VR 630-10-97.1; and for computer software, see VR 630-10-24.5. NOTE: VR 630-10-24.5 relating to computer software is tentatively scheduled for adoption in March 1987. [~~Section Regulation~~] added 1/86, [~~section regulation~~] revised 12/86.

STATE WATER CONTROL BOARD

Title of Regulation: Water Quality Standards: Water Quality Criteria for Surface Waters.

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

Effective Date: March 4, 1987

REGISTRAR'S NOTICE: Due to its length, the Water Quality Standards filed by the State Water Control Board, are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Water Quality Standards, is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and of numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established.

Summary:

The amendment revises the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead. The new criteria values will conform with those published by EPA on July 29, 1985, in the Federal Register (Vol. 50, No. 145, Pages 30784-30796). A complete text of the amendment is available.

Section 4.01 Water Quality Criteria for Surface Waters

Chronic Criteria for Protection

of Aquatic Life

	<u>Current VWCB Values (ug/l)</u>	<u>New EPA*/Proposed VWCB Values (ug/l)</u>
Ammonia	See attached Table A	See attached Table B
Trivalent Inorganic Arsenic	Fresh 72 dissolved Salt 63 dissolved	190 total recoverable 36 total recoverable
Cadmium	Fresh e (1.16(Ln Hardness)-3.841) active Salt 12 active	e (0.7852(Ln Hardness)-3.490) total recoverable 9.3 total recoverable
Chromium III	Fresh e (0.819(Ln Hardness)+0.537) active Salt None Given	e (0.819(Ln Hardness)+1.561) total None Given recoverable
Chromium VI	Fresh 7.2 dissolved Salt 54 dissolved	11 total recoverable 50 total recoverable
Copper	Fresh e (0.905(Ln Hardness)-1.785) active Salt 2 active	e (0.8545(Ln Hardness)-1.465) total 2.9 total recoverable recoverable
Cyanide	Fresh 4.2 free Salt 0.57 free	5.2 total 1.0 total
Lead	Fresh e (1.34(Ln Hardness)-5.245) active Salt 8.6 active	e (1.266(Ln Hardness)-4.661) total 5.6 total recoverable recoverable

*EPA criteria values published in Federal Register July 29, 1985, Vol. 50, No. 145, Pages 30784-30796.

Final Regulations

TABLE A

30-day average allowed concentrations for ammonia.*

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
Un-ionized Ammonia (mg/liter NH ₃)							
6.50	0.0018	0.0027	0.0040	0.0040	0.0040	0.0040	0.0040
6.75	0.0027	0.0041	0.0061	0.0061	0.0061	0.0061	0.0061
7.00	0.0042	0.0063	0.0094	0.0094	0.0094	0.0094	0.0094
7.25	0.0064	0.0096	0.0144	0.0144	0.0144	0.0144	0.0144
7.50	0.0098	0.0148	0.0220	0.0220	0.0220	0.0220	0.0220
7.75	0.0138	0.0208	0.0310	0.0310	0.0310	0.0310	0.0310
8.00	0.0139	0.0209	0.0310	0.0310	0.0310	0.0310	0.0310
8.25	0.0140	0.0210	0.0310	0.0310	0.0310	0.0310	0.0310
8.50	0.0142	0.0211	0.0310	0.0310	0.0310	0.0310	0.0310
8.75	0.0145	0.0214	0.0310	0.0310	0.0310	0.0310	0.0310
9.00	0.0150	0.0219	0.0310	0.0310	0.0310	0.0310	0.0310
Total Ammonia (mg/liter NH ₃)							
6.50	6.82	6.82	6.83	4.65	3.21	2.24	1.58
6.75	5.87	5.87	5.89	4.01	2.76	1.93	1.37
7.00	5.06	5.06	5.07	3.45	2.38	1.67	1.18
7.25	4.36	4.36	4.37	2.98	2.06	1.44	1.02
7.50	3.77	3.77	3.78	2.58	1.78	1.25	0.89
7.75	2.99	2.99	3.00	2.05	1.42	1.00	0.72
8.00	1.70	1.70	1.70	1.17	0.81	0.58	0.42
8.25	0.97	0.97	0.97	0.67	0.47	0.34	0.25
8.50	0.56	0.56	0.56	0.39	0.28	0.20	0.15
8.75	0.33	0.33	0.33	0.23	0.17	0.13	0.10
9.00	0.20	0.20	0.20	0.14	0.11	0.09	0.07

* To convert these values to mg/liter N, multiply by 0.822.

Table B

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
A. Salmonids or Other Sensitive Coldwater Species Present							
Un-ionized Ammonia (mg/liter NH ₃)							
6.50	0.0007	0.0009	0.0013	0.0019	0.0019	0.0019	0.0019
6.75	0.0012	0.0017	0.0023	0.0033	0.0033	0.0033	0.0033
7.00	0.0021	0.0029	0.0042	0.0059	0.0059	0.0059	0.0059
7.25	0.0037	0.0052	0.0074	0.0105	0.0105	0.0105	0.0105
7.50	0.0066	0.0093	0.0132	0.0186	0.0186	0.0186	0.0186
7.75	0.0109	0.0153	0.022	0.031	0.031	0.031	0.031
8.00	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.25	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.50	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
8.75	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
9.00	0.0126	0.0177	0.025	0.035	0.035	0.035	0.035
Total Ammonia (mg/liter NH ₃)							
6.50	2.5	2.4	2.2	2.2	1.49	1.04	0.73
6.75	2.5	2.4	2.2	2.2	1.49	1.04	0.73
7.00	2.5	2.4	2.2	2.2	1.49	1.04	0.74
7.25	2.5	2.4	2.2	2.2	1.50	1.04	0.74
7.50	2.5	2.4	2.2	2.2	1.50	1.05	0.74
7.75	2.3	2.2	2.1	2.0	1.40	0.99	0.71
8.00	1.53	1.44	1.37	1.33	0.93	0.66	0.47
8.25	0.87	0.82	0.78	0.76	0.54	0.39	0.28
8.50	0.49	0.47	0.45	0.44	0.32	0.23	0.17
8.75	0.28	0.27	0.26	0.27	0.19	0.15	0.11
9.00	0.16	0.16	0.16	0.16	0.13	0.10	0.08
B. Salmonids and Other Sensitive Coldwater Species Absent†							
Un-ionized Ammonia (mg/liter NH ₃)							
6.50	0.0007	0.0009	0.0013	0.0019	0.0026	0.0026	0.0026
6.75	0.0012	0.0017	0.0023	0.0033	0.0047	0.0047	0.0047
7.00	0.0021	0.0029	0.0042	0.0059	0.0083	0.0083	0.0083
7.25	0.0037	0.0052	0.0074	0.0105	0.0148	0.0148	0.0148
7.50	0.0066	0.0093	0.0132	0.0186	0.026	0.026	0.026
7.75	0.0109	0.0153	0.022	0.031	0.043	0.043	0.043
8.00	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.25	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.50	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
8.75	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
9.00	0.0126	0.0177	0.025	0.035	0.050	0.050	0.050
Total Ammonia (mg/liter NH ₃)							
6.50	2.5	2.4	2.2	2.2	2.1	1.46	1.03
6.75	2.5	2.4	2.2	2.2	2.1	1.47	1.04
7.00	2.5	2.4	2.2	2.2	2.1	1.47	1.04
7.25	2.5	2.4	2.2	2.2	2.1	1.48	1.03
7.50	2.5	2.4	2.2	2.2	2.1	1.49	1.06
7.75	2.3	2.2	2.1	2.0	1.90	1.39	1.00
8.00	1.53	1.44	1.37	1.33	1.31	0.93	0.67
8.25	0.87	0.82	0.78	0.76	0.76	0.54	0.40
8.50	0.49	0.47	0.45	0.44	0.45	0.33	0.25
8.75	0.28	0.27	0.26	0.27	0.27	0.21	0.16
9.00	0.16	0.16	0.16	0.16	0.17	0.14	0.11

* To convert these values to mg/liter N, multiply by 0.822.

† Site-specific criteria development is strongly suggested at temperatures above 20 C because of the limited data available to generate the criteria recommendation, and at temperatures below 20 C because of the limited data and because small changes in the criteria may have significant impact on the level of treatment required in meeting the recommended criteria.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 30, 1986

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS860320

Ex Parte: In the matter of adopting
Rules Permitting Smoker/Nonsmoker
Mortality Tables for Use in
Determining Minimum Reserve
Liabilities and Nonforfeiture Benefits.

ORDER SETTING HEARING

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code § 38.2-223 provides that the Commission is authorized to issue such reasonable rules and regulations as may be necessary to carry out the purposes of §§ 38.2-3117, 38.2-3130 and 38.2-3209 of the Code of Virginia; and

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Permitting Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits" which sets forth certain rules, forms and procedures concerning the use of smoker/nonsmoker mortality tables;

WHEREAS, said regulation concerns a subject appropriate for Commission regulation; and

WHEREAS, the Commission is of the opinion that notice of the proposed regulation should be given to each life insurance company licensed to do business in this Commonwealth and that a hearing should be held on the proposed regulation, at which hearing all persons in interest may appear and be heard,

IT IS ORDERED:

(1) That the proposed regulation entitled "Rules Permitting Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits" be appended hereto and made a part hereof, filed and made a part of the record herein;

(2) That this matter be docketed and assigned Case No. INS860320, and that a hearing be held in the Commission's Courtroom, Jefferson Building, 13th Floor, Bank and Governor Streets, Richmond, Virginia at 10:00 a.m. on January 29, 1987, for the purpose of considering the adoption of the proposed regulation, at which time and place all interested persons may appear and be heard with respect to the proposed regulation;

(3) That an attested copy hereof together with a copy of the proposed regulation be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Paul A. Synnott, Jr. who shall forthwith give further notice of the proposed regulation and hearing by mailing a copy of this order together with a copy of the proposed regulation to every life insurance company licensed to do business in this Commonwealth; and

(4) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (3) above.

* * *

Title of Regulation: Rules Permitting Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits.

§ 1. Authority.

This regulation is issued pursuant to the authority vested in the Commission under §§ 12.1-13, 38.2-223, 38.2-3117, 38.2-3130, and 38.2-3209 of the Code of Virginia, as amended.

§ 2. Purpose.

The purpose of this regulation is to permit the use of mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits for plans of insurance with separate premium rates for smokers and nonsmokers.

§ 3. Definitions.

A. As used in this regulation, "1980 CSO Table, with or without Ten-Year Select Mortality Factor" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors. The same select factors will be used for both smokers and nonsmokers tables.

B. As used in this regulation, "1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.

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C. As used in this regulation, the phrase "smoker and nonsmoker mortality tables" refers to the mortality tables with separate rates of mortality for smokers and nonsmokers derived from the tables defined in A and B of this section which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and the California Insurance Department staff and recommended by the NAIC Technical Staff Actuarial Group.

D. As used in this regulation, the phrase "composite mortality tables" refers to the mortality tables defined in A and B of this section as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

§ 4. Alternate tables.

A. For any policy of insurance delivered or issued for delivery in this Commonwealth commencing 30 days from the effective date of this regulation, at the option of the company and subject to the conditions stated in § 5 of this regulation,

(i) The 1980 CSO Smoker and Nonsmoker Mortality Tables, with or without Ten-Year Select Mortality Factors, may be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors, and

(ii) The 1980 CET Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CET Table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

§ 5. Conditions.

For each plan of insurance with separate rates for smokers and nonsmokers an insurer may

(i) Use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

(ii) Use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by law and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or

(iii) Use smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

§ 6. Mandatory disclosure requirement.

No policy of insurance under which the minimum cash value exceeds twenty dollars at any possible policy

duration issued to a smoker pursuant to § 5 (iii) shall be delivered or issued for delivery in this Commonwealth commencing 30 days from the effective date of this regulation, or approved for use in this Commonwealth on or after the effective date of this regulation, unless it contains the following statement on the front page, in contrasting color and in boldface type at least two points larger than the type used for the policy provisions:

**AS A SMOKER YOU HAVE BEEN ISSUED A POLICY
THAT IS NOT AS FAVORABLE AS POLICIES
ISSUED BY THIS COMPANY TO NONSMOKERS.**

Additionally, should it reflect company practice in this Commonwealth, the policy may contain the following statement in contrasting color and in boldface type at least two points larger than the type used for policy provisions:

**IF YOU STOP SMOKING, YOU MAY QUALIFY FOR
A MORE FAVORABLE POLICY ISSUED BY THIS
COMPANY TO NONSMOKERS.**

§ 7. Prohibited provision.

No policy of insurance using mortality tables that reflect differences in mortality between smokers and nonsmokers for determining minimum reserve liabilities and nonforfeiture benefits shall be delivered or issued for delivery in the Commonwealth commencing 30 days from the effective date of this regulation, or approved for use in this Commonwealth on or after the effective date of this regulation, if such policy contains any provision permitting the insurer, based upon a misstatement made by the insured in his application for insurance, to adjust benefits or values beyond the contestable period in the policy, except as provided in §§ 38.2-3306, 38.2-3329, or 38.2-3346 of the Code of Virginia, as amended.

§ 8. Separability.

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 9. Effective date.

The effective date of this regulation is

(This regulation is effective on the date of its approval.)

* * * * *

AT RICHMOND, JANUARY 8, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. MCS860053

Ex parte: In the matter of

State Corporation Commission

amending Rules and Regulations
Governing Special or Charter
Party Carriers.

* * * * *

AT RICHMOND, JANUARY 8, 1987

FINAL ORDER

IT APPEARING that the Commission, by order dated February 14, 1974, in Case No. L-519, adopted Rules and Regulations Governing the Supervision, Control and Operation of Special or Charter Party Carriers by Motor Vehicles, effective July 1, 1974; and

IT FURTHER APPEARING that the Commission entered an order on November 10, 1986, announcing its intention to amend the aforesaid rules and regulations; and

IT FURTHER APPEARING that interested persons were afforded an opportunity to file written comments or request a hearing thereon concerning the proposed amendments, on or before December 30, 1986; and

IT FURTHER APPEARING that no comments or requests for hearing have been filed; and

THE COMMISSION, upon consideration of the proposed amendment, is of the opinion and finds that the public convenience and necessity will be promoted by the amendment; Accordingly,

IT IS ORDERED:

(1) That Rule 1 of the Commission's Rules and Regulations Governing the Supervision, Control and Operation of Special or Charter Party Carriers by Motor Vehicle be, and the same is hereby, amended to read as follows:

Rule 1 - Second paragraph

The Applicant for an "A" or "B" certificate shall cause a notice of such application, on the form prescribed by the Commission, to be served by receipted registered mail or by first class mail, as the Commission may prescribe, within such time as the Commission may prescribe by Order, on the mayor or principal officer of any city or county in which the main office of the applicant is located; on every special or charter party carrier authorized to provide and offering service from points within the territory of origin proposed to be served by the Applicant. Publication of a summary of the application shall be made in a newspaper having a general circulation in the area to be served prior to the hearing date within such time as the Commission may prescribe by Order.

(2) That an attested copy of this order shall be sent to the Motor Carrier Division, in care of Stuart E. Nunnally, Deputy Director of Rates and Tariffs, who shall forthwith forward a copy of this order to every special or charter party carrier certificated by this Commission.

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. MCS860054

Ex parte: In the matter of
amending Rules and Regulations
Governing Common Carriers of
Property by Motor Vehicle.

FINAL ORDER

IT APPEARING that the Commission, by order dated July 19, 1973, in Case No. L-475, adopted Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Property by Motor Vehicles, effective September 1, 1973; and

IT FURTHER APPEARING that the Commission entered an order on November 10, 1986, announcing its intention to amend the aforesaid rules and regulations; and

IT FURTHER APPEARING that interested persons were afforded an opportunity to file written comments or request a hearing thereon concerning the proposed amendments, on or before December 30, 1986; and

IT FURTHER APPEARING that no comments or requests for hearing have been filed; and

THE COMMISSION, upon consideration of the proposed amendment, is of the opinion and finds that the public convenience and necessity will be promoted by the amendment; Accordingly,

IT IS ORDERED:

(1) That Rule 1 of the Commission's Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Property by Motor Vehicle be, and the same is hereby, amended to read as follows:

Rule 1 - Second paragraph

The Applicant shall cause a notice of such application, on the form prescribed by the Commission, to be served by receipted registered mail or by first class mail, as the Commission may prescribe, within such time as the Commission may prescribe by Order, on the mayor or principal officer of any city or town and on the chairman of the board of supervisors of every county into or through which the Applicant may desire to provide service; on an officer or owner of every common carrier of property by motor vehicle presently rendering service within the area proposed to be served by the Applicant. Publication of a summary of the application shall be made in a

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newspaper having a general circulation in the area to be served prior to the hearing date within such time as the Commission may prescribe by Order.

(2) That an attested copy of this order shall be sent to the Motor Carrier Division, in care of Stuart E. Nunnally, Deputy Director of Rates and Tariffs, who shall forthwith forward a copy of this order to every common carrier of property certificated by this Commission.

* * * * *

AT RICHMOND, JANUARY 8, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. MCS860055

Ex parte: In the matter of amending Rules and Regulations Governing Common Carriers of Passengers by Motor Vehicle.

FINAL ORDER

IT APPEARING that the Commission, by order dated February 14, 1974, in Case No. L-521, adopted Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Passengers by Motor Vehicles, effective July 1, 1974; and

IT FURTHER APPEARING that the Commission entered an order on November 10, 1986, announcing its intention to amend the aforesaid rules and regulations; and

IT FURTHER APPEARING that interested persons were afforded an opportunity to file written comments or request a hearing thereon concerning the proposed amendments, on or before December 30, 1986; and

IT FURTHER APPEARING that no comments or requests for hearing have been filed; and

THE COMMISSION, upon consideration of the proposed amendment, is of the opinion and finds that the public convenience and necessity will be promoted by the amendment; Accordingly,

IT IS ORDERED:

(1) That Rule 1 of the Commission's Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Passengers by Motor Vehicle be, and the same is hereby, amended to read as follows:

Rule 1 - Second paragraph

The Applicant shall cause a notice of such application, on the form prescribed by the Commission, to be served by receipted registered mail or by first class

mail, as the Commission may prescribe, within such time as the Commission may prescribe by Order, on the mayor or principal officer of any city or town and on the chairman of the board of supervisors of every county into or through which the Applicant may desire to provide service; on an officer or owner of every common carrier of passengers by motor vehicle presently rendering service within the area proposed to be served by the Applicant. Publication of a summary of the application shall be made in a newspaper having a general circulation in the area to be served prior to the hearing date within such time as the Commission may prescribe by Order.

(2) That an attested copy of this order shall be sent to the Motor Carrier Division, in care of Stuart E. Nunnally, Deputy Director of Rates and Tariffs, who shall forthwith forward a copy of this order to every common carrier of passengers certificated by this Commission.

* * * * *

AT RICHMOND, JANUARY 8, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. MCS860056

Ex parte: In the matter of amending Rules and Regulations Governing Sight-seeing Carriers by Motor Vehicle.

FINAL ORDER

IT APPEARING that the Commission, by order dated February 14, 1974, in Case No. L-520, adopted Rules and Regulations Governing the Supervision, Control and Operation of Sight-seeing Carriers by Motor Vehicles, effective July 1, 1974; and

IT FURTHER APPEARING that the Commission entered an order on November 10, 1986, announcing its intention to amend the aforesaid rules and regulations; and

IT FURTHER APPEARING that interested persons were afforded an opportunity to file written comments or request a hearing thereon concerning the proposed amendments, on or before December 30, 1986; and

IT FURTHER APPEARING that no comments or requests for hearing have been filed; and

THE COMMISSION, upon consideration of the proposed amendment, is of the opinion and finds that the public convenience and necessity will be promoted by the amendment; Accordingly,

IT IS ORDERED:

(1) That Rule 1 of the Commission's Rules and

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Regulations Governing the Supervision, Control and Operation of Sight-seeing Carriers by Motor Vehicle be, and the same is hereby, amended to read as follows:

Rule 1 - Second paragraph

The Applicant shall cause a notice of such application, on the form prescribed by the Commission, to be served by receipted registered mail or by first class mail, as the Commission may prescribe, within such time as the Commission may prescribe by Order, on the mayor or principal officer of any city or town and on the chairman of the board of supervisors of every county into or through which the Applicant may desire to provide service; on every common carrier of passengers and sight-seeing carrier by motor vehicle presently rendering service within the area proposed to be served by the Applicant. Publication of a summary of the application shall be made in a newspaper having a general circulation in the area to be served prior to the hearing date within such time as the Commission may prescribe by Order.

(2) That an attested copy of this order shall be sent to the Motor Carrier Division, in care of Stuart E. Nunnally, Deputy Director of Rates and Tariffs, who shall forthwith forward a copy of this order to every sight-seeing carrier certificated by this Commission.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: **VR 480-03-16. Minerals Other Than
Coal Surface Mining Regulations.**

Governor's Comment:

No objections to the proposed regulations as presented,
but urge the Department to carefully consider any
public comments received on these regulations prior to
final adoption.

/s/ Gerald L. Baliles
January 7, 1987

* * * * *

Title of Regulation: **VR 480-03-19. Coal Surface Mining
Reclamation Regulations.**

Governor's Comment:

No objections to the proposed regulations as presented,
but urge the Department to carefully consider any
public comments received on these regulations prior to
final adoption.

/s/ Gerald L. Baliles
January 7, 1987

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations regarding the use of **Furadan 15-G**. The reason for the proposed amendments is the possible need to further regulate the sale and use of carbofuran pesticides, i.e., Furadan 15-G an insecticide/nematicide.

Statutory Authority: §§ 3.1-217 and 3.1-217.1 (Virginia Pesticide Law) of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: William E. Walls, Supervisor, Office of Pesticide Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, Va. 23209, telephone (804) 786-3798

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)

DEPARTMENT OF FORESTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Forestry intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to prescribe procedure to be followed by the agency to obtain public participation in the development of regulations.

Statutory Authority: § 10-31.2 of the Code of Virginia.

Written comments may be submitted until February 27, 1987.

Contact: Harold L. Olinger, Assistant Chief, Administration, Department of Forestry, Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

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 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 MEDICAL ASSISTANCE 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 Medical Assistance Services intends to consider amending regulations entitled: **Definition of Home Ownership or Contiguous Property.** The purpose of the proposed amendments is to establish a common definition for use by this department for Medicaid eligibility and the Department of Social Services for ADC eligibility.

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

Written comments may be submitted until February 16, 1987.

Other pertinent information: A copy of the regulation is available from Victoria P. Simmons, telephone (804) 786-7933.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 600

E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **1) Rules and Regulations for the Licensure of Residential Facilities; 2) Rules and Regulations for the Licensure of Supported Residential Programs; 3) Rules and Regulations for the Licensure of Day Support Programs; and 4) Rules and Regulations for the Licensure of Outpatient Services.** The purpose of the four sets of rules and regulations is to ensure that clients participating in community treatment and residential care facilities within the Commonwealth of Virginia are served in safe environments by qualified staff and to establish standards of quality for the programs provided in such facilities.

Statutory Authority: §§ 37.1-179 through 37.1-183.1 of the Code of Virginia.

Written comments may be submitted until February 20, 1987, to Barry Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider repealing regulations entitled: **1) Community Programs for Mentally Retarded; 2) Community Mental Health Programs Standards; 3) Community Substance Abuse Programs Standards upon promulgation of new Licensure Standards.** The purpose of the proposed repeal is to update current regulations for licensure.

Statutory Authority: §§ 37.1-179 through 37.1-183.1 of the Code of Virginia.

Written comments may be submitted until February 20, 1987, to Barry Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director,

General Notices/Errata

Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

NOTE: WRITTEN COMMENT PERIOD HAS BEEN EXTENDED.

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 March 10, 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 (Board of) intends to consider amending regulations entitled: **The Virginia Fuel Assistance Program**. The purpose of the proposed amendments is to develop policies and procedures for implementation of the 1987-88 Fuel Assistance Program, which will include: (i) any needed changes based on problems identified in the 1986-87 program; (ii) revamping of the energy crisis assistance component; and (iii) other changes as a result of reduced federal funding.

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

Written comments may be submitted until March 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Regulatory requirements are contained in Title VI of the Human Services

Reauthorization Act of 1984 (P.L. 98-558)

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9050

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services (Board of) intends to consider promulgating regulations entitled: **Lump Sum Payments in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed regulations is to revise policy to require that the following payments also be considered lump sums for purposes of establishing a period of ineligibility: all windfall payments, e.g., inheritances or lottery winnings; personal injury awards; casualty property loss payments for replacement or repair of resources; life insurance settlements, regardless of whether the policy is owned by the client or another individual. In situations involving casualty property loss payments for replacement or repair of resources, such payments will not be considered as income or resources if the client initiates action to replace or repair the resource within 30 days after receipt of the lump sum payment and expends the payment for such replacement or repair within six months after receipt.

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

Written comments may be submitted until March 4, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

Other pertinent information: 45 Code of Federal Regulations 233.20(a) (3) (ii) (F)

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-88.1. Recording Studios (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed regulations is to set forth the application of the sales and use tax to audio and video recording studios.

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

General Notices/Errata

Written comments may be submitted until March 4, 1987.

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

DEPARTMENT FOR THE 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 promulgate regulations entitled: **1) Regulations Governing Rehabilitation Teaching; 2) Regulations Governing Independent Living; 3) Regulations Governing Intake and Social Services, 4) Regulations Governing Library Services for the Blind and Physically Handicapped.** 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 Rehabilitation Teaching, Independent Living and Intake and Social Services, and Library Services for the Blind and Physically Handicapped.

Statutory Authority: §§ 63.1-78 and 63.1-79 of the Code of Virginia.

Written comments may be submitted until March 31, 1987.

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

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 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

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.

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.

General Notices/Errata

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

* * * * *

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 not addressed by existing regulations. This proposed initial draft would amend the Virginia regulations of April 1, 1986.

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 115-04-14. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Bollweevil Quarantine.**

Issue V.A.R 3:6, pp. 512-513, December 22, 1986

The corrections to the final regulation are as follows:

Page 512, column 2 in the definition of "limited permit":

the word "process" should be "processing"

Page 513, section 4.A.3, column 2:

the word "grown" should be "grow"

MARINE RESOURCES COMMISSION

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.**

Issue V.A.R 3:7, p. 645, January 5, 1987

The correction to the final regulation is as follows:

Page 645, column 2, section 2, the word "Shore" was omitted. It should read:

"Seaside of Eastern Shore"

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: **VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.**

V.A.R 3:6, p. 523, December 22, 1986

The correction to the final regulation is as follows:

Page 523, column 2, example 2, line 10, the number 3.5 was left out. It should read:

"...(assuming that the 45 million limit for Class I plants would not be exceeded and subject to each Class I plant's 3.5 million gallon limitation)..."

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

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

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

† February 10, 1987 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, Courtroom 3, 300 Cedar Road, Chesapeake, Virginia.

The board will meet to conduct a formal administrative hearing: State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects v. Leigh Lohman, Jr., Professional Engineer.

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

EXECUTIVE

STATE AIR POLLUTION CONTROL BOARD

February 2, 1987 - 9 a.m. - Open Meeting
† April 6, 1987 - 9 a.m. - Open Meeting
Location to be announced.

A general meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

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 AUCTIONEERS BOARD

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 AVIATION BOARD

† February 10, 1987 - 10 a.m. - Open Meeting
Best Western Airport Inn, 5700 Williamsburg Road, Richmond, Virginia. ☒

A meeting to discuss aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P.O. Box 7716, Richmond, Va. 23231, telephone (804) 785-6284

Calendar of Events

VIRGINIA CATTLE INDUSTRY BOARD

† February 11, 1987 - 2 p.m. - Open Meeting
The Homestead, Hot Springs, Virginia. ☒

A meeting to (i) review 1986-87 projects in progress and (ii) review 1987-88 project requests.

Contact: Reggie Reynolds, Secretary, P.O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

† March 6, 1987 - 10 a.m. - Open Meeting
Koger Executive Center, Koger Building, Conference Room, 8007 Discovery Drive, Richmond, Virginia. ☒

A regularly scheduled quarterly meeting.

Contact: D. Ray Sirry, Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

† February 13, 1987 - 8 a.m. - Open Meeting
Department of Social Services, Blair Building, 8007 Discovery Drive, Richmond, Virginia. ☒

A meeting to consider (i) Annual Administrative Plan; (ii) Report on High Risk Children; and (iii) Report on Older Children in Foster Care.

Contact: John J. Allen, Jr., Office of the Coordinator, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

COMMONWEALTH TRANSPORTATION BOARD

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

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks State Review Board

† February 17, 1987 - 10 a.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Bell House, Colonial Beach, Westmoreland County;
Buckshoal Farm, Halifax County;
Bull Thistle Cave Archaeological Site, Tazewell County;
Croakers Landing Archaeological Site, James City County;
Dykeland, Amelia County;
Rapidan Historic District, Orange and Culpeper Counties;
Roanoke County Courthouse, Salem;
Rocklands, Loudoun County;
Virginia Manor, Rockbridge County.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

Upper James River Advisory Board

† February 4, 1987 - 11:30 a.m. - Open Meeting
Sunny Brook Inn, Hollins, Virginia

A quarterly business meeting of the Upper James River Advisory Board to discuss matters pertaining to that section of the Scenic River.

Contact: Richard Gibbons, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-4132

Virginia Historic Landmarks Board

† February 17, 1987 - 2 p.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

Calendar of Events

BOARD OF CORRECTIONS

February 11, 1987 - 10 a.m. - Open Meeting
March 11, 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 to the Board of Corrections.

Contact: 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

April 1, 1987 - 9 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to amend regulations entitled:
**VR 240-01-11. Rules Relating to Compulsory
Minimum Training Standards for Noncustodial
Employees of the Department of Corrections.** The
above regulation amends existing training standards
for noncustodial employees of the Department of
Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987,
to L. T. Eckenrode, Department of Criminal Justice
Services, 805 East Broad Street, Richmond, Virginia 23219.

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

* * * * *

April 1, 1987 - 9 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-16.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to amend regulations entitled:
**VR 240-01-4. Rules Relating to Compulsory Minimum
Training Standards for Jailors or Custodial
Officers/Courthouse and Courtroom Security
Officers/Deputy Sheriffs Designated to Serve
Process.** The regulations amend existing training
standards for the above Officers and Deputy Sheriffs.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987,

to L. T. Eckenrode, Department of Criminal Justice
Services, 805 East Broad Street, Richmond, Virginia 23219.

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

STATE BOARD OF EDUCATION

† February 26, 1987 - 9 a.m. - Open Meeting
† February 27, 1987 - 9 a.m. - Open Meeting
† March 19, 1987 - 9 a.m. - Open Meeting
† March 20, 1987 - 9 a.m. - Open Meeting
† April 22, 1987 - 9 a.m. - Open Meeting
† April 23, 1987 - 9 a.m. - Open Meeting
† April 24, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 1st Floor, Conference Rooms C
and D, 101 North 14th Street, Richmond, Virginia. ☒

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

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

VIRGINIA FARMERS' MARKET BOARD

February 24, 1987 - 9:30 a.m. - Open Meeting
Washington Building, 2nd Floor, Board Room, 1100 Bank
Street, Richmond, Virginia

A regular business meeting to discuss Farmers' Market
proposals.

Contact: R. Duke Burruss, Washington Bldg., Room 701,
1100 Bank St., Richmond, Va. 23219, telephone (804)
786-3549

DEPARTMENT OF FORESTRY

† February 27, 1987 - 10 a.m. - Public Hearing
Region Office, 2229 East Nine Mile Road, Sandston,
Virginia. ☒

A public hearing to receive verbal or written comment
on proposed guidelines for public participation in the
development and review of any regulations proposed
by the Department of Forestry.

Contact: Harold L. Olinger, Department of Forestry, P.O.
Box 3758, Charlottesville, Va. 22903-0758, telephone (804)

Calendar of Events

977-6555

Reforestation of Timberlands Board

† March 3, 1987 - 10 a.m. - Open Meeting
Department of Forestry, 509 East Nine Mile Road,
Sandston, Virginia. ☒

Semi-annual meeting of the board to review
accomplishments and budget.

Contact: James D. Starr, Department of Forestry, P.O. Box
3758, Charlottesville, Va. 22903-0758, telephone (804)
977-6555

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

February 6, 1987 - 10 a.m. - Open Meeting
† March 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)
867-8030

State Insurance Advisory Board

† March 20, 1987 - 9:30 a.m. - Open Meeting
Department of General Services, 9th Street Office Building,
Conference Room of the Director of the Department of
General Services, Room 209, Richmond, Virginia. ☒

A quarterly meeting of the State Insurance Advisory
Board.

Contact: Charles F. Scott, Department of General Services,
Division of Risk Management, 9th Floor, 805 E. Broad St.,
Richmond, Va. 23219, telephone (804) 225-4619

VIRGINIA STATE BOARD OF GEOLOGY

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 HEALTH (BOARD OF)

February 9, 1987 - 7 p.m. - Public Hearing
Washington County Public Library, Auditorium, Valley and
Oak Streets, Abingdon, 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.

Calendar of Events

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

Commission on Medical Care Facilities

† February 16, 1987 - 10 a.m. - Open Meeting

† March 9, 1987 - 10 a.m. - Open Meeting

† April 13, 1987 - 10 a.m. - Open Meeting

James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☒

By Executive Order Thirty-One (86) Governor Baliles created an Advisory Commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need Program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need Process.

Contact: E. George Stone, State Health Department, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† February 4, 1987 - 9 a.m. - Open Meeting

James Monroe Building, 9th Floor, 101 North 14th Street, Richmond, Virginia. ☒

A monthly council meeting. The agenda will be available on request.

Contact: Grace I. Lessner, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

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.

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

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

February 12, 1987 - 8:30 a.m. - Open Meeting

February 26, 1987 - 8:30 a.m. - Open Meeting

4th Street Office Building, 7th Floor Conference Room, 205 North 4th Street, Richmond, Virginia. ☒

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration

Calendar of Events

by the Board of Housing and Community Development.

Division of Building Regulatory Services

† April 13, 1987 - 10 a.m. - Open Meeting
Prince William County Board of Supervisors' Chambers, 1
County Complex Court, Prince William, Virginia. ☒

† April 14, 1987 - 10 a.m. - Open Meeting
Buena Vista Circuit Court Room, City Hall, 2039 Sycamore
Street, Buena Vista, Virginia. ☒

† April 15, 1987 - 10 a.m. - Open Meeting
Smyth County Court House, Board of Supervisors' Room,
Main Street, Marion, Virginia. ☒

† April 16, 1987 - 10 a.m. - Open Meeting
Human Services Building, Auditorium, 5249 Olde Town
Road (Route 658), James City County, Virginia. ☒

A meeting to solicit public input for amendments to the 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; and for promulgating the Amusement Device Regulations and the Statewide Fire Prevention Code.

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† February 13, 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 400-02-0011. Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits.** The regulations provide for the allocation by the authority of low-income housing tax credits to owners of residential rental projects pursuant to § 42 of the Internal Revenue Code of 1986, as amended.

STATEMENT

Purpose: To establish procedures, instructions and guidelines for the allocation of low-income housing tax credits to owners of residential rental projects in accordance with § 42 of the Internal Revenue Code of 1986, as amended.

Basis: Rule 103 of the Rules and Regulations of the

authority adopted pursuant to § 36-55.30.3 of the Code of Virginia.

Subject, Substance and Issues: Section 42 of the Internal Revenue Code of 1986, as amended, provides for credits to owners of residential rental projects which may be allocated in any calendar year for low-income housing units within the Commonwealth. The authority has been designated as the Commonwealth's housing credit agency for the purpose of allocating low-income housing tax credits within such annual limitation. The proposed procedures, instructions and guidelines establish the procedures and requirements for the solicitation, submission, review, and selection of applications for low-income housing tax credits and for the set-aside and allocation of such credits.

Impact: The authority expects that under the proposed regulations low-income housing tax credits in the approximate amount of \$7,132,500 will be available each year for approximately 2000 to 4000 low-income housing units. 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 February 13, 1987.

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

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† February 17, 1987 - 9 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia.

This will be the regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board of Commissioners will review and, if appropriate, approve the minutes from the prior monthly meeting; will consider for approval and ratification mortgage loan commitments under its various programs; will review the authority's operations for the prior month; will consider and, if appropriate, approve the Procedures, Instructions and Guidelines for Allocation of Low Income Housing Tax Credits; and will 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 South 13th St., Richmond, Va. 23219, telephone (804) 782-1986

Calendar of Events

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 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

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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,
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

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† **April 13, 1987 - 7 p.m. – Public Hearing**
Pulaski Armory, 140 First Street, Pulaski, Virginia

† **April 14, 1987 - 7 p.m. – Public Hearing**
Central Virginia Community College, Amherst Classroom
Building, Room 2123, Lynchburg, Virginia

† **April 15, 1987 - 7 p.m. – Public Hearing**
Gar-Field Senior High School, Auditorium, 14000
Smoketown Road, Dale City, Virginia

† **April 16, 1987 - 7 p.m. – Public Hearing**
Christopher Newport College, Administration Building, John
Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport
News, Virginia

† **April 20, 1987 - 7 p.m. – Public Hearing**
State Capitol, House Room 4, 9th and Grace Streets,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to adopt regulations entitled: **VR 425-01-27. Regulations Governing the Administration of Apprenticeship Program in the Commonwealth of Virginia, Biennial Program Sponsor Evaluation (XI).** The proposed program sponsor evaluation procedure is intended to improve the quality control capabilities of the Virginia Apprenticeship Council and the Division of Apprenticeship Training by establishing an evaluation system which will provide sufficient program information to recognize outstanding programs and to aid in the identification and correction of deficiencies in sponsors' apprenticeship programs.

STATEMENT

Basis: The Virginia Apprenticeship Council is authorized under § 40.1-118(1) of the Code of Virginia to "determine standards for apprenticeship agreement..." Section 40.1-118(9) of the Code of Virginia further provides that the council may "initiate deregistration proceedings when the apprenticeship program is not conducted, operated and administered in accordance with the registered provisions..."

Purpose: The proposed program sponsor evaluation procedure is intended to improve the quality control capabilities of the Virginia Apprenticeship Council and the Division of Apprenticeship Training by establishing an evaluation system which will provide sufficient program information to recognize outstanding programs and to aid

Calendar of Events

in the identification and correction of deficiencies in sponsors' apprenticeship programs.

Impact: The proposed program sponsor evaluation procedure will ultimately apply to all program sponsors participating in voluntary apprenticeship training (approximately 2,000 employers). However, because this regulation only establishes a framework for the evaluation procedure, there will be no immediate impact from this regulation. However, the Virginia Apprenticeship Council intends to develop and promulgate at a later date the criteria and procedures necessary to implement this evaluation system.

The projected costs for implementation and compliance cannot be estimated until the Virginia Apprenticeship Council develops the criteria and procedures needed to implement the program sponsor evaluation procedure.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol A. Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or (804) 786-3075

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† April 13, 1987 - 7 p.m. - Public Hearing
Pulaski Armory, 140 First Street, NW, Pulaski, Virginia

† April 14, 1987 - 7 p.m. - Public Hearing
Central Virginia Community College, Amherst Classroom Building, Room 2123, Lynchburg, Virginia

† April 15, 1987 - 7 p.m. - Public Hearing
Gar-Field Senior High School, Auditorium, 14000 Smoketown Road, Dale City, Virginia

† April 16, 1987 - 7 p.m. - Public Hearing
Christopher Newport College, Administration Building, John Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport News, Virginia

† April 20, 1987 - 7 p.m. - Public Hearing
State Capitol, House Room 4, 9th and Grace Streets, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to amend regulations entitled: **VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, Standards of Apprenticeship Programs: Numeric Ratio of Apprentices to Journeymen (IV.B.14).** These regulations propose to amend the ratio of apprentices

to journeymen from 1:3 to 1:1 in order to meet the present and future skilled manpower needs.

STATEMENT

Basis: The Virginia Apprenticeship Council is authorized under § 40.1-118(1) of the Code of Virginia to "determine standards for apprentice agreements..."

Purpose: To amend the minimum numeric ratio of apprentices to journeymen from 1:3 to 1:1 in order to meet the present and future skilled manpower needs of the Commonwealth by providing additional opportunities for qualified apprentices to receive training. This amendment will also eliminate the paperwork and expense associated with "emergency ratio" requests as well as ensure that all program sponsors are treated in the same way, regardless of their participation in collective bargaining agreements.

Impact: Participation in apprenticeship training in the Commonwealth of Virginia is strictly voluntary. The proposed amendment of the numeric ratio of apprentices to journeymen has the potential to effect all present (approximately 2,000) and future program sponsors. Specifically, this amendment, which is deregulatory, will lower the minimum number of journeymen that a firm must employ in order to be eligible to participate in apprenticeship training. The amendment (1:1) establishes a lower minimum numeric ratio; firms that desire to train under the current 1:3 ratio (or higher) may continue to do so.

This proposed amendment would also eliminate the costly expense associated with the current requirement that sponsors not covered by a collective bargaining agreement must petition the Apprenticeship Council for approval of emergency ratios lower than the currently required 1:3 ratio.

The proposed amendment of the minimum numeric ratio of apprentices to journeymen would not cost regulated entities anything for implementation and compliance. In fact, this proposal would save program sponsors the time and money associated with emergency ratio requests and renewal requests.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23214, telephone (804) 786-2381 or (804) 786-3075

Calendar of Events

COMMISSION ON LOCAL GOVERNMENT

March 24, 1987 - 11 a.m. - Open Meeting
Town of Lebanon - Russell County (site to be determined)

Oral presentations regarding the Town of Lebanon's annexation action.

March 24, 1987 - 7:30 p.m. - Public Hearing
Town of Lebanon - Russell County (site to be determined)

Public hearing regarding the Town of Lebanon's annexation action.

March 25, 1987 - 9 a.m. - Open Meeting
Town of Lebanon - Russell County (site to be determined)

Oral presentations regarding the Town of Lebanon's annexation action. (Continuation of oral presentations by the Town of Lebanon if needed)

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

MARINE RESOURCES COMMISSION

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

BOARD OF MEDICAL ASSISTANCE SERVICES

† **April 3, 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 Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-2.6152. Definition of Home**

Ownership. This regulation amends the State Plan for Medical Assistance and establishes the definition of home ownership (contiguous property) to be used in determining eligibility for Medicaid.

STATEMENT

Basis and Authority: Section 32.1-325 (A) of the Code of Virginia gives the State Board of Medical Assistance Services the authority to prepare and amend the State Plan for Medical Assistance subject to the approval of the Governor. The Code at § 9-6.14:9 gives the Governor the authority to approve this agency's emergency adoption of regulations. The Governor approved the adoption of this emergency regulation on December 24, 1986.

House Bill 473, passed by the 1985 General Assembly, required the Board of Medical Assistance Services to include in the State Plan a requirement that in determining eligibility, a home shall be disregarded. A "home" shall include the house and lot used as the principle residence and contiguous property not exceeding \$5,000 in value. Federal regulations in 42 CFR 435.121 and 435.851 allows the Commonwealth to use eligibility criteria which are more restrictive than those used by the Supplemental Security Income (SSI) Program. The definition of home site property required by this legislation is more restrictive than that used by the SSI Program. However, this definition is not more restrictive than the one used by the Medicaid program in its State Plan effective January 1, 1972.

The General Assembly also included language in the Appropriation Act of 1985 as follows: "The Board of Social Services shall modify the restriction on eligibility for Aid to Dependent Children relative to contiguous property, consistent with Senate Bill 605/House Bill 473."

In implementing these two chapters of the Acts of the Assembly, the Boards of Medical Assistance Services and Social Services adopted slightly different versions for the definition of the term "lot." When this was discovered, the staff, the agency heads and respective counsel worked together to develop a standard definition. Advice was also sought from the Chairs of the House Appropriations Committee and the Senate Finance Committee. These actions resulted in the agreed to definition for lot: the lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less.

On November 30, 1985, Governor Charles S. Robb signed the emergency regulation in accordance with § 9-6.14:4.1C(5) to add the following definition of home ownership to the respective regulations of the Department of Medical Assistance Services and the Department of Social Services.

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"The board shall include in this plan a requirement that, in determining eligibility, a home shall be disregarded. A home means the house and lot used as the principal residence and contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less.

In response to the 1986 emergency regulation, the Department of Social Services first published proposed regulations, using the above specific language, in the Virginia Register. Immediate feedback from the local social service agencies was that the phrase "whichever is less" would cause considerable administrative difficulty. When the DMAS was apprised of this response, the decision was made that the DMAS would publish its proposed regulations without that phrase and the DSS would modify its proposed regulations to omit the troublesome language when proceeding to the final APA regulatory stage.

Before the DMAS could complete its public comment period (which began in the August 18, 1986 Virginia Register), further evaluation of policy impact and legal counsel resulted in the decision to retain the language in the earlier emergency regulation without amendment. Consequently, the DMAS withdrew its proposed regulations. The existing emergency regulations expired on December 31, 1986. Therefore, Governor Baliles approved departmental issuance of another emergency regulation effective January 1, 1987.

Impact: These proposed regulations convey the language which were approved by the Governor and adopted by the Department of Medical Assistance Services on December 24, 1986. The proposed regulation will not cause additional expenditures or impact recipients. Funds necessary to implement contiguous property coverage were included in the 1985 Appropriation Act and continued in the 1986-88 biennial budget.

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

Written comments may be submitted until April 3, 1987.

Other pertinent information: For a copy of the regulation, contact Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933.

Contact: Ann E. Cook, Director, Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

VIRGINIA STATE BOARD OF MEDICINE AND VIRGINIA STATE BOARD OF NURSING (Joint Meeting)

February 5, 1987 - 9:30 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 joint board meeting to (i) consider matters related to the regulations of nurse practitioners in Virginia; (ii) review comments on existing regulations; and (iii) develop proposed regulations.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0377

VIRGINIA STATE BOARD OF MEDICINE

Informal Conference Committee

February 11, 1987 - 1 p.m. – Open Meeting
Roanoke Memorial Hospital Rehab Center, Belview and Jefferson Street, Roanoke, Virginia. ☒

† **February 25, 1987 - 1 p.m. – Open Meeting**
Department of Health Regulatory Boards, Surry Building, 2nd Floor, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

† **February 27, 1987 - 1 p.m. – Open Meeting**
Department of Health Regulatory Boards, Surry Building, 2nd Floor, Conference Room 1, 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 subsection A, subdivision 6, § 2.1-344 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

† **February 25, 1987 - 10 a.m. – Open Meeting**
Western Tidewater Community Services Board, Suffolk, Virginia. ☒

A regular monthly meeting. The agenda will be published on February 18 and may be obtained by

Calendar of Events

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, (804) 786-3921

VIRGINIA STATE BOARD OF NURSING

† **February 13, 1987 - 10 a.m.** – Open Meeting
Norfolk General Hospital, Jenkins Hall Board Room, 600 Gresham Drive, Norfolk, Virginia. ☒ (Interpreter for deaf provided if requested)

A formal hearing on Mary J. Shimko, R.N., will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

Informal Conference Committee

February 10, 1987 - 8:30 a.m. – Open Meeting
† **February 26, 1987 - 10 a.m.** – Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0377

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† **March 23, 1987 - 1:30 p.m.** – Public Hearing
Holiday Inn West, 6531 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 State Board of Nursing intends to adopt, amend or repeal regulations entitled: **VR 495-01-1. Board of Nursing Regulations.**

STATEMENT

Purpose: The purpose of these regulations is to establish the requirements for nursing education programs in Virginia that prepare persons for licensure as registered or licensed practical nurses; to regulate the licensure of nurses, and to discharge the duties required of the board by § 54-367.11 of the Code of Virginia in the protection of the health, safety, and welfare of the citizens of the Commonwealth. The proposed regulations are the result of

the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 52(84) of former Governor Charles S. Robb.

Estimated Impact:

A. Regulated Entities:

1. Registered Nurses - 55,162
2. Licensed Practical Nurses - 21,810
3. Nursing Education Programs:
 - a. Preparing for Registered Nurse Licensure - 35
 - b. Preparing for Practical Nurse Licensure - 49

B. Projected Costs to Regulated Entities: Some of the new or modified regulations increase costs for the licensees and nursing education programs. The impact on regulated entities is discussed below.

1. Section 1.2.C. delegates authority to the Executive Director of the Board of Nursing to execute notices, orders and official documents and creates no added impact to the regulated entities.

Section 1.3 has been modified to increase fees collected from applicants and licensees as follows:

a. Section 1.3.1. increases the application fee for Registered Nurse licensure from \$40 to \$45.

b. Section 1.3.1. increases the application fee for Licensed Practical Nurse licensure from \$30 to \$35.

C. Under existing regulations, applicants who are unsuccessful on the licensing examination pay \$30 (RN) and \$20 (LPN) for reapplication. The application fees shown in a. and b. above will be required for reapplication.

d. Section 1.3.3. increases the fee for biennial renewal of a license from \$14 to \$28. The initial license fee of \$7 has been eliminated since the cost is covered by the application fee.

e. Section 1.3.4. increases the fee for reinstatement of a lapsed license from \$5 to \$50.

f. Section 1.3.6 increases the fee to verify a license to another Board of Nursing from \$5 to \$10.

g. Sections 1.3.7 and 1.3.8 add fees for transcripts of examination scores and applicant/licensee records of \$5 and \$10 respectively.

h. Section 1.3.9 increases the returned check charge from \$10 to \$15.

The increase in fees will impact the board's licensees. Since nurses do not generally work on a fee-for-service basis, the increase will not be transferred to consumers.

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3. In § 2.1., Establishing a Nursing Education Program, several rules are proposed to be modified to clarify the requirements. The changes have no financial impact on the institution that is different from existing regulations with the possible exemption of § 2.1.A.2. This section requires that an institution planning a new program submit a feasibility study. The cost of such a study will vary in relation to the type and size of the program contemplated. While this is a new requirement by the Board of Nursing, it is doubtful that an institution would initiate a new program without such a study. Other changes in the timing and process may actually reduce the cost to the institution. For example, existing regulations require that faculty be employed at specific times, and the proposed regulations allow more flexibility for the institution to make this decision.

4. Section 2.2.C.1 on qualifications for faculty in nursing education programs has been modified to require that faculty have degrees with a major in "nursing" rather than "preferably in nursing." New § 2.2.C.1.g. will permit faculty currently employed to continue in their present positions regardless of the type of degree. Therefore, it is not anticipated that there will be a significant financial impact on the programs at this time. It is possible that some programs will have to invest more for recruitment to fill vacancies in the future.

5. Section 2.2.C.4.e provides for student evaluation of teaching and program effectiveness and § 2.2.C.5.e provides for student participation in faculty organization. Neither is expected to have substantial financial impact on the program.

6. The addition of "age" to the requirement for an affirmative action statement by nursing education programs added to § 2.2.D.1.b. has no financial impact.

7. Sections 2.2.F.1. through 3., 5. and 6. establish the requirements for curricula in nursing education programs. Modifications can be implemented in existing courses offered by the programs. Therefore, it is not anticipated that there will be additional costs.

8. Sections 2.3.A. and B. provide for monitoring the compliance of nursing education programs by the Board of Nursing. Section 2.3.B. extends the time period between survey visits by the board from five to eight years. This reduces the cost to the program. Section 2.3.A. requires the submission of an annual report from the program, a practice currently in effect but not previously required by regulations. No additional cost should be incurred by these regulations.

9. Section 2.4. is an extensive revision of the existing regulations more clearly defining the requirements which must be met by a nursing education program that closes. Change in financial impact to the program should be insignificant.

10. Section 3.1.E. provides for the retention of applications

of candidates who fail to take the licensing examination, and poses no financial burden for the regulated entity.

11. Section 3.1.I.1. has been modified to require that candidates who are taking the licensing examination in another state must file the application for licensure by endorsement if they wish to practice nursing in Virginia pending the results of the examination. If the applicant fails the licensing examination, the application fee for endorsement will be forfeited.

12. Section 3.2.B establishes the requirement for an applicant for licensure to submit the appropriate application and fee. This process is current practice and will pose no additional cost to the applicant.

13. Existing regulations state that applicants from other countries may be required to take and pass the Commission on Graduates of Foreign Nursing Schools (CGFNS) Qualifying Examination prior to admission to the examination for licensure. Section 3.3.B.1 will require that applicants for licensure as registered nurses in Virginia from other countries shall take and pass the CGFNS Qualifying Examination. The cost to the applicant is \$105.

The addition of this requirement will avoid a significant increase in the application fee of nurses from other countries to offset the cost of staff time in the review of credentials and transcripts and reduce the correspondence necessitated by the process in the existing regulations. The CGFNS Qualifying Examination is administered at six sites in the United States and 27 centers outside the United States. The U.S. Immigration and Naturalization Service requires a CGFNS certificate for nurses educated in other countries before they will be granted a nonimmigrant occupational preference visa. The U. S. Department of Labor requires the same before granting a labor certificate or work permit. As a result of these requirements, many applicants currently have met this requirement.

14. Section 3.4.F provides that a person practicing nursing during the time that a license is lapsed is subject to prosecution. If prosecuted, the individual may have to bear the cost of defense and, if found guilty, may have a fine imposed. This financial impact is an avoidable cost that will be incurred only by those who fail to renew the license as required by statute and regulation.

C. Projected Costs to Agency for Implementation and Enforcement: Implementing and enforcing the new and modified regulations will not increase the operating costs of the board since they can be implemented under existing programs. Sections 1.2.C., 2.3.A. and B., and 3.3.B.1 will result in an actual reduction in the board's operating costs.

D. Source of Funds: All funds of the Board of Nursing are derived from fees paid by licensees and applicants for licensure.

Calendar of Events

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until April 6, 1987.

Other pertinent information: The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Contact: Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0377

OLD DOMINION UNIVERSITY

Board of Visitors

† **February 12, 1987 - (Time to be announced) - Open Meeting**
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ☒

A regular meeting of the Board of Visitors to handle affairs of the University. (Specific times included in agenda distributed two weeks prior to meeting.)

Contact: Gordon A. McDougall, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

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.

† **March 17, 1987 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A board meeting concerning routine business and regulation proposals.

† **March 18, 1987 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regular meeting of the Pharmacy Jurisprudence

Committee.

Contact: J. B. Carson, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 15, 1987 - 10 a.m. - Open Meeting
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business at its regular quarterly meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va., 23230, telephone (804) 257-8515 or William L. Taylor, 3327 Shore Dr., Virginia Beach, Va., 23451, telephone (804) 496-0995

VIRGINIA REAL ESTATE BOARD

Condominium Advisory Committee

† **February 25, 1987 - 10:30 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review proposed revisions to the Condominium regulations of the Real Estate Board.

Time Share Advisory Committee

† **February 27, 1987 - 10:30 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review proposed regulation revisions to the Time-Share regulations of the Real Estate Board.

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)

BOARD OF REHABILITATIVE SERVICES

† **February 27, 1987 - 9:30 a.m. - Open Meeting**
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A regularly scheduled meeting to (i) consider revisions

Calendar of Events

to the proposed vocational rehabilitation regulations; (ii) consider recommended priorities and new initiatives for the board and department; and (iii) conduct the business of the Department of Rehabilitative Services.

Evaluation and Analysis Committee

† **February 26, 1987 - 1 p.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) discuss and evaluate policies and procedures; (ii) develop proposed board priorities and new initiatives for consideration by the board; and (iii) develop recommendations for presentation to the Board of Rehabilitative Services at its regular meeting.

Finance Committee

† **February 26, 1987 - 3 p.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) review the second quarter financial report; (ii) review grants and contracts entered into by the Department of Rehabilitative Services; and (iii) discuss other budgetary matters.

Program Committee

† **February 26, 1987 - 9 a.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and consider information and recommendations on proposed vocational rehabilitation regulations received from January 1987 public hearings and to consider other comments received through the public comment period, written and verbal, toward development of regulations and adoption by the Board of Rehabilitative Services.

Contact: Jim Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800-552-5019)

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

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

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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.**

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)

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Calendar of Events

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)

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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)

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† **April 3, 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 615-01-17. Deprivation Requirement in the Aid to**

Dependent Children (ADC) Program. The proposed regulation will simplify the process of establishing deprivation on the basis of continued absence.

STATEMENT

Subject: Proposed amendment to the regulation entitled Deprivation Requirement in the Aid to Dependent Children (ADC) program (VR 615-01-17). This amendment is being proposed for a 60-day public comment period.

Substance: It is the intent of the State Board of Social Services to simplify the deprivation requirement in the determination of eligibility for assistance in the ADC program. Under current program requirements, a child must be deprived of parental support and care by reason of death, continued absence, or incapacity of a least one parent. In order to be considered deprived on the basis of continued absence, a child's parents must live apart due to divorce, deportation, incarceration, or unestablished paternity. Continued absence also exists when the parents live together if one parent is a convicted offender who is serving a court imposed sentence of unpaid public work or unpaid community service. Deprivation on the basis of continued absence may also be determined to exist when a child's parents are separated if it is established that the absent parent does not provide maintenance, physical care, and guidance for the child.

Under the proposed regulation, deprivation on the basis of continued absence will be determined to exist in those situations in which the parents are living apart due to separation, without regard to the provision of maintenance, physical care, and guidance, except in the case of employment away from home. When the parents are separated due to employment away from home, it must be determined if such employment precludes the absent parent from providing support and care for his child.

Issues: The proposed regulation is intended to simplify the eligibility determination process and ensure the deprivation requirement is applied equitably and consistently across the Commonwealth. The proposed regulations are:

1. Removes judgmental decisions currently made by eligibility workers regarding the provision of maintenance, physical care, and guidance. By establishing deprivation solely on the basis of a parent's absence in the case of separation, these judgmental decisions will be eliminated as absence is an identifiable, verifiable fact;
2. Reduces administrative time and costs associated with the current process, thereby providing eligibility staff with additional time to focus on error prone elements of the eligibility determination process;
3. Supports and strengthens the family concept and encourages an absent parent to visit his children without fear that such contact may result in the family becoming ineligible for assistance.

Calendar of Events

Basis: Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs throughout Virginia. Federal authority for the proposed regulation can be found at 45 CFR § 233.90(c)(1)(iii).

Purpose: The purpose of the proposed regulation is to simplify the deprivation determination process in the ADC program, thereby reducing administrative costs and ensuring uniformity and consistency in application of the deprivation requirement.

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

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR, § 233.90(c)(1)(iii)

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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† **April 3, 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 regulations entitled: **VR 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** An amendment to begin entitlement for ADC and GR with the date of application.

STATEMENT

Subject: The proposed amendment to the regulations governing entitlement date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

Substance: The proposed amendment will revise ADC and GR entitlement policy to specify that when eligibility exists assistance will begin with the date of application.

Issues: Whether assistance for an individual eligible for ADC or GR should begin with the date of application. Under present policy, loss of entitlement for the month of application can occur due to factors beyond the control of the applicant or the agency. Such factors would include lack of staff, excessive influx of applications, or nonreceipt of a required verification. The proposed amendment will protect the entitlement date when factors over which there is no control delay the processing of applications. In addition, equitable treatment will be provided all applicants since delays in processing applications would not affect the entitlement date. Further, the family's needs will

be met from the time the applicant indicates, in writing, the need for assistance.

Basis: § 63.1-25 of the Code of Virginia grants the State Board of Social Services the authority to make rules and regulations necessary or desirable to carry out the true purpose and intent of Title 63.1. 45 CFR § 206.10(a)(6)(i)(C) allows the proposed change for ADC.

Purpose: To ensure that an individual does not lose assistance for the month of application when the GR or ADC application is approved in a month following the month of application.

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

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR § 206.10(1)(6)(i)(C)

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

BOARD OF SOCIAL WORK

February 20, 1987 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

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

Contact: Stephanie Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-7703

DEPARTMENT OF TAXATION

† **April 6, 1987 - 10 a.m. - Public Hearing**
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-112. Welfare Assistance Redeemable in Goods (Retail Sales and Use Tax).** This regulation references the exemption for purchases with food stamps and WIC drafts enacted by the 1986 Session of the General Assembly and explains how food dealers may account for such exempt sales.

Calendar of Events

STATEMENT

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

Purpose: This regulation sets forth the exemption from the sales and use tax for purchases of tangible personal property purchased with food stamps and WIC drafts that was enacted by the 1986 Session of the General Assembly. In addition, this regulation sets forth the methods available to a food dealer for him to account for his exempt food stamp and WIC sales.

Issues: Section 58.1-608.66 of the Code of Virginia, effective October 1, 1986, provides an exemption from the sales and use tax for tangible personal property purchased with food coupons issued by the U. S. Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children (WIC).

Substance: Applying the statutory exemption, this regulation sets forth the exempt nature of food stamp and WIC purchases effective October 1, 1986. As the exemption applies only to purchases actually made with food stamps or WIC drafts, the regulation provides that other purchases by food stamp or WIC program recipients will remain taxable.

To account for exempt food stamp and WIC sales for purposes of filing sales and use tax returns, food dealers may make an exact accounting of exempt sales or may choose one of two alternative methods. A dealer may choose the option that is most convenient for him to administer. The two alternatives in lieu of exact accounting both involve keeping track of food stamp deposits by the dealer during the month, increased by the total number of food stamps retained at the end of the month for change purposes, and then reduced by the amount of food stamps on hand at the beginning of the month and an amount or percentage representing coins returned to customers as change from food stamps. Under the first alternative, the dealer would keep track of the exact amount of coin change from food stamps that was returned to customers. Under the second alternative, the dealer would multiply the monthly total of food stamps deposited and food stamps retained by 98%. In the event that a dealer can demonstrate that the second alternative does not accurately reflect his exempt food stamp sales, he may request to use an alternative percentage.

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

Written comments may be submitted until March 20, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23281, telephone (804) 257-8010

VIRGINIA BOARD OF VETERINARY MEDICINE

February 3, 1987 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A formal hearing.

February 17, 1987 - 1 p.m. - Open Meeting
February 18, 1987 - 8 a.m. - Open Meeting
February 19, 1987 - 8 a.m. - Open Meeting
The Homestead, Hot Springs, Virginia

General board business and informal conferences.

February 19, 1987 - 1 p.m. - Open Meeting
The Homestead, Hot Springs, Virginia

A meeting to conduct examinations for veterinarian applicants.

Contact: Moria C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

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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.

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 DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

March 8, 1987 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if

Calendar of Events

requested)

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

Contact: Diane E. Allen, Executive Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA WASTE MANAGEMENT BOARD

† **February 17, 1987 - 10 a.m.** – Open Meeting
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☒

A general business meeting. This meeting will take the place of the January 28, 1987, meeting.

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

DEPARTMENT OF WASTE MANAGEMENT

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

February 24, 1987 - 7 p.m. – Open Meeting

NOTE: CHANGE IN LOCATION
Accomac County Administration Building, Board of Supervisor's Room, Greenbush Avenue, Accomac, Virginia

February 25, 1987 - 2 p.m. – Open Meeting

NOTE: CHANGE IN LOCATION
Suffolk Extension Office, Human Resources Building, 3rd Floor Conference Room, 440 Market Street, Suffolk, 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 Area-wide 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.

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. Hogue, Supervisor, Water Resources Development, State Water Control Board, 5515 Cherokee Ave., Suite 404, Alexandria, Va. 22312, telephone (703) 642-7422

Calendar of Events

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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.

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.

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.

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: **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.

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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Calendar of Events

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.

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 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 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.

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 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 23, 1987 - 9 a.m. - Open Meeting**
† **March 24, 1987 - 9 a.m. - Open Meeting**
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board,

2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

† **February 26, 1987 - 3 p.m. - Open Meeting**
† **February 27, 1987 - 8 a.m. - Open Meeting**
† **February 28, 1987 - 8 a.m. - Open Meeting**
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review quarterly operations of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

† **March 26, 1987 - 3 p.m. - Open Meeting**
† **March 27, 1987 - 8 a.m. - Open Meeting**
† **March 28, 1987 - 8 a.m. - Open Meeting**
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

† **April 24, 1987 - 3 p.m. - Open Meeting**
† **April 25, 1987 - 8 a.m. - Open Meeting**
† **April 26, 1987 - 8 a.m. - Open Meeting**
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: The College of William and Mary, Office of University Relations, James Blair Hall, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in the Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

CHRONOLOGICAL LIST

OPEN MEETINGS

- February 2**
Air Pollution Control Board, State
- February 3**
Alcoholic Beverage Control Board, Virginia
Auctioneers Board, Virginia
Marine Resources Committee
Pharmacy, State Board of
Veterinary Medicine, Virginia Board of
- February 4**
† Conservation and Historic Resources, Department of
- Upper James River Advisory Board
† Higher Education for Virginia, State Council of
- February 5**
Medicine, Virginia State Board of and State Board of Nursing (Joint Meeting)
- February 6**
General Services, Department of
- Art and Architectural Review Board
Medicine, Virginia State Board of
- Informal Conference Committee
- February 10**
† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
† Aviation Board, Virginia
Nursing, Virginia State Board of
- Informal Conference Committee
Waste Management, Department of
- February 11**
† Cattle Industry Board, Virginia
- Corrections, Board of
Medicine, Virginia State Board of
- Informal Conference Committee
- February 12**
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
† Old Dominion University
- Board of Visitors
Pharmacy, State Board of
- February 13**
† Children's Residential Facilities, Interdepartmental Licensure and Certification of
- Coordinating Committee
† Nursing, Virginia State Board of
Pharmacy, State Board of
- February 16**
† Health, Department of
- February 17**
Alcoholic Beverage Control Board
† Conservation and Historic Resources, Department of
- Division of Historic Landmarks
- Virginia Historic Landmarks Board
Geology, Virginia State Board of
† Housing Development Authority, Virginia
Veterinary Medicine, Virginia Board of
† Waste Management Board, Virginia
- February 18**
Veterinary Medicine, Virginia Board of
- February 19**
Highways and Transportation Board, Virginia
Department of
Veterinary Medicine, Virginia Board of
- February 20**
Social Work, Board of
- February 24**
Farmers' Market Board, Virginia
Water Control Board, State
- Ground Water Program Staff
- February 25**
† Medicine, Board of
- Informal Conference Committee
† Mental Health and Mental Retardation Board
† Real Estate Board, Virginia
- Condominium Advisory Committee
Sewage Handling and Disposal Appeals Review Board, State
Water Control Board, State
- Ground Water Program Staff
- February 26**
† Education, State Board of
Board of Housing and Community Development

Calendar of Events

- Amusement Device Technical Advisory Committee
 - † Nursing, Virginia State Board of
 - † Rehabilitative Services, Board of
 - Evaluation and Analysis Committee
 - Finance Committee
 - Program Committee
 - † William and Mary, The College of
 - Board of Visitors
- February 27**
- † Education, State Board of
 - † Medicine, Virginia State Board of
 - Informal Conference Committee
 - † Real Estate Board, Virginia
 - Time-Share Advisory Committee
 - † Rehabilitative Services, Board of
 - † William and Mary, The College of
 - Board of Visitors
- February 28**
- † William and Mary, The College of
 - Board of Visitors
- March 3**
- † Forestry, Department of
 - Reforestation of Timberlands Board
- March 6**
- † Child Abuse and Neglect, Governor's Advisory Board on
 - † General Services, Department of
 - Art and Architectural Review Board
- March 8**
- Visually Handicapped, Virginia Department for the
 - Advisory Committee on Services
- March 9**
- † Health, Department of
- March 11**
- Corrections, Board of
- March 17**
- † Pharmacy, State Board of
- March 18**
- † Pharmacy, State Board of
- March 19**
- † Education, State Board of
- March 20**
- † Education, State Board of
 - † General Services, Department of
 - State Insurance Advisory Board
- March 23**
- † Water Control Board, State
- March 24**
- Local Government, Commission on
 - † Water Control Board, State
- March 25**
- Local Government, Commission on
- March 26**
- † William and Mary, The College of
 - Board of Visitors
- March 27**
- † William and Mary, The College of
 - Board of Visitors
- March 28**
- † William and Mary, The College of
 - Board of Visitors
- April 6**
- † Air Pollution Control Board, State
- April 13**
- † Health, Department of
 - † Housing and Community Development, Department of
 - Division of Building Regulatory Services
- April 14**
- † Housing and Community Development, Department of
 - Division of Building Regulatory Services
- April 15**
- † Housing and Community Development, Department of
 - Division of Regulatory Services
- April 16**
- † Housing and Community Development, Department of
 - Division of Building Regulatory Services
 - Pilots, Board of Commissioners to Examine
- April 22**
- † Education, State Board of
- April 23**
- † Education, State Board of
- April 24**
- † Education, State Board of
 - † William and Mary, The College of
 - Board of Visitors
- April 25**
- † William and Mary, The College of
 - Board of Visitors
- April 26**
- † William and Mary, The College of
 - Board of Visitors

PUBLIC HEARINGS

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

February 27
† Forestry, Department of

March 9
Water Control Board, State

March 11
Water Control Board, State

March 13
Higher Education for Virginia, State Council of

March 23
† Nursing, Virginia State Board of

March 24
Local Government, Commission on

April 1
Criminal Justice Services Board

April 6
† Taxation, Department of

April 13
† Labor and Industry, Department of
- Apprenticeship Council

April 14
† Labor and Industry, Department of
- Apprenticeship Council

April 15
† Labor and Industry, Department of
- Apprenticeship Council

April 16
† Labor and Industry, Department of
- Apprenticeship Council

April 20
† Labor and Industry, Department of
- Apprenticeship Council

Calendar of Events
