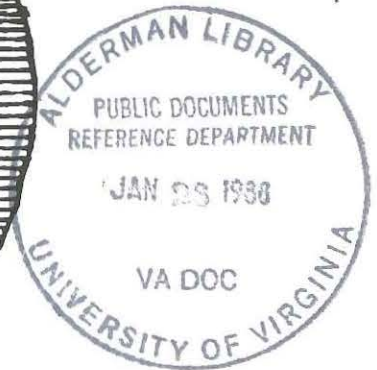
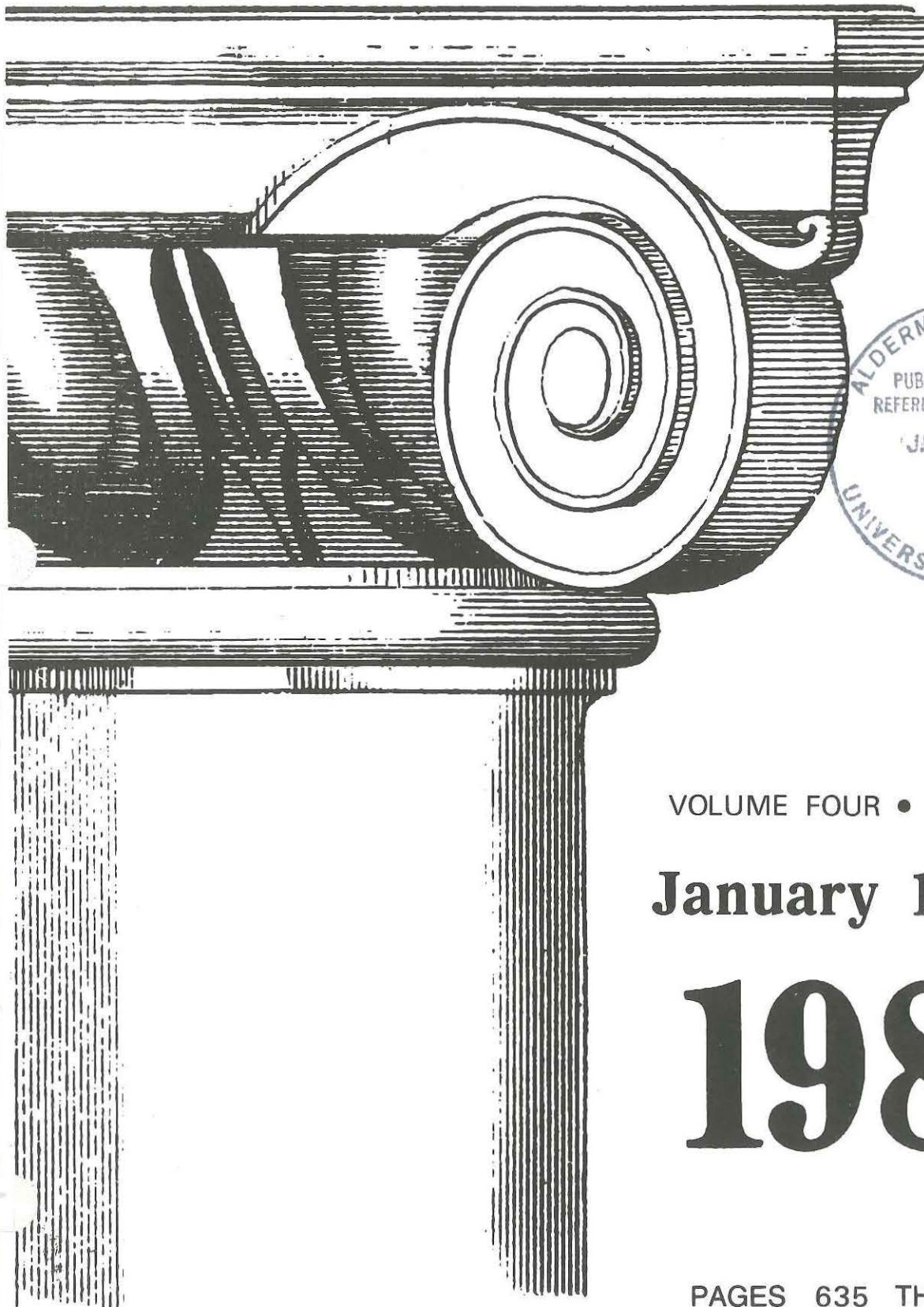


THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME FOUR • ISSUE EIGHT

January 18, 1988

1988

PAGES 635 THROUGH 752

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 V.A.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.

"The *Virginia Register of Regulations*" is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Application to Mail at Second-Class Postage Rates is Pending at Richmond, Virginia. POSTMASTER: Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

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.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

January 1988 through March 1989

MATERIAL SUBMITTED BY
Noon Wednesday

PUBLICATION DATE

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Feb. 10	Feb. 29
Feb. 24	Mar. 14
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PROPOSED REGULATIONS

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Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0051. Regulations Governing Criteria to Identify Toxic Art Materials; Labeling; Use in Elementary Grades Prohibited.

Statutory Authority: § 22.1-274.1 of the Code of Virginia.

Public Hearing Date: March 17, 1988 - 3 p.m.
(See Calendar of Events section for additional information)

Summary:

The Department of Education in cooperation with the Department of Health, shall develop criteria to identify toxic art materials. These criteria shall be available by July 1, 1988.

After these criteria have been developed the Department of Education shall evaluate all art materials used in schools and identify those which are toxic. All art materials used in the public schools which meet the criteria as toxic shall be so labeled and the use of such art materials shall be prohibited in the elementary grades (prekindergarten, junior kindergarten, kindergarten, grades 1 through 5).

Some art materials contain toxic substances which can cause acute or chronic health effects in humans. Such materials might be used by children in the schools. It is also likely that young children in schools may misuse the art materials via ingestion, inhalation, or skin contact. Thus, there exists a significant potential of risk to the health of children who are exposed to art materials containing toxic substances. Since many persons do not know the toxic substances in art materials with which they work, proper precautionary actions are usually not employed. Identification and labeling of toxic art materials and prohibition of use of such materials in elementary grades in public schools will significantly minimize unnecessary risk to the health of children.

Labeling for acute health hazards including those associated with art materials, is enforced by the U.S. Consumer Product Safety Commission pursuant to § 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276). However, at the present time there are no specific national standards for labeling art materials for chronic health hazard effects. A voluntary standard for chronic health hazard labeling of art materials, designated as D-4236 has been issued by the American Society for Testing and Materials (ASTM) and has

been found to be acceptable by the Consumer Product Safety Commission as well as several states. Although many manufacturers comply with the ASTM Standard, the standard is still voluntary and does not have the force of the law. This standard is incorporated by reference in this regulation. The Virginia Acts of Assembly - Chapter 14, Article 2, § 22.1-274.1 provides legal authority to the State Board of Education to enforce labeling requirements for art materials and provides protection to children in elementary grades from unreasonable risk of exposure to art materials containing toxic substances by prohibiting their use in elementary grades.

VR 270-01-0051. Regulations Governing Criteria to Identify Toxic Art Materials; Labeling; Use in Elementary Grades Prohibited.

PART I. DEFINITIONS.

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

"Art material" means any raw or processed material or manufactured product marketed or represented by the manufacturer or repackager, as suitable for use in demonstration or the creation of any work of visual or graphic art of any medium.

1. Visual or graphic art techniques employing art mediums may include, but should not be limited to, ceramics, drawing inks, drawing pencils, enamel colors, fabric dyes, felt tip markers, finger paints, fixatives, glazes, glues, lacquers, modeling materials, oils, oil paints, oil pastels, pastes, pastels, printing inks, screen printing inks, shellacs, silver solder, solvents, spray paints, tempera paints, varnishes, and watercolors.

2. Art materials shall include, but not be limited to acrylic paints, adhesives, chalks, charcoal, clays, crayons, drawing inks, drawing pencils, enamel colors, fabric dyes, felt tip markers, finger paints, fixatives, glazes, glues, lacquers, modeling materials, oils, oil paints, oil pastels, pastes, pastels, printing inks, screen printing inks, shellacs, silver solder, solvents, spray paints, tempera paints, varnishes, and watercolors.

3. The term does not include economic poisons subject to the Federal Insecticide, Fungicide and Rodenticide Act, or drugs, devices, or cosmetic subject to the Federal Food, Drug, and Cosmetic Act.

"Chronic illness" means of long duration, continuing, constant, prolonged, lingering disease or illness.

Proposed Regulations

"Elementary grades" means prekindergarten, junior kindergarten, kindergarten and grades 1 through 5 inclusive in Virginia public schools.

"Hazardous substance" means any chemical which is a health hazard.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed children. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

"Human carcinogen" means any substance for which there is sufficient evidence of carcinogenicity from epidemiological studies to support a causal association between exposure and cancer and which is listed as such by the International Agency for Research on Cancer or listed as a substance known to be carcinogenic by the National Toxicology Program of the United States Department of Health and Human Services.

"Ingredient" means something that is an element in a mixture or compound.

"Label" means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

"Potential human carcinogen" means any substance which does not meet the definition of a human carcinogen, but for which:

1. There is a limited evidence of carcinogenicity from studies in humans, which indicates that causal interpretation is credible, but that alternative explanations, such as chance, bias or confounding, could not adequately be excluded, or

2. There is sufficient evidence of carcinogenicity from studies in experimental animals which indicates that there is an increased incidence of malignant tumors (i) in multiple species or strains; (ii) in multiple experiments (preferably with different routes of administration or using different dose levels); or (iii) to an unusual degree with regard to incidence, site or type of tumor, or age at onset. Additional evidence may be provided by data concerning dose responses effects, as well as information on mutagenicity or chemical structure, or

3. Is listed such by the International Agency for Research on Cancer or listed as a substance that may reasonably be anticipated to be carcinogen by the National Toxicology Program of the United States Department of Health and Human Services, or

4. Any substance shown to be changed by the human body into a human carcinogen.

"Purchaser" means the acquisition of art materials through the payment of money or its equivalent by a school division, school administrator, classroom teacher, or art teacher.

"Toxic substance" means any substance or mixture in a gaseous, liquid, or solid state which, when ingested, inhaled, or absorbed through the skin, is capable of producing an injury that persists and develops over time from a single, prolonged, or repeated exposure to the substance. This would include substances which are human carcinogens, potential human carcinogens, and those substances which can cause birth defects, harm to a developing fetus or to a nursing infant, allergic sensitization, sterility, damage to the nervous system, or a persistent adverse effect on any other organ system.

PART II. GENERAL REGULATIONS.

§ 2.1. An art material shall be considered toxic if such material contains an ingredient which is a toxic substance, to include human carcinogen and potential human carcinogen causing chronic illness if the ingredient, whether an intentional ingredient or an impurity, is 1.0% or more by weight of the art material.

§ 2.2. If an art material complies with labeling standard ASTM 4236 and its revision, if any, of the American Society for Testing on Materials, the material shall be deemed to comply with provision of this criteria.

§ 2.3. All art materials used in the public schools which meet the criteria as toxic shall be so labeled.

§ 2.4. Use of art materials evaluated under ASTM 4236 to be toxic shall be prohibited in the elementary grades.

§ 2.5. The ASTM 4236 standard is incorporated by reference in this regulation.

PART III. LABELING.

§ 3.1. The following information, in accordance with ASTM 4236, shall be stated on all art materials purchased for usage in Virginia public schools.

1. The name and place of business of the manufacturer, packer, distributor, or seller;

2. The common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard;

3. The signal word shall be visible and set in bold capital letters, such as one of the following:

DANGER;

WARNING;

CAUTION;

POISON.

4. An affirmative statement of the principal hazard or hazards, such as one of the following:

MAY CAUSE STERILITY;

CONTACT MAY CAUSE PERMANENT EYE DAMAGE;

MAY BE HARMFUL BY BREATHING VAPORS OR DUST;

MAY BE HARMFUL IF SWALLOWED;

MAY BE HARMFUL BY SKIN CONTACT;

MAY PRODUCE BIRTH DEFECTS IN THE DEVELOPING FETUS;

MAY BE EXCRETED IN HUMAN MILK;

MAY CAUSE HARM TO THE NURSING INFANT;

CANCER AGENT! EXPOSURE MAY PRODUCE CANCER;

CANCER AGENT BASED ON TESTS WITH LABORATORY ANIMALS;

POSSIBLE CANCER AGENT BASED ON TESTS WITH LABORATORY ANIMALS;

MAY PRODUCE ALLERGIC REACTIONS BY INGESTION/INHALATION/SKIN CONTACT;

MAY PRODUCE NUMBNESS OR WEAKNESS IN THE EXTREMITIES;

EXPOSURE MAY CAUSE (SPECIFY THE ORGAN(S)) DAMAGE;

HEATING/COMBUSTION MAY CAUSE HAZARDOUS DECOMPOSITION PRODUCTS.

5. Precautionary measures describing the action to be followed or avoided; instructions for handling and storage of packages which require special care in handling or storage, such as:

Keep out of reach of children;

When using do not eat, drink, or smoke;

Wash hands immediately after use;

Avoid inhalation/ingestion/skin contact;

Avoid fumes from combustion;

Keep container tightly closed when not in use;

Store in well-ventilated area;

Wear protective clothing (specify type);

Wear protective goggles/face shield;

Wear NIOSH-certified mask for dusts/mists/fumes;

Wear NIOSH-certified respirator with an appropriate cartridge for (specify);

Wear NIOSH-certified supplied-air respirator;

Use window exhaust fan to remove vapors and ensure adequate cross-ventilation (specify explosion proof if necessary);

6. Instruction, when necessary or appropriate, for first-aid treatment;

§ 3.2. Statements of conformance accepted by Virginia Department of Education and Virginia Department of Health:

1. Conforms to ASTM Practice D-4236;

2. Conforms to ASTM D-4236;

3. Conforms to the health requirements of ASTM D-4236.

§ 3.3. The purpose of the conformance statement is to inform the purchaser, at the time of purchase, of the products compliance with the standard. To accomplish this purpose the conformance statement should appear whenever practical on the product; however, it shall also be acceptable to place the statement on one or more of the following:

1. The individual product package;

2. A display or sign at the point of purchase;

3. Separate explanatory literature available on request at the point of purchase;

4. A response to a formal request for bid or proposal.

Proposed Regulations

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-01. Virginia Pollutant Discharge Elimination System and Virginia Pollution Abatement Permit Program (Regulation No. 6).

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

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

NOTICE: Due to its length the Virginia Pollutant Discharge Elimination System (VPDES) and Virginia Pollution Abatement Permit Program, filed by the State Water Control Board, is 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 proposed amendments 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.

Summary:

In accordance with § 62.1-44.15(10) of the Code of Virginia, the State Water Control Board intends to amend its Regulation No. 6 that covers sewage, industrial waste or other waste discharged into or adjacent to state waters. This regulation delineates the authority and general procedures to be followed in connection with any National Pollutant Discharge Elimination System (NPDES) permits issued by the board authorizing discharges of pollutants into state waters pursuant to §§ 402, 318, and 405 of the Clean Water Act (Act).

This regulation amendment is being proposed for various reasons. The National Pollutant Discharge Elimination System (NPDES) permit name has been changed to Virginia Pollutant Discharge Elimination System (VPDES) permit to specifically identify the Commonwealth of Virginia as the permitting authority. A major revision is to incorporate many of the regulations, procedural rules, and policies addressing permits, including Procedural Rule No. 2 - No Discharge Certificates (NDC), under one regulation. Virginia Pollutant Abatement (VPA) permits have been included to replace No Discharge Certificates and to regulate the management of pollutants that are not point source discharges to surface waters. The majority of the revisions were language changes made to ensure the VPDES permit program conforms with the federal regulations for the NPDES permit program.

Also, as a result of these revisions, wastewater treatment operator requirements will be included in specific permits. Furthermore, concentrated animal feeding operations of greater than 100 animal units

will be required to obtain a VPA permit.

State Water Control Board Regulation No. 4 - Reporting of Unusual or Extraordinary Discharges, the Policy for Sewage Treatment Plant Loadings and the Policy to Control the Discharge of Untreated Sewage from Pumping Stations, Sewage Treatment Plants, and Other Sources, have also been incorporated into this regulation and will be superseded with the amendment of this regulation.

* * * * *

Title of Regulation: VR 680-16-03. Upper James River Basin Water Quality Management Plan.

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

Public Hearing Date: March 9, 1988 - 7 p.m.
(See Calendar of Events section for additional information)

Background:

Water Quality Management Plans (WQMP) set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and in numeric loadings for five day biochemical oxygen demand (BOD5) in identified stream segments.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such established standards or policies.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control and management.

A summary of the proposed amendment follows.

Summary:

The proposed amendment revises the allowable carbonaceous BOD5 loading upward from 8.8 lbs/day to 25 lbs/day for the Bath County Service Authority's (BCSA) Ashwood-Healing Springs sewage treatment plant (STP) and requires a dissolved oxygen minimum limitation of 7.0 mg/l. The allowable CBOD5 loading is revised upward from 380 lbs/day to 400 lbs/day for the City of Lexington sewage treatment plant and a minimum dissolved oxygen limitation of 5.0 mg/l will be required. The revision to the CBOD5 loading for the Bath County Industrial Development Authority's (BCIDA) proposed Millboro Industrial Park sewage treatment plant involves replacing the current loading of 2.1 lbs/day with "self-sustaining" (must maintain

water quality standards on its own), since this discharge does not actually go to the Maury River.

The proposed revisions are based on recent modeling performed by the State Water Control Board. The major difference between the loading rates are due to improvements in modeling techniques and sewage treatment technology. State Water Control Board modeling demonstrated that 25 lbs/day of BOD5 can be discharged into Cascades Creek from the BCSA Ashwood-Healing Springs STP provided the discharge contains a dissolved oxygen concentration of at least 7.0 mg/l. The City of Lexington STP can discharge 400 lbs/day of BOD5 into the Maury River if the discharge contains a dissolved oxygen concentration of at least 5.0 mg/l. The BCIDA proposed Millboro Industrial Park STP can discharge 6.26 lbs/day of BOD5 provided the discharge contains a dissolved oxygen concentration of at least 7.2 mg/l. The National Pollutant Discharge Elimination System (NPDES) permits authorizing these discharges contain the above respective dissolved oxygen limits of 7.0 mg/l, 5.0 mg/l, and 7.2 mg/l.

The Water Quality Management Plan (WQMP) consultants also made technical errors in the modeling done for Cascades Creek which resulted in an inaccurate BOD5 loading value. In addition, modeling done for the proposed Millboro Industrial Park STP discharge to Cabin Creek, by the WQMP consultants, assumed a drought flow for Cabin Creek. The State Water Control Board based its model of Cabin Creek on an actual field investigation, and it was modeled as a dry ditch, i.e. during times of severe drought there is no water in the stream channel. Therefore, the establishment of BOD5 loading rates or allocations for Cabin Creek is technically incorrect because at drought flows the stream channel will be dry. Effluent discharged to dry ditches must be "self sustaining." In other words, the effluent itself must maintain the established water quality standards as it flows through the dry stream channel. The current loading requirement for Cabin Creek contained in the Upper James WQMP must be deleted and replaced with "self-sustaining."

VR 680-16-03. Upper James River Basin Water Quality Management Plan.

STATE WATER CONTROL BOARD
 VR 680-16-03 - UPPER JAMES RIVER BASIN
 WATER QUALITY MANAGEMENT PLAN

TEXT OF AMENDMENT

Reference for Cascades Creek, river mile 3.0 - 0.0, Cabin Creek river mile 1.7 - 0.0 and Maury River river mile 19.6 - 12.2 on Table 7 in Part 1 and Table 76 in Part 2 of Volume V-A of the Upper James River Basin Water Quality Management Plan would be amended as follows:

Stream	Segment Number	Segment Classification ¹	Mile to Mile	Significant Dischargers	Total Assimilative Capacity of Stream BOD ₅ Lbs/Day	Waste Load Allocation ₂ BOD ₅ Lbs/Day ²	Reserve BOD ₅ Lbs/Day ⁵
Cascades Creek	2-1	E.L.	3.0 - 0.0	Ashwood Healing Springs STP	8.8 <u>25.0</u>	7.0 <u>25.0</u>	1.8-(20%) <u>None</u>
Cabin River	2-4	E.L.	1.7 - 0.0	Millboro Industrial Park	2.1 <u>Self-sustaining</u>	1.7 <u>None</u>	0.4-(20%) <u>None</u>
Maury River	2-4	E.L.	19.6 - 12.2	Lexington STP	388.0 <u>400.0</u>	388.0 <u>400.0</u>	88.0-(21%) <u>None</u>

1. Recommended classification.
2. Based on 2020 loads or stream assimilative capacity less 20 percent.
5. Percentages refer to reserve as percent of total assimilative capacity.
Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

None of the other portions of Volume V-A or the Plan Summary are affected by this amendment.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes from Article 2 regulations which consist only of changes in style or form or corrections of technical errors. The Department of Agriculture and Consumer Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 115-01-03. Virginia Horse Breeder Incentive Program.

Statutory Authority: § 3.1-741.2 of the Code of Virginia.

Effective Date: February 17, 1988

Summary:

These regulations encourage, expand, and develop the breeding of horses in Virginia through a program of matching financial incentives. The amendments to the existing regulations consist of minor word changes to improve clarity and correct form and technical errors.

The Board of Agriculture and Consumer Services will receive, consider and respond to petitions by any interested persons at any time with respect to consideration or revision.

VR 115-01-03. Virginia Horse Breeder Incentive Program.

§ 1. Program purpose.

Pursuant to Section 3.1-741.2 of the Code of Virginia, the Virginia State Board of Agriculture and Consumer Services hereby establishes a The Virginia Horse Breeder Incentive Program ; is designed to encourage, expand, and develop the breeding of horses in Virginia. This program is shall be administered by the Virginia Department of Agriculture and Consumer Services with the assistance of horse organizations in the state under the following regulations: Commonwealth.

§ 2. Limitations on the use of public (General Fund) money.

Financial awards to breeders shall be distributed only to the extent that public funds made available to the department for the program are matched dollar for dollar

by private funds. At no time shall private money be collected or otherwise controlled or administered by the department, ~~or~~ nor shall public matching money be awarded directly to any horse organization. Public matching money from the General Fund shall ~~only~~ be awarded directly *only* to the owner or breeder of a qualifying animal.

H. § 3. Definition of Acceptable Statewide equine organization (SEO) acceptance criteria.

The term "statewide equine organization" or "SEO" may be assigned only to organizations meeting all of the following criteria:

A. 1. Where applicable, the organization must be accepted by the breed's or breeds' national registry as the single entity responsible for the total breed's promotion and organization in Virginia.

B. 2. The organization must be the only or the largest organization (in terms of membership) conducting the breed's or breeds' affairs or promotion within Virginia.

C. 3. The organization must be open to all breeders in Virginia meeting basic requirements for membership. These requirements must follow the normal requirements for membership in a horse oriented trade or educational organization , and must not discriminate on the basis of age, sex, religion, or national origin.

D. 4. The organization must be based in Virginia and be predominantly composed of members who are actively engaged in the breeding, use, or promotion of a specific breed or breeds in Virginia.

E. 5. The organization must be registered with the State Corporation Commission of Virginia.

HH. § 4. Procedures for acceptance of SEOs' corresponding programs into the Virginia Horse Breeder Incentive Program (VHBIP).

A. Initial application.

The SEO must submit its proposed qualifying private breeder incentive program to the department at least three months prior to the beginning of the fiscal year for which acceptance is requested. The SEO will be notified of acceptance or rejection within 30 days of receipt. The proposed qualifying private breeder incentive program must include:

1. Documentation of the organization's qualifications as

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a SEO according to the requirements specified by Regulation H- § 3.

2. A copy of its proposed qualifying private breeder incentive program , including all particulars regarding administrative and reporting capabilities and responsibilities, nomination procedure, fee schedule, type of event (where applicable), and participation and financial distribution estimates.

B. Subsequent applications.

1. Unless a written protest of the sponsoring organization's status as an SEO is lodged with the department at least six months prior to the beginning of the fiscal year for which participation is requested, its status as an SEO shall be continued.

2. The accredited SEO must submit, Each year for which participation is requested, the accredited SEO must submit a copy of its proposed qualifying private breeder incentive program , including the information required in Article III, Section A, paragraph 2 § 4 A.2 of these regulations. This proposed qualifying private breeder incentive program must be submitted at least three months prior to the beginning of the fiscal year for which participation is requested.

C. Recourse and review procedures.

SEOs' which have properly filed necessary requests for inclusion in the program , but which are subsequently rejected on the basis of private program structure or failure to meet Virginia Department of Agriculture and Consumer Services' (VDACS) requirements , may appeal for review of its original request to the Commissioner of Agriculture and Consumer Services. During review proceedings, the petitioning SEO must provide evidence supporting its original request. The commissioner shall either recommend either inclusion in the program or let the original VDACS ruling stand.

IV- § 5. Responsibilities of SEOs' accepted into the program.

A. After acceptance into the program, the SEO must furnish full records of all private money distributed through its deciding event(s) events including derivations of this money (whether nomination fees or added money). The SEO must furnish complete information including the horses' names, event(s) events or divisions of events for which private money was received, date of the event(s) events , the name, complete address, and telephone number of the person receiving the private money, whether the person is the owner, or breeder or both, date of receipt of distribution of private money, documentation of person's eligibility to receive money under the requirements and guidelines of the state program, and documentation of the winning horse's eligibility for inclusion in the event.

B. The SEO must furnish an audit report prepared by a licensed CPA of the appropriate event if so required by the department.

V- § 6. Definition of Virginia Bred. Horse eligibility.

To be acceptable under this program , and to be labeled "Virginia bred," the horse must have been foaled in Virginia. The location of stallion and mare at time of conception does not alter this requirement. SEO's , at their discretion, may require residency of the mare or stallion in Virginia , or any other additional criteria subject to approval by the department.

VI- § 7. Definition of Eligible Individual Recipient. SEO pay determination.

The appropriate SEO (according to the normal operating business procedure of its breed group) must define who is to receive the private financial award and, thus, any available public matching money available.

For purposes of distribution of public matching funds , one of the following definitions must be adopted by the SEO and be so stated in its application for acceptance into the program:

1. The recipient of matching public money will be the legal owner (regardless of whether the breeder of record) of the animal at the time of the animal's competition win. This competition win must be in a futurity, show, or race included in the program of the individual SEO.

2. The recipient of matching public money will be the breeder of record (as duly recorded with the appropriate state or national breed association) regardless of ownership at the time of the deciding competition.

3. At no time may public matching money be awarded to any person not receiving the private financial reward from the SEO. Public money will only be awarded on a matching basis to private money awarded to individuals by the SEO.

VII- § 8. Definition of "Actively Engaged in the Breeding of Horses in Virginia." Recipient eligibility.

To be eligible to receive any public money received from any SEO , the proposed recipient must be "actively engaged in the breeding of horses in Virginia." To qualify as one "actively engaged in the breeding of horses in Virginia," the person must satisfy at least one of the following criteria:

1. The person (regardless of legal residence) must have stood a stallion for one complete breeding season in Virginia during the previous three years.

2. The person (regardless of legal residence) must

have owned a mare or mares which were either bred in Virginia or stabled in Virginia for one year during the previous three years.

3. If a Virginia resident, the person must demonstrate (either through ownership of breeding stock or horses accepted in this program) activity in the Virginia horse breeding industry.

VIII. § 9. Operating period.

The Virginia Horse Breeder Incentive Program shall operate on the same fiscal year as the Commonwealth of Virginia, extending from July 1 of one year through June 30 of the next year.

IX. § 10. Distribution of public money.

A. General requirements.

1. Matching money policy. Any public money available to the department for use in the VHBIP shall be distributed only to qualifying persons receiving funds from their private sector SEO program. Any public matching money shall be distributed to qualifying persons on not more than a one-to-one, or dollar for dollar basis with money received from the private sector programs.

2. Maximum individual receipt. ~~No one person shall receive~~ During any calendar year, ~~no one person shall receive more than ten percent 10%~~ of the total public money available, regardless of membership in more than one SEO or any other factor.

3. Maximum ratio for matching. So long as the total private contribution does not exceed the total public money available during any one fiscal year, persons qualifying shall receive the public matching money on a one-to-one basis with money received from the appropriate SEO.

B. Determination of individual receipt.

During any year in which total private funds paid out to eligible recipients by the SEOs exceeds the total of public matching money available, a percentage method shall be used to determine the amount of public matching money to be distributed to qualified individuals in each participating SEO.

The VHBIP percentage method formula to determine the amount of public matching money to be distributed to qualified individuals according to SEO affiliations will be as follows:

1. Determination of total available funds for members of individual SEOs.

a. The amount of private money paid out to its program participants by each SEO shall be

determined from the SEO's records submitted to the department.

b. The amount of each SEO's private total shall be shown as a percentage of the total private money distributed by all SEOs.

c. This percentage will be multiplied by the total public matching money available to qualified members of that SEO's program.

2. Determination of actual individual receipt. Determination of the actual amount of public matching money to be distributed to any individual shall be accomplished according to the following method:

a. The total amount of private money paid out to its program participants by each SEO shall be determined from the SEO's records submitted to the department.

b. The amount received by each individual participant from the appropriate SEO shall be determined from the SEO's records submitted to the department and shown as a percentage of the total SEO private money paid out.

c. This percentage will be multiplied by the total public matching money available to qualified members of the appropriate SEO program, determining the actual amount of public matching money to be paid to the individual.

3. Matching of added money. To avoid dilution of the public matching money available during any year in which total private SEO payout exceeds the total public matching money available, any private money added above the nomination fees for use in any individual SEO total payout may not exceed a percentage (to be determined yearly by the department) of the total public money during that year added money for that year.

X. § 11. Payment period.

The department shall make the decision on distribution of any public money available between June 1 and June 30, inclusive, of the fiscal year during which a recipient's horse qualified and was entered in a private corresponding program.

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

Title of Regulations: VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.

Statutory Authority: § 54-25 of the Code of Virginia.

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Effective Date: March 1, 1988

Summary:

The amended regulations establish the requirements for licensure or certification of architects, professional engineers, land surveyors and certified landscape architects, as well as the professional corporations and businesses offering such professional services.

Revisions include deletion of the fee schedule to facilitate board conformance to the Callahan Act; several professional conduct regulations have been added regarding disclosure of information and misrepresentation; deletion of the provision allowing appeals; reduction of the experience requirements for applicants with nonaccredited degrees for admission to the Engineer-In-Training exam; and change the reporting of scores to pass/fail notifications for landscape architect candidates taking the Uniform National Examination.

Many other changes of wording and punctuation have been made to improve clarity and consistency.

VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.

PART I.
GENERAL.

§ 1.1. Who is required to obtain a license/certificate.

(Reserved for §§ 54-17.1, 54-26.1, 54-37, 54-37.1 of the Code of Virginia.)

§ 1.2. Determining qualifications of applicants.

In determining the qualifications of an applicant for a license as an architect, a majority vote of only the architect members of the board shall be required. In determining the qualifications of an applicant for a license as a professional engineer, a majority vote of only the engineer members of the board shall be required. In determining the qualifications of an applicant for a license as a land surveyor, a majority vote of only the land surveyor members of the board shall be required, and in determining the qualifications of an applicant for certification as a landscape architect, a majority vote of the *certified* landscape architect members only shall be required. (~~§§ 54-1-28 1., 54-25.~~)

§ 1.3. Expiration, renewal and fees of licensees.

For purposes of this regulation, "licenses" shall also mean certificates and certificates of authority. The word "licensee" shall mean certificate holder when referring to certified landscape architects. All fees are nonrefundable.

A. Licenses that expire on December 31, 1984, for

individuals licensed will be renewed in a staggered renewal system whereby an approximately equal number of licenses will be renewed each month during a biennium. Renewal notices mailed in the fall of 1984 will indicate the amount of fee due and the next expiration date. The amount of fees charged to each licensee will be determined by the following schedule on a one-time basis:

Expiration Date	Amount of Fee	
	Architects Land Surveyors Landscape Architects	Professional Engineers
July 31, 1985	\$15	\$10
Aug. 31, 1985	17	12
Sept. 30, 1985	19	13
Oct. 31, 1985	21	15
Nov. 30, 1985	23	16
Dec. 31, 1985	25	17
Jan. 31, 1986	27	19
Feb. 28, 1986	29	20
March 31, 1986	31	22
April 30, 1986	33	23
May 31, 1986	35	25
June 30, 1986	38	26
July 31, 1986	40	28
Aug. 31, 1986	42	29
Sept. 30, 1986	44	31
Oct. 31, 1986	46	32
Nov. 30, 1986	48	34
Dec. 31, 1986	50	35
Jan. 31, 1987	52	36
Feb. 28, 1987	54	38
March 31, 1987	56	39
April 30, 1987	58	41
May 31, 1987	60	42
June 30, 1987	63	44

A. Any license expiring on or after July 31, 1985, Licenses will be renewed for a two-year period upon payment of a fee of \$50 for architects, land surveyors, and certified landscape architects; and \$35 for professional engineers established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated .

B. Beginning on July 1, 1984, all new licenses will expire two years from the last day of the month in which issued.

C. Failure to receive a renewal notice shall not relieve the licensee of the obligation responsibility to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

D. For any licensee failing to renew the license within one month following the date it expires, a penalty fee of \$50 for architects, land surveyors, and certified landscape architects; and \$35 for professional engineers will be required, in addition to the regular renewal fee. Any

licensee failing to renew the license within six months after it expires must apply for reinstatement of the license.

E. The date a fee is received by the Department of Commerce, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable.

F. Revoked or suspended licenses are not renewable until reinstated by the board.

G. Licenses for professional corporations and business entities shall expire on December 31 of each odd-numbered year. Each license will be renewed upon payment of ~~\$50 for professional corporations and \$10 for business entities~~ a fee established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated. Failure to receive written notice from the department shall not relieve the license holder from the responsibility to renew. (~~§§ 54-1.28. 4., 54-37.3 C.~~)

§ 1.4. Reinstatements.

If the licensee fails to renew the license within six months following its expiration date, the licensee will be required to apply for license reinstatement. The applicant will be required to present reasons why the license should be reinstated, and the board may grant reinstatement of the license or require requalification ~~and/or~~, reexamination, or both. The application fee for reinstatement of a license shall be an amount equal to twice the renewal fee.

A. The date the renewal application and fee are received in the office of the department shall be the ~~factor determining~~ determine whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures.

B. Revoked licenses, suspended licenses, and licenses not renewed from past renewal periods shall not be renewable under this regulation. (~~§ 54-1.28. 4.~~)

§ 1.5. Replacement of wall certificate.

Any licensee may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a \$20 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.

§ 1.6. Grounds for suspension, denial of renewal, or revocation.

No license/certificate shall be suspended, denied renewed, or revoked unless a majority of the members of the entire board and a majority of the board members of the profession involved vote for the action. The board may suspend, fail to renew, or revoke any license, certification,

certificate of authority, or registration as a business entity, after the granting of a hearing to the holder thereof if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation; or
2. The holder has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted of any felony or misdemeanor which, in the judgment of the board, adversely affects the individual's ability to perform satisfactorily within the licensed discipline; or
3. The holder is guilty of professional incompetence or negligence; or
4. The holder is addicted to drugs or alcohol to the extent that professional competence is adversely affected; or
5. The holder violates or induces others to violate any provision of Chapters 1.1 and 3 of Title 54, or Chapter 7 of Title 13.1, of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated or any provision of these rules and regulations. (~~§§ 54-25., 54-1.20., 54-1.21., 54-1.28.~~)

§ 1.7. Responsibility to the public.

The primary obligation of the professional is to the public. If the professional judgment of the licensee is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities. (~~§ 54-25.~~)

§ 1.8. Public statements.

The professional shall be truthful in all professional matters. When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the licensee has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest. (~~§ 54-25. (2)~~)

A. A [~~registered licensed or certified~~] professional shall not [~~deliberately knowingly~~] make a materially false statement or fail deliberately to disclose a material fact

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requested in connection with his application for registration or renewal.

B. A [~~registered licensed or certified~~] professional shall not assist the application for a registration of an individual known by the registrant to be unqualified in respect to education, training, experience, or character.

§ 1.9. Conflicts of interest.

The professional shall promptly and fully inform an employer or client of any business association, interest, or circumstance which may influence the professional's judgment or the quality of service.

A. The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to all parties of current interest.

B. The professional shall neither solicit nor accept financial or other valuable consideration from material or equipment suppliers for specifying their products or services.

C. The professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the professional is responsible. (~~§ 54-25~~)

§ 1.10. Solicitation of work.

The professional shall not bribe. The professional shall not falsify or permit misrepresentation of the professional's work or an associate's academic or professional qualifications, nor shall the professional misrepresent the degree of responsibility for prior assignments. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind. (~~§ 54-25~~)

§ 1.11. ~~Improper~~ Professional conduct.

The professional shall not knowingly associate in a business venture with, or permit the use of the professional's name or firm name by any person or firm where there is reason to believe that that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

A. If the A professional who has direct knowledge that another individual or firm may be violating any of these provisions, or the provisions of Chapters 1.1 and 3, Title 54, or Chapter 7, Title 13.1 of the Code of Virginia, the professional shall immediately inform the Secretary of the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

B. Competency for assignments. The professional shall undertake to perform professional assignments only when qualified by education or experience and licensed or certified in [the specific technical field of] the profession involved. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

C. A [~~registered licensed or certified~~] professional shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

E. D. If evidence is furnished to the board which creates doubt as to the competency of a regulant to perform professional assignments in a technical field, the board may require that individual to prove competence by interview, presentation, or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the board shall be basis for revocation or suspension of licenses/certificates. (~~§ 54-25~~)

§ 1.12. Licensee's approval of an unlicensed person's work. Use of seal.

[A.] The application of a professional seal [to design work] shall indicate that the professional has [analyzed the design issues and has] exercised [his professional judgment and expertise in the solution of these issues. complete direction and control over the work in his profession.] Therefore, no licensee [or certificate holder] shall affix a name, seal, or certification to any plat, design, specification, or other work constituting the practice of the professions regulated which has been prepared by an unlicensed [or uncertified] person [or firm] unless such work was performed under the direction and supervision of the licensee ; either while employed by the licensee or while employed by the same firm as the licensee [or certificate holder while under his contract or while employed by the same firm as the licensee or certificate holder].

A. For the purposes of this section, an "employee" shall mean an individual who receives compensation for work performed from a firm which employs or which has as a principal on a full-time basis, a licensee in the appropriate professional discipline.

B. [A. A licensee shall exert control over the end product of professional work performed.] (~~§ 54-25~~)

§ 1.14. Use of seal.

B. A principal or authorized licensed [or certified] employee shall apply a rubber stamp or preprinted seal to final and complete cover sheets and to each original sheet

of plans, drawings, and/or plats, prepared by the regulant. The seal shall be applied to the cover sheet of technical reports and specifications prepared by the regulant or by someone directly responsible to the regulant. (§ 54-1-20, § 54-25.)

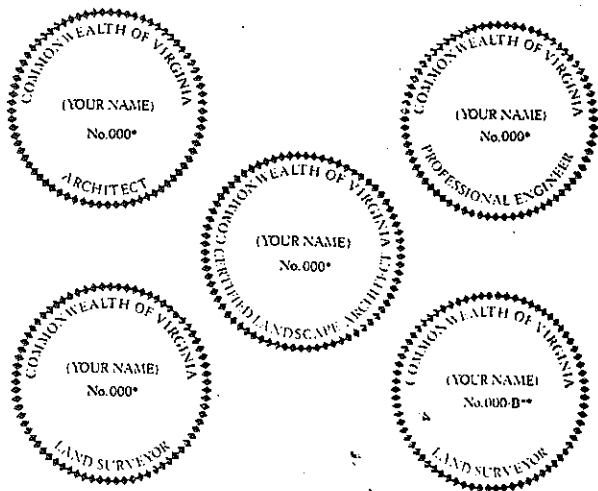
A. 1. All seal imprints on final documents shall be signed.

B. 2. [~~Uncompleted~~ *Incomplete*] plans, documents, and sketches, whether advance or preliminary copies, shall be so identified and need not be sealed or signed.

C. 3. The seal of each person responsible for each [~~discipline~~ profession] shall be used.

D. 4. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

E. 5. The seal shall conform in detail and size to the design illustrated below:



* The number referred to is the number, usually four or five digits, as shown on the wall certificate and not the license renewal number issued each biennium as indicated on the licensee's pocket card. The number * will not change every two years, but is permanent.

** The 3A certificate number with a suffix B shown on the land surveyor seal applies only if the land surveyor is licensed under § 54-17.1(3)(a) and (3)(b).

§ 1.13. Organization and styling of practice.

Nothing shall be contained in the name, letterhead, or other styling of a professional practice implying a relationship, ability, or condition which does not exist. (§ 54-1-20, § 54-26.1 C, § 13-1-544.1)

§ 1-15: § 1.14. Licensee required at each place of business.

Corporations, partnerships, firms, or other legal entities maintaining any place of business in the Commonwealth of Virginia for the purpose of providing or offering to provide architectural, engineering, land surveying, or certified landscape architectural services to the general public, shall have in responsible charge at each place of business a licensed or certified professional *exercising supervision and control of work* in each discipline being offered. (§ 54-37.3, Chapter 7, Title 13-1)

PART II.

QUALIFICATIONS FOR LICENSING OF ARCHITECTS.

§ 2.1. Fees.

A. Deadline for applications and examination fees.

Complete applications with fee in the amount prescribed shall be filed with all references, experience validations, and official transcripts, not less than 90 days prior to the date of the examination. (§ 54-1-28 4.)

B. Application, examination and review fees.

All fees shall be ~~nonrefundable~~: established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated.

1. Application Fee for an Original or a Reciprocal License \$40.
2. Architect registration examination fee \$300.
3. Architect registration reexamination fees:
 - a. Division A - Pre-Design \$44.
 - b. Division B - Site Design \$43.
 - c. Division C - Building Design \$80.
 - d. Division D - Structural Technology (General) \$22.50
 - e. Division E - Structural Technology (Lateral Forces) \$16.50
 - f. Division F - Structural Technology (Long Span) \$11.50
 - g. Division G - Mechanical Plumbing/Electrical and Life Systems \$21.50
 - h. Division H - Materials and Methods \$29.
 - i. Division I - Construction Documents and Services \$32.
4. Architect Examination Review (Division B or C) each \$25.

§ 2.2. Written examination required.

All applicants for original licensing in Virginia are required to pass an Architect Registration Examination after submitting sufficient evidence of education or equivalent education credits and experience.

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§ 2.3. Character and age.

Applicants must be of good character and be at least 18 years of age. (~~§§ 54-1-28, 54-25~~)

§ 2.4. Character of experience.

The applicant shall have 36 months of combined experience or exposure in the essential areas of architectural practice as defined below. Evidence shall be in the form of official records of a structured internship development program approved by the board, or incorporated in the candidate's application and verified by employers. Experience shall include:

A. A minimum of approximately 18 months in the area of design and construction documents directly related to the practice of architecture; and

B. A minimum of approximately five months in the area of construction administration directly related to the practice of architecture; and

C. A minimum of approximately three months in the area of office management directly related to the practice of architecture. (~~§ 54-1-28, § 54-25~~)

§ 2.5. References for Architect Registration Examination.

Eligibility for the examination is determined by an indication of the applicant's demonstrated competence and integrity to engage in the practice of architecture by submitting three references with the application, all of whom are licensed architects in a jurisdiction or territory of the United States. These professionals must have personal knowledge of the applicant's architectural experience and have known the applicant for at least one year. References must *shall* be current. (~~§ 54-1-28 2~~)

§ 2.6. Examinations.

A. The Virginia board is a member of the National Council of Architectural Registration Boards (NCARB) and as such is authorized to adopt the NCARB examinations and grading procedures.

B. The Architect Registration Examination (ARE) will be offered once a year in the month of June.

C. Applicants approved to sit for an examination must register for the examination and submit the required examination fee not less than 45 days prior to the scheduled examination. Applicants not properly registered for a scheduled examination shall not be allowed into the examination site.

D. Candidates must successfully pass each division of the Architect Registration Examination.

E. Candidates taking the examination for the first time are required to take all divisions.

F. All failed or noncredited divisions must be retaken each time the candidate sits for the examination.

G. A transfer of credits to the ARE from the previous NCARB examinations will be as follows:

PREVIOUS NCARB EXAM SUCCESSFULLY COMPLETED	OLD NCARB EXAMS	CONVERSION CREDITS TO ARE	ARE REQUIREMENTS
			A
			B
	Qualifying Test/Sec. B	Divisions [D/F] & E	C
	Qualifying Test/Sec. C	Division H	[D/F]
	Qualifying Test/Sec. D	Division G	E
	Professional Exam - Sec. A (Design/Site)	Division[s] B & C	G
	Professional Exam - Sec. B, Parts I & II	Division A	H
	Professional Exam - Sec. B, Part III	Divisions [D/F], E, G & H	I
	Professional Exam - Sec. B, Part IV	Division I	

Division A.	Pre-design	[Division F. Structural Technology - Long Span]
Division B.	Site Design	
Division C.	Building Design	Division G. Mechanical, Plumbing, Electrical & Life Safety Systems
Division [D/F].	Structural Technology: General [and Long Span]	Division H. Materials & Methods
Division E.	Structural Technology: Lateral Forces	Division I. Construction Documents & Services

H. Candidates who are taking portions of the examination in accordance with the transition schedule must take all divisions required by the schedule at one sitting.

I. Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination.

J. Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores, and answer sheets.

K. Examination reviews.

1. Upon written request to the board, examinees will be permitted to individually view only their own failed examinations in the graphic divisions.

2. The board, upon such written request, will schedule a group meeting with failing examinees for the purposes of reviewing the graphic divisions of the examination.

3. Upon agreement of the board that a failed examination of Division B or Division C merits a change in grade from fail to pass, the board will forward that specific examination to the Master Juror's committee for re-review. All decisions made by

the Master Juror's committee are final that grade will be credited in the examinee's record toward licensure in this Commonwealth . (§ 54-1-28 2.)

§ 2.7. License by reciprocity.

A. Any person licensed in another state, jurisdiction or territory of the United States may be granted a license without written examination, provided that:

1. The applicant meets all the requirements for licensing in Virginia; and
2. The applicant holds a currently valid license in good standing in the jurisdiction of original licensure.

B. The board may accept a currently valid license in good standing from the applicant's current base state if transferred from the jurisdiction of original licensure. (§ 54-1-28 10.)

TABLE I.
REQUIREMENTS FOR ARCHITECTURAL LICENSURE

PART I EDUCATION AND TRAINING REQUIREMENTS	EDUCATION AND TRAINING REQUIREMENTS RELEASED: JULY, 1984; THIS EDITION SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS.		PART II FOR THEIR TRAINING REQUIREMENTS. (Information may be obtained from NCARB.)	
	First 2 Years	Succeeding Years	Max. Credit Allowed	Max. Credit Allowed
A-1 First professional degree in architecture, or a degree program has been approved by the Board not later than two years after termination of enrollment.	75%	100%	5 years	
A-2 First professional degree in architecture, or credits toward that degree, where the degree program has not been approved by the Board.	75%	75%	4 years	
A-3 Bachelor's degree, or credits toward that degree, in architecture, or in civil mechanical, structural, electrical, or in other related fields, each of the above being approved by the Board.	50%	75%	3 years	
A-4 Any other bachelor degree.			2 years	
A-5 Unspecified experience in architecture as an employee in the offices of licensed architects.	50%	50%	5 years	100%
A-6 Diversified experience in architecture as an employee in the office of a licensed architect with a verified record of substantial practice.	50%	50%	5 years	100%
A-7 Diversified experience in architecture as an employee in the office of a licensed architect with a verified record when the experience is under the direct supervision of a registered architect.	50%	50%	4 years	100%
A-8 Experience directly related to				

architecture, when under the direct supervision of a licensed architect but not qualifying for credit toward experience or when under the direct supervision of a professional engineer, landscape architect, interior designer, or planner.

A-9
Experience, other than A-5, A-6, A-7 or A-8 experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings

A-10
A Master or Doctoral degree in architecture (except where the degree is the first Professional degree)

A-11
Teaching or research in an architectural program approved by the Board

A-12
Other Education or Training Experience (See B-4.2)

EXPLANATION OF REQUIREMENTS

B-1 Entry to Exam To be approved to sit for the exam, an applicant must:

- B-1.1.1 Be at least 18 years of age
- .2 Be a high school diploma or equivalent;
- .3 Be of good repute as verified by employers and architects;
- .4 Hold an architecture degree, approved by the Board, or have at least 5 years of education credits;
- .5 Have at least 3 years of training credits;

B-2 Education Credits Education Credits shall be subject to the following conditions:

B-2.1.1.1 No education credits may be earned prior to graduation from high school.

.2 Applicants with the degree specified in A-1 through A-4 will be allowed the credit shown in the Credit Allowed column, regardless of the length of the degree program. Applicants with the degree specified in A-1 or A-2 may not accumulate more than 3 years of education credits in the aggregate from all degree programs.

.3 12 semester credit hours or 48 quarter credit hours are considered to be 1 year. Fractions of a year of one-half or greater will be considered one-half year, and smaller fractions will not be counted.

.4 Foreign education credits will be granted only under classifications A-2 and A-4. Any cost of translation and evaluation will be borne by the applicant.

B-3 Training Credits Training credits shall be subject to the following conditions:

B-3.1.1.1 No training credits may be earned prior to accumulating 21 education credits.

.2 Every applicant must earn at least one year of training credit under A-5 or A-6 and must earn it after earning 5 years of education credits.

.3 To earn credit under A-10 or A-11, an applicant's credit hours must be in subjects evaluated by the Board as directly related to architecture. 20 semester credit hours or 30 quarter credit hours of teaching or equivalent time in research will equal 1 year.

.4 No credit used as an education credit may be used as a training credit.

5. Organizations will be considered to be "offices of registered architects"; (b) the architectural practice of the organization in which the applicant works is in the charge of a principal and the applicant works under the direct supervision of a registered architect; (c) the organization has no affiliate engaged in construction, and (d) the impact upon the person or persons in the organization practicing as a principal, consultant or an organization (or an affiliate) is engaging in construction if it commences either of the following activities:
- (a) undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation, or
 - (b) agrees to guarantee to an employer the maximum construction cost for all or any significant portion of a construction project.
7. A person practices as a "principal" by being (a) a registered architect and (b) the person in charge of the organization's architectural practice, either alone or with other registered architects.
8. In evaluating training credits the Board may, prior to licensure, require the applicant to substantiate training experience by comparing this experience to the training requirements as indicated for the Intern-Architect Development Program (IDP). See IDP Training Requirements below.

B-4 General Evaluation Criteria

- B-4.1 To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must complete at least 7 hours per week for a minimum period of forty ten consecutive weeks under A-5 and A-6, and at least 6, 7, 8, or 9 hours per week under A-7, A-8, or A-9. An applicant may earn one-half the credit specified under A-5 for work of at least 20 hours per week for periods of 5 or more consecutive months; no credit will be given for part-time work in any category other than A-5.
2. Other education and training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.
3. In evaluating credits, the Board may, prior to registration, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the content has complied with the technical education and training requirements set forth above.

PART II SPECIAL TRAINING REQUIREMENTS FOR INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS

IDP Applicant Defined: An IDP Applicant for registration is a person whose training is evaluated by the following criteria in accordance with procedures accepted by the Board.

Training Requirements: An IDP Applicant must acquire a total of 700 Value Units (VU's) to satisfy the training requirements. One VU equals 8 hours of acceptable activity.

The following chart lists the IDP Training Categories and Areas and the Value Unit requirements for each.

CATEGORY A	Minimum VU's Required	CATEGORY B	Minimum VU's Required
Design and Construction Documents	10	Construction Administration	10
1. Preparing Client Contact	10	10. Bidding Procedures	10
2. Site and Environmental Analysis	15	11. Construction Phase--Office	15
3. Schematic Design	15	12. Construction Phase--Observation	15

Minimum Total VU's Required	70*
3. Building Cost Analysis	10
4. Cost Research	15
5. Construction Documents	15
6. Specifications & Materials Research	25
7. Documents Checking and Coordination	15

CATEGORY C	360*
Office Management	15
13. Office Procedures	10
14. Professional Activities	35*

Related Special Activities

No Minimum Required

The above listing of required minimums in Categories A, B and C totals 465 VU's, including for 235 additional VU's to be acquired in one Category or distributed among the Categories.

Explanation of Requirements

1. VU's in Categories A, B and C may be acquired only if the applicant meets the time requirements of B-5.1 of Part I. VU's may be acquired in Category D only if the activity is substantial and continuous.

- 2. No VU's may be acquired prior to earning 2 1/2 years of education credits (see Part I).
- 3. A Master or Doctoral degree in architecture (except where the degree is the first professional degree) qualifies for 235 VU's under Category D.
- 4. An IDP applicant may earn VU's by completing Board-approved supplementary education which a table of credits established by the Board. VU's may be earned for such education while enrolled in a first or second professional degree program in architecture.
- 5. To satisfy Categories A and B of the Training Requirements, VU's must be acquired in settings described in A-5 or A-7 of Part I.
- 6. A minimum of 235 VU's must be acquired in the setting described in A-5 of Part I after having earned five years of education credits.
- 7. In evaluating training, the Board may, prior to registration, require substantiation of the quality and character of the applicant's training, notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.
- 8. For detailed descriptions of the IDP Training Categories and Supplementary education requirements, see IDP Training Guidelines available through NCARB. Refer to Part I for education requirements and registration requirements.

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PART III. QUALIFICATIONS FOR LICENSING AS A OF PROFESSIONAL ENGINEER ENGINEERS.

§ 3.1. Definitions.

The following definitions shall apply in the regulations relating to the licensing of professional engineers.

A. "Approved engineering curriculum" means an engineering curriculum of four years or more approved by the board as being of satisfactory standing. ABET approved engineering curricula are acceptable to the board.

B. "Approved experience" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering. Experience required "in responsible charge of important engineering projects" shall also be subject to the board's approval.

C. "Engineering examination" means the professional examination in engineering consisting of an eight-hour written examination in the fundamentals of engineering and an eight-hour written examination in the principles and practice of engineering ~~and~~ or the oral examination, or both, where required.

D. "Engineering intern designation" means the designation of applicants who complete any one of several combinations of education, or education and experience, and pass the fundamentals of engineering examination. (§ 54-25.)

§ 3.2. Fees.

A. The required fees are listed below. All fees shall be nonrefundable, including the registration fee for any examination the applicant fails to appear for or complete established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated.

1. To apply for a professional engineer's license - \$ 40.
2. To apply for a professional engineer's examination - \$40.
3. To apply for the professional engineer's examination when the applicant has previously obtained engineer intern status in Virginia - \$ 20.
4. To apply for engineer intern status only - \$ 20.
5. To register for the fundamentals-of-engineering examination or reexamination \$ 40.

6. To register for the principles and practice of engineering examination or reexamination - \$ 40.

7. To register for an oral examination - \$100.

§ 3.3. Character and age.

A. Applicants must be of good character and at least 18 years of age. (§§ 54-1.28., 54-25.)

§ 3.4. References for professional engineering examination.

To be eligible for admission to the principles and practice of the engineering examination, an applicant must indicate competence and integrity to engage in the engineering profession by submitting three references with the application, all of whom shall be licensed professional engineers in some state or territory of the United States. The professional engineers providing the references must have personal knowledge of the applicant's engineering experience and must have known the applicant for at least one year. References must *shall* be no more than one year old at the time the applicant is approved to take the requisite examination. (§§ 54-1.28., 54-25.)

§ 3.5. References for fundamentals examination.

Applications for the fundamentals-of-engineering examination only must provide one reference from a professional engineer, or from the dean of the engineering school or a departmental professor in the school attended by the applicant, or an immediate work supervisor. Any reference provided shall be from a person who has known the applicant for at least one year. (§§ 54-1.28., 54-25.)

§ 3.6. Engineering intern status.

The education, ~~and~~ or experience, or both, and examination requirements for engineering intern status:

A. An applicant who has graduated from an approved engineering; related science or approved engineering technology curriculum of four years or more shall pass an eight-hour written examination in the fundamentals of engineering; or

B. An applicant who is a graduate of an engineering or related science curriculum of four years or more, other than ones approved by the board, and with a specific record of two or more years of approved professional experience on engineering projects of a grade and character satisfactory to the board shall pass the fundamentals-of-engineering examination; or

B. C. An applicant who is a graduate of a nonapproved technology program or who is not a graduate of a an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described, by self study or otherwise, and who has acquired six additional years of board-approved professional experience on

engineering projects, shall pass the fundamentals-of-engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience. (~~§§ 54-1-28, 54-25.~~)

§ 3.7. Requirements for professional engineering license.

Education, experience, and examination requirements for licensing as a professional engineer, except for licensing by endorsement as set forth in § 3.8 of these regulations, are as follows:

A. An applicant who has graduated from an approved engineering curriculum, who has passed the fundamentals-of-engineering examination or an equivalent exam, and who has a specific record of at least four years of progressive professional experience, shall pass the principles and practice of engineering examination; or

B. An applicant who has graduated from an engineering or a related science curriculum of four years or more, other than those approved by the board, or an approved engineering technology curriculum, ~~shall pass who has passed~~ the fundamentals-of-engineering examination or an equivalent exam, and who has acquired a specific record of at least six years of progressive professional experience, shall pass the principles and practice of engineering examination; or

C. An applicant who is not a graduate of an approved engineering curriculum of four years or more but who has obtained the equivalent of such graduation by self-study or otherwise, ~~shall pass who has passed~~ the fundamentals-of-engineering examination and who has acquired 10 years of approved professional experience, shall pass the principles and practice of engineering examination. (Experience used to determine educational equivalency not to be used in satisfying professional experience); or

D. An applicant who has graduated from an engineering or related science curriculum of four years or more, and who has acquired a specific record of 20 years or more of board-approved professional experience on engineering projects, of which at least 10 years have been in responsible charge of important engineering projects and of a grade and character which the board judges to be pertinent to acquiring professional skills, such that the applicant may be competent to practice engineering, shall pass the examination in the principles and practice of engineering; or

E. An applicant who has graduated from an engineering or related science curriculum of four years or more, and who has acquired a specific record of 30 years or more of board-approved professional experience on engineering projects, of which at least 20 years have been in positions of responsible charge of important engineering projects and of a grade and character which the board judges to be pertinent to acquiring professional skills, demonstrating that the applicant is eminently qualified to practice

engineering, shall pass a special oral examination which indicates to the board that the applicant is eminently qualified to practice engineering. If the board has any doubt concerning an applicant's eminent qualifications, the applicant shall be reclassified as an advanced professional engineer candidate. (~~§§ 54-1-28, 54-25.~~)

§ 3.8. Licensing by endorsement (reciprocity).

A person holding a license to engage in the practice of engineering, issued to the applicant by another state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with and are at least as vigorous as these regulations and supporting statutes of this board, may be licensed without further examination. No person shall be so licensed, however, who has not passed a written examination in another jurisdiction which is comparable to that administered by the board. (~~§ 54-1-28. 10.~~)

§ 3.9. Training and experience.

Professional engineering training and experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design, provided:

1. In general, experience in sales, estimating, field surveying, nonengineering military service, and inspection are considered nonqualifying; and

2. Engineering experience gained by post-graduate engineering study or by engineering teaching as an instructor or higher in an institution approved by the board may be deemed professional experience; and

3. Engineering experience gained during a board-approved co-op program may be deemed professional experience to a maximum of one year of credit; and

4. The board, in its sole discretion, may permit partial credit, not to exceed 3/4 of that required, for engineering experience obtained prior to graduation from an engineering school when such experience is judged to be pertinent in acquiring engineering skills and involves engineering projects under the direct supervision of a licensed professional engineer, who shall clearly differentiate between subprofessional and professional level experience. (~~§§ 54-1-28, 54-25.~~)

§ 3.10. Conduct of the examination.

Written examinations shall be conducted under the following general rules:

A. No candidate shall communicate with any other candidate in any way without the direct permission of the proctor.

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B. All papers handed in by a candidate shall bear an assigned code number and shall not bear any other identification which can identify the candidate.

C. Textbooks, bound notes, and standard printed references may be used as aids during any part of any examination.

D. Silent, self-powered, electronic calculators may be used.

E. A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

F. Grading. Each part of the written examination will have a value of 100 points. A passing score shall be 70 points. Candidates will be notified of passing or failing and their scores. All requests for score appeals must be received within one year of the date the examination was administered, after which time examinations will no longer be retained.

G. Reexamination. Upon paying a reexamination fee, an applicant may retake either part of the written examination which may have been failed.

H. The oral examination shall consist of a review of the engineering background and examples of the work of the professional engineering candidate in the presence of one or more members of the board and their consultants. This examination may encompass any facts appearing in the application and supporting papers of the candidate and such direct evidence as the candidate may desire to present to the board to substantiate the breadth and depth of professional engineering experience, primarily in experience in engineering design and analysis.

1. Substantiating evidence shall be in the form of drawings, sketches, reports, specifications, calculations, published articles, textbooks, or other suitable information demonstrating the engineering experience of the candidate. Based upon this information, the candidate will be subject to questions regarding principles of engineering followed in the execution of such work.

2. The candidate shall demonstrate that the experience record is of a professional level and shall leave no doubt as to the ability to protect the public in the practice of engineering. ~~To fail~~ Failure to demonstrate this ability shall result in reclassification. (§ 54-1-28. 2.)

§ 3.11. Engineering intern designation.

The engineering intern designation shall remain valid indefinitely.

PART IV. QUALIFICATIONS FOR LICENSING [AS OF] A LAND SURVEYOR SURVEYORS .

§ 4.1. Fees.

A. The following nonrefundable fees are required All fees shall be established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated .

Upon application for 3(a) Parts I and II \$ 40.

Upon application for 3(a) Part I only \$ 20.

Upon application for 3(a) Part II only \$ 40.

Upon application for 3(b) \$ 40.

Upon examination or reexamination for Part I or II of 3(a) or 3(b) \$ 40.

B. Applicants approved to sit for an examination must shall register for the examination and submit the appropriate examination fee not less than 45 days prior to the scheduled examination. Failure to appear for or complete any examination shall result in the forfeiture of said fees. Applicants not properly registered for a scheduled examination shall not be allowed into the examination site. (§ 54-1.28.4.)

§ 4.2. Transcript of educational records.

The application shall be accompanied by an official transcript of the applicant's college, university or technical institute record or board approved equivalent , with evidence of successful completion of the required courses in algebra, geometry, trigonometry and surveying. (§ 54-25.)

§ 4.3. Character and age.

Applicants must be of good character and at least 18 years of age. (§§ 54-1-28, 54-25.)

§ 4.4. Applicants licensed in other states.

No land surveyor license shall be granted in this state Commonwealth on the basis of reciprocity to any applicant licensed as a land surveyor in another jurisdiction of the United States; however, full credit will be given to the applicant who has passed the NCEE examination for surveyors given in other jurisdictions. In any event, it will be necessary for an applicant to pass a four-hour examination on Virginia principles, practices, and law in order to obtain a license to practice surveying in this state Commonwealth . (§ 54-1-28. 10.)

§ 4.5. [Reference References] .

The applicant shall send to each person listed as a

reference on the application form a questionnaire, to be completed according to its accompanying instructions. The references furnished shall be from current business associates or from employees of the same or closely related firm. (~~§§ 54-1-28, 54-25.~~)

§ 4.6. Practical 3(a) experience.

"Satisfactory or approved practical experience" means diversified practical training in land surveying under the supervision and direction of a licensed land surveyor. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill. (~~§§ 54-1-28, 54-25.~~)

§ 4.7. Education.

Credit for education shall be allowed as follows:

A. Five years of the six-year 3(a) experience requirement shall be credited to any applicant holding a bachelor of science degree in a board-approved program emphasizing professional land surveying, with courses including a minimum of 20 semester hours (30 quarter hours) in advanced surveying courses; and a minimum of 10 semester hours (15 quarter hours) in supporting courses directly related to land surveying (for example: real property law; land planning; drainage); or

B. In lieu of the foregoing, a program of courses having the prior endorsement and approval of the Land Surveyor Section will be credited with five years of the six-year requirement.

C. Any applicant holding a bachelor of science degree in a board-approved program emphasizing professional land surveying, including less than the 20 semester hours in advanced surveying courses and 10 semester hours in suitable supporting courses, shall be credited with up to a maximum of four years of the six-year experience requirement.

D. An applicant satisfactorily completing at least two academic years of a curriculum satisfactory to the Land Surveyor Section in a college or technical institute shall be credited with 3/4 year for each year completed, limited to a maximum allowance of three years. The curriculum shall have included surveying, geometry, trigonometry, and algebra, in addition to geodesy, mapping, and related courses.

E. Applicants for 3(b) land surveyor licensure shall present satisfactory evidence of having passed a course in hydraulics, acceptable to the board, in addition to meeting the other minimum education requirements. Training in any apprenticeship program shall not be an acceptable equivalent to any approved college-level curriculum, but may satisfy one or more of the minimum requirements in mathematics. (~~§§ 54-1-28, 54-25.~~)

§ 4.8. Combined education and experience requirements.

To be eligible for admission to the land surveyor examination, an applicant shall meet the following requirements:

A. For Part I of the 3(a) examination: Have six years of practical experience, or a combination of six years of formal education and practical experience acceptable to the Land Surveyor Section, as described in § 4.2 of these regulations.

B. For Part II of the 3(a) examination and for license pursuant to § 54-17.1 (3)(a): Pass Part I of the 3(a) examination and have eight years of practical experience, or have a combination of eight years of formal education and practical experience of a nature and character satisfactory to the Land Surveyor Section.

C. For the 3(b) examination: Hold a valid license as a 3(a) land surveyor and present satisfactory evidence of two years of practical experience in 3(b) professional land surveying, as defined in § 54-17.1 (3)(b) of the Code of Virginia, under the supervision and direction of a 3(b) land surveyor or professional engineer. (~~§§ 54-1-28, 54-25.~~)

§ 4.9. Interval and duration of examination.

A. The examination for land surveying under § 54-17.1 (3)(a) of the Code of Virginia shall consist of two parts, each part being of eight hours duration. These examinations shall be given at approximately six-month intervals.

B. The examination for land surveying under § 54-17.1 (3)(b) of the Code of Virginia shall be of eight hours duration and shall be given annually. (~~§ 54-1-28, 2.~~)

§ 4.10. Grading.

Candidates shall be notified of passing or failing but shall not be notified of their grades. All requests for score appeals must *shall* be received within one year of the date the examination was administered, after which examinations will no longer be retained.

A. Each part of the written examination for Part I of the 3(a) examination shall have a value of 100. The passing grade [~~for each separate part~~] shall be 70.

B. For Part II of the (3)(a) examination, each applicant must obtain a minimum passing grade of 70 ~~on the four-hour NCEE increment (Part III) and must obtain a grade of 75 for the four-hour increment related to Virginia requirements~~.

C. For the (3)(b) examination, each applicant must obtain a minimum passing grade of 75 for the entire eight-hour examination. (~~§ 54-1-28, 2.~~)

§ 4.11. Reexamination eligibility.

Should the applicant not pass that examination approved

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for within two years of the applicant's first sitting, the applicant must reapply for examination. In considering any applicant for requalification, the Land Surveyor Section shall consider all prior examination results as part of the review. The Land Surveyor Section, if notified in advance, will extend the stated time limit up to three years for an applicant serving in the United States armed forces, if the applicant qualifies before entering the military service. (~~§ 54-1-28. 2.~~)

§ 4.12. Minimum standards and procedures for land boundary surveying practice.

The following minimum standards and procedures are to be used in the Commonwealth of Virginia. The application of the land surveyor's seal and signature as required by ~~§ 1-14~~ § 1.12 of these regulations shall be evidence that the boundary survey or other land survey to be used for conveyance of title or mortgage purposes is correct to the best of the land surveyor's knowledge and belief, and complies with the minimum standards and procedures.

A. Research procedure.

The land surveyor shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The land surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field survey in order to establish the correct boundaries of the land being surveyed. It is not the intent of this rule to require the land surveyor to research the question of title or encumbrances on the land involved.

B. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned a given station or corner will be the number which, in the judgment of the land surveyor, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or boundary surveys shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. Field traverse and boundary closure. The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one foot in 5,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one foot in 10,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/10,000 foot closure. (~~§§ 54-1-28., 54-25.~~)

§ 4.13. Office procedures.

A. Computations.

The computation of field work data shall be accomplished by using mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

B. Plats and Maps.

The following information shall be shown on all plats ~~and~~ or maps, *or both*, used to depict the results of the boundary survey:

1. The title of the boundary plat identifying the land surveyed and showing the district and county or city in which the land is located.
2. The owner's name and deed book referenced where the acquisition was recorded.
3. Names of all adjacent owners or subdivision lot designations.
4. Names of highways and roads with route numbers, railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey.
5. Bearings of all property lines to nearest 10 seconds, or metric equivalent.
6. Distances of all property lines to the nearest one hundredth (.01) of a foot or metric equivalent.
7. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.
8. Area to the nearest square foot or decimal of an acre or metric equivalent for urban located surveys.
9. North arrow and source of meridian used for the survey.

10. On interior surveys, a reference distance to a property corner of an adjoining owner.

11. Tax Map designation of parcel number if available.

12. Each monument found and each monument set by the land surveyor.

13. A statement that the boundary survey shown is based on a current field survey. If the land boundaries shown on the plat are the result of a compilation from deed ~~and~~ or plats, or both, by others, that fact will be clearly stated and the title of plat shall not represent a current boundary survey.

14. Name and address of the land surveyor. (~~§§ 54-1-28, 54-25~~)

§ 4.14. Monumentation.

A. Each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent materials at all corners and changes in direction on the boundary with the exceptions of meanders of streams, tidelands, swamps, and roads. Where it is not feasible to set actual corners, appropriate reference markers shall be set, preferable on line, and the location of each shown on the plat or map of the boundary.

B. Original subdivision surveys shall be monumented in accordance with subsection A above. Corner monuments are required to be set on subdivision lots or parcels of land to be used for conveyance of title or mortgage purposes, or, if found to be correctly in place, identified by witness stakes. The plat of such survey shall show corner monuments found and those set. (~~§§ 54-1-28, 54-24~~)

PART V. QUALIFICATIONS FOR CERTIFICATION OF LANDSCAPE ARCHITECTS.

§ 5.1. Fees.

A. The following nonrefundable fees are required. All fees shall be established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees are nonrefundable and shall not be prorated.

Upon application	\$ 40.
Upon entire examination	\$175.
Upon Part A reexamination	\$ 30.
Upon Part B reexamination	\$ 30.
Upon Part C reexamination	\$ 65.
Upon Part D reexamination	\$ 65.

B. Examination fees must be received at least 45 days

~~prior to the examination~~ Applicants approved to sit for an examination shall register for the examination and submit the appropriate examination fee not less than 45 days prior to the scheduled examination. Failure to appear for or complete any examination shall result in the forfeiture of said fees. Applicants not properly registered for a scheduled examination shall not be allowed into the examination site. (~~§ 54-1-28, 4~~)

§ 5.2. Character and age.

Each applicant shall be of good character and at least 18 years of age. (~~§§ 54-1-28, 54-25~~)

~~§ 5-5.~~ § 5.3. Written examination required.

Every applicant for certification as a landscape architect shall be required to pass a written examination, testing competence to plan, design, specify, and supervise the construction or installation of landscape architectural projects. Written examination may be supplemented by such oral examinations in testing these competencies. (~~§ 54-1-28, 2, § 54-26~~)

§ 5.4. Education/ experience required.

An applicant for certification by examination shall provide evidence acceptable to the board of having completed the education; or the combined education and experience requirements as follows specified in § 54-26 of the Code of Virginia. For the purposes of evaluating education and experience, the Table of Equivalents 1-13 shall be used as a guide in determining equivalent status. (See Table II.) (~~§§ 54-1-28, 54-25~~)

~~§ 5-7.~~ § 5.5. Experience.

Professional landscape architectural training and experience shall be progressive in complexity and based on a knowledge of natural, physical and mathematical science, and the principles and methodology of landscape architecture. (~~§§ 54-1-28, 54-25~~)

§ 5.6. Grading of examination.

Candidates will be notified of their passing or failing [~~grades: the examination.~~] All requests for [~~score examination~~] appeals must reviews shall be received in writing within one year 30 days of the date the examination was administered, after which time the examination will no longer be retained [~~scores pass/fail notifications~~] are mailed to examinees. (~~§ 54-1-28, 2, 54-26~~)

~~§ 5-3.~~ § 5.7. Waiver of examination. Certification by reciprocity.

Any applicant who has passed an examination in another jurisdiction of the United States equivalent to the examination required by these regulations or who is CLARB certified may have the required Virginia

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examination waived. (§ 541.28. 10.)

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PART VI. PROFESSIONAL CORPORATIONS AND BUSINESS ENTITIES.

§ 6.1. Professional corporations.

A. Definition.

"Landscape architecture," as used in these regulations, means certified landscape architecture.

B. The initial application shall include certified true copies of the articles of incorporation, bylaws, and charter, after the applicant corporation has been issued a charter as a domestic corporation by the State Corporation Commission; or, if a foreign professional corporation, after the corporation has been registered with the State Corporation Commission pursuant to § 13.1-544.2 of the Code of Virginia.

C. Bylaws must specifically state that cumulative voting is prohibited. Bylaws shall include a statement, in each applicable instance, that nonlicensed individuals as authorized by §§ 13.1-549, 13.1-544.2, 13.1-550, and other pertinent sections of applicable law, will not have voice or standing in any matter affecting the practice of the corporation requiring professional expertise ~~and/~~ or considered professional practice, or both, as defined in § 54-17.1 of the Code of Virginia.

D. Fees.

The application fee for a certificate of authority shall be ~~\$50. As established by the board pursuant to § 54-1.28:1 of the Code of Virginia. Fees shall be nonrefundable and shall not be prorated. (§ 54-37.3 C.)~~

E. Certificates of authority.

Certificates of authority shall be issued in two categories, general or limited. A general certificate of authority will entitle the corporation to practice the professions of architecture, professional engineering, land surveying, and landscape architecture. A limited certificate of authority will permit a corporation to practice only the profession or professions shown on its certificate of authority, architecture, engineering, land surveying, landscape architecture, or in any two or three. Professional corporations offering services in landscape architecture under provisions of this section must meet the requirements established in § 13.1-549 of the Code of Virginia.

F. In the event there is a change in the corporate directorship, whether the change is temporary or permanent and whether it may be caused by death, resignation, or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses held by the remaining directors of the corporation. The corporation shall notify the state board within 30 days of

the occurrence.

G. Joint ownership prohibited.

Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated. Cumulative voting is prohibited.

H. Definition of "employee."

For the purpose of stock ownership, an employee of a corporation is a person regularly employed by the corporation who devotes 60% or more of his gainfully employed time to that of the corporation.

I. Amendments to charter, articles of incorporation, or bylaws.

Each corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the Secretary of the board, within 20 days of its adoption, a certified true copy of any amendment to the articles of incorporation or bylaws.

J. Board of directors.

At least one director appropriately licensed or certified in each discipline offered or practiced by a professional corporation shall devote substantially full time to the business of the corporation to provide effective supervision and control of the final professional product. Nonlicensed or noncertified directors shall not be entitled either to exercise control or to vote in any matters affecting the practice of the professions herein regulated. (~~§ 13.1-549.~~)

§ 6.2. Business entities other than professional corporations.

A. Filing of applications.

Each application for registration shall be filed on a form approved by the board. The application shall identify each regulated professional responsible for professional services in architecture, professional engineering, *land surveying* or certified landscape architecture.

B. Fees.

The application fee for registration shall be ~~\$20 established by the board pursuant to § 54-1.28:1 of the Code of Virginia. All Fees shall be nonrefundable and shall not be prorated. (§ 54-37.3 C.)~~

C. Registration certification.

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, or other entity unit that the practice of

architecture, professional engineering, land surveying, or certified landscape architecture to be done by that entity shall be under the direct supervision and control of the individuals identified in the application as responsible for the practice. In addition, the individuals responsible for the practice shall sign their names indicating that they are the responsible individuals and that they understand and shall comply with all statutes and regulations of the board. (~~§ 64-37.3~~)

D. Change of status.

Any change in the information on the application ~~must~~ shall be reported to the board within 30 days following the change.

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

Title of Regulation: VR 155-01-2. Virginia Board of Examiners for Audiology and Speech Pathology.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Effective Date: February 22, 1988

Summary:

These regulations govern the licensure of audiologists and speech pathologists in Virginia and apply directly to approximately 1,000 actively licensed Virginia audiologists and speech pathologists, and indirectly to those individuals who utilize their services.

The final, adopted amendments to the proposed regulations reinstate the issuance of temporary permits to individuals for a period of 12 months. (§ 1.2 C)

Language was added to clarify a provision contained in § 3.4 6. Grounds for Discipline.

VR 155-01-2. State Board of Examiners for Audiology and Speech Pathology.

PART I. GENERAL.

§ 1.1. Definitions.

The following definitions shall apply in these regulations, unless the context clearly requires a different meaning.

~~1.1.1~~ "Audiologist" means any person who examines, tests, evaluates, treats or counsels for which a fee may be charged, persons having or suspected of having disorders or conditions affecting hearing and communicative disorders related thereto or who assists persons in the preception of sound and who is not authorized or permitted by some other licensure law of this state

Commonwealth to perform any such services.

~~1.1.2~~ "Speech pathologist" means any person who examines, tests, evaluates, treats or counsels for which a fee may be charged, persons having or suspected of having disorders or conditions affecting speech, voice, or language and who is not authorized or permitted by some other licensure law of this state Commonwealth to perform any such services.

§ 1.2. Methods of licensing.

The board shall issue licenses as follows:

~~1.2.1~~ A. Licenses by endorsement.

The board may grant a license without examination to any applicant who holds a current "Certificate of Clinical Competence," in the area in which they seek licensure issued by the American Speech-Language Hearing Association.

~~1.2.2~~ B. Licensure by examination.

The board issues a license to those persons who meet the requirements of § 2.1 ~~through 2.2.1~~.

C. Issuance of temporary permits.

The board may issue [; to any person who has applied to take the examination and who has met other requirements provided for in § 2.1] a temporary permit to practice audiology or speech pathology in the Commonwealth [; pending his taking such examination and the issuance of a regular license. to any person who has applied to take the examination and met the other requirements provided for in §§ 2.1 through 2.2.] No such permit shall be issued to any person more than once nor for a period greater than 12 months.

§ 1.3. License renewal required.

~~1.3.1~~ A. Licenses issued under these regulations shall expire on December 31 of each odd-numbered year. The Department of Commerce will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

~~1.3.2~~ B. Each licensee applying for renewal shall return the renewal notice and fee of \$40 to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

~~1.3.3~~ C. If the licensee fails to renew the license within 30 days of the expiration date, a penalty fee of \$40 shall be required, in addition to the renewal fee.

~~1.3.4~~ D. Any licensee failing to renew within six months

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of the expiration date on the license ~~must~~ shall apply to have the license reinstated by submitting a reinstatement form and a renewal fee of \$40 plus the a \$40 penalty fee.

1.3.5 E. Upon receiving the renewal application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both, before granting the reinstatement.

§ 1.4. Fees.

All fees are nonrefundable.

1.4.1 A. The application fee for an audiology or speech pathology license shall be \$70.

B. The application fee for a speech pathology license shall be \$70.

PART II. ENTRY REQUIREMENTS.

§ 2.1. General requirements.

An applicant may obtain a license by meeting the requirements in §§ 2.1 through this section and § 2.2.

2.1.1 A. Examination.

The applicant shall pass a qualifying examination approved by the board. This examination may fall within the two years preceding or following the date of application.

2.1.1.1 I. Exception.

No further examination will be required for applicants having passed the board approved examination at anytime prior to application if they have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

2.1.2 B. Supervised clinical experience.

The applicant shall have completed 300 clock hours of direct client contact hours with individuals presenting a variety of disorders of communication. This experience ~~must~~ shall have been within the college or university attended by the applicant or within a clinical training program acceptable to the board. A minimum of 200 clock hours ~~must~~ shall be in the professional area in which licensure is sought, that is in either audiology or speech pathology.

2.2.1 § 2.2. Education requirement.

2.2.1.1 A. The applicant shall have completed in one or more college or university programs at least 60 semester hours approved by the board in accordance with the following criteria:

2.2.1.1.1 1. Twelve semester hours in courses that provide fundamental knowledge applicable to the normal development and use of speech, voice, hearing and language; and

2.2.1.1.2 2. Forty-two semester hours in courses providing knowledge about the training in the management of speech, voice, hearing and language disorders, and information supplementary to such fields. Of these 42 semester hours:

2.2.1.1.2.1 a. At least six semester hours shall be in audiology for those desiring a license as a speech pathologist, or in speech pathology for those desiring a license as an audiologist;

2.2.1.1.2.2 b. No more than six semester hours may be in courses that provide academic credit for clinical practice;

2.2.1.1.2.3 c. At least 24 semester hours, including no more than three semester hours of credit for thesis or dissertation, ~~must~~ shall be in the field in which the license is sought; and

2.2.1.1.2.4 d. At least 30 semester hours ~~must~~ shall be in courses beyond the bachelor's degree and acceptable toward a graduate degree by the college or university where these courses are taken and shall be applicable to the field for which licensure is sought.

PART III. STANDARDS OF PRACTICE.

§ 3.1. The practice of speech pathology and audiology includes, but is not limited to, knowledge of: -

3.1.1 1. Psychological and sociological aspects of human development;

3.1.2 2. Anatomical, physiological, neurological, psychological, and physical bases of speech, voice, hearing and language;

3.1.3 3. Genetic and cultural aspects of speech and language development;

3.1.4 4. Current principles, procedures, techniques, and instruments used in evaluating the speech, language, voice, and hearing of children and adults;

4.1.5 5. Of various types of disorders of speech, language, voice, and hearing classifications, causes and manifestations;

3.1.6 6. Principles, remedial procedures, hearing aids, tinnitus devices, and other instruments used in the habilitation and rehabilitation for those with various disorders of communication;

~~3.1.7~~ 7. Relationships among speech, language, voice, and hearing problems, with particular concern for the child or adult who presents multiple problems;

~~3.1.8~~ 8. Organization and administration of programs designed to provide direct service to those with disorders of communication;

~~3.1.9~~ 9. Theories of learning and behavior in their application to disorders of communication;

~~3.1.10~~ 10. Services available from related fields for those with disorders of communication; *and*

~~3.1.11~~ 11. Effective use of information obtained from related disciplines about the sensory, physical, emotional, social, and ~~for~~ intellectual status of a child or an adult;

§ 3.2. In addition, the audiologist should have knowledge of:

~~3.2.1~~ 1. Conducting evaluation of the function of the auditory and vestibular systems, including the use of electrophysiological techniques and the evaluation of tinnitus;

~~3.2.2~~ 2. Evaluation of auditory processing; and

~~3.2.3~~ 3. Principles, procedures, and techniques of organizing and administering industrial hearing conservation programs, including noise surveys, the use of hearing protective devices, and the training and supervising of audiometric technicians.

§ 3.3. In addition, the speech pathologist should have knowledge of:

~~3.3.1~~ 1. The evaluation and treatment of disorders of the oral and pharyngeal mechanism as they relate to communication, including but not limited to dysphagia; and

~~3.3.2~~ 2. The use of alternative communication devices and appliances facilitating communication.

§ 3.4. Grounds for discipline.

The grounds for discipline shall include improper conduct, including but not limited to:

~~3.4.1~~ 1. Guaranteeing the results of any speech, voice, language, or hearing consultative or therapeutic procedure;

~~3.4.2~~ 2. Diagnosis or treatment of speech, voice, language, and hearing disorders by correspondence, provided this shall not preclude:

~~3.4.2.1~~ a. Follow-up correspondence of individuals previously seen; or

~~3.4.2.2~~ b. Providing the persons served professionally with general information of an educational nature.

~~3.4.3~~ 3. Revealing to unauthorized persons confidential patient information obtained from the individual he ~~she~~ serves professionally without the permission of the individual served;

~~3.4.4~~ 4. Exploitation of persons served professionally by accepting them for treatment when benefit cannot reasonably be expected to occur, or by continuing treatment unnecessarily;

~~3.4.5~~ 5. Incompetence ~~and/~~ or negligence in the practice of the profession;

~~3.4.6~~ 6. Failing to recommend a physician consultation and examination for any communicatively impaired person [with a prosthetic aid (*before the fitting of a new or replacement prosthetic aid on such person*)] not referred or examined by a physician within the preceding six months;

~~3.4.7~~ 7. Failing to refer a client to a physician when there is evidence of an impairment that might respond to medical treatment. Exception: This would not include communicative disorders of nonorganic origin.

~~3.4.8~~ 8. Failing to supervise persons who assist them in the practice of speech pathology and audiology without being present at all times within the same building when unlicensed supportive personnel are delivering services.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-2. Certification of Tradesmen Standards/1987.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Effective Date: March 1, 1988

Summary:

These regulations have been revised to incorporate changes based on comments proposed by interested parties. The following is a summary of those changes: (i) In § 1, definitions have been added to clarify job tasks of tradesmen and to delete unnecessary language; (ii) § 2 was revised to conform to the language of § 15.1-11.4 of the Code of Virginia, and to clarify the authority of the Department of Housing and Community Development; (iii) § 3 added a provision to exempt certain tradesmen within a trade and also included was direction to localities upon initial adoption of an ordinance; (iv) § 4 was revised to delete obsolescent provisions and to clarify experience requirements. All references to apprentices have been consolidated, certification as a journeyman

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is now required before a person may be certified as a master; (v) new § 5 and old § 7 include directions for certification in work areas within a trade and delete repetitive language referring to apprentices and the, difficult to interpret, reciprocity provision; (vi) § 6 replaces old § 5 which deletes testing directions to agents, which have become obsolescent by contractual arrangements with a national testing organization; (vii) old § 6 was deleted because of ambiguity and became superfluous due to 1987 changes to master qualifications; (viii) new § 7 consolidates old §§ 8, 10 and 11 to detail information concerning certificates and to delete repetitive and unnecessary language. New provision has been added to comply with § 2.1-385 of the Code of Virginia, regarding social security numbers; (ix) new § 8 and old § 9 add language clarifying the conditions under which a certification may be revoked and by whom; (x) new § 9 provides due process by including an appeals board; and (xi) § 12, Severability, has been deleted.

Section 5 B of the initial proposed was deleted because it was determined the text caused confusion and was unnecessary.

VR 394-01-2. Certification of Tradesmen Standards/1987.

§ 1. Definitions.

The terms used in these standards shall have the following meaning:

"Agent" means the person designated by the county, city, or town, according to local ordinance, to examine and determine an applicant's qualifications for certification.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Voluntary Apprenticeship Act, § 40.1-120 of the Code of Virginia.

"Board" means the board established by a county, city, or town, according to local ordinance, to examine and determine an applicant's qualification for certification.

"Building-related mechanical worker" means a tradesman who does building-related mechanical work, including heating, air conditioning, and ventilation and gas piping.

"Contractor" means a person licensed according to § 54-113 of the Code of Virginia who for a fixed price, commission, fee or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing or superintending the construction, removal, repair or improvement of any building or structure owned, controlled or leased by another person.

"Department" means the Department of Housing and

Community Development.

"Division" means a subcategory within a trade as designated in the publication "Tradesman Certification Program" published by the Division of Building Regulatory Services.

"Electrical work" consists of, but is not limited to the following: Plan and layout of detail for installation or modifications of electrical apparatus and controls, preparation of sketches showing location of wiring and equipment. Measures, cuts, bends, threads, assembles and installs electrical conduits. Performs maintenance on electrical systems and apparatus. Observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement. Repairs faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, military, correspondence schools, or other similar training organizations.

"Helper or laborer" means a person who assists a tradesman certified according to these standards.

"Journeyman" means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment ; , ~~(a)~~ utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code ; and ~~(b)~~ according to plans and specifications complying with the Virginia Uniform Statewide Building Code . A tradesman shall be certified as a journeyman in each of the trades for which local certification is required in order to practice such trades as a journeyman.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to : ~~(a)~~ supervise the work of installing, repairing, and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code; and ~~(b)~~ to plan and lay out the details for installation of specific types of materials and equipment that comply with the Virginia Uniform Statewide Building Code. A tradesman shall be certified as a master in each of the trades for which local certification is required in order to practice such trades as a master.

"National testing organization" means an independent testing organization whose main function is the development and administration of examinations on a national basis.

"Plumber" means a tradesman who does plumbing work.

"Plumbing work" means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage facilities, the venting system and the public or private water-supply systems within or adjacent to any building or structure.

"Plumber-gas fitter" means a plumber who does gas piping work.

"Supervision" means monitoring of the work in progress to determine that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Supervisor" means the certified master tradesman who has the responsibility to determine that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Trade" means any of the following: plumbing, plumber-gas fitter, building-related mechanical or electrical work, and divisions within the trade.

"Tradesman" means a person who engages in or offers to engage in, for the general public or for compensation, any of the trades covered by these standards.

"Voluntary Apprenticeship Act" means an Act authorized in Chapter 6, Title 40-1 of the Code of Virginia that establishes an Apprenticeship Council to determine standards for apprentice agreements; approve local apprenticeship agreements; and appoint local joint apprenticeship committees; includes required information on apprentice agreements; and defines apprentice.

§ 2. Authority and application.

A. These standards are established in accordance with § 15.1-11.4 of the Code of Virginia for use by counties, cities, and towns to be used for the certification of plumbing, building-related mechanical and electrical workers. These standards are not intended to affect licensing under other provisions of the Code of Virginia by local governments.

B. These standards are to be used by local governments when certifying plumbers, plumber-gas fitters, building-related mechanical workers, and electricians as identified by local ordinance. Such local ordinance may specify the trade(s) to be certified, the type of tradesmen within a trade to be certified, or the level(s) of certification journeyman or master.

B. Localities shall forward a copy of their certification ordinance upon adoption or amendment to the Office of Professional Services.

C. The Department of Housing and Community Development shall be the administrative agency providing advisory interpretations concerning the application of

these standards.

§ 3. Exemption from certification.

A. Plumbers, plumber-gas fitters, building-related mechanical workers, or electricians who were certified or licensed prior to July 1, 1978, in accordance with the certification or license provisions of the Commonwealth or any local government, shall be exempt from any further local certification requirement for the same trade.

B. Any persons certified according to these standards shall be exempt from obtaining any other certificate as a journeyman or master in the same trade.

C. B. Helpers or laborers who assist tradesmen that are required to be certified by local government shall be exempt from local certification.

D. C. Any person that performs plumbing, plumber-gas fitting, building-related mechanical, or electrical work on their own property rather than for the general public or for compensation shall be exempt from local certification.

D. Any person who installs television or telephone cables, or lightning arrestor systems shall be exempt from certification as an electrician. Installers of wood stove equipment, masonry or prefabricated chimneys, or duct systems shall be exempt from certification as a building-related mechanical worker.

E. Upon the adoption of a local ordinance pursuant to these standards, local governing bodies may exempt tradesmen, working in the trade, at the level of their expertise.

§ 4. Evidence of ability and proficiency.

§ 4.1. Journeyman.

Applicants desiring to obtain certification as a journeyman shall furnish evidence that one of the following experience and education standards have been attained:

A. Four years of practical experience in the trade, of which two years must include recognized formal vocational training in the trade; and 240 hours of formal vocational training in the trade; or

B. Successful completion prior to July 1, 1981, of a Registered Apprenticeship Program established in accordance with the Virginia Voluntary Apprenticeship Act, Title 40-1, Chapter 6 of the Code of Virginia, in the trade area of expertise for which certification is desired of a Registered Apprenticeship Program established in accordance with the Virginia Voluntary Apprenticeship Act. Apprentices that have completed a program prior to July 1, 1981, are to make application for certification with a locality; apprentices completing programs after July 1, 1981 are to make application with the Department of

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Labor and Industry, Apprenticeship Division ; or

C. An Associate Degree in a curriculum related to the trade for which certification is desired and two years of practical experience in the trade for which certification is desired; or

D. C. A Bachelor's Degree in the study of engineering in a curriculum related to the trade for which certification is desired , and one year of practical experience in the trade for which certification is desired.

§ 2- 4.2. Master.

Applicants desiring to obtain certification as a Master shall furnish evidence that they have met Item A, below and one or more of experience or education standards of item B through E: *one year of experience as a certified journeyman.*

A. One year of supervising the installation or repair of the specific types of materials, or related apparatus utilized experience as a certified journeyman in the trade, or equivalent education for which certification is desired; or

B. Successful completion prior to July 1, 1981, of a Registered Apprenticeship Program established in accordance with the Virginia Voluntary Apprenticeship Act, Title 40-1, Chapter 6 of the Code of Virginia, in the trade for which certification is desired; or

C. An Associate Degree in a curriculum related to the trade for which certification is desired and two years of practical experience in the trade for which certification is desired; or

D. A Bachelor's Degree in the study of engineering in a curriculum related to the trade for which certification is desired and one year of practical experience in the trade for which certification is desired.

§ 5. Examination and testing for determination of qualifications:

Each applicant is required by § 15.1-11.4(B) of the Code of Virginia to be examined by an agent or board appointed by the governing body to determine his qualifications. The Board of Housing and Community Development will establish the method(s) for determining the applicant's qualifications. Such examination for each level of certification shall be in accordance with the following guidelines:

A. The Board of Housing and Community Development may enter into a contract with a national testing organization to develop and administer tests based on the current provisions of the Virginia Uniform Statewide Building Code that are relevant to the certified trades. In the case of trades for which the Board of Housing and Community Development has contracted with a national

testing organization to develop and administer tests, the local agent or board shall proceed as follows:

1. Forward qualifying application to the national testing organization which will administer the appropriate test of qualifications;

2. Receive and examine the test results from the national testing organization; and

3. Issue certificates, provided by the department, to applicants receiving a notice of satisfactory results.

B. For all trades for which the Board of Housing and Community Development has not entered into a contractual arrangement with a testing organization, the department will develop tests to be administered to applicants by the local agency or board. The local agency or board shall:

1. Adminster the test in accordance with accompanying instructions;

2. Administer the test in either a written or oral form;

3. Provide adequate supervision of the test to assure that applicants do not receive assistance in completing the test;

4. Assure that neither the test nor its contents are provided to any person except the applicant;

5. Assure that the test is not copied or reproduced by any person or entity including the applicant;

6. Administer the test to applicants at least once every three months, at a time and place designated by the local agency or board that is reasonably accessible to applicants; and

7. Issue certificates provided by the department to applicants receiving a satisfactory 75% score on the test.

C. The agent or board shall administer the examination in accordance with the instructions accompanying the examination.

D. The agent or board shall provide adequate supervision at the time of the examination to ensure that the applicant does not receive any assistance from any other person in completing the examination.

E. The agent or board shall in no way provide the examination or any of its contents to any person or entity other than the applicant. The agent or board shall not allow the examination to be copied or reproduced by the applicant or any other person.

F. The agent or board shall administer the examination to prospective applicants at a time and place established

by the agent or board but not less frequently than once every three months and at a location reasonably accessible to the applicant.

G. An applicant must successfully answer 75% of the questions on the examination to be deemed qualified.

§ 5. Alternate qualification method.

[A.] Individuals who have successfully passed the Class A contractor's exam administered by the Virginia Board for Contractors in a certified trade shall be qualified as masters in that trade in accordance with these standards.

[B. A tradesman who has been certified in one division of a trade, is eligible for examination in another division within the same trade and at the same level, journeyman or master, within one year of certification.]

§ 6. Master certification inclusive.

Certification as a Master includes certification as a Journeyman for the trade for which the certificate is granted.

§ 6. Examination and testing for determination of qualifications.

A. An applicant shall successfully complete an examination to be issued a card and deemed certified.

B. The Department of Housing and Community Development may utilize national testing organizations that develop and administer examinations based on the current provisions of the Virginia Uniform Statewide Building Code, and related standards, for plumbing, building-related mechanical and electrical, and divisions within those trades.

C. The local agent or board shall:

1. Forward qualifying applications to the national testing organizations, designated by the department, which will administer the appropriate examination.
2. Receive and examine the test results from the organization.
3. Issue certificates, provided by the department, to applicants successfully completing the examination.

D. In case of failure of an examination, the applicant shall be eligible for reexamination at the next designated examination date. One who fails such reexamination, or subsequent reexaminations, will not be eligible for one year from the date of the last examination.

§ 7. Alternate qualification method.

A. Individuals who have successfully passed the Class A

contractor's exam administered by the Virginia State Board for Contractors in a certified trade shall be qualified as Masters in the trade in accordance with the standards.

B. Individuals receiving after July 1, 1981, certificates of journeymanship in a certified trade upon completion of an apprenticeship program approved by the Virginia Apprenticeship Council shall be qualified as journeyman in that trade in accordance with these standards.

C. Individuals certified as journeymen or masters by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with these standards, if the Board of Housing and Community Development has determined the certifying system to be equivalent to the Virginia system. The department will provide certificates to localities for such individuals.

§ 7. Certificates.

A. The governing body of any county, city or town that has adopted a local ordinance to certify tradesmen shall issue to persons complying with these standards the certificate provided by the department. Such certificate shall be filled in by the agent or board. In lieu of the social security number, a number unique to the applicant and acceptable to the agent or board may be used.

§ 7.1. Temporary certificates.

A. The agent or board may issue a temporary certificate, furnished by the department, to an applicant who holds a license or certificate issued by another state in the trade for which certification is desired, or to an applicant who furnishes evidence to the agent or board that documents the applicant's competence to perform work at the level of certification.

§ 7.2. Exemption card.

Section 36-99.1 of the Code of Virginia establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification or licensing provisions of the Commonwealth or any local government shall be exempt from any further local certification requirement for the same trade. The department will provide certificates to localities for individuals who are exempt in accordance with § 36-99.1 of the Code of Virginia or by action of local ordinance in accordance with § 3(E) of these standards.

§ 8. Certificates.

A. The governing body of any county, city or town that has adopted a local ordinance to certify tradesmen shall issue to persons complying with these standards the certificate provided by the department. Such certificate shall be filled in by the agent or board with the following information:

1. The name and social security number of the

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certificate holder;

2. The locality where the certificate was issued;

3. The date of issue;

4. The trade for which it is applicable plumber, plumber-gas fitter, building-related mechanical worker, or electrician; and

5. The level of certification for which it is issued as defined in these standards Journeyman or Master; and

B. The certificate shall be signed by an authorized representative of the local government.

§ 8. Revocation of certification.

Certification may be revoked for misrepresentation or fraud upon application, or for incompetence as demonstrated by an egregious or repeated violations of the Virginia Uniform Statewide Building Code.

The Department of Housing and Community Development shall be notified by the local board or agent when a certification has been revoked in accordance with provisions of these standards.

§ 9. Revocation of certification.

The Board of the Department of Housing and Community Development shall be notified by the certifying local board or agent when a certificate issued by that board or agent has been revoked in accordance with provisions of the local certification ordinance.

§ 9. Appeals.

Each local governing body shall establish a Board of Appeals. The local Board of Appeals shall consist of not less than five members appointed by the local government. Members shall be selected on the basis of their ability to render fair and competent decisions. Employees or officials of the local government appointing the Board of Appeals shall not serve as members. The agent shall designate an employee to serve as secretary to the Board of Appeals, who shall keep a detailed record of all proceedings. The Board of Appeals shall hear appeals concerning the application of these standards or from a decision of the local agent or certification board. Application for appeals shall be in writing and made within 90 days of receipt of the decision of the agent or certification board. The appeals board must meet within 20 working days of the filing of an appeal. All hearings shall be public and conducted in accordance with the applicable provisions of the Administrative Process Act, § 9-6.14 of the Code of Virginia. The agent or certification board shall take immediate action in accordance with the decision of the Board of Appeals. Appeals from the local Board of Appeals shall be made to the department within 15 days of receipt of the decision of the local appeals

board. Appeals from a decision of the department shall be to the court of the original jurisdiction in accordance with the Administrative Process Act.

§ 10. Exemption card.

Section 36-99.1 of the Code of Virginia establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification or licensing provisions of the Commonwealth or any local government shall be exempt from any further local certification requirement for the same trade.

A. The local agent or board may request the department to provide them with a special card to issue to persons who are determined by the agent or board to be exempt from certification in accordance with § 36-99.1 of the Code of Virginia. Such card may contain the following information:

1. The name and social security number of the card holder;

2. The locality which determined the card holder was exempt from certification in accordance with § 36-99.1 of the Code of Virginia;

3. The date of issue;

4. The trade for which the exemption is applicable: plumber, plumber-gas fitter, building-related mechanical worker or electrician;

5. The trades for which exemption is being given as defined in these standards - journeyman or master;

6. A statement that the card holder was determined to be exempt from certification in accordance with § 36-99.1 of the Code of Virginia.

B. The card shall be signed by an authorized representative of the local government.

NOTE: It is recommended that local certification procedures provide for appeals of the decisions of the local agent or board.

§ 11. TEMPORARY CERTIFICATES.

A. The agent or board may issue a temporary certificate, furnished by the department, to an applicant who holds a license or certificate issued by another state in the trade for which certification is desired; or to an applicant who furnishes evidence to the agent or board that documents the applicant's competence to perform work at the level of certification.

B. Certificates shall be issued on a one-time basis per year.

C. Temporary certificates shall be valid for a period of

three months.

D. The local agent or board shall notify the department of the issuance of temporary certificates.

§ 12. Severability clause:

Should any provision of these standards be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the standards as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

* * * * *

Title of Regulation: VR 394-01-04. Virginia Amusement Device Regulations/1987.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia

Effective Date: March 1, 1988

Summary:

The 1987 Edition of the Virginia Amusement Device Regulations provides for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices, whether mobile or affixed to a site. These regulations supplement the provisions of the Uniform Statewide Building Code for the purpose of protecting the health, safety and welfare of amusement device users. The technical requirements of the Amusement Device Regulations are based on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification of amusement device inspectors, qualifications and conduct of operators, and an administrative appeals system for the resolution of disagreements between building officials and amusement device owners or operators.

Section 600.6.1 of the proposed regulations allowed local governing bodies to establish their own fee schedule for inspection permits. This section was changed by the Board of Housing and Community Development to require local governing bodies to abide by a set fee schedule established by the board.

VR 394-01-04. Virginia Amusement Device Regulations/1987.

1987 EDITION.

VIRGINIA AMUSEMENT DEVICE REGULATIONS. [AMENDED MAY 7, 1987.]

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as the Virginia Amusement Device Regulations ("VADR"). Except as otherwise indicated, VADR and regulations, as used herein, shall mean the Virginia Amusement Device Regulations.

100.2. Authority: The VADR is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The VADR is intended to supplement the provisions of the Virginia Uniform Statewide Building Code (USBC).

100.3. Adoption: The VADR was adopted by order of the Board of Housing and Community Development on [December 14, 1987]. This order was prepared according to requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The 1987 edition of the VADR shall become effective on [March 1, 1988]. The construction of any amusement device that was subject to a previous edition of the USBC when constructed, shall remain subject to the edition of the USBC in effect at the time of construction. Subsequent reconstruction, reassembly, maintenance, operation and inspection of such devices shall be subject to the pertinent provisions of the VADR in effect at the time of such action.

100.5. Application: The VADR shall govern the construction, maintenance, operation and inspection of amusement devices, whether mobile or permanently fixed to a site. These regulations do not apply to any single passenger coin-operated ride, manually, mechanically, or electrically operated, which customarily is placed, singularly or in groups, in a public location and which does not normally require the supervision or service of an amusement ride operator [and is not considered a kiddie ride for the purpose of these regulations], or to nonmechanized playground equipment, including swings, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located. To the extent they are not superseded by the provisions of these regulations, all other state and local laws and regulations shall apply to amusement devices. The VADR does not supersede zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the construction, maintenance, operation and inspection of amusement devices.

SECTION 200.0. DEFINITIONS.

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

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"Amusement attraction" means any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building structure, that provides amusement, pleasure, thrills, or excitement.

"Amusement device" means a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion.

"Amusement park" means a tract or area used principally as a location for amusement devices permanently fixed to the site.

"ASTM" means American Society for Testing and Materials.

"Board" means the Board of Housing and Community Development.

"Carnival" means an itinerant enterprise consisting principally of portable amusement devices temporarily situated at a site.

"Certificate of inspection" means a certificate issued by the building official, pursuant to section 1500.0 of these regulations.

"Committee" means the Amusement Device Technical Advisory Committee.

"Construction" means the initial construction or manufacture of amusement devices. "Construction" does not include reassembly of existing devices.

"Director" means the Director of the Department of Housing and Community Development or his designee.

"Fair" means an enterprise principally devoted to the periodic and recurring exhibition of products of agriculture, industry, education, science, religion, or the arts that has one or more amusement devices, either portable or permanently fixed to the site, operated in conjunction with the exhibition.

"First aid" means the one time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, or a diagnostic procedure, including examination and X-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

"Inspector" means a person authorized by the building official to perform the inspections required herein.

"Kiddie ride" means an amusement ride designed primarily for use by children up to 12 years of age [, that requires simple reassembly procedures prior to operation, and that does not require complex inspections prior to operation].

"Major modification" means any change in either the structural or operational characteristics of the ride or device which will alter its performance or structural integrity from that specified in the manufacturer's design criteria.

"Minor injury" means sprains, abrasions, bruises, and lacerations less than three inches.

"Operator" means any person or persons actually engaged in or directly controlling the operation of an amusement device.

"Owner" means a person who owns an amusement device, including the state or its political subdivision, or in the event the amusement device is leased, the lessee, or the agent of either.

"Permit" means written authorization given by the local building official to construct, reassemble or locate an amusement device so as to make ready for operation. Issuance of a permit does not give authority to operate without a certificate of inspection.

"Reassembly" means the act of placing the component parts of an existing device into a configuration which allows its use and operation.

"Review board" means the State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"Serious injury" means an injury that requires medical treatment by a physician other than minor injuries or first aid.

SECTION 300.0. TECHNICAL ADVISORY COMMITTEE.

300.1. Membership: In appointing an Amusement Device Technical Advisory Committee, the board shall include representatives from the following groups:

- 1. Ride manufacturers,*
- 2. Owners or operators of carnivals, amusement parks and fairs,*
- 3. Mechanical or structural engineers,*
- 4. Insurance underwriters, and*
- 5. Members of the general public.*

300.2. Term of membership: The members of the Technical Advisory Committee established by § 36-98.3(C) of the Code of Virginia, shall each serve for initial staggered terms of two and three years. Thereafter, appointments shall be for three years, with a provision for reappointment at the pleasure of the board.

SECTION 400.0. REFERENCE STANDARDS.

[400.1. Adoption of standards:] The construction, maintenance, operation and inspection of amusement devices shall be done in accordance with the standards adopted by ASTM and which are set forth in [Appendix Addendum] A.

Where differences occur between provisions of the VADR and the referenced standards, the provisions of the VADR shall apply.

SECTION 500.0. ENFORCEMENT.

500.1. Responsibility of local governments: Enforcement of these regulations shall be the responsibility of the local building department in accordance with § 36-105 of the Code of Virginia. Inspections under these regulations shall be performed by:

1. The local building official or his representative when such official or representative has been certified by the board to inspect amusement devices pursuant to § 36-137(G) of the Code of Virginia; or, at the option of the owner or lessee or agent of either.

2. Persons from other departments of state government, local government, or private industry, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(G) of the Code of Virginia; or

3. Employees of insurance companies providing coverage for claims arising out of the use of the amusement device being inspected, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(G) of the Code of Virginia.

500.2. Qualifications of inspectors:

1. Any person seeking to become qualified to perform amusement device inspections pursuant to section 500.1 of these regulations shall successfully complete certification requirements in accordance with the Board of Housing and Community Development's certification program for building officials and inspectors.

2. Notwithstanding any regulation to the contrary, no exemption shall be permitted from the requirements for certification for any person including local building officials and their representatives to inspect amusement devices.

500.3. Credentials: The building official, state personnel, or any certified inspector shall carry proper credentials of authorization provided by the Department of Housing and Community Development when enforcing any provision of these regulations.

SECTION 600.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

600.1. General: The building official shall enforce the provisions of the VADR as provided herein, and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

600.2. Applications and permits: The building official shall receive applications and issue permits for the construction, reassembly, operation and inspection of amusement devices.

600.3. Notices and orders: The building official shall issue necessary notices or orders to remove unsafe conditions, to require the necessary safeguards during construction or reassembly and to ensure compliance with all the VADR requirements for the health, safety and general welfare of the public.

600.4. Inspections: The building official shall make or cause the required inspections to be conducted in accordance with section [~~500.1~~ 1000.0] of these regulations, or shall accept reports of inspection by individuals certified to perform amusement device inspections when the owner or lessee of the amusement device has exercised the option of using private inspectors. Reports of such inspections shall be in writing and signed by the certified individual.

600.5. Delegation of duties and powers: The building official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the VADR.

600.6. Fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

600.6.1. Fee schedule: A schedule of fees shall be established by the local government and shall be made available to the public upon request. [The fee schedule adopted by the local government shall not exceed the fee schedule set by the Board of Housing and Community Development. The board shall review the fee schedule at least tri-annually and shall adjust the fee schedule as proven necessary.] The fees shall be based on the actual cost of administrative activities and inspections performed by local government personnel. The local government shall not establish a fee schedule resulting in fees that exceed the actual costs of the activities performed by local government personnel. The fee schedule shall have provisions for fee reduction if private inspectors are utilized by the owner or lessee. When an inspector not an employee of the local governing body is retained by an owner, the owner shall pay the inspector's fees directly. When an inspector not an employee of the local governing body is retained by the local building

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department, that department shall pay the inspector's fees.

SECTION 700.0. APPLICATION FOR PERMIT.

700.1. *When permit is required:* Written application shall be made to the building official when a permit is required. A permit shall be issued by the building official before any of the following actions subject to the VADR may be commenced:

1. *Constructing and operating an amusement device permanently fixed to a site.*
2. *Reassembling and operating any portable amusement device.*

700.2. *Who may apply for a permit:* Application for a permit shall be made by the owner or lessee of the amusement device or agent of either.

700.3. *Information for application:* The application for a permit shall be submitted on forms supplied by the building official. The forms shall require the following information:

1. *Name of the owner, lessee, or agent of either.*
2. *Identification of the person(s) authorized to accept service of process on behalf of the owner or lessee.*
3. *A general description of the amusement devices, their location, and the work or operation proposed.*
4. *Proof of financial responsibility in a minimum amount of \$100,000 per person and \$300,000 per occurrence. Such proof may be demonstrated by a bond or cash reserve, or certificate or policy of insurance providing coverage for liability arising out of the use or operation of the amusement device.*

SECTION 800.0. MODIFICATION.

800.1. *Modifications:* If an owner or operator finds that compliance with the amusement device regulations or decision of the local building official presents a practical difficulty or undue hardship, the owner or operator may apply to the local building official for a modification of the regulation or decision. Such modification may be granted provided the spirit and intent of these regulations are observed, and public health, welfare and safety are assured.

800.2. *Alternative design, materials, and equipment:* Where there is an alternative design, material or equipment, the owner may apply to the local building official for a modification of the VADR relating to such design, material or equipment. Upon application of the owner, the building official may modify the provisions of the VADR relating to amusement device design or building materials, equipment, devices or assemblies provided the proposed

alternatives are satisfactory and comply with the intent of the VADR and the standards incorporated therein, and are, for the purposes intended, at least the equivalent of that prescribed in the VADR for quality, strength, effectiveness, durability and safety.

800.3. *Records:* The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of inspection in the permanent records of the local building department.

SECTION 900.0. AMUSEMENT DEVICE PERMITS.

900.1. *Action on application:* The building official shall examine all applications for permits within five days after filing. If the application does not conform to the requirements of the VADR, the building official shall reject such application in writing, stating the reasons for rejection. If the building official is satisfied that the proposed work or operation conforms to the requirements of the VADR and all applicable laws and ordinances, a permit shall be issued as soon as practicable. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a permit and certificate of inspection. Such reports shall be based upon review of the application or inspection of the project as determined by the local governing body.

Note: Before issuing a permit, the building official should consider the effects of any applicable regulations of other governmental agencies so that proper coordination may be achieved before the work is commenced.

900.2. *Signature on permit:* The signature of the building official or his authorized representative shall be attached to every permit.

900.3. *Annual permit:* Instead of an individual permit for each reassembly of an already approved amusement device, the building official may issue an annual permit.

900.4. *Revocation of permits:* The building official may revoke a permit or approval issued under the provisions of the VADR in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based.

SECTION 1000.0. INSPECTIONS.

1000.1. *Preliminary inspection:* Before issuing a permit, the building official may examine all sites for which an application has been filed for a permit to construct, reassemble or operate an amusement device.

1000.2. *Required inspections:* After issuing a permit, the building official shall conduct inspections from time to time during construction or reassembly or shall accept inspection reports from private inspectors employed by

the owner or lessee, and may conduct inspections of the operation of amusement devices or may require the owner or lessee to provide reports from private inspectors for inspections conducted during operation of the amusement device(s). A record of such inspections shall be maintained by the building official.

1000.2.1. *Right of entry:* The building official may inspect amusement devices for the purpose of enforcing the VADR in accordance with the authority granted by §§ 36-105 and 36-98.3(D) of the Code of Virginia.

1000.3. *Minimum inspections:* As part of their inspections, inspectors shall perform, but are not limited to the following actions:

1. Inspect all amusement devices permanently fixed to a site.

a. Prior to each seasonal operation; and

b. Prior to operation following any major modification; and

c. At least once during the operating season.

2. Inspect all portable amusement devices after each reassembly and prior to operation [except that the inspector may accept a valid certificate of inspection which was issued with respect to a "kiddie ride" by another inspector certified in Virginia. If an inspector chooses to inspect a kiddie ride which has a valid certificate of inspection, no fee shall be charged. If upon inspection, the inspector finds that a device is not in compliance with applicable standards, the certificate of inspection may be declared invalid].

3. Verify that nondestructive testing has been conducted by a recognized testing agency as prescribed by the device manufacturer and in accordance with ASTM.

4. At the discretion of the inspector, verify that the operation and maintenance of amusement devices is in accordance with the requirements of these regulations and the standards referenced therein.

5. Inspect any amusement device upon the request of the director or local building official following a report or other notification that the device or one of substantially similar design and construction has been involved in an accident resulting in a fatality or serious injury.

6. Investigate any report or other notification of a problem or a defect with respect to an amusement device and inspect the device at the request of the director or the building official to determine whether it poses a hazard or threat of injury to the public.

7. Upon completion of the amusement device, and

before issuance of the certificate of inspection, a final inspection shall be made to ensure that the device conforms with the VADR.

1000.4. *Notice of readiness for inspection:* Every owner or operator of an amusement device shall notify the local building official when an amusement device or one that has undergone major modifications is scheduled to be ready and available for inspection.

In addition, every owner or operator of an amusement park shall notify the local building official when each amusement device located within the park is scheduled to be ready for inspection prior to its seasonal operation.

Every owner [and or] operator of a carnival or fair shall notify the local building official of the date each amusement device is scheduled to be reassembled and ready for inspection on a site.

Note: Although no requirements are imposed on owners or operators with respect to time for giving notice of readiness for inspection, owners and operators are cautioned to refer to sections 900.1 and 1000.5 of these regulations which require the building official to perform certain duties within five days of application or notice. Owners [and or] operators failing to give at least five days notice of readiness for inspection will only be inspected by the building official or his authorized representative at their pleasure or convenience.

1000.5. *Inspections to be prompt:* The inspector shall respond to inspection requests without unreasonable delay. When given at least five days notice of readiness for inspection, the inspector shall inspect on the date designated by the owner or operator. The inspector shall approve the device or give written notice of defects to the owner or operator. Such defects shall be corrected and the amusement device reinspected before operation or proceeding with any work that would conceal the defects.

SECTION 1100.0. ACCIDENTS.

1100.1. *Owner/operator to suspend operation:* An owner or operator shall immediately suspend operation of any amusement device which is involved in an accident resulting in fatality or serious injury.

1100.2. *Reports:* Every owner or operator of an amusement device shall report to the director and the local building official, within 24 hours of learning of any accident involving the amusement device which results in a fatality or serious injury. Such report shall include but is not limited to the following information:

1. A description of the amusement device including the name of the manufacturer and the date the device was originally constructed, if available.

2. A description of the accident including the number

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of people involved, number and type of injuries, number of fatalities.

3. Cause of accident if determined.

1100.3. *Owner's authority to resume operation:* The owner, lessee or agent of either may resume operation of an amusement device following suspension of operation under this section if, after conducting an investigation, the owner, lessee, or agent determines that the incident was in no way the result of a failure or malfunction of the device or any of its operating or safety equipment. Any investigation conducted under this section shall include (i) examination of the accident scene, (ii) interviews with witnesses, if any, (iii) review of statements made by the injured person, if any, and (iv) trial operation and inspection of the amusement device. A written record of such investigation shall be made and submitted to the local building official or his designee.

The decision of the owner or operator not to resume operation of the amusement device shall not be construed as an admission that the incident was caused by the failure or malfunction of the device. Nothing in this section shall be construed to waive the requirements of notification of the occurrence set forth in section [~~600.2~~ 1100.2].

SECTION 1200.0. QUALIFICATION OF OPERATORS.

1200.1. *Minimum age:* No amusement device shall be operated by a person under 16 years of age, except that this provision shall not apply to a child under 16 years of age employed by his parents in an occupation not declared hazardous by the Commissioner of Labor and Industry.

1200.2. Requirements:

1. An operator may not operate more than one amusement device at a time unless the devices are within the sight of the operator and are operated by a common control panel or station, except that in the case of kiddie rides, two rides may be operated in unison under the continuous and common control of one operator provided that the farthest point of operation of either device is no more than 35 feet and the control is equipped with a positive pressure switch.

2. An amusement device shall be attended by an operator at all times during operation.

1200.3. Conduct; authority:

1. No amusement device shall be operated by an operator while under the influence of alcohol.

2. No amusement device shall be operated by an operator while under the influence of drugs which may affect the operator's judgment or ability to

assure patrons' safety.

3. The operator has the authority to prohibit use of amusement devices by individuals who may present a safety threat to others or to themselves.

1200.4. *Training:* The ride operator shall be trained in the proper use and operation of the ride as required by ASTM [F770 -82] and ASTM [F853 -82 listed in Addendum 1].

SECTION 1300.0. SUSPENSION OF OPERATION.

1300.1. *When director or local building official may order:* The director or local building official shall order, in writing, a temporary suspension of operation of an amusement device if the director or local building official has reason to believe that the device is hazardous or unsafe, or if the director or local building official receives a report or is otherwise notified that the amusement device has been involved in an accident resulting in fatality or serious injury.

The director or local building official may order, in writing, a temporary suspension of operation of an amusement device if (i) the director or local building official receives a report or is otherwise notified that an amusement device or one of substantially similar design has been involved in an accident resulting in a fatality or serious injury; and (ii) an inspection conducted in accordance with section 1000.0 of these regulations reveals that the ride is hazardous or poses a threat to the safety of the public.

1300.2. *When operation to resume:* When the operation of an amusement device has been suspended under this section, such operation shall not resume until any hazardous or unsafe condition has been corrected and a certificate of inspection has been issued with respect to such device.

SECTION 1400.0. VIOLATIONS.

1400.1. *Code violations prohibited:* No person, firm or corporation shall construct, reassemble, maintain, operate or inspect any amusement device regulated by the VADR, or cause same to be done in conflict with or in violation of any of the provisions of the VADR.

1400.2. *Notice of violation:* The building official shall serve a notice of violation on the person responsible for the construction, reassembly, maintenance, operation or inspection of any amusement device in violation of the provisions of the VADR, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the VADR. Such order shall direct the discontinuance and abatement of the violation.

1400.3. *Prosecution of violation:* If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute

the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the use of any amusement device in violation of the provisions of the VADR.

1400.4. *Violation penalties:* Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia. Violators, upon conviction, may be punished by a fine of not more than \$1,000.

1400.5. *Abatement of violation:* Conviction of a violation of the VADR shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of the VADR relating to construction, reassembly, maintenance, operation or inspection of any amusement device.

SECTION 1500.0. CERTIFICATES OF INSPECTION.

1500.1. *When certificate required:* No amusement device shall be operated unless a certificate of inspection has been issued with respect to that device. A copy of the certificate shall be affixed to the entrance of the device in plain view of riders or patrons.

1500.2. *Requirements:* A certificate of inspection shall be issued to an owner or operator after an inspection conducted pursuant to section 1000.0 of these regulations indicates that the device is in satisfactory working order and poses no hazard or threat to the safety of the public.

1500.3. *Term:* A certificate of inspection will be valid:

1. Until the device is disassembled [except that a certificate of inspection issued with respect to a kiddie ride shall be valid until July 31 of the calendar year in which it was issued, regardless of whether the device is disassembled] ; or
2. Until any major modification or alteration is made to the device; or
3. Until the inspection required by section 1000.0 is conducted on fixed site devices; or
4. Until termination of the proof of financial responsibility required by section 1600.0.

1500.4. *Contents of the certificate of inspection:* When an amusement device is entitled thereto, the building official shall issue a certificate of inspection. When the certificate is issued, the device shall be deemed in compliance with the VADR. The certificate shall specify the use of the amusement device, the type of construction, the occupancy load of the device, the date on which the certificate was issued, the term of the certificate, and any special stipulations and conditions. The certificate shall also include the name of the building official or his representative and a telephone number where they may be reached in case of an emergency or accident.

SECTION 1600.0. FINANCIAL RESPONSIBILITY.

1600.1. *Proof of financial responsibility:* The owner shall provide proof of financial responsibility in a minimum amount of \$100,000 per person and \$300,000 per occurrence. Such proof shall be demonstrated by a bond or cash reserve, or certificate of insurance providing coverage for liability arising out of the use or operation of the amusement device.

1600.2. *Termination of financial responsibility:* Each owner or operator of an amusement device shall report immediately to the director and to the local building official that the proof of financial responsibility required by this section will be terminated and shall include in the report the date of such termination.

SECTION 1700.0. APPEALS.

1700.1. *Assistance from director:* An owner of an amusement device aggrieved by a decision of the building official may request the director to assist the building official and the owner in resolving any questions arising from the interpretation and application of these regulations. The director may request advice or assistance from members of the Technical Advisory Committee in resolving any questions.

1700.2. *Appeal to review board:* When the questions cannot be resolved with the assistance of the director, the owner may appeal to the State Building Code Technical Review Board. Application for review shall be made to the review board within 15 days of the decision of the building official. The review board may request advice or assistance from members of the Technical Advisory Committee when rendering a decision.

1700.3. *Enforcement of decision:* Upon receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

1700.4. *Court review:* Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act.

SECTION 1800.0. CONTINUATION OF COMPLIANCE.

1800.1. *Continued compliance required:* Amusement devices constructed or manufactured before the effective date of the VADR shall be maintained, reassembled, operated and inspected in accordance with the provisions of the VADR. The construction and manufacture of such devices shall remain subject to the previous edition of the USBC in effect at the time the device was constructed or manufactured.

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Final Regulations

Title of Regulation: VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Effective Date: March 1, 1988

Summary:

The 1987 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.

*Article 1.
Administration and Enforcement.*

SECTION F-100.0. GENERAL.

F-100.0. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code. Except as otherwise indicated, Fire Prevention Code or code, shall mean the 1987 edition of the BOCA National Fire Prevention Code as herein amended.

F-100.2. Authority: The Virginia Statewide Fire Prevention Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Statewide Fire Prevention Code Act, Chapter 9 of Title 27 [(§§ 27-94 through 27-101)] of the Code of Virginia.

F-100.3. Adoption: The Virginia Statewide Fire Prevention Code was adopted by order of the Board of Housing and Community Development on [December 14, 1987]. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and

Community Development, and is available for public inspection.

F-100.4. Effective date: The Virginia Statewide Fire Prevention Code shall become effective on [March 1, 1988].

F-100.5. Effect on other codes: The Virginia Statewide Fire Prevention Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia. The Virginia Statewide Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local government or other political subdivisions. When any provision of this code is found to be in conflict with the Uniform Statewide Building Code, OSHA, Health or other applicable laws of the Commonwealth, that provision of the Fire Prevention Code shall become invalid. Wherever the words "building code" appear it shall mean the building code in effect at the time of construction.

[F-100.6. Purpose: The purpose of the Virginia Statewide Fire Prevention Code is to provide statewide standards for the optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located.]

SECTION F-101.0. REQUIREMENTS.

F-101.1. Adoption of model code: The following model code, as amended by sections F-101.2 and F-101.3, is hereby adopted and incorporated in the Virginia Statewide Fire Prevention Code.

- The BOCA Basic/National Fire Prevention Code/1987 Edition

Published by:

*Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60477*

F-101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Virginia Statewide Fire Prevention Code.

F-101.3. Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA National Fire Prevention Code/1987 Edition for use as part of this code.

F-101.4. Limitation of application of model code: No

provision of the model code shall affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-101.5. Application of Uniform Statewide Building Code: The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Uniform Statewide Building Code; and any alterations, additions or changes in building required by the provisions of this code which are within the scope of the Uniform Statewide Building Code shall be made in accordance therewith. Upon completion of such structures or buildings, responsibility for fire safety protection shall pass to the local fire official or State Fire Marshal.

F-101.6. Existing buildings: The Virginia Statewide Fire Prevention Code shall not impose requirements that are more restrictive than the applicable building code under which said buildings or structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the [then] current edition of the Uniform Statewide Building Code. [Existing buildings shall also be subject to the requirements of the Building Maintenance Code, Volume II - Uniform Statewide Building Code.]

F-101.7. Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Fire Prevention Code.

SECTION F-102.0. ENFORCEMENT AUTHORITY.

F-102.1. Enforcement officer: Any local government may enforce the Statewide Fire Prevention Code. The local governing body may assign responsibility for enforcement of the Statewide Fire Prevention Code to a local agency or agencies of its choice. The State Fire Marshal shall have authority to enforce the Statewide Fire Prevention Code in jurisdictions in which the local governments do not enforce the code. [Upon appointment of the fire official, the Office of the State Fire Marshal shall be notified.] The terms "enforcing agency" and "fire official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

F-102.2. Qualification of local enforcing agency personnel: The local government shall establish qualifications for the fire official and his assistants, adequate to insure proper enforcement of the Statewide Fire Prevention Code.

Note: It is recommended that the fire official have at least five years of related experience. Consideration should be given for selection and maintenance of enforcing agency personnel by using certification programs offered by the Department of Housing and Community

Development, Department of Fire Programs, and ETS/NFPA.

F-102.3. Inspections: The fire official may inspect all buildings, structures and premises except single family dwellings, dwelling units in two family and multi-family dwellings, and farm structures as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

F-102.4. Right of entry: Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the fire official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the fire official may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire official by this code; provided that if such structure or premises be occupied, the fire official shall first present proper credentials and request entry. If such entry is refused, the fire official shall have recourse to every remedy provided by law to secure entry.

F-102.5. Coordinated inspections: Whenever in the enforcement of the Statewide Fire Prevention Code or another code or ordinance, the responsibility of more than one enforcement official may be involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction in order that such official may institute the necessary corrective measures.

Note: Attention should be directed to § 36-105 of the Code of Virginia which states in part, "The building official shall coordinate all reports with inspections for compliance of the building code, from fire and health officials DELEGATED such authority, prior to issuance of an occupancy permit." (Emphasis added)

F-102.6. Fire records: The fire official shall keep a record of all fires and all facts concerning the same, including investigation of findings and statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby. The fire official shall also keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act; and, (i) after retention for 20 years in the case of arson

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fires, (ii) after retention for five years in nonarson fires, and (iii) after retention for three years in the case of all other reports, notices, and orders issued.

F-102.7. Administration liability: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as an employee. The fire official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the Statewide Fire Prevention Code as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as an employee, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed in the discharge of the Statewide Fire Prevention Code may be defended by the enforcing agency's legal representative. [The State Fire Marshal or his subordinates shall not be personally liable for damages or costs sustained by any person when the State Fire Marshal or his subordinates are enforcing this code as part of their official duties under Section F-102.1.]

F-102.8. Rules and regulations: Local governments may adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations are not more restrictive than the Uniform Statewide Building Code and do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-102.9. Procedures or requirements: The local governing body may establish such procedures or requirements as may be necessary for the enforcement of the Statewide Fire Prevention Code.

F-102.10. Control of conflict of interest: The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.

SECTION F-103.0. DUTIES AND POWERS OF THE FIRE OFFICIAL.

F-103.1. General: The fire official shall enforce the provisions of the Statewide Fire Prevention Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

Note: Investigation of fires is governed by § 27-30 et. seq. of the Code of Virginia.

F-103.2. Notices and orders: The fire official may issue all necessary notices or orders to ensure compliance with the requirements of the Statewide Fire Prevention Code of the protection of life and property from the hazards of fire or explosion.

F-103.3. Delegation of duties and powers: The fire official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the code.

SECTION F-104.0. PERMITS.

F-104.1. General: It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; to conduct processes which produce conditions hazardous to life or property; or to establish a place of assembly without first notifying the local fire official. Permits may be required, by the local fire official, according to section F-104.2.

Note: The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code.

F-104.2. Permits required: Permits shall be obtained, when required, from the local fire official. Inspection or permit fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 27-98 of the Code of Virginia. Permits shall be available to the fire official upon request.

F-104.3. Application for permit: Application for a permit required by this code shall be made to the local fire official in such form and detail as the local fire official shall prescribe.

F-104.4. Action on application: Before a permit is issued, the local fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this code.

F-104.5. Conditions of permit: A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

Note: For rules and regulations governing the disposal of hazardous materials contact the Department of Waste Management and the Environmental Protection Agency.

F-104.6. Approved plans: Plans approved by the building

and fire officials are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

F-104.7. Revocation of permit: The local fire official may revoke a permit or approval issued under the provisions of this code if upon inspection any violation of the code exists, or if conditions of the permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

F-104.8. Suspension of permit: Any permit issued shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

F-104.9. Payment of fees: A permit shall not be issued until the designated fees have been paid, when required.

SECTION F-105.0. APPEAL TO BOARDS OF APPEALS.

F-105.1. Local appeals: Every locality electing to enforce this code shall establish a local board of appeals as required by § 27-98 of the Code of Virginia. Appeals to the local board may be made by the person cited for violation when aggrieved by any decision or interpretation of the local fire official made under the provisions of this code. The local board of appeals shall consist of at least five members who are qualified by experience and training to rule on matters pertaining to building construction and fire prevention. The local board of appeals shall be appointed by the local governing body and shall hold office in accordance with the terms of appointment. The local appeal board shall operate in accordance with the applicable provisions of the Administrative Processes Act, § 9-6.14 of the Code of Virginia. All local board hearings shall be open to the public. All resolutions or findings of the local board shall be in writing and made available for public viewing. The local board shall meet within 20 days upon receipt of application.

Appeal from the application of the code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board.

F-105.1.1. Grounds for appeal: The owner or occupant of a building may appeal a decision of the fire official to the local Building Code Board of Appeals when it is claimed that:

- 1. The fire official has refused to grant a modification of the provisions of the code;*
- 2. The true intent of this code has been incorrectly*

interpreted;

3. The provisions of this code do not fully apply;

4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

F-105.2. Application: An application for appeal shall be submitted, in writing, to the board of appeals within seven working days upon receipt of notice or order of the fire official.

F-105.3. Decision and notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant and the fire official.

F-105.4. Decision: The fire official shall take immediate action in accordance with the decision of the board.

F-105.5. Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the Local Board of Appeals who was a party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

F-105.6. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the fire official shall take immediate action in accordance with the decision.

F-105.7. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Title 9 of the Code of Virginia.

SECTION F-106.0. ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS.

F-106.1. General: Whenever the fire official or the fire official's designated representative shall find in any building, structure or upon any premises dangerous or hazardous conditions or materials as follows, the fire official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code:

- 1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.*
- 2. Conditions which would interfere with the efficiency and use of any fire protection equipment.*

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3. *Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire.*

4. *Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.*

5. *Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.*

6. *Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.*

7. *Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.*

8. *Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.*

9. *Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.*

10. *All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.*

F-106.2. Maintenance: The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the Uniform Statewide Building Code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

Note: Also see section F-502.6 and F-502.6.1 of this code for further information.

F-106.3. Occupant responsibility: If an occupant of a building creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of said hazardous conditions.

F-106.4. Unsafe buildings: All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or

open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action deemed necessary under the provisions of the Uniform Statewide Building Code Volume I/New Construction Code or Volume II/Building Maintenance Code to secure abatement by repair and rehabilitation or by demolition.

F-106.5. Evacuation: When, in the opinion of the fire official, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter, or reenter, until authorized to do so by the fire official.

F-106.6. Unlawful continuance: It is deemed a [Class 4 misdemeanor violation of the Statewide Fire Prevention Code] for any person to refuse to leave, interfere with the evacuation of the other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition.

F-106.7. Notice of violation: Whenever the fire official observes an apparent or actual violation of a provision of this code or ordinance under the fire official's jurisdiction, the fire official shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such persons by mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

F-106.8. Issuing summons for violation: In those localities where the fire official or his designated representative has been certified in accordance with § 27-34.2 of the Code of Virginia, a summons may be issued in lieu of the above mentioned notice of violation or the provisions of section F-106.9 may be invoked.

F-106.9. Failure to correct violations: If the notice of violation is not complied with in the time specified by the fire official, the fire official shall request the legal counsel of the jurisdiction to institute the appropriate legal

proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The local law-enforcement agency of the jurisdiction shall be requested by the fire official to make arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public when the fire official is not certified in accordance with § 27-34.2 of the Code of Virginia.

F-106.10. Penalty for violation: Violations are a Class 1 misdemeanor in accordance with § 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

F-106.11. Correction of violation required: The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation; or to stop an illegal act, conduct of business or use of a building or structure in or about any premises.

ADDENDA.

ADDENDUM 1.

AMENDMENTS TO THE BOCA NATIONAL FIRE PREVENTION CODE 1987 EDITION.

As provided in section F-101.3 of the Virginia Statewide Fire Prevention Code, the amendments noted in this Addendum shall be made to the BOCA National Fire Prevention Code 1987 edition for use as part of the Virginia Statewide Fire Prevention Code.

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT.

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Virginia Statewide Fire Prevention Code.

ARTICLE 2. DEFINITIONS.

1. Change section F-200.3 to read:

F-200.3. Terms defined in the other codes: Where terms are not defined in this code and are defined in the Uniform Statewide Building Code, they shall have the meanings ascribed to them as in that code.

2. Change the following definitions in section F-201 General Definitions to read:

"Building code official": The officer or other designated authority charged with the administration and enforcement of the Uniform Statewide Building Code, Volume I - New Construction Code.

"Code official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Building Code, Volume II, Maintenance Code. (Note: When "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official.")

"Occupancy classification": The various use groups as classified in the Uniform Statewide Building Code.

"Structure": An assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

3. Add these new definitions to section F-201.0 General Definitions:

"Building": A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from provisions of this code. The word building shall be construed as though followed by the words "or part or parts thereof and fixed equipment" unless the context clearly requires a different meaning. The word building includes the word structure.

"Building code": The building code in effect at the time of construction.

"Certificate of use and occupancy": The certificate issued by the code official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. (See section 119.0 of the USBC.)

"Combustible material": A material which cannot be classified as noncombustible in accordance with that definition.

"Farm building": A structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for maintenance, storage or use of animals or equipment related thereto.

"Fire official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Fire Prevention Code.

"Local government": Any city, county or town in this

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Commonwealth, or the governing body thereof.

"Night club": Means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food or alcoholic beverages; and may or may not provide music and space for dancing.

ARTICLE 3. GENERAL PRECAUTIONS AGAINST FIRE.

1. Change section F-301.1 to read:

F-301.1. General: Open burning shall be allowed in accordance with the laws and regulations set forth by the State Air Pollution Control Board, the Department of Forestry, and as regulated by the locality.

ARTICLE 4. HAZARD ABATEMENT IN EXISTING BUILDINGS.

1. Change section F-400.1 to read:

F-400.1. Continued maintenance: All service equipment, means of egress devices and safeguards which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order.

2. Delete the balance of ARTICLE 4 HAZARD ABATEMENT IN EXISTING BUILDINGS as it is covered by Volume I and Volume II of the Uniform Statewide Building Code.

[ARTICLE 5. FIRE PROTECTION SYSTEMS.

1. Add section F-509.4. Smoke Detector for the Deaf and Hearing-Impaired to read:

F-509.4. Audible and Visual Alarms: Audible and visual alarms, meeting the requirements of UL Standard 1638, and installed in accordance with NFPA/ANSI 72G, shall be provided in occupancies housing the hard of hearing, as required by § 36-99.5 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candella. Portable alarms meeting these requirements shall be acceptable.]

ARTICLE 16. OIL AND GAS PRODUCTION.

1. Delete ARTICLE 16 OIL AND GAS PRODUCTION as it is covered by the VIRGINIA OIL AND GAS ACT, Title 45, Chapter 22 of the Code of Virginia.

ARTICLE 26. EXPLOSIVES, AMMUNITION AND BLASTING AGENTS.

1. Change section F-2605.5 to read:

F-2605.5. Personnel condition: A person shall not be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. They shall also be familiar with all state and municipal traffic regulations and shall not be in violation of § 46.1-124 (Motor Vehicle Code; transportation of explosives) and § 40.1-25 (Department of Labor and Industry; storage, handling and use of explosives) of the Code of Virginia.

ARTICLE 27. FIREWORKS.

1. Change section 2700.1 to read:

F-2700.1. Scope: The manufacture, transportation, display, sale or discharge of fireworks shall comply with the requirements of Chapter 11, Title 59, of the Code of Virginia.

2. Change section F-2700.4 to read:

F-2700.4. Definition: Fireworks shall mean and include any item known as firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air. The term "fireworks" does not include auto flares, caps for pistols, pinwheels, sparklers, fountains or Pharoah's serpents provided, however, these permissible items may only be used, ignited or exploded on private property with the consent of the owner of such property.

3. Delete section F-2701.1 General.

4. Delete section F-2701.3 Exceptions.

ARTICLE 30. LIQUEFIED PETROLEUM GASES.

1. Change section F-3000.1 to read:

F-3000.1. Scope: The equipment, processes and operation for storage, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases shall comply with the Virginia Liquefied Petroleum Gas Regulations in effect at the time of construction as provided for in Chapter 7, Title 27 of the Code of Virginia.

2. Delete section F-3000.3 Record of installation:

3. Delete section F-3000.4 Definitions:

4. Delete section F-3001.0 Tank container system.

5. Delete section F-3002.0 Container storage.

6. Delete section F-3003.0 Use inside buildings.

- 7. Delete section F-3004.0 Fire safety requirements.
- 8. Delete section F-3005.0 Abandonment of equipment.

* * * * *

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1987.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Effective Date: March 1, 1988

NOTICE: Due to its length the 1987 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code filed by the Board of Housing and Community Development is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

Volume I - New Construction Code of the 1987 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide uniform regulation which must be complied with in all buildings or additions hereafter constructed, altered, enlarged, repaired, or converted to another use group. Its purpose is to protect the health, safety and welfare of building users, and to provide for energy conservation, water conservation and accessibility for the physically handicapped and aged. Technical requirements of the New Construction Code are based on the BOCA model Building Code. The New Construction Code specifies the enforcement procedures to be used by local governments. Enforcement by local governments is mandatory. Provision is made for modifications by the building official when alternate means will provide equivalent health and safety. An administrative appeals system is established for resolution of disagreements between the building owner and the building official.

Substantial changes made to the proposed regulation are as follows:

- 1. *Sprinklers in Buildings over 50 feet in Height: The Board of Housing and Community Development added a new Section 1002.6.1 to require statewide that buildings of Use Groups B, R-1 and R-2 be equipped with fire suppression systems when adequate public water is available. The new section specifies how the 50 feet is to be measured and requires the local building official to grant the reduced fire ratings permitted when sprinklers are provided. The section applies only to B, R-1 and R-2 buildings between 50*

and 75 feet high and does not impose the requirements of the high-rise section on those buildings.

2. *Handicapped Provisions: Section 512.0 of the proposed draft was amended. The accessibility provisions in the 1984 USBC Volume I will be retained, including the reference to the 1980 ANSI A117.1 Standard. The adoption of the 1986 ANSI standard and the revised adaptability requirements will be delayed until the studies and committee work currently under way are completed.*

3. *Asbestos Issues: New Section 105.10 added to include language from § 36-99.7 of the Code of Virginia requiring certification of asbestos inspections and abatement programs to building official before permits can be issued for renovation or demolition of certain buildings. Related changes to other sections of the code clarify that ordinary repairs do not include abatement programs for asbestos and that permits are required for asbestos abatement.*

4. *Visual Smoke Alarms for the Hard of Hearing: The proposed draft was modified to include a requirement that all visual alarms in those occupancies specified by § 36-99.5 of the Code of Virginia must provide an alarm with a minimum 100 candle intensity. This change sets a minimum 100 candle intensity rather than using the performance criteria in the referenced standard.*

* * * * *

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1987.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Effective Date: March 1, 1988

Summary:

Volume II - Building Maintenance Code of the 1987 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use. Technical requirements of the Building Maintenance Code are based on the BOCA National Building Code which serves as the basis for Volume I of the USBC, the New Construction Code. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies. Local enforcement of the Code is optional. An administrative appeals system is established for resolution of disagreements between the building owner and the code official.

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Substantial changes to the proposed regulation delete the requirement for pre-USBC buildings to be maintained in compliance with the Virginia Public Safety Regulations from section 100.5.1 because the code officials do not have the legal authority or responsibility to require compliance with the Public Building Safety Regulations.

VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1987.

Article 1.

Adoption, Administration and Enforcement.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as Volume II - Building Maintenance Code of the ~~1984~~ 1987 edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, Building Maintenance Code or Code, shall mean Volume II - Building Maintenance Code of the ~~1984~~ 1987 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume I - New Construction Code for regulations applicable to new construction. See Volume III - Fire Prevention Code for fire safety requirements applying to existing public buildings used by 10 or more persons.

100.2. Authority: The Building Maintenance Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3. Adoption: The Building Maintenance Code was adopted by order of the Board of Housing and Community Development on ~~November 18, 1985~~ [*December 14, 1987*]. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The Building Maintenance Code shall become effective on ~~April 1, 1986~~ [*March 1, 1988*].

100.5. Effect on other codes: The Building Maintenance Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, of the Code of Virginia. The Building Maintenance Code supersedes all building maintenance codes and regulations of the counties, municipalities political subdivisions and state agencies that may have been or may be enacted or adopted, except as modified by section 100.5.1, below.

Note: This will not prevent adoption in accordance with Chapter 1, Title 15 of the Code of Virginia or other special or general legislation, of other requirements by

local governments which do not affect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a building or structure.

100.5.1. Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code [~~and with the Virginia Public Building Safety Regulation/ 1984 1987 Edition~~ ; *provided, however, that the code official shall exempt from the provisions of the Uniform Statewide Building Code, Volume II, Building Maintenance Code, alterations of building uses, designs and equipment existing under a current certificate of occupancy unless an unsafe or unhealthy condition exists*].

100.5.2. Application to post-USBC buildings: Buildings or portions thereof that were subject to the Uniform Statewide Building Code when constructed, altered, converted or repaired shall be maintained in compliance with the Building Maintenance Code and with the edition of the USBC that was in effect at that time.

100.6. Exemptions for certain equipment: The provisions of the Building Maintenance Code shall not apply to distribution equipment installed by a provider of [~~public~~ *publicly*] regulated utility services, or to electrical equipment used for radio and television transmission. However, the buildings, including their service equipment, housing such utility services shall be subject to this Code. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights.

100.7. Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Building Maintenance Code. However, such structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable floodproofing regulations or mudslide regulations.

100.8. Purpose: The purpose of the Building Maintenance Code is to ensure public safety, health and welfare through proper building maintenance and use and continued compliance with minimum *standards* of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility ~~standards~~ . [*Proper building maintenance shall be deemed to include the maintenance and inspection of building equipment defined by § 36-97(13) of the Code of Virginia.*]

100.9. Workmanship: *All repairs, maintenance work, alterations or installations which are required for compliance with this code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this code.*

SECTION 101.0. REQUIREMENTS.

101.1. Adoption of model code: The following model code, as amended by sections 101.2 and 101.3, is hereby adopted and incorporated in the Building Maintenance Code.

° THE BOCA BASIC/ NATIONAL EXISTING STRUCTURES CODE/ 1984 1987 EDITION

Published by:

Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
County Club Hills, Illinois 60477 -5795

101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Building Maintenance Code.

101.3. Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA Basic/ National Existing Structures Code/ 1984 1987 edition for use as part of this Code.

101.4. Limitation of application of model code: No provision of the model code may be used to require alterations to the design or equipment of any portion of a building that was subject to the USBC when constructed, altered or converted as to use group, and which is occupied in accordance with the certificate of occupancy issued under the applicable edition of the USBC. ~~No provision of the model code that exceeds the requirements of the 1984 edition of the USBC may be applied to any portion of a building that was not subject to the USBC when constructed, altered or converted. In the application of the model code to other buildings, no requirement of the current edition of the USBC shall be exceeded.~~

Note: Efforts have been made to remove conflicts between Volume I - New Construction Code and Volume II - Building Maintenance Code. However, although the two codes are compatible, they may not always be comparable. The purpose of this section is to resolve any unforeseen conflicts with Volume I.

SECTION 102.0. LOCAL ENFORCING AGENCY.

102.1. Enforcement by local governments: Any local government may, after official action, enforce the Building Maintenance Code, or any portion of the Code. The local governing body may assign responsibility for enforcement of the Building Maintenance Code, or any portion thereof, to the a local agency or agencies of its choice. The terms "enforcing agency" and "code official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

[~~102.1.1.~~ 102.2.] Right of inspection: The local governing body may inspect existing buildings to enforce the Building Maintenance Code, as authorized by § 36-105 of the Code of Virginia.

[~~102.2.~~ 102.3.] Interagency coordination: Where enforcement of any portion of the Building Maintenance Code is assigned to an agency other than the building department, such as the fire prevention bureau, such agency shall coordinate its reports of inspection with the building department. All required alterations, repairs, installations or constructions shall be subject to the building permit and certificate of use and occupancy provisions of the Uniform Statewide Building Code, Volume I, New Construction Code.

[~~102.3.~~ 102.4.] Code official: Each local enforcing agency shall have an executive official in charge, hereinafter referred to as the code official.

[~~102.4.~~ 102.4.1.] Appointment: The code official shall be appointed by the local government.

102.5. Qualification of local enforcing agency personnel: The local government shall establish qualifications for the code official and his assistants adequate to ensure proper administration and enforcement of the Building Maintenance Code.

Note: Detailed requirements for the qualifications of the building official and [~~his technical~~] assistants are provided in Volume I - New Construction Code of the Uniform Statewide Building Code. However, if a person from another agency is appointed as the code official to enforce the Building Maintenance Code, the requirements of Volume I - New Construction Code would not apply. In such cases, it is recommended that the code official have at least five years of related experience. Consideration should be given to the use of the Virginia Voluntary Certification Program for Building Officials and Assistants certification [~~examinations programs~~] approved by the Department of Housing and Community Development and of the Fire Inspection Certification Program of the state Department of Fire Programs in the selection and ~~maintenance~~ training of enforcing agency personnel.

102.6. Relief from personal responsibility: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency department as employees. The code official or [~~his the code official's~~] subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as employees, whether or not said costs are

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covered by insurance. Any suit instituted against any officer or employee because of an act performed by [~~him~~ such officer or employee] in the discharge of [his official] duties and under the provisions of the Building Maintenance Code may be defined by the enforcing agency's legal representative.

102.7. Control of conflict of interest: ~~An official or employee of the enforcing agency except one whose only connection is that of a member of the local Board of Building Code Appeals, shall not be engaged in or connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications thereof, unless that person is the owner of the building; such officer or employee shall not engage in any work which conflicts with official duties or with the interests of the enforcing agency within the jurisdiction in which the official or employee works. The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.~~

102.8. Assistance by state: Upon notification of appointment of a code official, the Office of ~~Uniform State~~ Building Code shall advise the official of all services offered and will keep [~~him~~ the official] continually informed of developments affecting the Code and its interpretation and administration.

SECTION 103.0. DUTIES AND POWERS OF THE CODE OFFICIAL.

103.1. General: The code official shall enforce the provisions of the Building Maintenance Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 38-118 of the Code of Virginia.

Note: Section 36-105 of the Code of Virginia provides that fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

~~103.2. Applications and permits: Applications for permits for any construction or alterations necessary for compliance with the FPC shall be made to the building official for issuance under the procedures prescribed in Volume I - New Construction Code of the Uniform Statewide Building Code.~~

~~103.2.1. 103.2.~~ Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the requirements of this Code for the health, safety and general welfare of the public.

103.3. Delegation of duties and powers: The code official may delegate his duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the Code.

103.4. Maintenance inspections: When the local government has acted under § 36-105 of the Code of Virginia to enforce the requirements of this Code, the code official may inspect buildings to which it applies to assure continued compliance.

103.5. Unsafe conditions not related to maintenance: When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a building which was constructed, altered, covered, or repaired before the effective date of the initial edition of the Uniform Statewide Building Code, and when such condition was not caused by faulty maintenance, or by failure to comply with the applicable state and local regulations that were in effect at the time, [~~he~~ the official] may order the minimum changes needed to remedy the hazardous condition. Such order shall be in writing and shall be made a part of the permanent records of the code official relating to the building affected.

Note: The Building Maintenance Code does not generally provide for retrofitting existing buildings. However, conditions may exist in older buildings, because of faulty design or equipment, that constitute such serious and dangerous hazards that correction is necessary to protect life and health. It is not the intent of this section that such changes comply fully with the requirements of the current edition of the Uniform Statewide Building Code. Only those changes that are needed to remedy the serious and dangerous hazards to life or health may be required by the code official. Reference is also made to section [~~107.0~~ 103.2] of the administrative provisions of the Uniform Statewide Building Code - Volume I, which provides authority for modifications to be issued for alternate means to be used that provide the same level of safety.

103.6 Annual report: At least annually, the code official shall submit to the authority designated by the local government a written statement of operations in the form and content prescribed by such local government. A copy shall be forwarded to the Office of ~~Uniform~~ [State Building Code Professional Services] for use in studies to improve the Virginia Uniform Statewide Building Code system.

103.7. Enforcing agency records: The code official shall keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act and, (i) after retention for one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (ii) after retention for three years in the case of all other buildings.

SECTION 104.0. APPLICATIONS AND PERMITS.

104.1. Procedures: Applications for permits for construction or alterations necessary to comply with this code shall be made to the building official under the procedures

prescribed in Volume I - New Construction Code of the Uniform Statewide Building Code.

SECTION 105.0. MODIFICATIONS.

105.1. Modifications: When there are practical difficulties involved in carrying out any provision of the Code, the owner or [his the owner's] agent, or the code official, may apply to the building official for a modification under the procedures of Volume I - New Construction [Code] of the Uniform Statewide Building Code when the proposed modification involves alterations or construction for which a building permit would be required. When the proposed modification does not involve any alterations or construction for which a building permit would be required, the code official may issue the modification.

105.2. Records: A copy of the application for modification and a copy of the final decision of the official to whom the application was made shall be kept in the permanent records of the enforcing agency.

SECTION 106.0. VIOLATIONS.

106.1. Code violations prohibited: No person, firm or corporation shall maintain or use any building or equipment in conflict with or in violation of any of the provisions of this Code.

106.2. Notice of violation: The code official shall serve a notice of violation on the person responsible for maintenance or use of a building in violation of the provisions of this Code. Such order shall direct the discontinuance and abatement of the violation.

106.3. Prosecution of violation: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation; or to require the removal or termination of the use of the building in violation of the provisions of this Code.

106.4. Violation penalties: Violations of this Code are a misdemeanor in accordance with § 36-106 of the Code of Virginia, and upon conviction, may be punished by a fine of not more than \$1,000.

106.5. Abatement of violation: Conviction of a violation of this Code shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of this Code relating to maintenance and use of the building or premises.

[SECTION 107.0. APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS.

107.1. Grounds for appeal: The owner of a building or his agent may appeal from a decision of the code official to the local Building Code Board of Appeals established under Volume I - New Construction of the Uniform

Statewide Building Code within 20 days after the day the notice was served when it is claimed that:

1. The code official has refused to grant a modification of the provisions of the Code;
2. The true intent of this Code has been incorrectly interpreted;
3. The provisions of this Code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this Code has been denied.

107.2. Form of application: Applications for appeals shall be submitted in writing to the Local Building Code Board of Appeals.

107.3. Notice of meeting: The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within 20 working days of the filing of an appeal.

107.4. Hearing open to public: All hearings shall be public. The appellant, the appellant's representative, the code official of the jurisdiction and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

107.5. Postponement of hearing: A quorum shall be more than 50% of the board. When a quorum of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to 10 working days. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official.

107.6. Form of decision, notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the code official.

107.7. Enforcement of decision: The code official shall take immediate action in accordance with the decision of the board.

SECTION 108.0. APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.

108.1. Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

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108.2. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the code official shall take immediate action in accordance with the decision.

108.3. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Chapter 1.1-1, Title 9 of the Code of Virginia.]

SECTION [~~109.0.~~ 107.0.] UNSAFE BUILDINGS.

109.1. Right of condemnation: This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through deterioration, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a hazard, or are otherwise dangerous to human life or the public welfare. All such buildings shall be made safe through compliance with this Code or shall be vacated, taken down and removed. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

[~~109.1.~~ 107.1] *General: This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through damage, deterioration, infestation, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a hazard, or are otherwise dangerous to human life, health or safety, or the public welfare. All such buildings shall be declared by the code official to be a public nuisance and unfit for human habitation and shall be made safe through compliance with this code or shall be vacated, and either secured against public entry, or taken down and removed as directed by the code official. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.*

[~~109.2.~~ 107.2] Inspection of unsafe buildings: The code official shall examine every such building reported as unsafe, and shall prepare a report to be filed in the records of the enforcing agency. In addition to a description of unsafe conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure.

[~~109.3.~~ 107.3.] Notice of unsafe buildings: If a building is found to be unsafe, the code official shall serve a notice to the owner, [his the owner's] agent or person in control of the unsafe building. The notice shall specify the required repairs or improvements to be made to the building, or require the unsafe building, or portion of the building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare to the designated official without delay his

acceptance or rejection of the terms of the notice.

[*Note: Whenever possible, the notice of unsafe building should also be given to the tenants of the unsafe building.*]

[~~109.4.~~ 107.4.] Posting of unsafe building notice: If the person named in the notice of unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

109.5. Disregard of notice: Upon refusal or neglect of the person served with a notice of unsafe building to comply with requirements of the notice to abate the unsafe condition, the code official may revoke the occupancy permit.

109.6. Authority to vacate building: When in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life, the code official may order the occupants to vacate the building. The code official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the code official for one of the following purposes: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

[~~109.5.~~ 107.5.] Disregard of notice: Upon refusal or neglect of the person served with a notice of unsafe building to comply with requirements of the notice to abate the unsafe condition, the code official may revoke the certificate of occupancy. In the case of a vacant building, including one vacated through revocation of the certificate of occupancy, the code official may cause the building to be closed through any available means.

[~~109.6.~~ 107.6.] Authority to vacate building: When in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life; or when a building is declared a public nuisance, and unfit for human habitation, the code official may order the occupants to vacate the building. The code official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE

OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the code official for one of the following purposes: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

[~~109.7.~~ 107.7.] Temporary safeguards and emergency repairs: When, in the opinion of the code official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation of this code results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, the code official shall have the necessary work done to the extent permitted by the local government to make such building or part of the building temporarily safe, whether or not legal action to force compliance has begun.

[SECTION 108.0. APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS.

108.1. Grounds for appeal: The owner of a building or the owner's agent may appeal from a decision of the code official to the local Building Code Board of Appeals established under Volume I - New Construction Code of the Uniform Statewide Building Code within 20 days after the day the notice was served when it is claimed that:

- 1. The code official has refused to grant a modification of the provisions of the code;*
- 2. The true intent of this code has been incorrectly interpreted;*
- 3. The provisions of this code do not fully apply;*
- 4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.*

108.2. Form of application: Applications for appeals shall be submitted in writing to the Local Building Code Board of Appeals.

108.3. Notice of meeting: The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within 20 working days of the filing of an appeal.

108.4. Hearing open to public: All hearings shall be public in accordance with the Virginia Freedom of Information Act. The appellant, the appellant's representative, the code official of the jurisdiction and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

108.5. Postponement of hearing: A quorum shall be more than 50% of the board. When a quorum of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the

start of the hearing, request a single postponement of the hearing of up to 10 working days. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official.

108.6. Form of decision, notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the code official.

108.7. Enforcement of decision: The code official shall take immediate action in accordance with the decision of the board.

SECTION 109.0. APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.

109.1. Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a party to the appeal, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

109.2. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the code official shall take immediate action in accordance with the decision.

109.3. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Chapter 1.1:1 of Title 9 of the Code of Virginia.]

SECTION 110.0. DEMOLITION OF BUILDINGS.

110.1. Procedures for demolition: Whenever a building is to be demolished pursuant to any provision of this Code, the work shall be carried out in compliance with the requirements of Volume I - New Construction Code of the Uniform Statewide Building Code.

[SECTION 111.0. VALIDITY.

111.1. Partial invalidity: In the event any part or provision of the USBC is held to be illegal or void, such holdings shall not have the effect of making void or illegal any of the other parts of provisions thereof. It shall be presumed that the USBC would have been adopted without such illegal or invalid part or provision if the determination of invalidity had been shown at the time of adoption.]

ADDENDA.

ADDENDUM 1.

Final Regulations

AMENDMENTS TO THE BOCA BASIC NATIONAL EXISTING STRUCTURES CODE/ 1984 1987 EDITION.

As provided in section 101.3 of Volume II - Building Maintenance Code of the 1984 1987 edition of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the BOCA Basic National Existing Structures Code/ 1984 1987 edition for use as part of the Building Maintenance Code.

Note: The following sections of the BOCA Existing Structures Code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-97 (7) of the Code of Virginia: ES-301.1, ES-301.1.1, ES-301.3, ES-301.4, ES-301.6, ES-301.7, ES-301.10, ES-301.10.1, ES-301.10.2, ES-301.11, ES-801.2, and ES-801.3.

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT.

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Building Maintenance Code.

ARTICLE 3. ENVIRONMENTAL REQUIREMENTS.

1. Delete Section ES-301.1
2. Delete Section ES-301.1.1
3. Delete Section ES-301.3.
4. Delete Section ES-301.4.
5. Delete Section ES-301.6.
6. Delete Section ES-301.7.

Note: The above sections of this code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-99(7) of the Code of Virginia.

7. Delete Section ES-301.10.
8. Delete Section ES-301.10.1.
9. Delete Section ES-301.10.2.
10. Delete Section ES-301.11.

ARTICLE 4. LIGHT, VENTILATION AND SPACE REQUIREMENTS.

Change Section ES-401.2 to read:

ES-401.2. Habitable spaces: Every habitable space shall

have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 4.0% of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any other room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

ARTICLE 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.

Change section ES-503.5 to read:

ES-503.5. Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use as required by the energy and plumbing codes listed in the Virginia Uniform Statewide Building Code, Volume 1 - New Construction.

ARTICLE 6.

1. Delete section ES-601.5 Boiler inspections:

Note: See § 36-97(13) of the Code of Virginia for equipment definition.

ARTICLE 7.

Add new section ES-704.2.1:

ES-704.2.1. Visual and audible alarms: [Visual and audible alarms shall be provided for the deaf and hard of hearing in occupancies housing the hard of hearing as required by § 36-99.5 of the Code of Virginia. Visual and audible alarm devices shall be of approved type, shall provide a distinctive tone, shall meet the requirements of ANSI/UL Standard 1638, shall provide an effective intensity of not less than 100 candela in accordance with ANSI/NFPA Standard 72G, section 3-2.4.3, and shall not be used for any purpose other than that of a fire alarm. Visual and audible alarms meeting the requirements of ANSI/UL Standard 1638 and ANSI/NFPA 72G shall be provided in occupancies housing the hard of hearing as required by § 36-99.5 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candella. Portable alarms meeting these requirements shall be accepted.]

ARTICLE 8.

1. Delete Section ES-801.2

2. Delete Section ES-801.3

ARTICLE 9.

Delete Article 9.

APPENDIX A.

Delete Appendix A.

Change Appendix A as follows:

1. Delete standard reference number NECC-87 National Energy Conservation Code.

2. Delete standard reference number NFPC-87 National Fire Prevention Code and substitute the Uniform Statewide Fire Prevention Code as adopted by the Virginia Department of Housing and Community Development.

APPENDIX B.

Delete Appendix B.

APPENDIX C.

Delete Appendix C.

* * * * *

Title of Regulation: VR 394-01-31. Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations/1987.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Effective Date: March 1, 1988

Summary:

The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes. For clarity and ease of enforcement, the regulations are divided into two parts.

PART ONE continues the existing state regulations for industrialized buildings, providing precertification of concealed portions of such buildings which cannot be readily inspected at the point of use. The certification system includes: (i) state accreditation and monitoring of independent compliance assurance agencies in reviewing the design and inspecting the construction of industrialized buildings; (ii) assignment of responsibility of site inspections to local building departments and (iii) a state program to secure correction of defects discovered on site. Several

definitions have been changed in PART ONE and the appeals process was expanded and modified to recognize the State Building Code Technical Review Board as a result of legislative changes to the enabling law, Title 36, Chapter 4 of the Code of Virginia. The 1987 Editions of the model codes also replace the 1984 Editions to update the standards consistent with those in the Uniform Statewide Building Code.

PART TWO of the regulations applies exclusively to manufactured homes that are subject to federal regulations. Virginia participants in the enforcement of the Federal Regulations under a plan approved by HUD. Legislative changes modifying Chapter 4 and adding Chapter 4.1 in Title 36 of the Code of Virginia required several changes to be made in these regulations. The term "mobile home" has been replaced throughout the regulations by the term "manufactured homes" due to state and federal laws. A new Article 14, Violations, was added to address the new provisions in Chapter 4.1. The section on consumer complaints was added to explain the process for processing and resolving consumer complaints on manufactured homes. Several definitions were also modified or added to reflect legislative changes.

VR 394-01-31. Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations/1987.

PART ONE. INDUSTRIALIZED BUILDINGS AND MOBILE HOMES NOT SUBJECT TO FEDERAL REGULATIONS.

ARTICLE 1. ADMINISTRATION.

SECTION 100.0. GENERAL.

100.1. Title: Articles 1 through 5 of these regulations shall be known as the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part One. Except as otherwise indicated, regulations, or these regulations, as used in Articles 1 through 5, shall mean the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part One.

100.2. Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Industrialized Building and Mobile Home Safety Law, Chapter 4, Title 36 of the Code of Virginia.

100.3. Adoption: The Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations were adopted by order of the Board of Housing and Community Development on November 18, 1985 [December 14, 1987]. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and

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Community Development, and is available for public inspection.

100.4. Application: Part One shall apply to industrialized buildings and mobile homes, as defined in Section 200.0, that are not subject to federal regulations.

100.5. Effective date: The effective date of Part One of these regulations is April 1, 1986 [March 1, 1988].

100.5.1. Compliance after effective date: No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building or mobile home which has been produced after the effective date of any provision of these regulations unless it conforms with such provision of the regulations.

100.5.2. Local regulations: Nothing in these regulations shall prevent the local adoption of requirements for industrialized buildings or mobile homes produced before the effective date of these regulations where necessary to provide for adequate safety to life, health and property.

100.6. Continued compliance: Industrialized buildings and mobile homes subject to any edition of these regulations when constructed shall be maintained in compliance with the applicable edition by the owners and/or occupants.

100.7. Purpose: The purpose of the Virginia Industrialized Building and Mobile Home Safety these regulations is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings and enforcement regulations for mobile homes.

100.8. Partial invalidity: In the event any part or provision of these regulations is held to be illegal or void, such holdings shall not have the effect of making void or illegal any of the other parts or provisions thereof. It shall be presumed that these regulations would have been adopted without such illegal or invalid part or provision if the determination of invalidity had been known at the time of adoption.

SECTION 101.0. ENFORCEMENT GENERALLY.

101.1. General: These regulations shall be enforced as authorized by Chapter 4 of Title 36 of the Code of Virginia. (Note: See Addendum 3, "Virginia Industrialized Building Unit and Mobile Home Safety Law.")

101.2. Inspection and enforcement: The Office of Industrialized [*the*] State Building Code is designated as the Board of Housing and Community Development's (the board) administrator's representative for the enforcement of these regulations. It shall have authority to make such inspections and to take such other actions as are required to enforce the regulations.

Note: The Office of [the] State Building Code shall act as the Building Official for registered industrialized

buildings.

101.2.1. Factory inspections: The board's administrator's representative shall, during reasonable hours, make such inspections of factories producing industrialized buildings or mobile homes as may be necessary to determine whether the approved testing facility compliance assurance agency having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

101.2.2. Field inspections: The board's administrator's representative may, during reasonable hours, make inspections to determine whether industrialized buildings or mobile homes, not at the time occupied as dwellings, are in compliance with these regulations. Such inspections may include but are not limited to: industrialized buildings and mobile homes on dealer lots, or industrialized buildings and mobile homes that are otherwise offered for sale to the public. Industrialized buildings or mobile homes that are occupied as dwellings may be examined from the exterior for the presence of labels and registration seals required by Article 5 of these regulations or may be inspected at the request of the owners or occupants.

101.2.3. Notice of violation: Where such representative the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

101.2.4. Placarding units in violation: Wherever the board's representative administrator finds any violations of the regulations, placards may be required on the noncomplying unit. Such placards shall not be removed except upon permission of the board's representative administrator. The placard shall list the violations and may prohibit the use of any unit, not at the time occupied as a dwelling, until the necessary corrections have been made.

101.2.5. Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the board, which shall investigate the complaint. The aggrieved party must file the appeal within 10 days of the receipt of the notice of violation. Unless the notice of violation is revoked by the board, the aggrieved party must comply with stipulations of the notice of violation.

~~101.3.~~ 101.2.5. Referral to local building officials: If the nature of the violation is such that it may be remedied under Section 102.0 of these regulations, the board's representative administrator may refer the matter to the local building official for enforcement.

101.3. Appeals: Local building officials, compliance assurance agencies or manufacturers of industrialized buildings may appeal the department's application of these regulations or notice of violation to the State Building Code Technical Review Board established by § 36-108 of the Code of Virginia. Such appeals shall be according to the procedures and time limits established in the Uniform Statewide Building Code, Volume 1 - New

Construction, Section 119.0.

101.3.1. *Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the administrator shall take immediate action in accordance with the decision.*

101.3.2. *Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, § 9-6.14:1 of Title 9 of the Code of Virginia.*

101.4. *Limitation of manufacturer's liability: The manufacturer of the unit building shall not be required to remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the unit registered industrialized building .*

101.5. *Penalty for violation: Any person, firm or corporation violating any provisions of these regulations shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$500.00 \$1,000 (§ 36-83 of the Code of Virginia).*

SECTION 102.0. ENFORCEMENT IN LOCALITIES.

102.1. *Responsibility of local building officials: Every local building official is authorized to and shall enforce the provisions of these regulations within the limits of his jurisdiction. He shall not permit the use of any industrialized building that does not comply with these regulations.*

102.2. *Labeled Registered industrialized buildings and mobile homes: Industrialized buildings and mobile homes that are both registered and labeled shall be accepted in all localities as meeting the requirements of this law ; and shall be accepted as meeting the requirements of safety to life, health and property imposed by any ordinance of any local governing body of this Commonwealth without further investigation, testing or inspection . Notwithstanding this provision, local building officials are authorized to carry out the following functions that apply to registered, labeled industrialized buildings and mobile homes provided such functions do not involve disassembly of units or parts of units; the registered building or change of design, or result in the imposition of more stringent conditions than those required by the approved testing agency compliance assurance agency or by these regulations.*

1. They may, after installation of the unit, shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include tests for tightness of plumbing systems and gas piping and tests for shorts at the meter connection in the electrical system.

2. They may shall verify that supplemental components required by the label or by these regulations are properly provided.

3. They may shall verify that the instructions of the label for installation and erection are observed.

4. They may shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with the standards of Article 3 of these regulations are observed.

5. They[shall may] require submission and approval of plans and specifications for the supporting structures, foundations including anchorages, and all other components necessary to form the completed building in combination with the labeled units . They may require such architectural and engineering services as may be specifically authorized by the standards of Article 3 of these regulations to assure that the supporting structures, foundations including anchorages, and other components necessary to form the completed building in combination with the labeled units are designed in accordance with these regulations.

6. They may shall enforce applicable requirements of these regulations and the USBC - Volume I for alterations and additions to the units or to the buildings for which they are component parts, and for their maintenance . As an aid, they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.

7. Where permitted by the standards of Article 3, they may establish local rules that require design for special wind, snow, earthquake and other local conditions whose existence is verified by authoritative records. Such rules shall not become effective until filed with and approved by the board.

8. 7. They may shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements of the USBC, except those governing the design and construction of the labeled units and the design of the buildings of which the labeled units are component parts registered building .

9. 8. They may shall verify that the unit building displays the required state registration seal and the proper label of the approved testing facility compliance assurance agency .

102.3. *Unlabeled Unregistered industrialized buildings and mobile homes: No unlabeled industrialized building or mobile home constructed after the effective date of these regulations shall be used until it has been inspected by the*

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local building official for compliance with these regulations. The building official shall require the units to be in compliance with these regulations, and may also require the units to comply with all applicable local regulations. *The building official shall determine whether any unregistered industrialized building complies with these regulations and shall require any noncomplying unregistered building to be brought into compliance with these regulations.* The building official shall enforce all applicable requirements of these regulations including those relating to the sale, rental and disposition of noncomplying units buildings. The building official may require submission of full plans and specifications for each unit and for the completed building of which it is to be a part. Concealed parts of the unit building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The government of any locality for which a building official has not been appointed may exercise the powers of enforcement for unlabeled unregistered industrialized buildings that are granted to the local building official, except for inspection.

102.3.1. *Unlabeled Unregistered industrialized buildings and mobile homes offered for sale: Unlabeled Unregistered industrialized buildings or mobile homes offered for sale by dealers in this Commonwealth shall be marked by a warning sign to prospective purchasers that the unit building is not labeled registered in accordance with these regulations and must be inspected and approved by the local building official having jurisdiction. The sign shall be of a size and form approved by the department administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.*

102.4. Disposition of noncomplying units building : When a unit building is found to be in violation of these regulations, the local building official may require the violations to be corrected before occupancy of the unit building is permitted and may require the unit building to conspicuously placarded to indicate that it may not be used in this Commonwealth until the corrections have been made. If the [unit building] is moved to another locality before the violations are corrected, such placard shall not be removed except upon permission of the building official in the new locality. If such locality has no building official, permission shall be obtained from the department before the placard is removed.

102.5. Report to the Office of Industrialized State Building Code: If the unit building is moved from the jurisdiction before the violations have been corrected, the local building official shall make a prompt report of the circumstances to the Office of Industrialized State Building Code. The report shall include the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the unit building, the manufacturer and the approved testing facility

compliance assurance agency .

3. The number of the Virginia registration seal.
4. The new destination of the unit building, if known.
5. The party responsible for moving the unit building.
6. Whether the unit building was placarded for violation.

SECTION 103.0. MODIFICATION OF THE REGULATIONS.

103.1. When modification may be granted: The board administrator shall have the power upon appeal request in specific cases to authorize modification of the regulations so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such appeals request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested.

103.1.1. Input by local building official: Before a modification is authorized, the building official having local jurisdiction may be afforded an opportunity to present his views and recommendations.

ARTICLE 2. DEFINITIONS.

SECTION 200.0. DEFINITIONS.

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

“Administrator” means the Director of the Department of Housing and Community Development or his designee.

“Approved” means as applied to a material, device, method of construction, labeled unit registered building or as otherwise used in these regulations means approved by the Board of Housing and Community Development administrator, unless the context clearly indicates another meaning.

“Approved testing facility” means an organization, or an architect or professional engineer registered in Virginia, determined by the department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings and mobile homes subject to Part One. The approved testing facility shall have the ability to list such units complying with standards approved by the board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label, seal or other evidence of compliance on each unit. An approved testing facility may utilize the services of other organizations or individuals determined by it to be qualified and reliable in

performing any of these functions; provided that the approved testing facility shall be held responsible for all such services.

"Board" means the Board of Housing and Community Development.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

"Department" means the Department of Housing and Community Development.

"Federal regulations" means the Manufactured Home Construction and Safety Standards and the procedural and Enforcement Regulations enacted by the U.S. Department of Housing and Urban Development in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Title VI of Public Law 93-383, 88 Stat. 700, 42 U.S.C. 5401, et seq.).

"Industrialized building" means a finished building in which one or more industrialized building units have been used.

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"Industrialized building unit" or "Unit" means a building assembly or system of building sub-assemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units. Off-site, as used in this definition, refers to an industrialized building unit produced at any place other than the location in the completed building where it is permanently positioned.

"Labeled", as applied to an industrialized building or

mobile home subject to Part One, means that the unit has been found by an approved testing facility to be in full compliance with all applicable safety standards specified by the board; the unit has been provided with appropriate evidence of such compliance by an approved, permanently affixed label, seal or similar device; the finding of compliance by the approved testing facility has been preceded by appropriate investigation, testing and evaluation of the unit model acceptable to the board; and inspections and other quality assurance follow-up services acceptable to the board have been provided at the point of manufacture to the extent necessary to ensure that each labeled production unit complies with Part One.

"Local building official" means an official designated by any city, town, or county to enforce structural, plumbing, electrical, mechanical or other building regulations for safety to life, health and property.

"Mobile home", as used within Part One, means a structure not subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

"Model" means a specific design, as designated by the producer, of an industrialized building or mobile home. Production units *buildings* of any model may include variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical or electrical systems or any other items governed by these regulations.

"Office of industrialized State Building Code" means the Office of the Department of Housing and Community Development which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations.

"Registered" means a labeled [an] industrialized building or mobile home subject to Part One [that] displays a registration seal issued by the Department of Housing and Community Development in accordance with Article 5 of these regulations.

"Regulations" means regulations as defined by Section 100.1.

"State building official" means the Office of State Building Code.

"State regulations" means the Virginia Industrialized Building and Mobile Home Safety Regulations, consisting of Part One (Articles 1 through 5) and Part Two (Article 11

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through 17).

"The law" or "this law" means the Virginia Industrialized Building Unit and Mobile Home Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of the Code of Virginia.

ARTICLE 3. SAFETY STANDARDS FOR INDUSTRIALIZED BUILDINGS OTHER THAN MOBILE HOMES .

SECTION 300.0. REQUIREMENTS.

300.1. Hazards prohibited and standards specified: Industrialized buildings ; ~~other than mobile homes~~, produced after the effective date of these regulations shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance with all applicable requirements of the code and standards specified in Section 301.0, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision.

300.2. ~~Combination of units and components: Where industrialized building units are used in combination with each other or in combination with other components, compliance of the entire resulting building with all applicable requirements of the codes and standards specified in Section 301.0 shall be acceptable evidence of compliance with this provision.~~

SECTION 301.0. REFERENCE STANDARDS.

301.1. Reference standards and time limits established: The standards and time limitations specified below are those referred to in Section 300.0:

BOCA BASIC/ NATIONAL BUILDING CODE

Published by: Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795

1. ~~1981 Edition - until (to be inserted)~~
2. 1. 1984 Edition - ~~no time limit until [June 1, 1988]~~
2. 1987 Edition - no time limit

BOCA BASIC/ NATIONAL PLUMBING CODE

1. ~~1981 Edition - until (to be inserted)~~
2. 1. 1984 Edition - ~~no time limit until [June 1, 1988]~~
2. 1987 Edition - no time limit

BOCA BASIC/ NATIONAL MECHANICAL CODE

1. ~~1981 Edition - until (to be inserted)~~
2. 1. 1984 Edition - ~~no time limit until [June 1, 1988]~~
2. 1987 Edition - no time limit

NATIONAL ELECTRICAL CODE - NFPA NO. 70

Published by: National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269

1. ~~1981 Edition - until (to be inserted)~~
2. 1. 1984 Edition - ~~no time limit until [June 1, 1988]~~
2. 1987 Edition - no time limit

301.2. Optional standard: The following standard may be used for one and two family dwellings only, as an alternative to the standards specified in Section 301.1.

ONE AND TWO FAMILY DWELLING CODE

Jointly published by: BOCA; Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213; International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

1. ~~1979 Edition and 1980 Supplement until (to be inserted)~~
2. 1. 1983 Edition and 1984 Supplement - ~~no time limit until [June 1, 1988]~~
2. 1986 Edition and 1987 Supplement - no time limit

301.3. General amendment to reference codes and standards: All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of these regulations and the applicable provisions of Article 1 of the Virginia Uniform Statewide Building Code.

301.4. Soldered joints: Solder or flux containing greater than 0.2% lead shall not be used in potable water service or potable water distribution piping.

301.5. Insect screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with

approved tight fitting screens of not less than 16 mesh per inch.

ARTICLE 4. APPROVED TESTING FACILITIES COMPLIANCE ASSURANCE AGENCIES .

SECTION 400.0. PROCEDURES FOR APPROVAL.

400.1. Application to ~~department administrator~~ : Application may be made to the ~~department administrator~~ for acceptance as ~~an approved testing facility a compliance assurance agency~~ as defined in Article 2. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the ~~department administrator~~ to determinewhether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized building for compliance with these regulations, and to provide adequate follow-up and compliance assurance services at the point of manufacture.

Note: A suggested format for the application for acceptance as ~~an approved testing facility a compliance assurance agency~~ may be obtained from the Office of ~~Industrialized State Building Code~~.

400.2. Freedom from conflict of interest: ~~An approved testing facility a compliance assurance agency~~ shall not be affiliated with nor influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. ~~An approved testing facility a compliance assurance agency~~ is judged to be free of such affiliation, influence, and control if it complies with all of the following conditions:

1. It has no managerial affiliation with producers, suppliers or vendors, and is not engaged in the sale or promotion of any product or material.
2. The results of its work accrue no financial benefits to the agency through stock ownership and the like, of any producer, supplier or vendor of the product involved.
3. Its directors and other management personnel, in such capacities, receive no stock option, or other financial benefit from any producer, supplier, or vendor of the product involved.
4. It has sufficient interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's or vendor's product with these regulations would not be a determining factor in its financial well-being.
5. The employment security status of its personnel is free of influence or control by producers, suppliers, or vendors.

400.3. Information required by ~~department the administrator~~ : The following information and criteria will be considered by the ~~department administrator~~ in designating ~~approved testing facilities compliance assurance agencies~~ :

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under these regulations.
3. Description of qualifications of personnel and their responsibilities.

Personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall meet the requirements of the American Society for Testing and Materials (ASTM) Standards E-541-84, Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings.

4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model [~~unit~~], factory follow-up, quality assurance, labeling of production ~~units buildings~~ , and specific information to be furnished on or with labels.
6. Procedures to deal with any defective ~~units buildings~~ resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

ARTICLE 5. LABELING, REGISTRATION AND FEES.

SECTION 500.0. LABELS.

500.1. Minimum information required: Every ~~labeled registered industrialized building and mobile home~~ shall be marked with a label, seal, or similar evidence of compliance supplied by the ~~approved testing facility compliance assurance agency~~ that includes the following information directly or by reference:

1. Name and address of ~~approved testing facility compliance assurance agency~~ .
2. Type of unit (~~mobile home or other type of industrialized building~~); and list of codes and standards for which the unit has been evaluated, inspected and found in compliance by the ~~approved testing facility~~.
2. List of codes and standards for which the building

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has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction classification, the use group classification and occupancy under those codes and standards.

3. Serial number of label.

4. Special instructions for handling, installation and erection, or list of such instructions that are furnished separately with the *unit building* .

5. Special conditions or limitations of use of the *unit building* under the standards for which the *unit building* has been evaluated, or list of such conditions and limitations that are furnished separately with the *unit building* .

500.2. Mounting of label: To the extent practicable, the label shall be so installed that it cannot be removed without destroying it. It shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection ; ~~except that on mobile homes the label shall be applied to the exterior of the unit in a location that can be readily viewed by the board's representative or local building official without entering into or upon the unit. Where the unit is part of a system of sub-assemblies the required label may be furnished as a single label for the system; provided each sub-assembly is listed on or with the label and is marked by the approved testing facility in some clearly identifiable manner that relates it to the label~~ *When a building is comprised of more than one section or module, the required label may be furnished as a single label for the entire building, provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner that is listed with the label .*

500.3. Manufacturer's data plate and other markings: The following information shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The approved testing facility compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:

1. Manufacturer's name and address.
2. Serial number of the label of the ~~approved testing facility compliance assurance agency~~ .
3. Serial number of the *unit building* .
4. Name of manufacturer and model designation of major factory installed appliances.
5. Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, and directions for water and drain connections.

6. For mobile homes, a zone map indicating the zone for which the home is designed.

7. For mobile homes, details relative to pier spacing and location on which the home design is based.

6. *Serial number of the registration seal.*

7. *Seismic design zone number.*

8. *Design Loads: Live load, Dead load, Snow load, and Wind load.*

500.4. Label control: The labels shall be under direct control of the approved testing facility compliance assurance agency until applied by the manufacturer to *units buildings* that comply fully with these regulations. The manufacturer shall place its order for labels with the approved testing facility compliance assurance agency . The manufacturer is not permitted to acquire labels from any other source. Each approved testing facility compliance assurance agency shall keep a list of the serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the department administrator upon request.

SECTION 501.0. REGISTRATION OF LABELED UNITS.

501.1. Registration seal for mobile homes: Every labeled mobile home, composed of one or more units, shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to any unit intended for sale or use in Virginia prior to its shipment from the factory.

501.2. Registration seal for industrialized buildings other than mobile homes: Each labeled unit, or combination of units, that constitutes a single-family house or that constitutes a single-family living unit in a building of multi-family occupancy, shall be marked with an approved registration seal issued by the department. Every labeled unit, or combination of units, that is erected as a single building for some other type of occupancy shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to any unit intended for sale or use in Virginia prior to its shipment from the factory.

501.1 Industrialized buildings eligible for registration: Any industrialized building must meet the following requirements to be registered and eligible for a Virginia Registration Seal:

1. *The design of the building has been found by a compliance assurance agency to be in full compliance with these regulations; and*
2. *The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts; and*

3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with these regulations; and

4. The building has been provided with appropriate evidence of such compliance with a label, seal or similar device permanently affixed by the compliance assurance agency.

501.2. Registration seal for industrialized buildings: Registered industrialized buildings shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacturer.

501.2.1. Number of seals required: Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building of a single occupancy and use group.

501.3. Issue of registration seals and fees: Approved registration seals may be purchased from the Department of Housing and Community Development in advance of use. The fee for each registration seal shall be set by the board. Checks shall be made payable to "Treasurer of Virginia."

501.4. Mounting of registration seal: To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the approved testing facility compliance assurance agency.

PART TWO.
MOBILE MANUFACTURED HOMES SUBJECT TO
FEDERAL REGULATIONS.

ARTICLE 11.
ADMINISTRATION.

SECTION 1100.0. GENERAL.

1100.1. Title: Articles 11 through ~~13~~ 14 shall be known as the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part Two. Part Two shall mean the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part Two.

1100.2. Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Manufactured Housing Construction and Safety Standards Law, Chapter 4.1, Title 36 of the Code of Virginia.

~~1100.2.~~ 1100.3. Application: Part Two shall apply to manufactured homes as defined in Section 1200.0.

~~1100.3.~~ 1100.4. Effective date: The effective date of Part two of these regulations is April ~~1~~, 1986 [March 1, 1988].

SECTION 1101.0. ENFORCEMENT GENERALLY.

1101.1. Federal regulation: Enforcement of Part two shall be in accordance with the Federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by Section 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of the department's regulations. (Part 3282 consists of subparts A through L, with Sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.)

1101.2. Delegation of authority: ~~By the authority of the board,~~ The Department of Housing and Community Development is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes ~~by the administrator according to § 36-85.5 of the Code of Virginia.~~ The Division of Building Regulatory Services of the Department of Housing and Community Development is designated ~~by the board~~ as a state administrative agency in the HUD enforcement program, and shall act as an agent of HUD. ~~The division, under the supervision of the Deputy Director of Building Regulatory Services,~~ as administrator is authorized to perform the activities required of an SAA by the HUD enforcement plan, including (but not limited to) investigation, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.

SECTION 1102.0. ENFORCEMENT IN LOCALITIES.

1102.1. Responsibility of local building officials: All local building officials are authorized by § 36-85.11 of the Law Code of Virginia to enforce the provisions of Part Two within the limits of their jurisdiction. Such local building officials shall enforce Part Two, subject to the general oversight of the division, and shall not permit the use of any manufactured home ~~that does not comply with Part Two within their respective jurisdictions containing a serious defect or imminent safety hazard within their jurisdiction.~~

1102.2. Effect of label: Manufactured homes displaying the HUD label shall be accepted in all localities as meeting the requirements of this Law, ~~and shall be acceptable as meeting the requirements of safety to life, health, and property imposed by any ordinance of any local governing body of this Commonwealth without further investigation, testing, or inspection which supersede the building codes of the counties, municipalities and state agencies.~~ Notwithstanding this provision, local building officials are authorized to carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve disassembly of the units or parts of the units, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations:

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1. After installation of the unit, They ~~may~~ shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, tests may be made for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.

2. They ~~may~~ shall verify that supplemental components required by the label or Part Two are properly provided.

3. They ~~may~~ shall verify that installation or erection instructions are observed.

4. They ~~may~~ shall verify that any special conditions or limitations of use stipulated by the label in accordance with the standards or Part Two are observed.

5. They ~~may~~ shall enforce applicable requirements of Part Two and the USBC - Volume I for alterations and additions to manufactured homes, and [~~shall may~~] enforce the USBC - Volume II for maintenance of the homes.

6. They ~~may~~ shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units.

7. They [~~shall may~~] verify that a manufactured home displays the required HUD label.

8. They [~~shall may~~] verify that nonconforming items have been corrected.

1102.3. Action upon noncompliance: Whenever any local building official finds that a manufactured home delivered for use in his jurisdiction is in violation of Part Two, he shall initiate the corrective procedure required, in accordance with Part Two.

1102.4. Report to the ~~division department~~ : Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the building official shall make a prompt report of the circumstances to the Division of Building Regulatory Services administrator . The report shall include a list of uncorrected violations, all information pertinent to identification and manufacture of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

SECTION 1103.0. RESTRICTIONS ON DISTRIBUTORS AND DEALERS.

1103.1. Alterations: No distributor or dealer shall perform or cause to be performed any alteration affecting one or more requirements set forth in the federal standards,

except those alterations approved by the Division of Building Regulatory Services administrator .

1103.1.1. Assistance from local building officials: In handling and approving dealer requests for alterations, the ~~division administrator~~ may be assisted by local building officials. The building officials shall report violations of this section and failures to conform to the terms of their approval to the ~~division administrator~~ .

1103.2. Installations: Distributors or dealers installing or setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the building official in accordance with section 621.0 of the USBC - Addendum I.

~~1103.2.~~ 1103.3. Prohibited resale: No distributor or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

SECTION 1104.0. CONTINUING ENFORCEMENT.

1104.1. Inspections: At any time when a manufactured home is located within the State of Virginia, and is not then occupied and used as a dwelling, the division shall have authority to inspect for violations of the federal standards, and to order the correction of any serious defect or imminent safety hazard found. Nothing contained in these regulations shall limit the authority granted local building officials to inspect occupied manufactured homes.

1104.1. Inspections: At any time during regular business hours when a manufactured home is located on a dealer's or distributor's lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or distributor's compliance with applicable state and federal laws and regulations.

The administrator shall give written notice to the dealer or distributor when any home inspected does not comply with the federal standards.

SECTION 1105.0. CONSUMER COMPLAINTS.

1105.1. Reports: The administrator shall receive all consumer complaints on manufactured homes reported to the department by owners, dealers, distributors, code officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by the department.

1105.2. Inspections: The administrator may conduct, or cause to be conducted, an on-site inspection of a manufactured home at the request of the owner reporting a complaint with the home or under the following conditions with the permission of the owner of the home.

1. The dealer, distributor or manufacturer requests an on-site inspection; or

2. The reported complaint indicates extensive and serious noncompliances; or

3. Consumer complaints lead the SAA to suspect that classes of homes may be similarly affected; or

4. Review of manufacturer's records, corrective action, and consumer complaint records leads the administrator to suspect secondary or associated noncompliances may also exist in a class of homes.

1105.2.1. *Coordination of inspections:* When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

1105.3. *Determination:* After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, distributor or owner for the noncompliance and any corrective action necessary.

1105.4. *Referral:* The administrator shall refer to the manufacturer of the home, in writing, any consumer complaint concerning that home reported to the administrator. The administrator may refer any such reported complaint to HUD, to the SAA in the [Commonwealth state] where the manufacturer is located and to the inspection agency involved with certifying the home.

1105.4.1. *Referral to the Virginia Department of Motor Vehicles:* When a review of the reported complaint or the on-site investigation of the complaint indicates a dealer or distributor is in violation of or has violated these regulations, the administrator shall refer the complaint to the DMV and shall provide such assistance and reports as requested by DMV in their handling of the complaint.

1105.5. *Follow-up:* The administrator shall assist the owner, dealer, distributor and manufacturer in resolving consumer complaints. The administrator shall monitor the manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

ARTICLE 12. DEFINITIONS.

SECTION 1200.0. DEFINITIONS.

1200.1. Definitions from Part One: Terms defined in Part One (Article 2) shall have the same meaning in Part Two, unless otherwise specifically indicated. Terms defined within the Federal Manufactured Home Construction and

Safety Standards and the Federal Manufactured Home Procedural and Enforcement Regulations, as adopted by the United States Department of Housing and Urban Development, shall have the same meanings in these regulations.

1200.2. Additional definitions:

"Act" or "The Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401, et seq.).

Note: The Act was originally entitled the National Mobile Home Construction and Safety Standards Act of 1974, but was amended as noted above. For this reason, the term mobile home in the federal standards has been replaced by the term manufactured home.

"Administrator" means the person designated by the board to enforce Part Two Director of the Department of Housing and Community Development or his designee.

"Board" means the Board of Housing and Community Development.

"Department" means the Department of Housing and Community Development.

"Division" means the Division of Building Regulatory Services of the Department of Housing and Community Development.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders [~~that the~~] manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk to death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Label" or "certification label" means the approved form of certification by the manufacturer that, under Section 3282.362(c)(2)(i) of the Act, is permanently affixed

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to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

"Manufactured home" means a structure subject to federal regulation which is transportable in one or more sections; is eight bodyfeet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Note: The term **Manufactured Home**, as noted earlier, replaces the term **Mobile Home** in the federal regulations and in Part Two.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of the United States Department of Housing and Urban Development.

"Serious defect" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"Standards" or "federal standards" means the Federal Manufactured Home Construction and Safety Standards adopted by HUD, in accordance with authority in the Act. Said standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and subpart G of the Federal Procedural and Enforcement Regulations the Department of Housing and Community Development which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia.

ARTICLE 13.

SAFETY STANDARDS.

SECTION 1300.0. FEDERAL STANDARDS.

1300.1. Compliance required: Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the federal standards, as amended.

SECTION 1301.0. MOUNTING AND ANCHORING.

1301.1. Reference to Uniform Statewide Building Code: Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the 1984 1987 Edition of the Virginia Uniform Statewide Building Code. The manufacturer's printed instructions shall supersede the requirements of the 1984 Edition of the Uniform Statewide Building Code where there are differences.

ARTICLE 14. VIOLATIONS.

SECTION 1400.0. VIOLATIONS.

1400.1. Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

1400.2. Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the State Building Code Technical Review Board, which shall act on the appeal in accordance with the provisions of the USBC - Volume I. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless, the notice of violation is revoked by the review board, the aggrieved party shall comply with the stipulations of the notice of violation.

1400.3. Penalty: Any person, firm or corporation violating any provisions of these regulations shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.

1984 1987 EDITION.

VIRGINIA INDUSTRIALIZED BUILDING AND MOBILE MANUFACTURED HOME SAFETY REGULATIONS. ADDENDA.

ADDENDUM 1. REQUIREMENTS FOR MOUNTING AND ANCHORING MOBILE UNITS AND MANUFACTURED HOMES.

The following requirements are from the 1984 1987 Edition of the Virginia Uniform Statewide Building Code:

SECTION 613.0. MOBILE HOMES.

613.1. Anchorage and tiedown: Mobile homes may be mounted on and anchored to permanent foundations specifically designed for each such mobile home. When the mobile home is not mounted on and anchored to a permanent foundation, a system of stabilizing devices conforming to accepted engineering practices shall be used. The manufacturer shall provide printed instructions with each mobile home specifying the location, required capacity and other details of stabilizing devices (tiedowns, piers, blocking, footings, etc.) on which the design of the mobile home is based. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost line.

613.2. Required Anchorage:

1. Mobile homes installed or relocated in the hurricane zone on or after October 15, 1974, and mobile homes installed or relocated outside of the hurricane zone on or after April 15, 1975, shall be anchored in accordance with this section.

2. The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof: Accomack, Charles City, Essex, Gloucester, Greensville, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Northampton, New Kent, Prince George, Richmond, Surry, Sussex, Southampton, Westmoreland, York.

3. Mobile homes equipped by the manufacturer with a system of tiedowns shall be attached vertically and diagonally to a system of ground anchors in a manner adequate to resist wind overturning and sliding as imposed by the design loads. Mobile homes hereafter installed in the hurricane zone shall be of hurricane and windstorm resistive design. Mobile homes not equipped by the manufacturer with a system of tiedowns shall be anchored in a manner deemed adequate by the local building official to resist wind overturning and sliding.

613.3. Placement of ground anchors: Unless the entire tiedown system, including ground anchors, is designed by a professional engineer or architect, ground anchors shall be placed as follows:

1. Hurricane zones: Not more than 12 feet on centers beginning from the front wall of the mobile home. Not more than six feet open-end spacing shall be provided at the rear line of the mobile home unless additional tiedowns are installed.

2. Nonhurricane zones: Not more than 24 feet on centers beginning from the front wall of the mobile home. Not more than six feet open-end spacing shall be provided at the rear wall of the mobile home unless additional tiedowns are installed.

3. Load capacity: Each ground anchor shall be capable

of resisting an allowable working load equal to or exceeding 3,150 pounds applied in the direction of the tiedown. In addition, each ground anchor shall be capable of withstanding a 50% overload without failure.

4. Weather resistance: Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.

SECTION 621.0. MOBILE UNITS AND MANUFACTURED HOMES.

621.1. General: Mobile units, as defined in section 201.0 shall be designed and constructed to be transported from one location to another and not mounted on a permanent foundation. Manufactured homes shall be designed and constructed to comply with the Federal Manufactured Housing Construction and Safety Standards and used with or without a permanent foundation.

621.2. Support and anchorage of mobile units: The manufacturer of each mobile unit shall provide with each unit specifications for the support and anchorage of the mobile unit. The manufacturer shall not be required to provide the support and anchoring equipment with the unit. Mobile units shall be supported and anchored according to the manufacturer's specifications. The anchorage shall be adequate to withstand wind forces and uplift as required in Article 11 for buildings and structures, based upon the size and weight of the mobile unit.

621.3. Support and anchorage of manufactured homes: The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e., tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured homes. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

621.3.1. Hurricane zone: Manufactured homes installed or relocated in the hurricane zone shall be of hurricane and windstorm resistive design in accordance with Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone.

The hurricane zone includes the following counties and all

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cities located therein, contiguous thereto, or to the east thereof:

Accomack	King William	Richmond
Charles City	Lancaster	Surry
Essex	Mathews	Sussex
Gloucester	Middlesex	Southampton
Greensville	Northumberland	Westmoreland
Isle of Wight	Northampton	York
James City	New Kent	
King & Queen	Prince George	

621.4. Anchorage of used mobile units and manufactured homes: When used mobile units or used manufactured homes are being installed or relocated and the manufacturer's original installation instructions are not available, the anchoring system, including ground anchors, shall be designed by a professional engineer or architect or shall be as follows:

- 1. Hurricane zone: Tiedowns shall be not more than eight feet on center and not more than two feet from the end of the unit.*
- 2. Nonhurricane zone: Tiedowns shall be not more than 12 feet on center and not more than two feet from the end of the unit.*
- 3. Ground anchor load capacity: Each ground anchor shall be capable of resisting without failure an allowable working load equal to or exceeding 3,150 pounds plus a 50% overload factor.*
- 4. Weather resistance: Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.*

* * * * *

Title of Regulation: VR 394-01-41. Virginia Public Building Safety Regulations.

Statutory Authority: § 27-72 of the Code of Virginia.

Effective Date: March 1, 1988

NOTICE: Due to its length the 1987 Edition of the Virginia Public Building Safety Regulations filed by the Board of Housing and Community Development is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

The 1987 edition of the Virginia Public Building Safety Regulations (VPBSR) replaces the 1984 edition. The Board of Housing and Community Development has made changes to improve clarity and to update certain obsolescent requirements. Other changes have been made to ensure better coordination with the Virginia Uniform Statewide Building Code and to reflect changes made necessary by the transfer of the State Fire Marshal's Office from the State Corporation Commission to the Department of Housing and Community Development in 1978. The format of the 1984 edition has been rearranged to more clearly reflect the application of the Virginia Public Building Safety Regulations according to the date of construction.

A definition for ambulatory was added in Part A, Article A-2 Definition, section A-200.0. This was done to make the VPBSR compatible with the Uniform Statewide Building Code and the Code of Virginia and Part D, Article D-4 Fire Safety Features of Construction, section D-404.0 Fire Retardant Ceilings D-404.1 Construction, was amended to prohibit the use of asbestos in plaster.

The Virginia Public Building Safety Regulations (VPBSR) is a mandatory, statewide, uniform regulation that must be complied with in all public buildings. Its purpose is to afford a reasonable minimum level of protection to life and property from fire hazards arising from improper design, maintenance or use. Requirements for buildings erected after the initial effective date of the Uniform Statewide Building Code in 1973 are identical to the fire safety requirements of the Virginia Uniform Statewide Building Code (USBC). Enforcement is by the State Fire Marshal with provision for optional, supplemental enforcement by local governments.

* * * * *

Title of Regulation: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/ 1984 1987 .

Statutory Authority: §§ 27-87 of the Code of Virginia.

Effective Date: March 1, 1988

Summary:

The Virginia Liquefied Petroleum Gas Regulations, 1987 Edition, is a mandatory, statewide, uniform regulation that must be complied with in the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing L-P gases for fuel purposes, and for odorization of L-P gases. The purpose of the regulations is to require the safe use and storage of L-P gases in order to protect individuals and property from fire and explosion hazards. All law-enforcement officers are empowered

to enforce the regulations.

The 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations has been updated to reference the 1986 Edition of the Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58.

VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/ 1984 1987 .

SECTION 100.0. GENERAL.

100.1. Title: The title of these regulations shall be the Virginia Liquefied Petroleum Gas Regulations. Except as otherwise indicated, regulations shall mean the ~~1984~~ 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations.

100.2. Authority: These regulations are adopted according to authority granted the Board of Housing and Community Development by the Liquefied Petroleum Gases Law, Chapter 7, Title 27, of the Code of Virginia.

100.3. Adoption: These regulations were adopted by order of the Board of Housing and Community Development on ~~November 18, 1985~~ [November 14,] 1987 . This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The ~~1984~~ 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations shall become effective on ~~April 1, 1986~~ [March 1,] 1988 .

100.5. Minimum standards for equipment: The design, construction, location, installation and operation of equipment for the storage, handling, odorization, transportation and use of liquefied petroleum gases shall conform to the minimum standards established by ~~the~~ these regulations.

100.6. Model Codes: The following model codes, and all portions of other model codes and standards that are referenced therein, are adopted and incorporated in these regulations:

A. Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58 (~~1983~~ 1986 Edition)

B. National Fuel Gas Code - NFPA 54 (1984 Edition) (ANSI Z223.1 1984)

100.7. Exception: Where the Uniform Statewide Building Code is applicable, it shall take precedence over these regulations.

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Title of Regulation: VR 435-01-1. Regulations for the Certification and Licensure of Librarians.

Statutory Authority: § 54-268.1 of the Code of Virginia.

Effective Date: February 18, 1988

Summary:

The final regulations establish a minimum entry level for the certification and licensure of librarians regarding educational and experience requirements, including minimum fees to operate the program in accordance with the conditions of the Callahan Act.

The final, adopted amendments to the proposed regulations inserted language that would permit certification, upon endorsement of the employing institution, of persons appointed to professional positions in the academic library.

Language was inserted to clarify the intent of the board in Part II of the certification process. In Part III language was inserted in Article 1, Qualifications, to clarify the intent of the board. Section 3.3 under this article was deleted.

Under Part IV, Granting and renewal of licenses, § 4.1 was deleted and incorporated under Part III, § 3.3. Under § 4.1, the renewal date was changed from July to September 30 beginning September 1990. Other sections under this part reflect language intended to clarify the intent of the board including the deletion of the provision for reinstatement.

In Part V, Article 1, Cause for revocation or nonrenewal of license, language was inserted in § 5.1 to clarify the intent of the board. Section 5.2 was deleted as was § 5.3. Section 5.4 becomes § 5.2.

VR 435-01-1. Regulations for the Certification and Licensure of Librarians.

PART I. GENERAL INFORMATION.

§ 1.1. Definitions.

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

"Board" means the Board for Certification of Librarians.

"Books and library materials" means books, maps, newspapers, magazines, pamphlets, manuscripts, documents, public records, microforms, audio and visual material in any format, machine readable data records,

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materials for the developmentally disabled and handicapped, or other documentary, written, or printed materials, using any technology, which are processed and organized for use by members of the general public.

"Library" means an educational and cultural institution established to provide books and library materials required to meet the range of informational service needs of respective constituencies.

"Professional librarian" means a person employed to work in a library in a position requiring extensive knowledge of informational resources, library service patterns, historical perspectives, and the ability to coordinate, synthesize and disseminate information through the use of books and library materials on a level equivalent to that required for graduation from a library school accredited by the American Library Association.

"Public library" means a library that receives its primary support from a local public tax base.

§ 1.2. Issuing authority, individuals covered and exempt from regulations.

Professional Librarian's Certificates shall be issued by the board to any individual who has met the education or experience requirements for certification as set forth in these regulations. This provision shall not apply to employees of the State Law Library or law libraries of counties or cities, or to librarians of public school libraries.

PART II. CERTIFICATION PROCESS.

Article 1. Certification by Endorsement.

§ 2.1. A certificate shall be issued to an applicant who holds a current, valid certificate granted by another [state or] jurisdiction, providing that [the standards for granting] this certificate [is are] comparable to [that granted by those required for certification in] the Commonwealth of Virginia.

Article 2. Certification by Education.

§ 2.2. A certificate shall be issued to an applicant who has earned a master's [or a doctoral] degree from a school of library [science] or information science that [was had a program] accredited by the American Library Association at the time the degree was awarded. [A certificate shall be issued to an applicant who has earned a doctoral degree in library or information science from an accredited institution.]

Article 3.
Certification [by Education and Experience. of
Academic Faculty by Institutional Endorsement.]

§ 2.3. A certificate shall be issued to an applicant who [has been awarded a graduate degree in library or information science from a school not accredited by the American Library Association and who presents evidence of having successfully completed at least three years of progressively responsible employment in one or more library-related positions, and who presents three letters of recommendation from librarians certified and licensed by the Commonwealth, testifying to the competence of the applicant to practice at a professional level is an academic library faculty member employed as a professional in an institution of higher learning in the Commonwealth and who is endorsed by that institution for certification].

[Article 4. Certification by Education and Experience.]

§ 2.4. A certificate shall be issued to an applicant who has been awarded [an undergraduate a graduate] degree [from an accredited college or university and who has successfully completed 18 semester hours (or the equivalent quarter hours) of library or information science on the graduate or undergraduate level and who presents evidence of having successfully completed at least five years of progressively responsible employment in one or more library-related positions and who presents five letters of recommendation from librarians certified and licensed by the Commonwealth, testifying to the competence of the applicant to practice at a professional level in library or information science from a school with a program not accredited by the American Library Association and who presents evidence of having successfully completed at least three years of progressively responsible employment in one or more library-related positions, and who presents three letters of recommendation from librarians who are either certified and licensed by the Commonwealth or who meet the standards set forth in § 2.1 of these regulations. These letters must testify to the competence of the applicant to practice at a professional level].

[§ 2.5. A certificate shall be issued to an applicant who has been awarded an undergraduate degree from an accredited college or university and who has successfully completed 18 semester hours of library or information science on the graduate level and who presents evidence of having successfully completed at least five years of progressively responsible employment in one or more library-related positions and who presents three letters of recommendation from librarians who are either certified and licensed by the Commonwealth or who meet the standards set forth in § 2.1 of these regulations. These letters must testify to the competence of the applicant to practice at a professional level.]

Article [4. 5.] Certification Fee.

[§ 2.5. § 2.6.] The application fee for a certificate shall be established by the board pursuant to § 54-1.28:1. Fees

are nonrefundable and shall not be prorated.

PART III.
LICENSING OF CERTIFIED LIBRARIANS.

Article 1.
Qualifications.

§ 3.1. Any person who has been granted a professional librarian's certificate by the board, or its predecessor, may [apply be considered eligible] for a license to practice as a professional librarian in the Commonwealth [and may apply for a license by submitting a form acceptable to the board with the prescribed fee].

Article 2.
Individuals Who Shall Hold a License.

§ 3.2. [Refer to § 54-268.1 of the Code of Virginia. All others who hold a valid certificate may hold a license. All individuals governed by § 54-271 of the Code of Virginia and holding certificates granted by the board at any time prior to the effective date of these regulations shall apply for a license within six months of the effective date of these regulations.]

[§ 3.3. All applications for initial licenses shall be made on the official application form, provided by the secretary of the Board for the Certification of Librarians, Department of Commerce. Applicants shall provide on the application form the number of the qualifying certificate granted by the board or any of its predecessors. The appropriate fee for the initial license shall accompany the application and be sent to the secretary of the board.]

PART IV.
GRANTING AND RENEWAL OF LICENSES.

[Article 1.
Individuals Who Shall Hold a License.]

[§ 4.1. Individuals governed by § 54-268.1 of the Code of Virginia shall apply for a license to the secretary of the Board for the Certification of Librarians, Department of Commerce. Those individuals holding certificates granted at any time prior to the effective date of these regulations shall apply for a license within six months of the effective date of these regulations. Individuals currently exempted from holding a license by virtue of position shall be governed by § 54-268.1 of the Code of Virginia at such time there is a change in position requiring licensure. In such case, the prior six months certification stipulation will be waived.]

Article [2. 1.]
Terms, Frequency and Fees for Renewal.

[§ 4.2. One month prior to the expiration date of an individual's license, the secretary of the board shall send a notice and the appropriate renewal application form to the individual librarian. The completed application form,

with the appropriate fee, shall be returned to the secretary no later than one month after the expiration date of the license.]

[§ 4.1. All licenses shall expire on September 30 of each even-numbered year beginning in September 1990.]

[§ 4.3. Licenses shall be renewed during July of every even-numbered year.]

[§ 4.2. The secretary of the board shall send a notice and the appropriate renewal application form to the individual librarian at the last known home address. The completed application form, with the appropriate fee, shall be returned to the secretary no later than one month after the expiration date.]

[§ 4.4. § 4.3.] Failure to receive written notice from the Director of the Department of Commerce does not relieve the licensee from the requirement to renew the license.

[§ 4.5. § 4.4.] Licenses shall be renewed upon application by the licensee and [payment receipt] of the [licensing appropriate] fee.

[§ 4.6. § 4.5.] The biennial renewal fee shall be established by the board pursuant to § 54-1.28:1. Fees are nonrefundable and shall not be prorated. The [penalty] fee for late renewal shall be [an amount equal to] twice [the amount of] the renewal fee.

[§ 4.7. § 4.6.] [If the licensee fails Licensees failing] to renew [the license their licenses] within six months following the expiration date [of the last valid license, the licensee shall be required to petition the board for reinstatement noted on the license shall not be permitted to renew their licenses and shall apply as new applicants]. [The applicant shall be required to present reasons for reinstatement on the appropriate form and the board may grant reinstatement of the license in conformity with existing regulations. The application fee for reinstatement shall be an amount equal to twice the renewal fee.]

[§ 4.8. § 4.7.] Written notice shall be given within 30 days to the secretary of the board by each licensee of any change of [principal business location, whereupon the board shall issue an amended license without fee for the unexpired portion of the biennial period home address].

PART V.
CAUSE FOR REVOCATION OR NONRENEWAL OF LICENSE.

Article 1.
Causes for Revocation of License.

§ 5.1. [A license shall be revoked and not renewed for any licensee who has been convicted of a violation of any law or regulation governing the practice of a professional librarian. The board has the power to suspend, revoke, or deny renewal of any license issued under the provisions of

Final Regulations

Chapter 11 of Title 54 of the Code of Virginia, and the regulations of the board, at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Chapter 1.1:1 of Title 9 of the Code of Virginia, where the licensee has been convicted of a crime perpetrated in the course of professional practices or has violated any law or regulation governing the practice of a professional librarian.]

[§ 5.2. No license shall be renewed for any applicant who has been convicted of a crime or felony perpetrated in the course of professional practice.]

[§ 5.3. A license may not be renewed for an applicant if complaints citing dereliction of professional duty on the part of the applicant have been lodged against the applicant by any citizen or citizens and such complaints have been filed by the complainant(s) with the board. In such cases, the board shall hold a hearing in Executive Session, hearing testimony from the complainant(s) and from the applicant. The decision of the right to renewal or revocation of a license is the prerogative of the board.]

[§ 5.4. § 5.2.] Any person whose license is revoked [, suspended] or not renewed has the right of appeal under the Administrative Process Act.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
P. O. Box 11066
Richmond, Virginia 23230-1066
Telephone: 804-367-8534
Toll Free: 1-800-552-3016



FEES: \$40.00

FEES: \$40.00

APPLICATION FOR PROFESSIONAL LIBRARIAN'S CERTIFICATE

DATE: _____

1. NAME: _____

2. RESIDENCE ADDRESS: _____

(_____) (Telephone Number)

(Elect one of the following means for certification)

Certification by Endorsement

I seek certification by endorsement. Attached is a copy of my certificate, granted by (state or jurisdiction) _____, on _____, on _____, Also attached is a copy of the regulations governing the granting of this certificate.

Certification by Education

I seek certification by virtue of my education. I received a master's degree in library or information science from (name and address of school) _____ which had a program accredited by the American Library Association at the time my degree was awarded on (date on diploma) _____.

I received a doctoral degree in library or information science from (name and address of school) _____. Attached is a copy of my diploma and/or my academic transcript showing successful completion of all requirements for the degree.

Certification by Institutional Endorsement

I seek certification by virtue of my position as a faculty member at (name and address of institution) _____. I hold the following academic degrees: (degree and name of granting institution) _____. This petition for certification is endorsed by: _____

(Chancellor or President of employing institution) (signature)

(Vice-president for Academic Affairs or Provost of employing institution) (signature)

Certification by Education and Experience - Graduate Degree

I seek certification by virtue of my education and experience. I received a master's or doctoral degree in library or information science from (name and address of school) _____, which was not accredited by the American Library Association at the time my degree was awarded in (date on diploma) _____. However, this university was accredited by (name of accrediting body) _____ at the time my degree was awarded. Attached is a copy of my diploma and/or my academic transcript showing successful completion of all requirements for the degree. I am also enclosing three letters of recommendation from librarians certified and licensed by the Commonwealth of Virginia, testifying to my competence to practice at a professional level. I have completed three years of progressively responsible employment in the following library-related positions: _____

Employing institution or organization(s), position title, dates in each position: _____

Certification by Education and Experience - Undergraduate Degree

I seek certification by virtue of my education and experience. I received a bachelor's degree in (major) _____ from (name of college or university) _____ which was accredited by (name of accrediting body) _____ at the time my degree was awarded on (date on diploma) _____. Attached is a copy of my diploma and my academic transcript showing at least 18 semester hours (or equivalent in quarter hours) of course work in library or information science. I am also enclosing three letters of recommendation from librarians certified and licensed by the Commonwealth of Virginia, testifying to my competence to practice at a professional level. I have completed five years of _____

progressively responsible employment in the following library-related positions: _____

Employing institution or organization(s), position title, dates in each position: _____

Send this application, all required documentation, and the application fee to: Commonwealth of Virginia, Department of Commerce, P. O. Box 11066, Richmond, Virginia 23230-1066.

Make check payable to: Treasurer of Virginia

ALL INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT.

(TO BE COMPLETED BY ALL APPLICANTS)

Have this AFFIDAVIT completed by a NOTARY PUBLIC

STATE OF _____

CITY/COUNTY OF _____

The undersigned being duly sworn deposes and says that he is the person who executed this application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of applicant

Signature of Notary Public: _____

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires _____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
P. O. Box 11066
Richmond, Virginia 23230-1066
Telephone Number: 804-367-8534 Toll Free: 1-800-552-3016



FEE: \$40.00

FEE: \$40.00

APPLICATION FOR PROFESSIONAL LIBRARIAN'S LICENSE

DATE: _____

1. NAME: _____

2. RESIDENCE ADDRESS: _____

()
(Telephone Number)

3. CERTIFICATE NUMBER: _____ DATE GRANTED: _____

I hold the Professional Librarian's Certificate listed above. I hereby apply for a license to practice as a professional librarian in the Commonwealth of Virginia.

Signature

Send this application and the application fee to: Commonwealth of Virginia, Department of Commerce, P. O. Box 11066, Richmond, Virginia 23230-1066. CHECKS SHOULD BE MADE PAYABLE TO THE "TREASURER OF VIRGINIA."

(TO BE COMPLETED BY ALL APPLICANTS)

STATE OF _____

CITY/COUNTY OF _____

The undersigned being duly sworn deposes and says that he is the person who executed this application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of applicant

Signature of Notary Public: _____

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires _____

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-50-5. Fees for Court Services Provided by Local Departments of Social Services.

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

Effective Date: March 1, 1988

Summary:

This regulation establishes a fee system for payment by the petitioner to the local department of social services for certain court ordered investigations. The services for which the local agency will be paid are those provided in court ordered custody investigations, adoption searches, nonagency placement adoption investigation report and visitation report. The amount of the fee to be charged shall be based on income, family size, and hourly cost of agency service.

In response to comments received, § 2.3 A.4 was added to state that the method used to determine the income levels for the application of fees conforms to that used to determine eligibility for the social services block grant programs. Section 2.3 A.5 was added to include examples of fees charged at varying percentages of median income.

VR 615-50-5. Fees for Court Services Provided by Local Departments of Social Services.

**PART I.
DEFINITIONS.**

§ 1.1. Definitions.

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

"Adoption search" means interviews and written or telephone inquiries made by an agency to locate and advise the biological parents or siblings of an adult adoptee's petition for identifying information from a closed adoption record. It includes a written report to the court of the results of the search. It may also include facilitating reunion of the parties as directed by the court.

"Agency placement adoption" means an adoption in which the child is in the custody of a local agency and is placed in the adoptive home by the local agency.

"Custody investigation" means a court ordered method to gather information regarding a child whose custody, visitation or support is in controversy or requires determination.

"Family" means the petitioner(s) and any person in the home for whom he has legal responsibility to support,

including the child to be adopted.

"Investigation and report of investigation" means the process by which the local agency obtains specific information required by the Code about the placement and the suitability of the adoption. The findings of the investigation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.

"Juvenile court" means the Juvenile and Domestic Relations District Court of Virginia.

"Local agency" means the local social service/welfare agency.

"Nonagency placement adoption" means an adoption in which the child is not in the custody of an agency and is placed in the adoptive home directly by the biological parent or legal guardian.

"Petitioner" means the person who presents a petition to the court.

"State board" means the Virginia Board of Social Services.

"Visitation and report" means the three visits made to the child during the six month probationary period required by and subsequent to the entry of an interlocutory order of adoption. The findings of the visitation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.

**PART II.
POLICY.**

§ 2.1. Services for which a fee is charged.

The services for which the local agency shall charge a fee are court ordered custody investigations, adoption searches, and nonagency placement adoption investigation and report and visitation and report.

§ 2.2. Current costs of services provided by local agencies.

The department shall determine the statewide average number of hours needed to provide each service. The statewide average hourly cost of service shall be calculated, considering both direct and indirect costs. The average time required for each service multiplied by the average hourly costs shall be used to determine the total cost of each service. The statewide average cost of service and average number of hours needed to provide each service shall be periodically redetermined.

§ 2.3. Income and fee schedule.

A fee schedule, based upon family size and income, shall be developed annually using the median income level

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for Virginia.

A. The fee schedule shall be as follows:

1. Families with 50% or less of median income shall not be charged a fee.

2. Families whose income falls between 50% and 100% of median income shall be charged an incremental percentage of the maximum fee.

3. Families whose income is above 100% median income shall be charged the maximum fee.

[4. The method used to determine income levels for application of the fee schedule shall conform to that used to determine eligibility for the social services block grant programs.

5. For example, using the 1988 median income level, the fee assessed to a family of four receiving nonagency adoption services of investigation, visitation, and reports shall be:

50% and below of median income	70% of median income	90% of median income	100% of median income and above
no charge	\$84	\$245	\$340]

B. Local agencies shall include in reports to the courts the amount of the fee assessed to the petitioners, if any. If a local agency finds an unusual circumstance that would affect a petitioner's ability to pay, it shall include this in its report to the court.

§ 2.4. Collection of fees.

A. In custody investigations, the fee shall be paid as prescribed by the juvenile court to the local agency, unless payment is waived.

B. In nonagency placement adoptions and adoption searches, the fee shall be collected by the circuit court prior to the entry of any final order and shall be disbursed to the local agency which performed the service.

C. The local agency shall report any fees collected as expenditures refunded on its financial report. The local agency's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-03. Upper James River Basin Water Quality Management Plan.

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

Effective Date: February 17, 1988

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biochemical Oxygen Demand (BOD/5) in identified stream segments.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

Summary:

The amendment revises the allowable carbonaceous BOD/5 loading upward from 1,110 LBS/day to 1,876.5 LBS/day for the Moores Creek Advanced Wastewater Treatment (AWT) Plant in Charlottesville and requires seasonal nitrification of the plant effluent.

The National Municipal Policy requires the Rivanna Water and Sewer Authority (RWSA) to obtain compliance with the final effluent requirements contained in the NPDES Permit authorizing the discharge from the Moores Creek AWT Plant by July 1, 1988. The RWSA, in conjunction with this requirement, contracted with a consulting firm to perform additional modeling on the stream.

Prior to the analysis, final effluent filtration appeared to be the solution to obtaining compliance. However, the recent analysis revealed the proposed treatment scheme would result in contravention of Water Quality Standards. The analysis predicted with 90% confidence that seasonal nitrification coupled with the current interim carbonaceous limit (15 mg/l) was needed to maintain standards.

VR 680-16-03. Upper James River Basin Water Quality Management Plan.

Upper James Water Quality Management Plan
State Water Control Board
Text of Regulation

Reference for the Rivanna River, river mile 38.1-23.5, and footnote four on Table 7 in Part 1 and Table 76 in Part 2 of Volume V-A of the Upper James River Basin Water Quality Management Plan would be amended as follows:

Stream	Segment Number	Segment Classification ¹	Mile to Mile	Significant Dischargers	Total Assimilative Capacity of Stream BOD ₅ Lbs/Day	Waste Load Allocation ² BOD ₅ Lbs/Day ²	Reserve BOD ₅ Lbs/Day ⁵
Rivanna River	2-11	W.Q.	38.1 - 23.5	RWSA - Moore's Creek AWT	1,110.0	1,040.0	70.0 (6%) ⁴
<u>Rivanna River</u>	<u>2-11</u>	<u>W.Q.</u>	<u>38.1 - 23.5</u>	<u>RWSA - Moore's Creek AWT</u>	<u>1,876.5</u> ⁴	<u>1,876.5</u>	<u>None</u>

~~4. -- 6 percent reserve: -- Determined by SWCB Valley Regional Office.~~

4. This assimilative capacity is based upon an ammonia loading no greater than 125.1 Lbs/Day.

None of the other portions of Volume V-A or the Plan Summary are affected by this amendment.

EMERGENCY REGULATION

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-2-490.1. Definitions -
Declaration of Estimated Income Tax by Individuals.

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

Effective Date: January 1, 1988 through December 31, 1988

ORDER ADOPTING AN EMERGENCY REGULATION

Pursuant to the authority vested in the Department of Taxation by § 58.1-203 of the Code of Virginia, and in accordance with § 9-6.14:9 of the Code of Virginia,

IT IS ORDERED that the following regulation be, and the same is hereby adopted

VR 630-2-490.1: Definitions
Declaration of Estimated Income Tax by Individuals

IT IS FURTHER ORDERED that this regulation shall be adopted upon the signature of the Governor and shall become effective on January 1, 1988 and remain in effect until December 31, 1988.

IT IS FINALLY ORDERED that this regulation be published and filed as required by the provisions of §§ 58.1-204, 9-6.14:9 and 9-6.14:22 of the Code of Virginia.

Enter: VIRGINIA DEPARTMENT OF TAXATION

/s/ W. H. Forst, Tax Commissioner
December 1, 1987

/s/ Gerald L. Baliles, Governor
December 26, 1987

Joan W. Smith, Registrar of Regulations
December 29, 1987 - 10:19 a.m.

Preamble:

Pursuant to legislation enacted by the 1987 Session of the General Assembly (HB 1119, Chapter 9), § 58.1-321 of the Code of Virginia was amended to change the definition of "Virginia Adjusted Gross Income" and to increase the minimum filing threshold below which the income of an individual is not subject to tax.

The Department of Taxation finds that an emergency situation exists necessitating the immediate promulgation of this regulation. This emergency precludes the usual procedures set forth for the promulgation of regulations under the Virginia Administrative Process Act ("APA", § 9-6.14:1 of the Code of Virginia, et seq.), and that emergency promulgation of this regulation is permitted in accordance with the APA.

The precise reason and factual basis for the emergency situation is that individuals impacted by this change will be required to file a Declaration of Estimated Income Tax (Form 760ES) prior to the time the Department of Taxation would be able to comply with the provisions of the APA. It is therefore necessary to provide immediate guidance to such individuals for their use from January 1, 1988 until such time as a regulation can be formally adopted under the APA.

This emergency regulation shall be adopted upon the signature of the Governor and shall take effect on January 1, 1988. It will expire on December 31, 1988, at which time a permanent regulation will have been adopted under the procedures set forth under the APA.

As part of the process of adopting the permanent regulation under the APA, the Department of Taxation will receive, consider and respond to any comments or suggestions to reconsider or revise this emergency regulation which might be submitted by interested persons or groups prior to its expiration.

VR 630-2-490.1. Definitions - Declaration of Estimated Income Tax by Individuals.

~~§ 630-2-490.1~~ VR 630-2-490.1 Definitions.

For the purpose of these regulations and unless otherwise required by the context, the following words and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise:

"Taxable year" means an individual's taxable year for federal income tax purposes.

"Commissioner" means the Tax Commissioner.

"Estimated tax" means the amount which an individual reasonably estimates to be the income tax due for the taxable year, less the amount estimated to be the sum of any credits allowable against the tax.

"Taxable income" means an individual's federal adjusted gross income for the taxable year with the additions, subtractions, deductions and other modifications and adjustments set forth in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia and regulations promulgated thereunder.

"Taxable year" means an individual's taxable year for federal income tax purposes.

"Virginia adjusted gross income" means federal adjusted gross income (FAGI) for the taxable year plus the addition additions set forth in Va. Code § 58.1-322B subsection B of § 58.1-322 of the Code of Virginia, and less the subtractions set forth in Va. Code § 58.1-322C and

the additional \$400 deduction for taxpayers over 65 years of age subsection C of § 58.1-322 of the Code of Virginia and the additional deduction set forth under subdivision 2(b) of subsection D of § 58.1-322 of the Code of Virginia.

"Estimated tax" means the amount which an individual estimates to be the income tax due for the taxable year, less the amount estimated to be the sum of any credits allowable against the tax.

"Commissioner" means the State Tax Commissioner.

* * * * *

Title of Regulation: VR 630-2-490.2. Declarations of Estimated Tax - Declaration of Estimated Income Tax by Individuals.

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

Effective Date: January 1, 1988 through December 31, 1988

ORDER ADOPTING AN EMERGENCY REGULATION OF THE DEPARTMENT

Pursuant to the authority vested in the Department of Taxation by § 58.1-203 of the Code of Virginia, and in accordance with § 9-6.14:9 of the Code of Virginia,

IT IS ORDERED that the following regulation be, and the same is hereby adopted

VR 630-2-490.2: Declarations of Estimated Tax Declaration of Estimated Income Tax by Individuals

IT IS FURTHER ORDERED that this regulation shall be adopted upon the signature of the Governor and shall become effective on January 1, 1988 and remain in effect until December 31, 1988.

IT IS FINALLY ORDERED that this regulation be published and filed as required by the provisions of §§ 58.1-204, 9-6.14:9 and 9-6.14:22 of the Code of Virginia.

Enter: VIRGINIA DEPARTMENT OF TAXATION

/s/ W. H. Forst, Tax Commissioner
December 1, 1987

/s/ Gerald L. Baliles, Governor
December 26, 1987

Joan W. Smith, Registrar of Regulations
December 29, 1987 - 10:19 a.m.

Preamble:

Pursuant to legislation enacted by the 1987 Session of the General Assembly (SB 421, Chapter 599), § 58.1-490 of the Code of Virginia was amended to

change the requirements regarding the filing of a declaration of estimated income tax. This amendment requires that the Tax Commissioner, by regulation, set the filing threshold for filing a declaration of estimated income tax.

The Department of Taxation finds that an emergency situation exists necessitating the immediate promulgation of this regulation. This emergency precludes the usual procedures set forth for the promulgation of regulations under the Virginia Administrative Process Act ("APA", § 9-6.14:1 of the Code of Virginia, et seq.), and that emergency promulgation of this regulation is permitted in accordance with the APA.

The precise reason and factual basis for the emergency situation is that individuals impacted by this change will be required to file a Declaration of Estimated Income Tax (Form 760ES) prior to the time the Department of Taxation would be able to comply with the provisions of the APA. It is therefore necessary to provide immediate guidance to such individuals for their use from January 1, 1988 until such time as a regulation can be formally adopted under the APA.

This emergency regulation shall be adopted upon the signature of the Governor and shall take effect on January 1, 1988. It will expire on December 31, 1988, at which time a permanent regulation will have been adopted under the procedures set forth under the APA.

As part of the process of adopting the permanent regulation under the APA, the Department of Taxation will receive, consider and respond to any comments or suggestions to reconsider or revise this emergency regulation which might be submitted by interested persons or groups prior to its expiration.

VR 630-2-490.2. Declarations of Estimated Tax - Declaration of Estimated Income Tax by Individuals.

§ 630-2-490.2 VR 630-2-490.2. Declarations of estimated tax.

A. § 1. Requirement of declaration.

1. A. Every resident and nonresident individual shall make a declaration of his estimated tax for every taxable year, if his Virginia adjusted gross income, other than from wages on which tax is withheld under Va. Code § 58.1-460 et. seq. and Virginia Income Tax Withholding Regulations, § 630-6-460 et seq. (the "Withholding Requirements"), can reasonably be expected to exceed \$400 plus the sum of the personal exemptions to which he is entitled. In other words, a declaration is required if (i) the amount of Virginia adjusted gross income from which no tax is withheld is greater than (ii) the sum of \$400 and the personal exemptions to which the taxpayer is entitled. estimated tax, as defined in VR 630-2-490.1, is greater than

Emergency Regulation

§150. This requirement of declaration is in effect throughout the entire taxable year.

2- B. A taxpayer is not required to file a declaration if

1. His estimated tax is \$150 or less; or

a 2. He is single and his expected Virginia adjusted gross income is less than ~~\$3,000~~ \$5,000 ; or

b 3. He is married and the combined expected Virginia adjusted gross income of the couple is less than ~~\$3,000~~ \$8,000 ; or

e 4. He is not required to file a Virginia income tax return pursuant to the provisions of ~~Va. Code § 58.1-342~~ § 58.1-342 of the Code of Virginia .

EXAMPLE 1: Taxpayer A is employed to render domestic service in the local chapter of a college fraternity. The wages he receives are not subject to withholding : ~~Va. Code § 58.1-460-2 under subsection 2 of § 58.1-460 of the Code of Virginia.~~ His only other income consists of interest and dividend payments. His total Virginia adjusted gross income for ~~his~~ the taxable year is expected to ~~exceed \$10,000.~~ ~~be less than \$5,000.~~ Because his estimated Virginia adjusted gross income will be less than the minimum amount specified under § 58.1-321 of the Code of Virginia subjecting him to taxation, he is not required to file a declaration. Because his estimated Virginia adjusted gross income exceeds \$400 plus his one Virginia personal exemption (\$600), he must file a declaration.

EXAMPLE 2: Assume that Taxpayer A, in addition to his income above, also works in the local grocery store and taxes are withheld from his wages. However, as in Example 1, his Virginia adjusted gross income on which taxes are not withheld (from domestic service, interest and dividends) is expected to exceed \$10,000 for the taxable year, which is greater than \$400 plus his one personal exemption of \$600. Therefore, he must file a declaration. His total Virginia adjusted gross income from both jobs exceeds \$5,000 for the year. Therefore, he is subject to taxation and required to file a return. If his estimated tax for the year exceeds his withholding and any other credits by more than \$150, he must file a declaration.

B. § 2. Contents of declaration.

In the declaration required under § 1 the individual shall state:

1- A. The amount which he estimates as the amount of individual income tax for which he will be liable for the taxable year;

2- B. The amount, if any, which he estimates will be withheld from wages for the taxable year under the Withholding Requirements;

3- C. The excess of the amount estimated under

paragraph ~~1~~ A of this subsection over the amount estimated under paragraph ~~2~~ B of this subsection shall be considered the estimated tax for the taxable year to be paid by the individual as hereinafter provided; and

4- D. Such other information as may be required by the Commissioner. Form 760ES is currently in use for this purpose.

E- § 3. Joint declaration by husband and wife.

A husband and wife may file a joint declaration, in which case the liability with respect to the estimated tax shall be joint and several. A joint declaration may not be made: (i) if either the husband or the wife is a nonresident of Virginia unless both are required to file an individual income tax return, (ii) if they are separated under a decree of divorce or of separate maintenance, or (iii) if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them as they mutually agree.

D- § 4. Time for filing declaration.

A declaration of estimated tax of an individual other than a farmer or fisherperson fisherman shall be filed on or before May 1 of the taxable year, except that if the requirements of subsection ~~A~~ § 1 are met for the first time:

1- A. After April 15 and before June 2 of the taxable year, the declaration shall be filed on or before June 15, or

2- B. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15, or

3- C. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding year.

E- § 5. Declaration of estimated tax by a farmer or fisherperson fisherman .

If the least two-thirds of a self-employed individual's total estimated gross income for the taxable year is from farming (including oyster farming) or fishing, the declaration of estimated tax may be filed at any time on or before January 15 of the succeeding year, instead of the time otherwise prescribed. However, if the income tax return for the taxable year is filed on or before March 1 of the succeeding year and the total tax is paid at that time, the return will be considered a timely declaration and payment of the January 15 installment under the provisions of subsection ~~H~~ § 7 below.

A person farming or fishing for a living whose services

are legally subject to the will and control of an employer, whether paid by salary or commission, or in cash, fish or produce, is an employee and not a self-employed person. If there is no withholding the employee is subject to the same estimated tax requirements set forth in § 4 as any other employee.

F. Declaration of estimated tax of forty dollars or less.

A declaration of estimated tax of an individual having a total estimated tax for the taxable year of \$40 or less may be filed at any time on or before January 15 of the succeeding year, but the entire amount of estimated tax must be paid at the time of filing. However, if the income tax return for such taxable year is filed on or before March 1 of the succeeding year and the total tax is paid at that time, the return will be considered a timely declaration and payment of the January 15 installment under the provisions of subsection H below.

G. § 6. Amendments of declaration.

An individual may amend a declaration at any time throughout the year by increasing or decreasing the amount of installment payment noted on the payment-voucher form accompanying the payment.

H. § 7. Return as declaration or payment.

If on or before March 1 of the succeeding taxable year an individual files his return for the taxable year for which the declaration is required, and pays therewith the full amount of the tax shown to be due on the return:

1. A. Such return shall be considered as his declaration if no declaration was required to be filed during the taxable year, but is otherwise required to be filed on or before January 15.

2. B. Such return and payment shall be considered as the last installment of estimated tax which would otherwise have been payable on or before January 15.

Filing a return on or before March 1 of the succeeding taxable year or filing a declaration or payment of the last installment on January 15 will not relieve a taxpayer of liability for additions to tax for underpayment of any of the installments of estimated tax that were due on May 1, June 15 or September 15 of the taxable year.

EXAMPLE 1: Taxpayer A discovers on September 15, 1983 1988 that his expected Virginia adjusted gross income estimated tax for calendar year 1983, other than from his taxes, will exceed \$400 plus his personal exemptions 1988 will exceed \$150. Taxpayer is required to file his declaration by January 15, 1984 1989, but by filing his 1983 1988 income tax return on or before March 1, 1984 1989 and paying in full his tax liability shown on the return, Taxpayer is deemed to have timely filed the declaration required by Va. Regs. § 630-2-490.2D(3) VR 630-2-490.2D(3).

EXAMPLE 2: Taxpayer A makes the same discovery but on September 1, 1983 1988. He must file his declaration on or before September 15, 1983 1988 accompanied by the first installment of estimated tax payment. His second installment would be due January 15, 1984 1989. (See Va. Regs. § 630-2-490.2D(3) VR 630-2-491A.3). However, because he files his 1983 1988 return on February 28, 1984 1989 accompanied by payment in full of his 1983 1988 liability, he is deemed to have timely made the filing/payment of his second installment.

I. § 8. Fiscal year.

This section regulation shall also apply to a taxable year other than a calendar year by substituting the corresponding fiscal year-months. In the case of a fiscal year: the 15th day of the fourth month shall be substituted for May 1; the 15th day of the sixth month shall be substituted for June 15th; the 15th day of the ninth month shall be substituted for September 15 and the 15th day of the first month of the succeeding taxable year shall be substituted for January 15th.

EXAMPLE: Taxpayer F is a fiscal year taxpayer whose taxable year ends on June 30th. His income tax return is due on October 15th (15th day of the fourth month following the close of his taxable year). His estimated payments are due on October 15th, December 15th, March 15th and July 15th.

J. § 9. Short taxable year.

A separate declaration must be filed where a return is required for a period of less than 12 months, unless the short period is less than four months or the requirements to file are first met after the first day of the last month in the short taxable year. In the case of a decedent, no declaration need be filed after the date of death.

For the purpose of determining whether a declaration must be filed for a short taxable period which results from a change in annual accounting period, taxable income the tax for the short period shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing the result by the number of months in the short period.

K. § 10. Declaration for individual under a disability.

The declaration of estimated tax for an individual who is unable to make a declaration by reason of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

* * * * *

Emergency Regulation

Title of Regulation: VR 630-2-492. Failure by Individual to Pay Estimated Tax - Declaration of Estimated Income Tax by Individuals.

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

Effective Date: January 1, 1988 through December 31, 1988

ORDER ADOPTING AN EMERGENCY REGULATION

Pursuant to the authority vested in the Department of Taxation by § 58.1-203 of the Code of Virginia, and in accordance with § 9-6.14:9 of the Code of Virginia,

IT IS ORDERED that the following regulation be, and the same is hereby adopted

VR 630-2-492: Failure by Individual to Pay Estimated Tax
Declaration of Estimated Income Tax by Individuals

IT IS FURTHER ORDERED that this regulation shall be adopted upon the signature of the Governor and shall become effective on January 1, 1988 and remain in effect until December 31, 1988.

IT IS FINALLY ORDERED that this regulation be published and filed as required by the provisions of §§ 58.1-204, 9-6.14:9 and 9-6.14:22 of the Code of Virginia.

Enter: VIRGINIA DEPARTMENT OF TAXATION

/s/ W. H. Forst, Tax Commissioner
December 1, 1987

/s/ Gerald L. Baliles, Governor
December 26, 1987

Joan W. Smith, Registrar of Regulations
December 29, 1987 - 10:19 a.m.

Preamble:

Pursuant to legislation enacted by the 1987 Session of the General Assembly (SB 421, Chapter 599), § 58.1-492 of the Code of Virginia was amended to increase the percentage of individual income tax that must be remitted by means of estimated and/or withholding payments.

The Department of Taxation finds that an emergency situation exists necessitating the immediate promulgation of this regulation. This emergency precludes the usual procedures set forth for the promulgation of regulations under the Virginia Administrative Process Act ("APA", § 9-6.14:1 of the Code of Virginia, et seq.), and that emergency promulgation of this regulation is permitted in accordance with the APA.

The precise reason and factual basis for the emergency situation is that individuals impacted by this change will be required to file a Declaration of Estimated Income Tax (Form 760ES) prior to the time the Department of Taxation would be able to comply with the provisions of the APA. It is therefore necessary to provide immediate guidance to such individuals for their use from January 1, 1988 until such time as a regulation can be formally adopted under the APA.

This emergency regulation shall be adopted upon the signature of the Governor and shall take effect on January 1, 1988. It will expire on December 31, 1988, at which time a permanent regulation will have been adopted under the procedures set forth under the APA.

As part of the process of adopting the permanent regulation under the APA, the Department of Taxation will receive, consider and respond to any comments or suggestions to reconsider or revise this emergency regulation which might be submitted by interested persons or groups prior to its expiration.

VR 630-2-492. Failure by Individual to Pay Estimated Tax - Declaration of Estimated Income Tax by Individuals.

§ ~~630-2-492~~ VR 630-2-492. Failure by individual to pay estimated tax.

A- § 1. Additions to the tax.

In the case of any underpayment of estimated tax by an individual, except as provided in ~~subsection D § 4~~, there shall be added to the individual income tax for the taxable year an amount determined at the rate established for interest, under ~~Va. Code § 58.1-15~~ § 58.1-15 of the Code of Virginia upon the amount of the underpayment (determined under ~~subsection B § 2~~), for the period of the underpayment (determined under ~~subsection C § 3~~). The amount of such addition to the tax shall be reported and paid at the time of filing the individual income tax return for the taxable year.

B- § 2. Amount of underpayment.

For purpose of ~~subsection A § 1~~, the amount of the underpayment shall be the excess of:

1- A. The amount of the installment which would be required to be paid if the estimated tax were equal to ~~80%~~ 90% (66 2/3% in the case of a self-employed farmer or fisherperson fisherman referred to in ~~Va. Regs. § 630-2-490.2E~~ VR 630-2-490.2E) of the tax shown on the individual income tax return for the taxable year, or if no return was filed, ~~80%~~ 90% (66 2/3% in the case of self-employed farmers or fisherpersons referred to in ~~Va. Regs. § 630-2-490.2E~~ VR 630-2-490.2E) of the tax for such year, over

Emergency Regulation

2- B. The amount, if any, of the installment paid on or before the last date prescribed for such payment.

C. § 3. Period of underpayment.

The period of the underpayment shall run from the date the installment was required to be paid to the earlier of the following dates:

1- A. May 1, if a calendar year, or the 15th day of the fourth month following the close of the taxable year, if a fiscal year or;

2- B. With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection B-1 § 2(A) for such installment date.

EXAMPLE 1: Taxpayer C filed her return for taxable year 1983 on May 1, 1984 showing a tax liability of \$10,000. She had paid \$1,500 of estimated tax on each of May 1, June 15 and September 15, 1983 and January 15, 1984, and had made no other payments before the return was filed. Because each \$1,500 payment was less than 80% of \$2,500 (one quarter of the tax shown as due on the return), addition to tax is applicable to each underpayment on each installment date, computed as follows (and assuming an annual interest rate of 12%):

Amount of each underpayment installment:	
80% of \$2,500 =	\$2,000
- less installment paid	1,500
	\$ 500
1st installment period: 5/1/83 to 5/1/84	\$60.00
(12% of \$500)	
2nd installment period: 6/15/83 to 5/1/84	\$52.50
(10.5% of \$500)	
3rd installment period: 9/15/83 to 5/1/84	\$37.50
(7.5% of \$500)	
4th installment period: 1/15/84 to 5/1/84	\$17.50
(3.5% of \$500)	
Total addition to tax	\$167.50

EXAMPLE 1: Taxpayer C filed her return for taxable year 1988 on May 1, 1989 showing a tax liability of \$10,000. She had previously paid \$1,500 of estimated tax on each of May 1, June 15 and September 15, 1988 and January 15, 1989, and made no other payments before the return was filed. Because each \$1,500 payment was less than 90% of \$2,500 (one-quarter of the tax shown as due on the return), the addition to the tax applies to each underpayment on each installment date, computed as follows (and assuming an annual interest rate of 12%):

Amount of each underpayment installment:	
90% of \$2,500 =	\$2,250
less installment paid	1,500
	\$ 750
1st installment-period: 5/1/88 to 5/1/89	\$ 90
(12% of \$750)	
2nd installment-period: 6/15/88 to 5/1/89	\$ 78.75
(10.5% of \$750)	
3rd installment-period: 9/15/88 to 5/1/89	\$ 56.25
(7.5% of \$750)	
4th installment-period: 1/15/89 to 5/1/89	\$ 26.25
(3.5% of \$750)	
Total addition to tax	\$251.25

EXAMPLE 2: Taxpayer had a total tax liability of \$5,000, 80% 90% (or ~~\$4,000~~ \$4,500) of which would be due in quarterly installments of ~~\$1,000~~ \$1,125 each. He made payments as follows: \$200 on May 1, \$800 on June 15, \$2,500 \$3,000 on September 15 and \$0 by January 15. The \$1,500 \$1,875 overpayment from September 15 would be applied to the other quarterly underpayments in the following order and amounts: \$800 \$925 to May 1, \$200 \$325 to June 15, and \$500 \$625 to January 15.

D. § 4. Exception.

Notwithstanding the provisions of the preceding subsections A, B and C sections , the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser the lesser of the following :

1- A. The amount which would have been required to be paid on or before such date if estimated tax were whichever of the following is the least:

a 1. The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

b 2. An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

e 3. An amount equal to 80% 90% (66 2/3% in the case of self-employed farmers or fishermen referred to in Va. Regs. § 630-2-490.2E VR 630-2-490.2E) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is

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required to be paid. For purposes of this paragraph the taxable income shall be placed on an annualized basis by:

(i) *a.* Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) *b.* Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) *c.* Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

2- *B.* An amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. The periods involved, for a calendar year taxpayer, are January 1 to April 30, January 1 to May 31, and January 1 to August 31. Virginia taxable income for the applicable period is computed as follows: there is subtracted from the federal adjusted gross income for the 4, 5 or 8 month four, five or eight month period, as applicable, (i) the Virginia subtractions specified in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia, (ii) the greater of itemized deductions or standard deduction, (iii) child and dependent care deduction, and (iv) the dollar amount of exemptions claimed on the return; and there is added to federal adjusted gross income the Virginia additions specified in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia. Virginia income tax is calculated on the resulting Virginia taxable income. If the estimated tax installment relating to the period is at least 90% of such tax, no addition to tax is required.

3. C. Examples.

a 1. Taxpayer E filed a return for calendar year 1982 1987 showing a tax liability of \$4,750. For calendar year 1983 1988 E made timely estimated tax payments which, together with withholding payments, totalled \$4,750. E's return for calendar year 1983 1988 revealed a total tax liability of \$6,000, which was underpaid by \$1,250 or more than 20% 10%. However, because E's withholding and timely estimated tax payments for calendar year 1983 1988 at least equalled the tax shown on his 1982 1987 return, the exception in Va. Regs. § 630-2-492D.1.a VR 630-2-492D.1.a applies and no addition to the tax will be imposed.

b 2. Assume the same facts as in Example *a 1* except that Taxpayer E adopted a daughter and son on

January 1, 1983 1988 and made estimated taxpayments in calendar year 1983 1988 totalling \$4,700. The exception of Va. Regs. § 630-2-492D.1.a VR 630-2-492D.1.a does not apply because the 1983 1988 estimated tax payments are less than the tax shown on his 1982 1987 return. However, Va. Regs. § 630-2-492D.1.b VR 630-2-492D.1.b permits E to recalculate his 1982 1987 tax liability using his two additional \$600 \$700 exemptions. Assuming that E has reached the 5.75% taxbracket, the \$1,200 \$1,400 would yield tax savings of \$60 \$80.50 (5.75of \$1,200 \$1,400). The \$60 \$80.50 tax savings would reduce his recomputed 1982 1987 tax liability to \$4,681 \$4,669.50 . Because the total amount of estimated tax paid by each installment date exceeds the amount which would have had to be paid on or before each of such dates if the estimated tax were \$4,681 \$4,669.50 , no addition to the tax will be imposed.

e 3. Taxpayer F's 1982 1987 return revealed a total tax liability of \$830 \$311 , but she qualified for an age credit in the amount of \$830 \$311 so that no tax was due for 1982 1987 . She had one exemption for both 1982 and 1983 1987 and 1988 , and \$100 \$200 in withholding and estimated tax payments were made for calendar year 1983 1988 . Her 1983 1988 tax liability was \$1,000. The exception of Va. Regs. § 630-2-492D.1.a VR 630-2-492D.1.a does not apply because the 1983 1988 payments are less than the \$830 \$311 tax liability shown on her 1982 1987 return. However, Va. Regs. § 630-2-492D.1.b VR 630-2-492D.1 provides an exception because the 1983 1988 payments of \$100 \$200 at least equal tax (figured using the applicable nonrefundable credits) which would have been due on her 1982 1987 income, using 1983 1988 rates and personal exemptions.

d. Taxpayer g, who claims one exemption and itemizes deductions, made four timely installment payments of estimated tax totalling \$3,000 for calendar year 1984. His calendar year 1984 tax liability was \$5,000 and his receipt of Virginia adjusted gross income accelerated as the year progressed, as the following worksheet illustrates:

	1/1/84 to 4/30/84	1/1/84 to 5/31/84	1/1/84 to 8/31/84
Virginia adjusted gross income	\$15,000	\$27,000	\$64,000
1- Annualized Va- adjusted gross income for period(s) shown	\$46,500	\$64,000	\$90,000
2- Annualized itemized deductions for period(s) shown or Standard Deduction if not itemized	6,000	12,000	9,000
3- Total dollar amount of exemptions	600	600	600
4- Taxable income			

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lines 2 and 3 from 1	39,900	52,200	86,400
5. Virginia tax on the amount shown on line 4	2,074 20% (or 80% of 25%) of line 5:	2,782 40% (or 80% of 50%) of line 5:	4,748 60% (or 80% of 75%) of line 5:
Installments due through the applicable period	\$414.80	\$1,112.80	\$2,848.80
Installments paid through the applicable period	\$975	\$1,950	\$2,925

Because the total of estimated payments through each of the three periods is at least (and, in fact, exceeds) 80% of the tax on the annualized taxable income for the applicable period(s); no addition to tax applies because of the exception in Va. Regs. § 630-2-492D.1.c.

4. Taxpayer G, who claims one exemption and itemizes deductions, made four timely installment payments of estimated tax totalling \$4,400 for calendar year 1988. His calendar year 1988 tax liability was \$5,000 and his receipt of Virginia adjusted gross income accelerated as the year progressed, as the following worksheet illustrates:

	1/1/88 to 4/30/88	1/1/88 to 5/31/88	1/1/88 to 8/31/88
Virginia adjusted gross income	\$15,000	\$27,000	\$64,000
1. Annualized Va. adjusted gross income for period(s) shown	\$46,500	\$64,800	\$96,000
2. Annualized itemized deductions for period(s) shown or Standard Deduction if not itemized	6,000	12,000	9,000
3. Total dollar amount of exemptions	800	800	800
4. Taxable income lines 2 and 3 from 1	39,700	52,000	86,200
5. Virginia tax on the amount shown on line 4	2,048 22.5% (or 90% of 25%) of line 5:	2,755 45% (or 90% of 50%) of line 5:	4,722 67.5% (or 90% of 75%) of line 5:
Installments due through the applicable period	\$460.80	\$1,239.75	\$3,187.35
Installments paid through the applicable period	\$1,100	\$2,200	\$3,300

Because the total of estimated payments through each of the three periods is at least (and, in fact, exceeds)

90% of the tax on the annualized taxable income for the applicable period(s), no addition to tax applies because of the exception in VR 630-2-492D.1.c.

e 5. Taxpayer H who claims one exemption and itemizes deductions, had \$100,000 of federal adjusted gross income for calendar year 1983 and a tax liability of \$5,000. H expected her income to be \$70,000 and had paid estimated tax in four \$975 installments. Her calendar 1982 tax liability was \$4,000. As the following worksheet illustrates, her estimated tax payment for each of the 4, 5, and 8 month four, five and eight month periods is at least (and, in fact, exceeds) 90% of the tax liability for the applicable period and no addition to tax applies because of the exception in Va. Regs. § 630-2-492D.2 VR 630-2-492D.2 .

	1/1/83 to 4/30/83	1/1/83 to 5/31/83	1/1/83 to 8/31/83
1. Federal AGI for Period(s) shown	\$17,500	\$29,000	\$69,000
2. a. Add Virginia additions and/or b. Subtract Virginia subtractions for period(s) shown	- 2,000	- 2,000	- 3,000
3. Subtract a. Itemized deductions for period(s) shown, or (if greater) b. Standard Deduction of the income shown	- 2,000	- 5,000	- 6,000
4. Subtract Child and Dependent Care Deduction for the period(s) shown	- 0 -	- 0 -	- 0 -
5. Subtract dollar amount of exemptions	- 600	- 600	- 600
6. Virginia taxable income for period(s) shown	12,900	21,400	59,400
7. Virginia tax on amounts shown on line 6	522	1,010	3,196
8. 90% of line 7	470	909	2,876
9. Installments paid through the applicable period	975	1,950	2,925

E. § 5. Application of section in case of tax withheld on wages.

For purposes of applying this section:

1. A. The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under VA. Code § 58.1-480 § 58.1-480 of the Code of Virginia and its regulations (relating to tax

Emergency Regulation

withheld at source on wages), and

2- B. The amount of the credit allowed under ~~Va. Code § 58.1-480~~ § 58.1-480 of the Code of Virginia and its regulations (dealing with withheld amounts credited to individual taxpayer) for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under ~~Va. Code § 58.1-491~~ § 58.1-491 of the Code of Virginia and its regulations) for such taxable year, unless the taxpayer establishes the dates on which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

F. § 6. Short taxable year.

1- A. In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax (i) shown on the return for the preceding taxable year (for purposes of ~~Va. Code § 58.1-492D.1.a~~ subdivision 1(a) of subsection D of § 58.1-492 of the Code of Virginia), (ii) based on the personal exemptions and rates for the current taxable year but otherwise on the basis of the facts shown the return for the preceding taxable year, and the law applicable to such year (for purposes of ~~Va. Code § 58.1-492D.1.b~~ subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia), the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.

2- B. If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in annualizing the income for the months in the taxable year preceding an installment date, for purposes of ~~Va. Code § 58.1-492D.1.c~~ subdivision 1(c) of subsection D of § 58.1-492 of the Code of Virginia , the personal exemptions allowed as deductions shall be prorated by multiplying such deduction by the ratio of months in the short taxable year to 12 months.

3- C. If "the preceding taxable year" referred to in ~~Va. Code § 58.1-492D.1.b~~ subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia was a short taxable year, for purposes of determining the applicability of the exception described in ~~Va. Code § 58.1-492D.1.b~~ subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia , the tax, computed on the basis of the facts shown on the return for the preceding year, shall be the tax computed in the manner described in ~~Va. Regs. § 630-2-340 VR 630-2-340~~ . If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to in which the underpayment occurs differs from such rates or status applicable to the preceding taxable year, the tax determined in accordance with this subparagraph shall be recomputed to reflect the rates and status applicable to the year with respect to in which the underpayment occurs.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 17, 1987

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. INS870293

Ex Parte: In the matter of adopting Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions.

ORDER ADOPTING REGULATION

WHEREAS, pursuant to an order entered herein October 6, 1987, the Commission's Hearing Examiner conducted a hearing in its Courtroom on November 10, 1987, for the purpose of considering comments of interested persons concerning the adoption of a regulation proposed by the Bureau of Insurance and entitled "Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions";

WHEREAS, on November 20, 1987 the Commission's Hearing Examiner filed his report in this matter; and

THE COMMISSION, having considered the evidence and the report of its Hearing Examiner, concurs with the findings of its Hearing Examiner and adopts his conclusions as its own,

THEREFORE, IT IS ORDERED that the proposed regulation entitled "Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions," as amended, which is attached hereto and made a part hereof, should be, and it is hereby, ADOPTED, to be effective sixty days after enactment of federal law mandating Medicare benefit changes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to David L. Hill, State Farm Insurance Companies, 1 State Farm Plaza, Bloomington, Illinois 61701; Regina G. Jamerson, Health Insurance Association of America, 1025 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036; Joan M. Gardner, Vice President-Legal Affairs, Blue Cross and Blue Shield of Virginia, P.O. Box 27401, Richmond, Virginia 23279; and the Bureau of Insurance in care of Deputy Commissioner Stephen J. Kaufman who shall forthwith mail a copy of this order together with a copy of the regulation to every insurance company licensed in Virginia to sell accident and sickness insurance or medicare supplement policies.

* * *

Title of Regulation: INS870293. Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions.

§ 1. Authority.

This regulation is issued pursuant to the authority vested in the Commission under § 38.2-223, §§ 38.2-3516 through 38.2-3520, §§ 38.2-3600 through 38.2-3607 and § 37.2-514 of the Code of Virginia.

§ 2. Purpose.

This regulation is designed to:

- (a) Ensure the orderly implementation and conversion of medicare supplement insurance benefits and premiums due to changes in the federal medicare program;
- (b) Provide for the reasonable standardization of the coverage, terms and benefits of medicare supplement policies or contracts;
- (c) Facilitate public understanding of such policies or contracts;
- (d) Eliminate provisions contained in such policies or contracts which may be misleading or confusing in connection with the purchase of such policies or contracts;
- (e) Modify or eliminate policy or contract provisions which may duplicate medicare benefits;
- (f) Provide full disclosure of policy or contract benefits and benefit changes; and
- (g) Provide for refunds of premiums associated with benefits duplicating medicare program benefits.

§ 3. Effective date.

This regulation shall be effective on January 1, 1988 60 days after enactment of federal law mandating benefit changes.

§ 4. Applicability and scope.

This regulation shall take precedence over other rules and requirements relating to medicare supplement policies or contracts only to the extent necessary to assure that benefits are not duplicated, that applicants receive adequate notice and disclosure of changes in medicare supplement policies and contracts, that premiums are reasonable in relation to benefits.

A. All medicare supplement policies and contracts delivered, or issued for delivery within this Commonwealth, or which are otherwise subject to the

State Corporation Commission

jurisdiction of this Commonwealth, and

B. All certificates issued under group medicare supplement policies as provided in (A) above.

This regulation applies to all medicare supplement policies, contracts, and certificates as described in (A) and (B), above, delivered, or issued for delivery on or after the effective date hereof. In addition, § 6 applies to all medicare supplement policies, contracts and certificates as described in (A) and (B), above, in effect on ~~January 1, 1988~~ the effective date of this regulation.

§ 5. Definitions.

For purposes of this regulation:

A. "Applicant" means:

1. In the case of an individual medicare supplement policy or contract, the person who seeks to contract for insurance benefits, and
2. In the case of a group medicare supplement policy or contract, the proposed certificate holder.

B. "Certificate" means any certificate issued under a group medicare supplement policy.

C. "Medicare Supplement Policy" means an individual or group policy of accident and sickness insurance or an individual or group subscriber contract of a health services plan, or health maintenance organization or a certificate issued under a group policy or group subscriber contract, offered to individuals who are entitled to have payment made under Medicare, which is designed primarily to supplement Medicare by providing benefits for payment of hospital, medical or surgical expenses, or is advertised, marketed or otherwise purported to be a supplement to Medicare. Such term shall not include:

1. A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, for members or former members, or combination thereof, of the labor organizations; or
2. A policy or contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:
 - (a) Is composed of individuals all of whom are actively engaged in the same profession; trade or occupation;
 - (b) Has been maintained in good faith for purposes other than obtaining insurance; and

(c) Has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members.

§ 6. Benefit conversion requirements.

A. Effective ~~January 1, 1988~~ 60 days after enactment of federal law mandating medicare benefit changes, no medicare supplement insurance policy, contract, or certificate subject to this regulation, in effect on ~~January 1, 1988~~ the effective date of this regulation, shall contain benefits which duplicate benefits provided by medicare.

B. General requirements.

1. On the later of:

- (a) Thirty days prior to the effective date of medicare benefit changes, or
- (b) Sixty days after enactment of federal law mandating medicare benefit changes,

every insurer, health services plan, health maintenance organization or other entity providing medicare supplement insurance or benefits shall notify its policyholders, contract holders, and certificate holders of modifications it has made to medicare supplement insurance policies or contracts. Such notice shall be in a format prescribed in Exhibit A and be written in outline form in clear and simple terms so as to facilitate comprehension. Such notice shall not contain or be accompanied by any solicitation.

2. No modifications to an existing medicare supplement contract or policy shall be made at the time of or in connection with the notice requirements of this regulation except to the extent necessary to eliminate duplication of medicare benefits and any modifications necessary under the policy or contract to provide indexed benefit adjustment.

3. As soon as practicable, but no longer than ~~45~~ 60 days after the effective date of the medicare benefit changes, every insurer, health services plan, health maintenance organization or other entity providing medicare supplement insurance or contracts in this Commonwealth shall file with the Commission, in accordance with the applicable filing procedures of this Commonwealth:

- (a) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Such supporting documents as necessary to justify the adjustment shall accompany the filing.
- (b) Any appropriate riders, endorsements, or policy forms needed to accomplish the medicare supplement insurance modifications necessary to eliminate benefit duplications with medicare. Any

such riders, endorsements, or policy forms shall provide a clear description of the medicare supplement benefits provided by the policy or contract.

4. Upon satisfying the filing and approval requirements of this Commonwealth, every insurer, health services plan, health maintenance organization or other entity providing medicare supplement insurance shall provide each covered person with any rider, endorsement or policy form necessary to eliminate any benefit duplications under the policy or contract with benefits provided by medicare.

5. No insurer, health services plan, health maintenance organization or other entity shall require any person covered under a medicare supplement policy or contract which was in effect prior to January 1, 1988 on the effective date of this regulation, to purchase additional coverage under such policy or contract unless such additional coverage was provided for in the policy contract.

6. Every insurer, health services plan, health maintenance organization or other entity providing medicare supplement insurance shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for medicare supplement policies and which is expected to result in a loss ratio at least as great as that originally anticipated by the insurer, health services plan, health maintenance organization or other entity for such medicare supplement insurance policies or contracts. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein should be made with respect to a policy at any time other than upon its renewal date. Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if credit is given, or within 60 days of the renewal date if a refund is provided to the premium payor.

§ 7. Requirements for new policies and certificates.

A. Effective January 1, 1988 60 days after enactment of federal law mandating medicare benefit changes, no medicare supplement insurance policy, contract, or certificate shall be issued or issued for delivery in this Commonwealth which provides benefits which duplicate benefits provided by medicare. No such policy, contract or certificate shall provide less benefits than those required under Title 38.2, Chapter 36 or existing Regulation 20, Rules Governing the Implementation of the Individual Accident and Sickness Insurance Minimum Standards Act with respect to medicare supplement policies except where duplication of medicare benefits would result.

B. General requirements.

1. Within 90 days of the effective date of this regulation, every insurer, health services plan, health maintenance organization or other entity required to file its policies or contracts with the Commission shall file new medicare supplement insurance policies or contracts which eliminate any duplication of medicare supplement benefits with benefits provided by medicare and which provide a clear description of the policy or contract benefit.

2. The filing required under 7(B)(1) shall provide for loss ratios which are in compliance with all statutory or regulatory requirements.

3. Every applicant for a medicare supplement insurance policy, contract, or certificate shall be provided with an outline of coverage which in simple accurate terms describes benefits provided by medicare and the medicare supplement policy or contract along with benefit limitations.

§ 8. Buyer's guide.

No insurer, health services plan, health maintenance organization or other entity shall make use of or otherwise disseminate any buyer's guide or informational brochure which does not accurately outline current medicare benefits.

§ 9. Separability.

If any provision of this regulation or the application thereof to any person or circumstances 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.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.

Governor's Comment:

No objection to the regulation as presented.

/s/ Gerald L. Baliles
December 21, 1987

I withhold approval to waive the mandatory job search requirement for Employment Service Program registrants under the age of 21 who participate in education or training activities, because of the fiscal impact. Budget proposals to support this proposal are currently being studied. If the 1988-90 budget contains sufficient funds, I would have no further objection to the proposal.

/s/ Gerald L. Baliles
December 26, 1987

DEPARTMENT OF COMMERCE

Title of Regulation: VR 105-01-2. State Board of Accountancy Rules and Regulations.

Governor's Comment:

No objection to the regulation as presented.

/s/ Gerald L. Baliles
December 21, 1987

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-01-1. Public Participation Guidelines.

Governor's Comment:

The proposed regulations establish a procedure for the solicitation and participation of interested parties in the initiation, development and adoption of regulations for the Department of Mines, Minerals and Energy. They are proposed in the interest of efficiency and, pending public comment, I have no objection to their promulgation.

/s/ Gerald L. Baliles
December 23, 1987

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-48-02. Employment Program Services Policy.

Governor's Comment:

I have no objection to the proposal to eliminate applicant job search as a condition of eligibility for Aid to Dependent Children and General Relief benefits.

DELEGATIONS OF DUTIES AND RESPONSIBILITIES

The 1987 General Assembly passed Legislation allowing an agency's chief executive officer to delegate to any officer or employee of his agency the duties and responsibilities conferred upon him by law and, in the case of an agency with a supervisory board, such board may delegate its duties and responsibilities. Section 1-17.2 of the Code of Virginia requires that when duties and responsibilities conferred or imposed upon a chief executive officer or supervisory board are delegated, such reports are to be published in the Virginia Register of Regulations as soon after filing as practicable.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

RESOLUTION

WHEREBY the 1987 General Assembly amended § 1-17.2 of the Code of Virginia (HB 1162), and,

WHEREBY the Department of Planning and Budget has established guidelines that allow chief executive officers and supervisory boards of state agencies to delegate their duties and responsibilities under certain conditions, and,

WHEREBY the five forms attached of Board duties and responsibilities are delegated within the Virginia Department of Agriculture and Consumer Services, therefore:

BE IT RESOLVED THAT; The Board of Agriculture and Consumer Services in its December 1987 meeting, authorizes by vote of acclamation, the President of the Board, to sign on its behalf those delegated duties and responsibilities that are governed by the Board.

/s/ Raymond D. Vaughan, Secretary
Board of Agriculture and Consumer Services
December 15, 1987

Address:

Board of Agriculture and Consumer Services
Washington Building
Suite 201
1100 Bank Street
Richmond, Virginia 23219

Telephone: (804) 786-3501

Title of Chief Executive Officer:
President

Duty or Responsibility Delegated:
Reporting all tests for tuberculosis, paratuberculosis and Bang's disease within five days of date of such tests. [§ 3.1-749 of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Agency Name (if different from agency with authority and responsibility)
Department of Agriculture and Consumer Services

Title of Chief Executive Officer:
President

Duty or Responsibility Delegated:

Maintenance and operation of laboratories for diagnosis of animal diseases. [§ 3.1-725 of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Agency Name (if different from agency with authority and responsibility):

Department of Agriculture and Consumer Services

Title of Chief Executive Officer:
President

Duty or Responsibility Delegated:

Abatement of biological residues in and on livestock or poultry. [§ 3.1-726 B of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Agency Name (if different from agency with authority and responsibility):

Department of Agriculture and Consumer Services

Title of Chief Executive Officer:
President

Duty or Responsibility Delegated:

Establishment of restrictions and requirements to be met by psittacine birds after their arrival in the Commonwealth. [§ 3.1-735 of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Agency Name (if different from agency with authority and responsibility):

Department of Agriculture and Consumer Services

Title of Chief Executive Officer:
President

Duty or Responsibility Delegated:

Performance of general duties (less promulgation/adoption of regulations) required to administer a meat and poultry inspection program. [§ 3.1-884.20 of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Delegations

Agency Name (if different from agency with authority and responsibility):
Department of Agriculture and Consumer Services

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Address:
Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, Virginia 23209

Telephone: (804) 786-3532

Title of Chief Executive Officer:
Commissioner

Duty or Responsibility Delegated:
The governing body of every county, city and town may by ordinance prevent, control and abate the growth of the species of grass Sorghum helepense (Johnsongrass) or the woody shrub rosa multiflora (multiflora rose). [§ 15.1-28.4A of the Code of Virginia]

Position Receiving Delegation:
Director of the Division of Administration

Official Title:
Division Director of Agriculture and Consumer Services

Title of Chief Executive Officer:
Commissioner

Duty or Responsibility Delegated:
Ordering slaughter of animals/birds exposed to brucellosis and paying indemnity therefor. [§ 3.1-754 of the Code of Virginia]

Position Receiving Delegation:
State Veterinarian

Title of Chief Executive Officer:
Commissioner

Act:
Virginia Industrial Ethanol Law. [§§ 3.1-1050 through 3.1-1056 of the Code of Virginia]

Duty or Responsibility Delegated:
The Department shall supervise the administration and enforcement of the Virginia Industrial Ethanol Law. [§ 3.1-1052A of the Code of Virginia]
The Department may request the assistance of the Department of Alcoholic Beverage Control and other state agencies, as requested, in enforcing the provisions of the Virginia Industrial Ethanol Law. [§ 3.1-1053 of the Code of Virginia]

Position Receiving Delegation:
Division Director (PAIR)

Official Title:
Division Director of Agriculture and Consumer Services

Title of Chief Executive Officer:
Commissioner

Act:
Plant Pest Compact. [§§ 3.1-188.1 through 3.1-188.19 of the Code of Virginia]

Duty or Responsibility Delegated:
The compact administrator for the State (Virginia) shall be the Commissioner of Agriculture and Consumer Services. The duties of the compact administrator shall be deemed a regular part of the duties of his office. [§ 3.1-188.15 of the Code of Virginia]

Position Receiving Delegation:
Division Director (PAIR)

Official Title:
Division Director of Agriculture and Consumer Services

Title of Chief Executive Officer:
Commissioner

Act:
Handling and Sale of Burley Tobacco. [§§ 61.1-57 through 61.1-61 of the Code of Virginia]

Duty or Responsibility Delegated:
The Commissioner is hereby vested with the authority to administer and enforce the provisions of the handling and sale of Burley Tobacco. [§ 61.1-57 of the Code of Virginia]

Position Receiving Delegation:
Division Director (PAIR)

Official Title:
Division Director of Agriculture and Consumer Services

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

BOARD OF BARBER EXAMINERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Barber Examiners intends to consider amending regulations entitled: **Virginia Board of Barber Examiners**. The purpose of the proposed regulation is to solicit public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines and Chapter 4.1 of Title 54 of the Code of Virginia.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until February 1, 1988.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free 1-800-552-3016)

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Agency Rules of Practice for Hearing Officers**. The purpose of the proposed regulation is to establish time limits for the receipt of exceptions which are filed in cases where a hearing officer makes recommendations or decisions.

Statutory Authority: § 9-6.14:12(D) of the Code of Virginia.

Written comments may be submitted until January 21, 1988.

Contact: Catherine Walker Green, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8564, toll-free 1-800-552-3016, or SCATS 367-8564

**DEPARTMENTS OF CORRECTIONS; EDUCATION;
MENTAL HEALTH, MENTAL RETARDATION AND
SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES**

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intends to consider amending regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children**. The purpose of the proposed regulation is to establish standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend and clarify those sections of the standards which address discipline and punishment. Only those sections of the regulations which address discipline or punishment, or both, will be considered for amendment.

Statutory Authority: §§ 16.1-286, 53.1-237 through 53.1-239, 16.1-310 through 16.1-314, 53.1-249, 22.1-319 through 22.1-335, 22.1-218, 37.1-179 through 37.1-198, 37.1-100, 63.1-195 through 63.1-219 and 63.1-56.1 of the Code of Virginia.

Written comment period has been extended to February 15, 1988.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 or SCATS 441-9025

DEPARTMENT OF MINES, MINERALS AND ENERGY Division of Mined Land Reclamation

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation intends to consider amending regulations entitled: **Virginia Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to combine all sections of regulations pertaining to the remaining of previously mined lands into a single subchapter pertaining solely to that subject.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until January 22, 1988.

Contact: Bob Herron, Operator Assistance Manager, Division of Mined Land Reclamation, P. O. Drawer U, Big

General Notices/Errata

Stone Gap, Va. 24219, telephone (703) 523-2925 or SCATS 676-2000

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Professional Soil Scientists intends to consider promulgating regulations entitled: **Certified Professional Soil Scientists and Public Participation Guidelines**. The purpose of the proposed regulation is to implement a certification program for professional soil scientists as authorized by Chapter 31 (§ 54-969 et seq.) of Title 54 of the Code of Virginia.

Statutory Authority: § 54-969 of the Code of Virginia.

Written comments may be submitted until January 30, 1988.

Contact: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557, toll-free 1-800-552-3016, or SCATS 367-8557

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **The Virginia Fuel Assistance Program**. The department is planning to develop policies and procedures for implementation of the 1988-89 Fuel Assistance Program, reducing the reimbursement for administrative cost in local departments of social services, any needed changes based on problems identified in the 1987-88 program. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558).

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

Written comments may be submitted until February 3, 1988, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9050 or SCATS 662-9050

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Compliance with Service Program Policy Requirements**. The purpose of the proposed regulation is to establish policy for local departments of social services to be used by the department to identify methods of monitoring service program's policy, methods of requesting corrective actions, and methods of sanctioning if policy is not followed.

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

Written comments may be submitted until January 29, 1988.

Contact: Elizabeth B. Whitley, Chief, Bureau of Management Services, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9140, toll-free 1-800-552-7091 or SCATS 662-9140

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Transportation intends to consider promulgating regulations entitled: **Minimum Standards of Entrances to State Highways**. The purpose of the proposed regulation is to establish guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

Statutory Authority: §§ 33.1-12, 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until February 23, 1988.

Contact: John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2965

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 amending regulations entitled: **VR 680-16-05. York River Basin Water Quality Management Plan**. The purpose of the proposed amendment is to update the plan taking into consideration new or changed NPDES permits, new or changed no discharge certificates, current modeling, changes in water quality, studies, community and nonpoint source

development, and institutional or financial arrangements for constructions and operation of facilities.

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

Written comments may be submitted until 5 p.m., February 19, 1988.

Contact: Dale F. Jones, Office of Water Resources Planning, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0061

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: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed regulation is to establish an instream water quality standard for tributyltin.

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

Written comments may be submitted until 5 p.m., January 29, 1988.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387 or SCATS 327-0387

GENERAL NOTICES

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: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08

Copies of the 1987 Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

Title of Regulation: VR 465-07-1. Virginia State Board of Medicine. VR 495-02-1. Virginia State Board of Nursing. **Regulations Governing the Certification of Nurse Practitioners.**

Publication: 4:6 VA.R. 516-520 December 21, 1987

Correction:

Page 516, in the definition "preceptor", a portion of the definition was omitted. It should read "Preceptor" means a physician or a certified nurse practitioner *who supervises and evaluates the nurse practitioner student.*

Page 518, in § 2.6 B.1.c the word "currently" should be *competent.*

Page 520, in § 5.1 A.6 the word "profession" should be *possession.*

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

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

January 18, 1988 - 10 a.m. - Open Meeting

January 19, 1988 - 8 a.m. - Open Meeting

Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review applications for certification and licensure; (ii) review correspondence; and (iii) review enforcement cases.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8505 (toll-free 1-800-552-3016)

January 26, 1988 - 10 a.m. - Open Meeting

Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

The board will meet to conduct a formal administrative hearing: State Board of Accountancy v. James C. Atkins.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

GOVERNOR'S ADVISORY BOARD ON AGING

January 20, 1988 - noon - Open Meeting

January 21, 1988 - noon - Open Meeting

Ramada Renaissance Hotel, 555 E. Canal Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss a number of issues of concern to older Virginians.

Contact: Robert E. Knox III, Information Manager, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271 or (804) 225-2271/TDD ☎

BOARD OF AGRICULTURE AND CONSUMER SERVICES

January 23, 1988 - 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 Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-10. Rules and Regulations Defining Standards for Grades/Sizes of Shell Eggs.** This regulation sets forth grade and quality standards for the enforcement of the Virginia Egg Law. The proposed amendments delete three outdated sections and update the remaining sections to make them consistent with USDA specifications.

Statutory Authority: §§ 3.1-763.16 and 3.1-769.4 of the Code of Virginia.

Written comments may be submitted until January 23, 1988, to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services.

Contact: J. A. Morano, Jr., Retail Food Inspection, Supervisor, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3520

STATE AIR POLLUTION CONTROL BOARD

† **January 21, 1988 - 1 p.m. - Public Hearing**

Lorton Volunteer Fire Station, 7701 Armistead Road, Lorton, Virginia

A public hearing to consider a request from Ogden Martin Systems of Fairfax for a modification to its January 12, 1988 permit for the construction and operation of a 3,000 ton/day municipal solid waste energy/resource recovery facility. The facility will be located at the I-95 landfill in Fairfax County.

Contact: Director, Region VII, Springfield Towers, Suite

502, 6320 Augusta Drive, Springfield, Va. 22150, telephone (703) 644-0311

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

Virginia State Board of Land Surveyors

† **February 5, 1988 - 9 a.m.** - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of November 5, 1987; (ii) review applications; and (iii) review enforcement cases.

Virginia State Board of Professional Engineers

† **February 16, 1988 - 9 a.m.** - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of November 17, 1987; (ii) review applications; and (iii) review enforcement cases.

Contact: Bonnie S. Salzman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8512, toll-free 1-800-552-3016 or SCATS 367-8512

AUCTIONEERS BOARD

February 9, 1988 - 9 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Auctioneers intends to amend regulations entitled: **VR 150-01-3. Rules and Regulations of the Virginia Auctioneers Board.** The proposed amendments will bring this provision more in line with the Code of Virginia and clarify the role of auctioneers who are unregistered.

Statutory Authority: §§ 54-1.28, 54-824.9:1 and 54-823.9:3 of the Code of Virginia.

Written comments may be submitted until January 8, 1988.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8508, toll-free 1-800-552-3016, or SCATS 367-8508

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **January 22, 1988 - 10 a.m.** - Open Meeting

Fourth Street State Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

† **March 4, 1988 - 10 a.m.** - Open Meeting
Koger Building, Koger Executive Center, Room 124, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: D. Ray Sirry, Division Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9308

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

† **January 25, 1988 - 10 a.m.** - Open Meeting
Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor Board Room, Richmond, Virginia. ☒

The council will elect officers and review its responsibilities pursuant to § 2.1-703 of the Code of Virginia.

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

DEPARTMENT OF COMMERCE (BOARD OF)

February 10, 1988 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, 3rd Floor Auditorium, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: **VR 190-05-1. Asbestos Licensing Regulations.** These regulations set forth requirements for licensure and training of asbestos workers, contractors/supervisors and inspectors intending to become involved in asbestos abatement activities in Virginia.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until February 5, 1988.

Contact: Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595 (toll-free 1-800-552-3016)

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Soil and Water Conservation Board

January 21, 1988 - 9 a.m. - Open Meeting
Farm Credit Office, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

STATE BOARD FOR CONTRACTORS

† **January 20, 1988 - 10 a.m. - Open Meeting**
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☐

A meeting to review complaints and applications for licensure.

Contact: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557, toll-free 1-800-552-3016 or SCATS 367-8557

STATE BOARD OF CORRECTIONS

NOTE: CHANGE OF MEETING DATE

† **February 16, 1988 - 10 a.m. - Open Meeting**
March 16, 1988 - 10 a.m. - Open Meeting
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

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

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 367-6274

STATE BOARD OF EDUCATION

February 25, 1988 - 9 a.m. - Open Meeting
February 26, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☐

A regularly scheduled meeting to conduct business 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 requested.

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

February 25, 1988 - 1:30 p.m. - Public Hearing
James Monroe Building, 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 Department of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The purpose of these amendments is to prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including life-gate buses, and requirements for activity buses.

Statutory Authority §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until January 22, 1988.

Contact: R. A. Bynum, Associate Director, Pupil Transportation Service, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

* * * * *

February 25, 1988 - 7 p.m. - Public Hearing
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

February 25, 1988 - 7 p.m. - Public Hearing
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

February 25, 1988 - 7 p.m. - Public Hearing
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0014. Management of the Student's Scholastic Record.** These regulations provide for the protection, confidentiality and management of student records.

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

Written comments may be submitted until February 18, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

February 25, 1988 - 8 p.m. - Public Hearing
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

February 25, 1988 - 8 p.m. - Public Hearing
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

February 25, 1988 - 8 p.m. - Public Hearing
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of this action is to ensure the provision of a free and appropriate public education in the least restrictive environment to all handicapped youth ages two to 21, inclusive, residing in the Commonwealth.

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

Written comments may be submitted until February 18, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

February 25, 1988 - 3 p.m. - Public Hearing
James Monroe Building, 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 Department of Education intends to adopt regulations entitled: **VR 270-04-0015. Secondary School Transcripts.** The secondary school transcript will be standardized in order that all school divisions will report student information to colleges, universities, and prospective employers in the same format.

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

Written comments may be submitted until February 25, 1988.

Contact: Cheryle C. Gardner, Supervisor of Art, Fine Arts Service, P. O. Box 6Q, Department of Education, Richmond, Va. 23216, telephone (804) 225-2053

† March 17, 1988 - 3 p.m. - Public Hearing
James Monroe Building, 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 Department of Education intends to adopt regulations entitled: **Regulations Governing Criteria to Identify Toxic Art Materials; Labeling; Use in Elementary Grades Prohibited.** The proposed criteria will be used by the Department of Education to evaluate all art materials used in schools and identify those which are toxic. All materials used in the public schools which meet the criteria as toxic will be so labeled and the use of such art materials will be prohibited in the elementary grades.

STATEMENT

Subject and statements: Proposed adoption by the Board of Education criteria to evaluate, identify, and regulate toxic art materials, labeling, and use in elementary grades prohibited.

Issues: 1. Estimated impact with respect to number of persons affected: All public school children in the Commonwealth executing techniques in the process of art as well as the labeling, safety, and health aspects of using the different art media.

2. Projected code for implementation and compliance: Printing of the toxic art criteria by the Department of Education.

Basis: § 22.1-274.1 of the Code of Virginia.

Purpose: To develop criteria to evaluate, label, and identify toxic art materials and prohibit the use in elementary grades in Virginia.

Statutory Authority: § 22.1-274.1 of the Code of Virginia.

Written comments may be submitted until March 21, 1988.

Contact: Cheryle C. Gardner, Supervisor of Art, Fine Arts Service, Department of Education, P. O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2053

PRINCE GEORGE COUNTY LOCAL EMERGENCY
PLANNING COMMITTEE

† January 20, 1988 - 7:30 p.m. - Open Meeting
General District Courtroom, 6600 Courthouse Road, Prince George, Virginia

Calendar of Events

Local Emergency Planning Committee meeting to satisfy regulation of SARA Title III. Committee will name chairman, public information officer, and Hazardous Materials Coordinator. Committee will begin work on Emergency Operations Plan for Prince George County.

Contact: Gilbert M. Lee, Emergency Services Coordinator, P. O. Box 68, 6400 Courthouse Rd., Prince George, Va. 23875, telephone (804) 733-2609

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

January 20, 1988 - 9 a.m. - Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C, Salem, Virginia. ☐

An organizational meeting to elect chairman of committee and appoint subcommittees to meet regulations and mandates of SARA Title III.

Contact: Warren E. Trent, Coordinator of Emergency Services, 215 Church Ave., S. W., Roanoke, Va. 24011, telephone (703) 981-2425

COUNCIL ON THE ENVIRONMENT

† **January 20, 1988 - 7:30 p.m. - Open Meeting**
City Council Chambers, Richmond, Virginia

A quarterly meeting open to the public. The main agenda item will be a review of the environmental initiatives for the 1988 session of the General Assembly. Citizens interested in addressing the council will be given an opportunity to do so during the Citizen's Forum portion of the meeting.

Contact: Hannah Crew, Council on the Environment, Ninth Street Office Bldg., Room 903, Richmond, Va. 23219, telephone (804) 786-4500

BOARD OF GAME AND INLAND FISHERIES

† **January 20, 1988 - 2 p.m. - Open Meeting**
Department of Game and Inland Fisheries, 4010 West Broad St., Richmond, Virginia. ☐

The Wildlife and Boat Committee of the board will meet to discuss the following items: (i) the unannounced trout stocking program; (ii) consideration of a one-week no dog hunting; (iii) the possible exemptions to the "all boat" registration bill, and (iv) other related matters as necessary.

January 21, 1988 - 10 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, Virginia. ☐

The board will meet to (i) review the policy on trout stocking; (ii) discuss certain hunting seasons - public testimony on the subject; (iii) review of legislation in the General Assembly; (iv) hear committee reports; (v) consider general administrative matters; and (vi) award presentation to the top boating

Contact: Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 367-1000, toll-free hotline 1-800-237-5712 or SCATS 367-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **February 5, 1988 - 10 a.m. - Open Meeting**
Virginia Museum of Fine Arts, Main Conference Room, 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

Division of Consolidated Laboratory Services

† **February 5, 1988 - 9:30 a.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. ☐

The Advisory Board will discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

GEORGE MASON UNIVERSITY

Board of Visitors

January 19, 1988 - 3 p.m. - Open Meeting
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☐

A regularly scheduled meeting to receive reports from the standing committees of the board; to act on those recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals or organizations who request it.

Standing committees will meet beginning at 9 a.m.

January 19 in Student Union II.

Contact: Ann Wingblade, Office of the President, George Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

BOARD OF HEALTH/DEPARTMENT OF HEALTH

† **February 22, 1988 - 9 a.m.** – Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

A meeting to consider and discuss how the repacking of crab meat should be regulated in the Commonwealth of Virginia. Reference Manual - Sanitation of the Picking, Packing and Marketing of Crab Meat - §§ 13.06 and 15.03.

Contact: Cloyde W. Wiley, Director, DSS, James Madison Bldg., 109 Governor St., Room 904, Richmond, Va. 23219, telephone (804) 786-7937

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

January 20, 1988 - 9 a.m. – Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☐

A regular business meeting.

Contact: Raymond O. Perry, M.P.H., Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

January 27, 1988 - 9:30 a.m. – Open Meeting
† **February 24, 1988 - 9:30 a.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

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

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

January 19, 1988 - 10 a.m. – Open Meeting
13 South 13th Street, Richmond, Virginia. ☐

A regular monthly meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its

various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

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

LONGWOOD COLLEGE

Board of Visitors

† **January 28, 1988 - 10 a.m.** – Open Meeting
† **January 29, 1988 - 10 a.m.** – Open Meeting
Virginia-Prince Edward Rooms, College Campus, Farmville, Virginia. ☐

A regular quarterly meeting to conduct business pertaining to the college.

Contact: Dr. George R. Healy, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

MARINE RESOURCES COMMISSION

February 2, 1988 - 9:30 a.m. – Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☐

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. The commission will 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 will be 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 measure within five days.

Contact: Sandra S. Schmidt, Secretary to the Commission, 2401 West Ave., P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

VIRGINIA STATE BOARD OF MEDICINE

† **January 29, 1988 - 1 p.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor,

Calendar of Events

Richmond, Virginia. ☒

A meeting to inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

Acupuncture Committee

† February 13, 1988 - 1 p.m. - Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway,
Richmond, Virginia. ☒

A meeting to review acupuncture treatment records, proposed regulations, review new acupuncture programs for approval and discuss any other items which may come before this committee.

Credentials Committee

January 22, 1988 - 8:15 a.m. - Open Meeting
January 23, 1988 - 8:15 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

Informal and Formal Conference Committees

January 20, 1988 - 1 p.m. - Open Meeting
NOTE: CHANGE OF MEETING LOCATION
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.
☒

† February 3, 1988 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

February 5, 1988 - 10:30 a.m. - Open Meeting
Sheraton Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

February 16, 1988 - 11 a.m. - Open Meeting
Radisson Hotel Lynchburg, 601 Main Street, Lynchburg, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

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

January 27, 1988 - 10 a.m. - Open Meeting
Department of Mental Health, Mental Retardation, and Substance Abuse Services Central Office, James Madison Building, 13th Floor Conference Room, Richmond, Virginia.
☒

A regular monthly meeting. The agenda will be published on January 20 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation, and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† January 28, 1988 - 9 a.m. - Open Meeting
† January 29, 1988 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☒

Regular meetings of the committee to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va., telephone (804) 786-3988

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

January 22, 1988 - 10 a.m. - Open Meeting
622 Powell Avenue, Upstairs Conference Room, Big Stone Gap, Virginia

The purpose of this meeting is to consider the division's plans to combine all sections of regulations pertaining to the remining of previously mined lands into a new subchapter on that sole subject.

Contact: Bob Herron, Division of Mined Land Reclamation, P. O. Drawer U, Big Stone Gap, Va. 24219, telephone (703) 523-2925

VIRGINIA STATE BOARD OF NURSING

January 25, 1988 - 9 a.m. - Open Meeting
January 26, 1988 - 9 a.m. - Open Meeting
January 27, 1988 - 9 a.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Regular meetings of the Virginia Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Informal Conference Committee

† February 9, 1988 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 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) 662-9909, toll-free 1-800-533-1560

VIRGINIA BOARD OF PHARMACY

† January 20, 1988 - 9:30 a.m. - Open Meeting
† January 21, 1988 - 9 a.m. - Open Meeting
Williamsburg, Virginia (location unknown, please contact board at 662-9911)

A meeting to consider routine board business and to discuss new board regulations with inspection staff.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

† February 12, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

A meeting to (i) develop a protocol to be submitted with the physician assistant applications; (ii) review applications of five physician assistants; and (iii) discuss any other items which may come before this committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† April 13, 1988 - 10 a.m. - Open Meeting
Hasler and Company, 121 Tazwell Street, Norfolk, Virginia

A regular quarterly business meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or William L. Taylor, 3329 Shore Drive, Virginia Beach, Va. 23451, telephone (804) 496-0995

VIRGINIA BOARD OF PSYCHOLOGY

† January 22, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct general board business, and to certify oral examination results.

Contact: Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† February 17, 1988 - 1:30 p.m. - Open Meeting
203 Governor Street, 2nd Floor, Room 200, Richmond, Virginia. ☒

A meeting to consider local government requests for grant funding for public beach development and requests for use of state owned sand resources for beach nourishment.

Contact: Jack E. Frye, Shoreline Programs Manager, Shoreline Programs, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121 or SCATS 842-7121

BOARD OF REHABILITATIVE SERVICES

† January 22, 1988 - 9:30 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive and act upon standing and ad hoc committee reports, it will appoint an ad hoc committee for nominating new officers of the board, and conduct the regular business of the board.

Finance Committee

† January 21, 1988 - 3 p.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Calendar of Events

A meeting to (i) assess the department's financial situation under the Order of Selection for services to clients; (ii) review and comment on grants and contracts entered into by the department; and (iii) develop fiscal policies for recommendations to the board.

Legislation and Evaluation Committee

† **January 21, 1988 - 1 p.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to develop legislative initiatives, and to finalize the Woodrow Wilson Rehabilitation Center study committee report for presentation to the board.

Program Committee

† **January 21, 1988 - 9 a.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to amend state vocational rehabilitation regulations to conform to the 1986 amendments to the federal Rehabilitation Act of 1973.

Contact: James L. Hunter, Administrator, Board of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 367-6446, toll-free 1-800-552-5019, SCATS 367-6446 or (804) 367-0280/TDD ☎

DEPARTMENT OF REHABILITATIVE SERVICES

January 20, 1988 - 2 p.m. and 6 p.m. – Public Hearing
Neff Vocational Center, Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested)
George Mason University Law School, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)
City Council Chambers, Norfolk, Virginia. ☒ (Interpreter for deaf provided if requested)
Department of Rehabilitative Services, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)
Woodrow Wilson Rehabilitative Center, Cashatt Chapel, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

Public hearings to hear comments on the Department of Rehabilitative Services' preliminary Long-Range Plan. Written comments may be submitted to the department through March 4, 1988. Those wishing to speak at the hearings or wishing to be sent a copy of the plan, contact Mary Arginteanu at a number

Contact: Mary Arginteanu, Planner, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 367-0276, toll-free 1-800-552-5019, SCATS 367-0276 or (804) 367-0315/TDD ☎

BOARD FOR RIGHTS OF THE DISABLED

January 20, 1988 - 2 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room C and D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review current ongoing and completed projects of the board and its six committees.

Education Committee

January 20, 1988 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed projects.

Employment Committee

January 20, 1988 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed projects.

Health Committee

January 20, 1988 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Forensics Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed projects.

Housing Committee

January 20, 1988 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Fire Prevention Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed projects.

Planning Committee

January 19, 1988 - 10:30 a.m. – Open Meeting
Rehabilitation Center for the Blind, 401 Azalea Avenue, Assembly Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed projects.

Steering Committee

January 20, 1988 - noon — Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor,
Conference Room B, Richmond, Virginia. ☒ (Interpreter
for deaf provided if requested)

A quarterly meeting to review the ongoing and
completed projects of the six board committees.

Transportation Committee

January 20, 1988 - 10 a.m. — Open Meeting
James Monroe Building, 101 North 14th Street, 23rd Floor,
Education Conference Room, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A quarterly meeting to review ongoing and completed
projects.

Contact: Sarah A. Liddle, Board Administrator, James
Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va.
23219, telephone (804) 225-2042, toll-free
1-800-552-3962/TDD ☎ or SCATS 225-2042

DEPARTMENT OF SOCIAL SERVICES

February 4, 1988 - 10 a.m. — Public Hearing
Koger Building Conference Room, 8001 Franklin Farms
Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of Social
Services intends to amend the **State Plan for
Implementation of the Virginia Weatherization
Assistance Program for Low-Income Persons**. This
plan has been in operation since 1976. It weatherizes
homes of qualifying low-income persons in the
Commonwealth free of charge, with priority given to
the elderly and handicapped. Applicant's income must
be no more the 125% of OMB poverty level to
qualify. Weatherization includes installation of
insulation, weather-stripping, caulking, storm windows,
and other measures designed to conserve energy and
reduce energy costs.

The State Department of Social Services contracts with
the Virginia Association of Community Action
Agencies, Inc., who subcontracts with 30 public or
nonprofit agencies to provide the weatherization
services.

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 4,
1988.

Contact: Alice Fascitelli, Program Specialist, Department
of Social Services, 8007 Discovery Dr., Richmond, Va.

23229-8699, telephone (804) 662-9050, toll-free 1-800-552-7091

SUBSTANCE ABUSE ADVISORY COUNCIL

† **January 28, 1988 - 10 a.m.** — Open Meeting
James Madison Building, 109 Governor Street, 8th Floor
Conference Room, Richmond, Virginia. ☒

A meeting to (i) discuss routine business; (ii) discuss
by-laws and membership; (iii) discuss continuation of
special focus; and (iv) consider data to describe
substance abuse problems.

Contact: Wayne Thacker, P. O. Box 1797, Richmond, Va.
23214, telephone (804) 786-3906

COMMONWEALTH TRANSPORTATION BOARD

† **January 21, 1988 - 10 a.m.** — Open Meeting
† **February 18, 1988 - 10 a.m.** — Open Meeting
Department of Transportation, 1401 East Broad Street,
Board Room, Third Floor, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

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

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

TREASURY BOARD

† **January 22, 1988 - 9 a.m.** — Open Meeting
† **February 19, 1988 - 9 a.m.** — Open Meeting
† **March 16, 1988 - 9 a.m.** — Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor,
Treasury Board Conference Room, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James
Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone
(804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

February 17, 1988 - 9 a.m. — Open Meeting
February 18, 1988 - 9 a.m. — Open Meeting
Sheraton Premier at Tyson's Corner, 8061 Leesburg Pike,
Vienna, Virginia

A meeting to (i) consider general business; (ii) review
examination; (iii) discuss regulations; and (iv) conduct

Calendar of Events

disciplinary hearings.

At 1 p.m. on February 18, State Board Licensure Examination.

Contact: Moria Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9942

BOARD FOR THE VISUALLY HANDICAPPED

January 21, 1988 - 10 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for deaf provided if requested)

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves department's budget, executive agreement, and operating plan.

Contact: Diane Allen, Executive Secretary Senior, 397 Azalea 1-800-622-2155 or (804) 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-1. Regulation Governing Provision of Services in Vocational Rehabilitation.** The purpose of the regulation is to provide a basis for development of policies regarding the requirements of federal regulations and to ensure compliance with the Rehabilitation Act of 1973 as amended.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing

Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-2. Regulations Governing Provision of Service for Infants, Children and Youth.** The purpose of the regulation is to provide guidelines through definition, population served, and policies for the provision of agency services in this area.

Statutory Authority: § 22.1-217 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-3. Regulations Governing Provision of Services in Rehabilitation Teaching.** The purpose of the proposed regulation is to provide a basis for developing a policy in rehabilitation teaching through establishing eligibility, scope and duration of services to clients.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk, Virginia

Calendar of Events

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-4. Provision of Independent Living Rehabilitation Services.** The purpose of the proposed regulation is to state the basis for service through the definition of eligibility, scope of services, financial participation and appeal process for clients of independent living rehabilitation.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,
Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.** The purpose of the proposed regulation is to describe the basis by which the agency is empowered to administer matters relating to social services for the blind and visually impaired.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,
Virginia

January 29, 1988 - 1 p.m. - Public Hearing

Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-6. Regulation Governing Deaf-Blind Services.** The purpose of the proposed regulation is to set forth the basis for developing policy or scope of services and tracking of deaf-blind persons within the Commonwealth.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,
Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-7. Regulation Governing Low Vision.** The purpose of the proposed regulation is to provide the basis for provision of low vision services through description of eligibility, scope of service and financial participation of low vision service participants.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

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January 22, 1988 - 1 p.m. - Public Hearing
Norfolk Health Department, 401 Colley Avenue, Norfolk,
Virginia

January 29, 1988 - 1 p.m. - Public Hearing
Medical Foundation of Roanoke, 3000 Keagy Road, SW,
Roanoke, Virginia

Calendar of Events

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to adopt regulations entitled: **VR 670-03-9. Regulations Governing Eligibility of Person Desiring Statewide Library Service for the Blind and Physically Handicapped.** The purpose of the proposed regulation is to set forth the basis for provision of library services in cooperation with the Virginia State Library and Archives by describing eligibility and scope of services to participants.

Statutory Authority: § 63.1-78 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

Contact: Nell Carney, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, SCATS 371-3140 or (804) 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

† **February 22, 1988 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on November 1, 1987, and a supplement to the Formulary that becomes effective on February 1, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on February 22, 1988, will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

DEPARTMENT OF WASTE MANAGEMENT

† **February 22, 1988 - 1 p.m.** – Open Meeting
County of Henrico Government Complex, Prince Henry Road at Parham and Hungary Springs Roads, Administration Building, First Floor, Board Room, Richmond, Virginia

A public meeting will be held to present, answer

questions concerning, and receive comments on a draft Amendment 9 to the Virginia Hazardous Waste Management Regulations. This meeting is preliminary to development of the draft amendment into the proposed amendment to be reviewed further in a formal public hearing at a later date.

† **February 11, 1988 - 2:30 p.m.** – Open Meeting
City of Hampton, Council Chambers, 22 Lincoln Street, 8th Floor, City Hall, Hampton, Virginia

† **February 17, 1988 - 1 p.m.** – Open Meeting
City of Winchester, Rouss City Hall, 15 Cameron Street, 4th Floor, Trade Center, Winchester, Virginia

† **February 18, 1988 - 2:30 p.m.** – Open Meeting
Central Virginia Community College, 3506 Wards Road, Auditorium, Lynchburg, Virginia

† **February 22, 1988 - 2:30 p.m.** – Open Meeting
County of Henrico, Administration Building, Prince Henry Road at Parham and Hungary Springs Roads, 1st Floor, Board Room, Richmond, Virginia

† **February 24, 1988 - 2:30 p.m.** – Open Meeting
Donaldson Brown Center, Otey Street, Auditorium (Rear Section), Blacksburg, Virginia

† **February 26, 1988 - 2:30 p.m.** – Open Meeting
County of Fairfax, 4100 Chain Bridge Road, Massey Building, A - Level, Supervisors Board Room, Fairfax, Virginia

A public meeting will be held to present, answer questions concerning, and receive comment on draft Infectious Waste Management Regulations. These meetings are preliminary to development of the draft regulations into the proposed regulations to be reviewed further in a formal public hearing at a later date.

† **February 11, 1988 - 10 a.m.** – Open Meeting
City of Hampton, Council Chambers, 22 Lincoln Street, 8th Floor, City Hall, Hampton, Virginia

† **February 17, 1988 - 3 p.m.** – Open Meeting
City of Winchester, Rouss City Hall, 15 Cameron Street, 4th Floor, Trade Center, Winchester, Virginia

† **February 18, 1988 - 7:30 p.m.** – Open Meeting
Central Virginia Community College, 3506 Wards Road, Auditorium, Lynchburg, Virginia

† **February 22, 1988 - 7:30 p.m.** – Open Meeting
County of Henrico, Administration Building, Prince Henry Road at Parham and Hungary Springs Roads, 1st Floor, Board Room, Richmond, Virginia

† **February 24, 1988 - 7:30 p.m.** – Open Meeting
Donaldson Brown Center, Otey Street, Auditorium (Rear Section), Blacksburg, Virginia

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† February 26, 1988 - 7:30 p.m. - Open Meeting
County of Fairfax, 4100 Chain Bridge Road, Massey
Building, A - Level, Supervisors Board Room, Fairfax,
Virginia

A public meeting will be held to present, answer questions concerning and receive comments on draft Solid Waste Management Regulations. These meetings are preliminary to development of the draft regulations into the proposed regulations to be reviewed further in a formal public hearing at a later date.

Contact: Robert G. Wickline, Director, Research and Development, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-3672

STATE WATER CONTROL BOARD

January 19, 1988 - 11 a.m. - Public Hearing
Clinch Valley College, Chapel of Old Faith, College Avenue,
Wise, Virginia

An additional public hearing on the board's proposed Toxics Management Regulation. The proposed Toxics Management Regulation was initially published in the Virginia Register of Regulations on November 9, 1987.

Contact: Alan Anthony or Richard Ayers, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0791

January 25, 1988 - 2 p.m. - Open Meeting
Williamsburg/James City County Courthouse Council Chambers, 321-45 Court Street - West, Williamsburg, Virginia

Public meeting on amendment to Water Quality Standards to establish an instream water quality standard for tributyltin.

Contact: Stu Wilson, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0387

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† February 23, 1988 - 2 p.m. - Public Hearing
Prince William County, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William, Virginia

† February 25, 1988 - 2 p.m. - Public Hearing
Williamsburg/James City Courthouse, 321-45 Court Street - West, Council Chambers, Williamsburg, Virginia

† February 29, 1988 - 10 a.m. - Public Hearing
Washington County Administration Office Building, 205 Academy Drive, Board of Supervisors Room, Abingdon, Virginia

† March 1, 1988 - 1 p.m. - Public Hearing
Roanoke County Administration Center Community Room,
3738 Brambleton Avenue, S.W., Roanoke, 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 680-14-01. Permit Regulation.** The proposed amendments include language changes to ensure that the National Pollutant Discharge Elimination System (NPDES) permit program conforms with federal regulations and the incorporation of other permit/certificate regulations into a single permit regulation.

STATEMENT

Basis: Under the authority of §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and to adopt such regulations as it deems necessary to enforce water quality management in the Commonwealth.

Section 402 of the Clean Water Act authorizes the Commonwealth to administer the National Pollution Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 with SWCB Regulation No. 6 being the specific governing regulation.

Substance and purpose of amended regulation: It is the intent of the SWCB to amend Regulation No. 6 to conform more closely with the federal regulations, to change the permit names from National Pollutant Discharge Elimination System (NPDES) permits to Virginia Pollutant Discharge Elimination System (VPDES) permits to specifically identify Virginia as the permitting authority, to incorporate the current No Discharge Certificate program which regulates the management of pollutants that are not point source discharges to surface waters and change its name to Virginia Pollutant Abatement (VPA) permits. In addition, the following SWCB regulations which address discharges or potential discharges will be repealed and included in this regulation: Regulation No. 4; Procedural Rule No. 2; Policy for Sewage Treatment Plant Loadings; and Policy to Control the Discharge of Untreated Sewage from Pumping Stations, Sewage Treatment Plants, and Other Sources.

Amendment to this regulation will reduce the administrative burden by combining SWCB regulations, procedural rules, and policies addressing discharges or potential discharges under one regulation. Amendment of this regulation will also satisfy the Environmental Protection Agency's (EPA) requirements for the administration of the NPDES permit program in the Commonwealth of Virginia by the SWCB.

Impact: The amendment of this regulation will impact

Calendar of Events

permittees of NPDES permits and persons previously issued No Discharge Certificates (NDC).

The impact to NPDES permittees will be minimal, and will cause no monetary increases.

The impact to holders of No Discharge Certificates will also be minimal. Present holders of No Discharge Certificates will be required to obtain a VPA permit. VPA permits will be valid for a period not to exceed 10 years. An exception to this pertains to concentrated animal feeding operations equal to or greater than 100 animal units, which will have an expiration date not to exceed five years. Previously, some of the No Discharge Certificates were issued without an expiration date; however, all VPA permits will contain an expiration date. Therefore, VPA permittees will be required to reapply for a VPA permit within the five or 10 year period.

Issues: The issues under consideration are the appropriateness of the proposed amendments and whether further changes are necessary.

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

Written comments may be submitted until 5 p.m., March 22, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin Ferguson, Jr., Permit Manager, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6984

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† **March 9, 1988 - 7 p.m.** – Public Hearing
Court Room, City Municipal Building, 300 East Washington Street, 2nd Floor, Lexington, Virginia

Notice is hereby given with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The proposed amendments would revise the BOD5 poundage limits for Cascades Creek at Ashwood-Healing Springs, for Cabin River at Millboro and for Maury River at Lexington.

STATEMENT

Basis: Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such established standards or policies.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control and management.

Section 303 (3) of the Clean Water Act requires states to develop a continuing planning process of which water quality management plans are a part. No National Pollutant Discharge Elimination System (NPDES) permits may be issued that are not in compliance with these plans.

Purpose: Water quality management plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and in numeric loadings for five day biochemical oxygen demand (BOD5) (BOD is a measurement of water quality in terms of the amount of oxygen required to stabilize waste or wastewater). The proposed amendment would revise current BOD5 loadings for three stream segments in the Upper James River Basin.

Impact: The proposed amendment for Cascades Creek would revise the BOD5 loading from 8.8 lbs/day to 25.0 lbs/day. In conjunction with this, the permit for the Bath County Service Authority's Ashwood-Healing Springs sewage treatment plant (STP) requires that the discharge contain a dissolved oxygen concentration of at least 7.0 mg/l. With this dissolved oxygen requirement, the proposed revision to the BOD5 loadings will not result in degradation of water quality.

The proposed amendment for the Maury River would revise the BOD5 loading from 380.0 lbs/day to 400.0 lbs/day. In conjunction with this, the permit for the City of Lexington STP requires that the discharge contain a dissolved oxygen concentration of at least 5.0 mg/l. With this dissolved oxygen requirement, the proposed revision to the BOD5 loadings will not result in degradation of water quality.

Finally, the proposed amendment for Cabin Creek would revise the BOD5 loading from 2.1 lbs/day to self sustaining. Cabin Creek was originally modeled at drought flow conditions. Field investigations conducted by the staff have found that Cabin Creek has no water in the stream channel during times of drought. Therefore, technical errors were made during development of the original plan. Effluent discharged to dry ditches must be "self sustaining." In other words, the effluent itself must maintain the established water quality standards as its flows through the dry stream channel. The proposed amendment to the Upper James WQMP will maintain the water quality standards.

A decision not to amend the plan could result in the Bath County Service Authority and the City of Lexington having to upgrade their sewage treatment plants to meet unnecessarily stringent limitations.

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

Written comments may be submitted until 5 p.m., March 22, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

COUNCIL ON THE STATUS OF WOMEN

January 19, 1988 - 8 p.m. - Open Meeting
February 16, 1988 - 8 p.m. - Open Meeting
 Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia

March 15, 1988 - 8 p.m. - Open Meeting
 Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

January 20, 1988 - 9:30 a.m. - Open Meeting
February 17, 1988 - 9:30 a.m. - Open Meeting
 State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

March 16, 1988 - 9 a.m. - Open Meeting
 Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

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.

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January 19
 Accountancy, State Board of
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 Housing Development Authority, Virginia
 Rights of the Disabled, Board for
 - Planning Committee
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Aging, Governor's Advisory Board on
 † Contractors, State Board for
 † Emergency Planning Committee, Prince George
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 Emergency Planning Committee, Roanoke Valley Local
 † Environment, Council on the
 † Game and Inland Fisheries, Board of
 Health Coordinating Council, Virginia Statewide
 Medicine, Virginia State Board of
 - Informal and Formal Conference Committees
 † Pharmacy, Virginia Board of
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 - Education Committee
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 - Finance Committee
 - Legislation and Evaluation Committee
 - Program Committee
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January 22

† Building Code Technical Review Board, State
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 Mines, Minerals and Energy, Department of
 - Division of Mined Land Reclamation
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 † Rehabilitative Services, Board of
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January 23

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 - Credentials Committee

January 25

† Children's Facilities, Interdepartmental Council on
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† Mental Health, Mental Retardation, and Substance
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January 28

† Longwood College
- Board of Visitors
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- State Human Rights Committee
† Substance Abuse Advisory Council

January 29

† Longwood College
- Board of Visitors
† Medicine, Virginia State Board of
† Mental Health, Mental Retardation, and Substance
Abuse Services, Department of
- State Human Rights Committee

February 2

Marine Resources Commission

February 3

† Medicine, Virginia State Board of

February 5

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, Board of
- Virginia State Board of Land Surveyors
† General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services
Medicine, Virginia State Board of
- Formal and Informal Conference Committees

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† Nursing, Virginia State Board of
- Informal Conference Committee

February 11

† Waste Management, Department of

February 12

† Physician Assistants, Advisory Committee on

February 13

† Medicine, Virginia State Board of
- Acupuncture Committee

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† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, Board of
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- Informal Conference Committee
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† Public Beaches, Board on Conservation and
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† Child Abuse and Neglect, Governor's Advisory Board
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