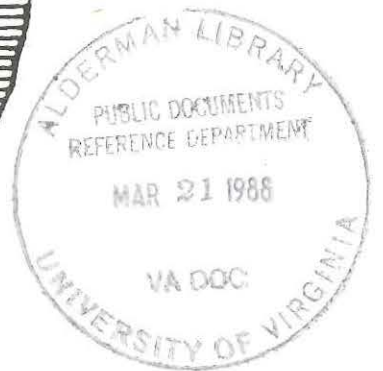


THE VIRGINIA REGISTER

OF REGULATIONS

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March 14, 1988

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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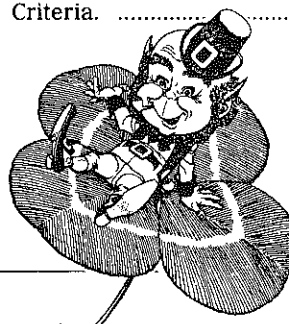


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PROPOSED REGULATIONS

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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.

CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-01-01. Public Participation Guidelines.

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

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

Summary:

Public participation guidelines to be used by the Child Day-Care Council when developing regulations for child care centers are described. Public comment will be obtained by the following ways: (i) a notice of intent will be published in the Virginia Register; (ii) agencies and associations will be notified and requested to advise their constituency through newsletters, etc.; and (iii) interested parties will be notified through a special mailing.

An ad hoc advisory committee, consisting of people who previously gave input about the regulation, will be formed when appropriate as determined by the nature and scope of the regulation.

VR 175-01-01. Public Participation Guidelines.

PART I. POLICY.

§ 1.1. *The council will seek public participation from interested parties prior to formation and during the drafting, promulgation and final adoption process of regulations applicable to child care centers licensed by the Virginia Department of Social Services.*

§ 1.2. Purpose.

Section 9-6.14:7.1 of the Code of Virginia, requires each agency to formulate and promulgate public participation guidelines as regulations subject to the Administrative Process Act. The intent of the public participation guidelines is to establish written procedures to solicit input from "interested parties" prior to formation and drafting of the proposed regulations and during the formation, promulgation and final adoption process of the regulations.

This process will be applicable to the development of all regulations as defined by § 9-6.14:4 F of the Administrative Process Act:

"Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws.

PART II. GUIDELINES.

§ 2.1. Notice of intent.

When the council deems it necessary to develop a regulation or make substantial change to regulations, a notice of intent will be published in the Virginia Register, General Notices section. This notice will invite those interested in providing input to notify the council of their interest. Various agencies and associations will be notified and requested to advise their constituency through newsletters, etc. In addition to this notice, known interested parties will be advised, through a special mailing, of the agency's desire to develop a regulation and will be invited to assist the council in developing the regulations or in providing information on how the regulations may affect the consumer.

The notice of intent will include:

- 1. Subject of the proposed regulation.*
- 2. Identification of the entities that will be affected.*
- 3. Timetable for reaching a decision, if available.*
- 4. Name, address and telephone number of staff person to be contacted for further information.*

§ 2.2. Agency advisory list.

As directed by the council, the Department of Social Services will create and maintain current mailing lists of persons/organizations/agencies that are interested in advising and assisting the council in developing regulations or in making substantial changes to existing regulations. From time to time the lists will be reviewed and updated. Each of these persons/organizations/agencies will be sent relevant notices of intent.

§ 2.3. Formation of ad hoc advisory committees.

Whenever appropriate, as determined by the nature and scope of the regulation and the change(s) under consideration, an ad hoc advisory committee may be established to include selected individuals who responded to the notice of intent, newsletter or special mailing and

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representatives of relevant associations or disciplines.

Committee members will be oriented to the council and program issues, constraints, entities to be affected, program options and time limitations. The committee will discuss the issues and make recommendations which will be considered in the drafting and adoption of regulations. Once the regulations have been developed the committee will review them and continue to participate during the promulgation process.

§ 2.4. Orientation/training.

The department will develop orientation/training materials to be used with members of the ad hoc advisory committee(s) which will include:

1. The responsibility/authority of the council and the Department of Social Services;
2. Orientation to licensing principles and issues; and
3. Method of promulgating regulations.

PART III. BASIS FOR POLICY.

§ 3.1. Chapter 5, Acts of Assembly of 1984, made amendments to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, which included statutory requirements for participation guidelines. These guidelines must be effective before other regulations can be adopted.

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTICE: the Department of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation: VR 325-02-11. Mountain Lion.

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amended board regulations applicable Statewide. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulation, or any part thereof, will be held at the board's offices, 4010 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, March 25, 1988, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any part thereof, is advisable, in the form in which

published or as amended as a result of the public hearing, the board may adopt such proposal at that time.

Effective Date: July 1, 1988.

Summary:

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

VR 325-02-11. Mountain Lion.

§ 1. Continuous closed season.

There shall be a continuous closed season for hunting, trapping or in any way destroying mountain lion.

§ 1. Hunting, trapping, possession, importation or destruction prohibited.

It shall be unlawful at any time to hunt, trap, possess, import or in any way destroy a mountain lion.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulations: State Plan for Medical Assistance Relating to Extended Repayment Schedule.

VR 460-02-4.191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital.

VR 460-02-4.192. Methods and Standards for Establishing Payment Rates - Other Types of Care.

VR 460-03-4.194. Nursing Home Payment System.

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

Public Hearing Date: N/A

(See Calendar of Events section for additional information)

Summary:

These regulations propose to modify the State Plan for Medical Assistance and authorize the Director of the Department of Medical Assistance Services to approve an extended repayment schedule of up to 36 months. Presently, the maximum approvable time is 12 months. Whenever a provider overpayment is identified and repayment required and the provider can demonstrate severe financial hardship from immediate repayment, the director may authorize an extended repayment schedule upon the provider's request. The overpayment is subject to all applicable interest charges provided for in the Code of Virginia. Upon completion of the administrative appeal process, if the overpayment determination is reversed, all moneys and applicable interest paid by the provider are returned by the department.

VR 460-02-4.191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital.

VIII. Refund of overpayments- Effective July 1, 1986.

A. Lump sum payment. When the provider files a cost report indicating that an overpayment has occurred, full refund is to shall be remitted with the cost report ; or, . In cases where DMAS discovers an overpayment during desk review, field audit, or final settlement, DMAS will immediately shall promptly send the first demand letter requesting a lump sum refund. Recovery will shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

B. Offset. If the provider has been overpaid for a particular fiscal year and has been underpaid for another fiscal year, the underpayment shall be offset against the overpayment. So long as the provider has an overpayment balance, any underpayments discovered by subsequent review or audit shall also be used to reduce the remaining amount of the overpayment.

C. Payment schedule. If the provider cannot refund the total amount of the overpayment (i) at the time it files a cost report indicating that an overpayment has occurred, the provider shall request an extended repayment schedule at the time of filing, or (ii) within thirty 30 days after receiving the DMAS demand letter, the provider should immediately shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to twelve 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of the Department of Medical Assistance Services may approve a repayment schedule of up to 36 months .

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the Program or fails to file a cost report in a timely manner, the outstanding balance shall become immediately due and payable.

It must offset any money owned to the provider prior to establishing a repayment plan. When a repayment schedule is used to recover only part of an overpayment, the remaining amount should shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

D. Extension request documentation. In the request for an extended repayment schedule, the provider must shall document its the need for an extended (beyond thirty 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. The Program will If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which will shall be in effect from effective retroactive to the date the provider submits submitted the proposal. If an audit later uncovers an additional overpayment, the provider must submit further documentation if it wishes to request an extended repayment schedule for the additional amount.

E. Interest charge on extended repayment. Interest will be charged to the provider at the rate specified in § 32.1-313 of the Code of Virginia (1950) as amended, on the unpaid balance of the approved repayment schedule. Interest will accrue from the date the overpayment is determined. Once an initial determination of overpayment has been made, the department shall undertake full recovery of such overpayment whether the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's determination becomes final.

The director's determination shall be deemed to be final on (i) the due date of any cost report filed by the provider indicating that an overpayment has occurred, or (ii) the issue date of any notice of overpayment, issued by the department, if the provider does not file an appeal, or (iii) the issue date of any administrative decision issued by the department after an informal factfinding conference, if the provider does not file an appeal, or (iv) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. Interest will not be charged or accrued during the period of the Program's administrative review. Interest will be charged on any unpaid balance from the date of the director's final administrative determination. In any case cases in which any initial a determination of overpayment has been judicially reversed in a subsequent judicial proceeding , the provider shall be reimbursed that portion of the payment to which he it is entitled, plus any applicable interest which the provider paid to the department .

VR 460-02-4.192. Methods and Standards for Establishing Payment Rates - Other Types of Care.

L. Refund of overpayments.

(1) Providers reimbursed on the basis of a fee plus cost of materials.

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(a) When DMAS determines an overpayment has been made to a provider, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

(b) If the provider cannot refund the total amount of the overpayment within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the director of the Department of Medical Assistance Services may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the program, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

(c) In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

(d) Once an initial determination of overpayment has been made, the department shall undertake full recovery of such overpayment whether the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's

determination becomes final.

The director's determination shall be deemed to be final on (i) the issue date of any notice of overpayment, issued by the department, if the provider does not file an appeal, or (ii) the issue date of any administrative decision issued by the department after an informal factfinding conference, if the provider does not file an appeal, or (iii) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to the department.

(2) Providers reimbursed on the basis of reasonable costs.

(a) When the provider files a cost report indicating that an overpayment has occurred, full refund shall be remitted with the cost report. In cases where DMAS discovers an overpayment during desk review, field audit, or final settlement, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

(b) If the provider has been overpaid for a particular fiscal year and has been underpaid for another fiscal year, the underpayment shall be offset against the overpayment. So long as the provider has an overpayment balance, any underpayments discovered by subsequent review or audit shall also be used to reduce the remaining amount of the overpayment.

(c) If the provider cannot refund the total amount of the overpayment (i) at the time it files a cost report indicating that an overpayment has occurred, the provider shall request an extended repayment schedule at the time of filing, or (ii) within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the director of the Department of Medical Assistance Services may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an

audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the program or fails to file a cost report in a timely manner, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

(d) In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

(e) Once an initial determination of overpayment has been made, the department shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's determination becomes final.

The director's determination shall be deemed to be final on (i) the due date of any cost report filed by the provider indicating that an overpayment has occurred, or (ii) the issue date of any notice of overpayment, issued by the department, if the provider does not file an appeal, or (iii) the issue date of any administrative decision issued by the department after an informal factfinding conference, if the provider does not file an appeal, or (iv) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to the department.

VR 460-03-4.193. Nursing Home Payment System.

PART XV. REFUND OF OVERPAYMENTS.

§ 15.1. Lump sum payment.

When the provider files a cost report indicating that an overpayment has occurred, full refund is to shall be remitted with the cost report, or, . In cases where DMAS discovers an overpayment during desk review, filed audit, or final settlement, DMAS will immediately shall promptly send the first demand letter requesting a lump sum refund. Recovery will shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

§ 15.2. Offset.

If the provider has been overpaid for a particular fiscal year and has been underpaid for another fiscal year, the underpayment shall be offset against the overpayment. So long as the provider has an overpayment balance, any underpayments discovered by subsequent review or audit shall also be used to reduce the remaining amount of the overpayment.

§ 15.2. § 15.3. Payment schedule.

If the provider cannot refund the total amount of the overpayment (i) at the time it files a cost report indicating that an overpayment has occurred, the provider shall request an extended repayment schedule at the time of filing, or (ii) within ~~thirty (30)~~ 30 days after receiving the DMAS demand letter, the provider should immediately shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to ~~twelve (12)~~ 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of DMAS may approve a repayment schedule of up to 36 months .

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the program or fails to file a cost report in a timely manner, the outstanding balance shall become immediately due and payable.

It must offset any money owed to the provider prior to establishing a repayment plan. When a repayment schedule is used to recover only part of an overpayment, the

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remaining amount ~~should~~ shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

~~§ 15.3.~~ § 15.4. Extension request documentation.

In the request for an extended repayment schedule, the provider ~~must~~ shall document ~~its~~ the need for an extended (beyond ~~thirty~~ 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS ~~approves the schedule~~, DMAS ~~will~~ shall send the provider written notification of the approved repayment schedule, which ~~will~~ shall be in effect from ~~effective~~ retroactive to the date the provider ~~submits~~ submitted the proposal. If an audit later ~~uncovered~~ an additional overpayment, the provider ~~must~~ submit further documentation if it wishes to request an extended repayment schedule for the additional amount.

~~§ 15.4.~~ § 15.5. Interest charge on extended repayment.

Once an initial determination of overpayment has been made, the department shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest will be charged to the provider at the rate specified in ~~§ 32.1-313~~ of the Code of Virginia on the unpaid balance of the approved repayment schedule. Interest will ~~accrue~~ from the date the overpayment is determined. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to ~~§ 32.1-313~~ of the Code of Virginia from the date the director's determination becomes final

The director's determination shall be deemed to be final on (i) the due date of any cost report filed by the provider indicating that an overpayment has occurred, or (ii) the issue date of any notice of overpayment, issued by the department, if the provider does not file an appeal, or (iii) the issue date of any administrative decision issued by the department after an informal factfinding conference, if the provider does not file an appeal, or (iv) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. Interest will not be charged or accrued on any overpayment being appealed by the provider during the period of DMAS' administrative review. Interest will be charged on any unpaid balance from the date of the Director's final administrative determination. In any ease cases in which an initial a determinatiof overpayment has been ~~judicially~~ reversed in a subsequent agency or judicial proceeding , the provider shall be reimbursed that portion of the payment to which he it is entitled, plus any applicable interest which the provider paid to the department .

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 COMMERCE

Title of Regulation: VR 190-05-1. Asbestos Licensing Regulations.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Effective Date: April 14, 1988

Summary:

The adopted regulations require those individuals or entities engaging in work as an asbestos inspector, contractor/supervisor, or worker to fulfill the necessary requirements and obtain a license by July 1, 1988. The regulations provide for approval by the Department of Commerce of training courses and exams which will prepare the candidates to meet the licensing requirements.

VR 190-05-1. Asbestos Licensing Regulations.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"ACM" means asbestos containing material.

"Asbestos" means any material containing more than 1.0% asbestos by weight, which is friable or which has a reasonable probability of becoming friable in the course of ordinary or anticipated building use.

"Asbestos abatement" means any activity involving job set-up, removal, encapsulation, enclosure, renovation, repair, demolition, construction, alteration, or maintenance of asbestos-containing material.

"Asbestos contractor's license" means an authorization issued by the Department of Commerce permitting a person to enter into contracts for a project to remove or encapsulate asbestos.

"Asbestos containing material (ACM)" means any material or product which contains more than 1.0% asbestos.

"Asbestos inspector" means any person performing on-site investigations to identify, classify, record, sample,

test and prioritize by exposure potential, all friable and nonfriable asbestos containing materials located within a structure.

"Asbestos project" means an activity involving the inspection for removal or encapsulation of asbestos.

"Asbestos worker" means any person who engages in an asbestos abatement activity.

"Asbestos worker's license" means an authorization issued by the Department of Commerce permitting an individual to work on an asbestos project.

"Department" means the Department of Commerce.

"Director" means the Director of the Department of Commerce.

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction or installation over or around the ACM of any solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"EPA" means Environmental Protection Agency.

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"Removal" means the physical removal of ACM from a building and disposal thereof in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged ACM to an undamaged condition or to an intact state so as to contain fiber release.

"Supervisor" means any asbestos abatement worker who has been licensed by the Department of Commerce under these regulations as a supervisor. [A licensed supervisor must be present at each jobsite.]

PART II.

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ASBESTOS WORKERS LICENSING REQUIREMENTS.

§ 2.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
[~~Licensing Program for Asbestos Contractors and Workers~~

Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[~~(804) 257-8596 or~~] (800) 552-3016

B. Applicants will be required to provide proof of [successful] completion of an asbestos workers training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any [~~other state jurisdiction~~], and that no enforcement actions by any [~~federal, state or other jurisdictions are jurisdiction is~~] pending against the applicant.

D. In the event enforcement actions have been taken against the applicant the following information [~~will~~ shall] be required [~~;~~ as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any [~~federal, state or other~~] jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. [~~The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.~~]

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure a license will be mailed to the address indicated on the application.

§ 2.2. Qualifications for licensure.

Each individual applying to the Department of Commerce for licensing as an asbestos worker shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 2.3. Fees.

A. A completed application (as defined in Part II, § 2.1 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos workers license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 2.4. Expiration.

Asbestos workers licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 2.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully

completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license, a late renewal fee [shall be required in addition to the renewal fee. The late renewal fee shall be an amount equal to twice the renewal fee equal to the regular renewal fee, shall be required in addition to the regular renewal fee].

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current educational and examination requirements as specified in Part II, § 2.1 of this regulation.

§ 2.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 2.7. Interim licensure.

Individuals who have [received successfully completed] an EPA approved [two-day asbestos training course three-day (24 hours) asbestos worker's training course] and have passed an EPA approved asbestos [worker's] examination [or those who have received training sponsored by the National Asbestos Council] since January 1, 1985, may apply for an interim license for a period of 12 months. [During the 12 month interim license period a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations. During the 12 month interim license period, a Virginia approved asbestos worker's refresher training course must be successfully completed and the individual must apply for a Virginia asbestos worker's license as required in these regulations.

"NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos worker's license must have successfully completed a Virginia approved asbestos worker's training course.]

A. All requests for interim license applications should be directed to:

Assistant Director
[Licensing Program for Asbestos Contractors and Workers
Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[(804) 257-8595 or] 1 (800) 552-3016

B. Each application shall be signed by the applicant and

shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any [other state jurisdiction], and that no enforcement [actions action] by any [federal or state agencies or other jurisdictions are jurisdiction is] pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information [will shall] be required [: as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any [federal, state or other] jurisdiction or any state or federal court.

[2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.]

[3.] A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos worker's license, an interim license will be mailed to the address indicated on the application.

F. Fees.

1. A completed application (as required in Part II, § 2.7 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

2. The fee for an asbestos worker's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

3. All fees will be nonrefundable.

4. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

[G. NO INTERIM LICENSES WILL BE GRANTED

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AFTER JULY 1, 1980.]

PART III. ASBESTOS CONTRACTORS AND SUPERVISORS LICENSING.

§ 3.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
[Licensing Program for Asbestos Contractors and
Workers
Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[(800) 257-8505 or] 1 (800) 552-3016

B. Applicants will be required to provide proof of [successful] completion of an asbestos contractor/supervisor training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any [other state jurisdiction], and that no enforcement [actions action] by any [federal, state or other jurisdictions are jurisdiction is] pending against the applicant.

D. In the event enforcement action has been taken against the applicant, the following information will be required [: as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant, by any [federal, state or other] jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. [The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 3.2. Qualifications for licensure.

Each individual or business applying to the Department of Commerce for licensing as an asbestos contractor/supervisor shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall have all licenses necessary and required by state [or local statutes statute or local ordinance] to transact the business of an asbestos contractor/supervisor in addition to those requirements as set forth in these regulations.

3. Applicant shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 3.3. Fees.

A. A completed application (as required in Part III, § 3.1 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos contractor/supervisor license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 3.4. Expiration.

Asbestos contractors/supervisors licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 3.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The

notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive a renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within [~~one month or~~ 30 days after] the expiration date noted on the license, a late renewal fee [~~shall be required in addition to the renewal fee. The late renewal fee shall be an amount equal to twice the renewal fee. equal to the regular renewal fee,~~ shall be required in addition to the renewal fee.]

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements as specified in Part III, § 3.1 of these regulations.

§ 3.6. License certificate.

A copy of a current asbestos contractors and supervisors license certificate shall be available at all times for review by the Department of Labor and Industry, and the Department of Commerce, at each asbestos jobsite.

§ 3.7. Maintenance of licensing records at asbestos jobsite.

It shall be the responsibility of the contractor/supervisor to maintain at each jobsite, a list of the licensed asbestos workers, the current license number, and the license expiration date of those workers. Records maintained at the jobsite shall be available for review by the Department of Labor and Industry, and the Department of Commerce, and all other agencies having jurisdiction to inspect an asbestos jobsite.

§ 3.8. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 3.9. Interim licensure.

Individuals who have [~~received EPA approved asbestos training successfully completed an EPA approved asbestos contractor/supervisor training course~~] and have passed an EPA approved asbestos [~~contractor/supervisor~~] examination since January 1, 1985, may apply for an

interim license for a period of 12 months. [~~During the 12 month interim license period, a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations. During the 12 month interim license period, a Virginia approved asbestos contractor/supervisor refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos contractor/supervisor license as required in these regulations.~~]

["NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos contractor/supervisor license must have successfully completed a Virginia approved asbestos contractor/supervisor training course.]

A. All requests for interim license applications should be directed to:

Assistant Director
[~~Licensing Program for Asbestos Contractors and Workers~~
Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[~~804 257-8505 or~~] 1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any [~~other state jurisdiction~~], and that no enforcement actions by any [~~federal or state agencies or other jurisdictions~~] are pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required [~~as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.~~]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by [~~any federal, state or other~~] jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. [~~The director may deny an applicant's request for a license based on prior enforcement~~

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actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim [asbestos contractor/supervisor] licensure, an interim license will be mailed to the address indicated on the application.

§ 3.10. Fees.

A. A completed application (as required in Part III, § 3.9 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos contractor/supervisor's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

[E. NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989.]

PART IV.

ASBESTOS INSPECTOR LICENSING REQUIREMENTS.

§ 4.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
[Licensing Program for Asbestos Contractors and Workers
Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[(804) 267-8596 or] 1 (800) 552-3016

B. Applicants will be required to provide proof of [successful] completion of an asbestos inspector training course approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any [other state jurisdiction], and that no enforcement actions by any [federal, state or other jurisdictions are jurisdiction is] pending against the applicant.

D. In the event enforcement actions have been taken against the applicant, the following information will be required [: as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any [federal, state or other] jurisdiction or any state or federal court.

2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency. [The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 4.2. Qualifications for licensure.

A. Each individual or business applying to the Department of Commerce for licensing as an asbestos inspector shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 4.3. Fees.

A. A completed application (as required in Part IV, § 4.1 of these regulations) shall be accompanied by the

appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos inspector's license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 4.4. Expiration.

Asbestos inspector licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 4.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicants shall forward proof that the annual retraining requirement of four hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days [~~or after~~] the expiration date noted on the license, a late renewal fee [~~shall be required in addition to the renewal fee. The late renewal fee shall be equal to the renewal and when combined with the renewal fee equal to the regular renewal fee, shall be required in addition to the regular renewal fee.~~]

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements in Part IV of these regulations.

§ 4.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 4.7. Interim licensure.

Individuals who have [~~received successfully completed~~] EPA approved asbestos [~~inspector~~] training and have passed an EPA approved asbestos [~~inspector~~] examination since January 1, 1985, may apply for an interim license for a period of 12 months. [~~During the 12 month interim license period, a Virginia approved asbestos training course must be successfully completed and the individual must apply for a Virginia license as required in these regulations. During the 12 month interim license period, a Virginia approved asbestos inspector refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos inspector license as required in these regulations.~~]

["NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos inspector's license must have successfully completed a Virginia approved asbestos inspector's training course.]

A. All requests for interim license applications should be directed to:

Assistant Director
[~~Licensing Program for Asbestos Contractors and Workers~~
Asbestos Licensing Program]
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
[~~(804) 257-8595 or~~] 1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform building inspections for asbestos containing materials has not been suspended or revoked by any [~~other state jurisdiction~~], and that no enforcement actions by any [~~federal or state agencies or other jurisdictions are jurisdiction is~~] pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required [~~as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the asbestos inspection might not be performed in a manner that would protect the public health, safety and welfare.~~]

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any [~~federal, state or other~~] jurisdiction or any state or federal court.
2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of

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termination.

3. A copy of any reports compiled by an enforcement agency. [The director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.]

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim [asbestos] inspector's license, an interim license will be mailed to the address indicated on the application.

§ 4.8. Fees.

A. A completed application (as required in Part IV, § 4.7 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos inspector's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

[E. NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1990.]

PART V. TRAINING COURSE REQUIREMENTS.

[IN ALL OF THE FOLLOWING TRAINING COURSE REQUIREMENTS ONE DAY SHALL BE EQUAL TO EIGHT HOURS.]

§ 5.1. Worker training.

Asbestos abatement workers shall complete at least a three day [(24 hours)] training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lectures, demonstrations, at least six hours of hands-on training, individual respirator fit testing, course review, and an examination. The training shall address the following topics:

1. Physical characteristics of asbestos:

- a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses and physical appearance.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
- a. The nature of asbestos related diseases.
 - b. Routes of exposure, dose response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing.
 - i. Regulations covering personal protective equipment.
4. State-of-the-art work practices:
- a. Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.

- e. Proper clean-up and disposal procedures.
- f. Work practices for removal, encapsulation, enclosure, and repair.
- g. Emergency procedures for sudden releases.
- h. Potential exposure situations, and transport and disposal procedures.
- i. Recommended and prohibited work practices.

5. Personal hygiene:

- a. Entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
- b. Potential exposures, such as family exposure.

6. Additional safety hazards:

- a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
- b. Scaffold and ladder hazards.
- c. Slips, trips and falls.
- d. Confined spaces.

7. Medical monitoring:

- a. OSHA requirements for a pulmonary function test.
- b. Chest x-rays and a medical history for each employee.

8. Air monitoring:

- a. Procedures to determine airborne concentrations of asbestos fibers.
- b. Focusing on how personal air sampling is performed and the reasons for it.

9. Relevant federal, state and local regulatory requirements, procedures and standards, with particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers.

10. Establishment of respiratory protection programs.

11. Course review. A review of key aspects of the training course.

§ 5.2. Examinations.

Upon completion of an approved initial training course a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certificate indicating successful completion of the course. The following are the requirements for [the Asbestos Abatement Workers] examination:

Asbestos abatement workers:

1. 50 multiple choice questions.
2. Passing score: 70% correct.

[IN ALL REFRESHER TRAINING COURSE REQUIREMENTS ONE DAY SHALL BE EQUAL TO EIGHT HOURS.]

§ 5.3. Refresher training course.

Refresher courses shall be one day [(8 hours)] in length for asbestos abatement workers. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course as set forth in Part V, § 5.1 of these regulations. A written [closed book] examination of 50 multiple choice questions will be administered covering the topics included in the refresher course. A passing refresher examination score will be 70% correct. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 5.4. Contractor/supervisor training.

Asbestos abatement contractors and supervisors shall complete a four day [(32 hours)] training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lecture, demonstrations, individual respirator fit testing, course review, examination, and at least six hours of hands-on training which allows contractors and supervisors the experience of performing actual tasks associated with asbestos abatement.

For purposes of approval, asbestos abatement supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, and repair. The contractor may designate a supervisor to serve as his agent for the purposes of meeting the requirements for approval.

The contractor and supervisor's training course shall adequately address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials:

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- a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses, physical appearance.
 - d. A review of hazard assessment considerations.
 - e. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
- a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing.
 - i. Regulations covering personal protective equipment.
4. State-of-the-art work practices:
- a. Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber release. use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.
- e. Proper clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, enclosure and repair.
 - g. Emergency procedures for sudden releases.
 - h. Potential exposure situations, and transport and disposal procedures.
 - i. Recommended and prohibited work practices.
5. Personal hygiene:
- a. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing, (gum or tobacco) in the work area.
 - b. Potential exposures, such as family exposure, shall also be included.
6. Additional safety hazards:
- a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants, other than asbestos, fire and explosion hazards.
 - b. Scaffold and ladder hazards.
 - c. Slips, trips and falls.
 - d. Confined spaces.
7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.
8. Air monitoring:
- a. Procedures to determine airborne concentration of asbestos fibers, including a description of an aggressive sampling, equipment and methods.
 - b. Reasons for air monitoring.
 - c. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.
9. Relevant federal, state, and local regulatory requirements, procedures and standards including:
- a. Requirements of TSCA Title II.
 - b. 40 CFR Part 61 National Emission Standards for

Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos).

c. OSHA Standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134).

d. OSHA Asbestos Construction Standard (29 CFR 1926.58).

e. EPA Worker Protection Rule, 40 CFR Part 763, Subpart G.

10. Respiratory protection programs and medical surveillance programs.

11. Insurance and liability issues:

a. Contractor issues, worker's compensation coverage, and exclusions.

b. Third-party liabilities and defenses.

c. Insurance coverage and exclusions.

12. Recordkeeping for asbestos abatement projects:

a. Records required by federal, state, and local regulations.

b. Records recommended for legal and insurance purposes.

13. Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

14. Contract specifications. Discussions of key elements that are included in contract specifications.

15. Course review. A review of key aspects of the training course.

§ 5.5. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive some form of a written certificate indicating successful completion of the course. The following are the requirements for [the asbestos contractor/supervisor] examination:

Asbestos abatement contract supervisors:

1. 100 multiple choice questions.

2. Passing score: 70% correct.

§ 5.6. Refresher training course.

Refresher courses shall be one day [(8 hours)] in length for contractors/supervisors. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and review of key aspects of the initial training course as set forth in Part V, § 5.1 of these regulations. A written [closed book] examination will be included in the refresher course. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 5.7. Inspector training.

Asbestos inspectors shall complete a three day [(24 hour)] training course as outlined below. The course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review and a written examination.

The inspector training course shall adequately address the following topics:

1. Background information on asbestos:

a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.

b. Physical appearance of asbestos.

2. Potential health effects related to asbestos exposure:

a. The nature of asbestos-related diseases.

b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

c. The synergistic effect between cigarette smoking and asbestos exposure.

d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.

3. Functions/qualifications and role of inspectors:

a. Discussions of prior experience and qualifications for inspectors.

b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.

c. Discussion of inspection process including inventory of ACM and physical assessment.

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4. Legal liabilities and defenses:

a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.

b. Bonding and relationship of insurance availability to bond availability.

5. Understanding building systems:

a. The interrelationship between building systems, including: an overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types; physical organization; and where asbestos is found on HVAC components.

b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.

c. Inspecting electrical systems, including appropriate safety precautions.

d. Reading [blueprints building plans] and as-built drawings.

6. Public/employee/building occupant relations:

a. Notifying employee organizations about the inspection.

b. Signs to warn building occupants.

c. Tact in dealing with occupants and the press.

d. Scheduling of inspections to minimize disruption.

e. Education of building occupants about actions being taken.

7. Preinspection planning and review of previous inspection records:

a. Scheduling the inspection and obtaining access.

b. Building record review; identification of probable homogeneous areas from [blueprints building plans] or as-built drawings.

c. Consultation with maintenance or building personnel.

d. Review of previous inspection, sampling, and abatement records of a building.

e. The role of the inspector in exclusions for previously performed inspections.

8. Inspection for friable and nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM:

a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.

b. Types of building materials that may contain asbestos.

c. Touching materials to determine friability.

d. Open return air plenums and their importance in HVAC systems.

e. Assessing damage, significant damage, potential damage, and potential significant damage.

f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.

g. Type of damage.

h. Accessibility.

i. Material's potential for disturbance.

j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.

9. Bulk sampling/documentation of asbestos in schools:

a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-030a October 1985) techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.

b. Techniques for bulk sampling.

c. Sampling equipment the inspector should use.

d. Patching or repair of damage done in sampling; and inspector's repair kit.

e. Discussion of polarized light microscopy.

f. Choosing an accredited laboratory to analyze bulk samples.

g. Quality control and quality assurance procedures.

10. Inspector respiratory protection and equipment:

a. Classes and characteristics of respirator types.

b. Limitations of respirators.

c. Proper selection, inspection, donning, use maintenance, and storage procedures for respirators.

d. Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing.

i. Use, storage, and handling of nondisposable clothing.

11. Recordkeeping and writing the inspection report:

a. Labeling of samples and keying sample identification to sampling location.

b. Recommendations on sample labeling.

c. Detailing of ACM inventory.

d. Photographs of selected sampling areas and examples of ACM condition.

e. Information required for inclusion in the management plan by TSCA Title II § 203 (i)(1).

12. Regulatory review:

a. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.

b. TSCA Title II.

c. OSHA Asbestos Construction Standard 29 CFR 1926.58.

d. OSHA respirator requirements found at 29 CFR 1910.134.

e. The friable ACM in Schools Rule found at 40 CFR Part 763 Subpart F.

(The above materials are incorporated by reference).

f. Applicable state and local regulations.

13. Field trip:

a. To include a field exercise including a walk-through inspection.

b. Discussion on information gathering and determination of sampling locations.

c. On-site practice in physical assessment.

d. Classroom discussion of field exercise.

14. Course review. A review of key aspects of the training course.

§ 5.8. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certification indicating successful completion of the course. The following are the requirements for examination:

Asbestos inspectors:

1. 50 multiple choice questions.

2. Passing score: 70% correct.

§ 5.9. Refresher training course.

Refresher courses shall be one-half day [(4 hours)] in length for inspectors. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course as set forth in Part V, § 5.7 of these regulations. A written [closed book] examination will be administered covering the topics included in the [asbestos inspector] refresher [training] course. Persons who pass the refresher course examination will receive some form of written certification indicating successful completion of the course.

PART VI. TRAINING COURSE APPROVAL.

§ 6.1. All approved training courses shall meet the minimum requirements as outlined in Part V of these regulations. Individuals, businesses, agencies, or institutions wishing to sponsor training courses to prepare applicants for licensure requirements shall submit the following information for review to the Department of Commerce [at least 45 days prior to the commencement of the training course]:

1. Sponsor's name, address and phone number.

2. The course curriculum.

3. A narrative explanation that clearly indicates how the course meets the requirements for approval in the following areas:

a. Length of training in hours.

b. Amount and type of hands-on training.

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c. Examinations (length, format and passing score).

d. Topics covered in the course.

e. Assurances as to test security and how exams are administered.

4. A copy of all course materials (student manuals, instructor notebooks, handouts, etc.).

5. A detailed statement about the development of the examination used in the course.

6. Names, qualifications (include education or experience, or both), and subject areas that each instructor will teach.

7. Teacher-student ratio.

8. Description and an example of numbered certificates that will be issued to students who successfully complete the course.

§ 6.2. In order for courses to be approved by the Department of Commerce, they are required to have a monitored, final written examination which shall include a practical component to test skill in asbestos abatement techniques. Students must obtain a minimum exam grade of 70% correct. A record of each student's grades will be retained by each institution for a period of three years.

§ 6.3. Certificate of course approval.

Certificates of course approval shall be displayed in each approved school facility in a conspicuous place readily accessible to the public. An approved school shall maintain lists of students trained and the dates training occurred. These records shall be made available for Department of Commerce and Department of Labor and Industry review, and shall be maintained for three years.

§ 6.4. Refresher course approval.

Refresher courses shall be one day [(8 hours)] in length for contractors/supervisors and workers, and one-half day [(4 hours)] in length for inspectors. The refresher course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course. Individuals, businesses, agencies, or institutions wishing to sponsor refresher training courses shall submit the following information for [course approval review to the Department of Commerce at least 45 days prior to the commencement of the training course]:

1. Length of training.

2. Topics covered in the course.

3. A copy of all course materials.

4. Names and qualifications of course instructors.

5. An example of certificates issued to students who complete the refresher course.

6. Location and dates the training course is to be held.

7. A detailed statement about the development of the examination and assurances as to test security and how exams are administered.

8. Description and an example of numbered certificates issued to students who successfully complete the course.

§ 6.5. Changes to an approved training course.

Once a training course has been approved, any change in topics covered, course materials, and instructors shall be submitted for approval by the Department of Commerce.

§ 6.6. Suspension or revocation of approval of a training course.

The director may withdraw approval of any approved training program for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the director, and found in Parts V and VI, §§ 5.2 through 6.5 of these regulations.

2. Field inspectors indicate an approved individual, business, agency, institution or sponsor is not conducting the training that meets the requirements as set forth in these regulations. Training course sponsors shall permit Department of Commerce and Department of Labor and Industry representatives to attend, evaluate, and monitor any training course.

Prior notice of attendance by agency representatives may or may not be given.

3. If the approval of a training course is revoked or suspended, the Department of Commerce will promptly notify the individual business, agency, institution, or sponsor in writing of the reason for the suspension or revocation. In the case of a suspension, the necessary steps that shall be taken to comply with the requirements as set forth in Part V of the regulations will be specified.

PART VII. EXEMPTIONS.

§ 7.1. Emergency exemption from licensing.

An exemption from the licensing requirements, as set forth in these regulations may be granted by the director,

pursuant to § 54-145.10:6 of the Code of Virginia, based on a situation that requires immediate removal, repair or encapsulation of asbestos containing materials and a licensed contractor/supervisor and workers are not available to perform the abatement work. Notification shall be immediate and followed by a written description of:

1. The emergency situation.
2. The planned abatement project to include: description of abatement techniques, safety precautions, provisions for worker safety and protection, and safety equipment to be used in the abatement project.
- [3. The project shall not commence until the exemption has been approved by the director.]

§ 7.2. "BUSINESS NECESSITY" WILL NOT QUALIFY FOR EMERGENCY EXEMPTION FROM LICENSING REQUIREMENTS.

§ 7.3. [Exemption from licensure (not an emergency exemption).]

The director may exempt from licensure any employer and any employees of such employer, but only with respect to an asbestos project on premises owned or leased by such employer [and only after the director has determined that the training course implemented by the employer for his employees meets all of the standards as set forth in Part V of these regulations. All exemptions from licensure will be reviewed on at least an annual basis]. To aid the director in making a determination of exemption, the employer shall submit to the director the following information regarding the asbestos safety and training program of the employer:

1. Employer's name, address, phone number, and contact person.
2. A narrative explanation that clearly indicates how the course or training program is structured to meet the training course requirements as set forth in Part V of these regulations.

Upon the approval by the director of the request for exemption from licensing requirements, the employer will be notified in writing by the Department of Commerce.

[Employers shall permit the Department of Commerce or Department of Labor and Industry representatives to attend, evaluate, and monitor any training course. Prior notice of attendance by agency representatives may or may not be given.]

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**AFFIDAVIT
THIS ITEM MUST BE COMPLETED BY APPLICANT:**

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten or
Printed Name _____
Signature _____
Title _____ Date _____
ATTEST: _____
Secretary of Corporation or Notary Public
Date _____
My Commission expires _____

(Seal)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
Application for Asbestos Contractor License

Please Note: Detach this portion of form and enclose with your payment in the envelope provided. Insert envelope in larger envelope with balance of form.

MAKE CHECK PAYABLE TO: TREASURER OF VIRGINIA

Please Print Name and Address Below

Name _____ Fee: \$500.00
Address _____ Zip _____
City _____ State _____ Code _____

Return To: Department of Commerce
P. O. Box 26792
Richmond, VA 23261

COMMONWEALTH OF VIRGINIA
Department of Commerce
Application for Asbestos Contractor License

Date _____ 19 _____

AS REQUIRED BY CHAPTER 7.01 section 54-145.9:2 OF THE CODE OF VIRGINIA WHICH STATES:

Demonstrate to the satisfaction of the Director that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

BY MY SIGNATURE BELOW, I UNDERSTAND AND AGREE TO MY DUTIES AND OBLIGATIONS AND I AM FAMILIAR WITH THE RULES AND REGULATIONS IN THE COMMONWEALTH OF VIRGINIA REGARDING ASBESTOS CONTRACTORS.

Signature _____ Fee: \$500.00

PRIOR ENFORCEMENT ACTIONS

Supply the following information if enforcement actions have been taken:

1. Prior actions.
2. Description of work terminated prior to completion and circumstances of termination.
3. Copy of reports compiled by enforcement agency.

Name _____ Type of Business (check one)
Address _____ Individual
Mailing or _____ Co-partnership
Business _____ Limited partnership
City _____ State _____ Code _____ Corporation
Zip _____ Virginia Contractor's
License Number _____

COMMONWEALTH OF VIRGINIA
Department of Commerce
Application for Asbestos Licensing

Date _____ 19____

Name _____ Phone _____
 Mailing _____ No._() _____
 Address _____ Social Security _____
 _____ Number _____

City _____ State _____ Zip _____ Date of _____
 _____ Code _____ Birth _____

Virginia Contractor's _____ Date of _____
 License No _____ Training _____ Location _____

TRAINING COURSE CERTIFICATE

Please Attach A Copy Of The Certificate Obtained After Completion
Of An Approved Training Course.
Other Asbestos Licenses or Certificates

State(s) _____ License No. _____

Type _____ License No. _____

Type of License

Worker Fee \$35.00
(see Regulation 2.3)

Supervisor Fee \$35.00
(see Regulation 3.3)

Inspector Fee \$35.00
(see Regulation 4.3)

Applicant's signature below indicates that within the past 36 months
license or authorization to perform Asbestos Abatement Work has not been
suspended or revoked by any other state, and that no enforcement actions
by any jurisdiction are pending against the applicant.

Signature

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Supply the following information if enforcement actions have been taken.

1. Prior actions
2. Description of work terminated prior to completion and circumstances of termination.
3. Copy of reports compiled by Enforcement Agency

AFFADAVIT

THIS ITEM MUST BE COMPLETED BY APPLICANT:

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten or

Printed Name _____

Signature _____

Title _____ Date _____

ATTEST: _____

Secretary of Corporation or Notary Public

Date _____

My Commission Expires _____

(seal)

COMMONWEALTH OF VIRGINIA
Department of Commerce
Application for Asbestos Licensing

Please Note: Detach this portion of form and enclose with your payment in the envelope provided. Insert envelope in larger envelope with balance of form.

Make Check Payable To: Treasurer of Virginia

Please Print Name and Address Below

Name _____

Please Check One

Address _____

Worker

City _____ State _____ Zip _____
Code _____

Supervisor

Inspector

Fee \$35.00

Return To: Department of Commerce
P. O. Box 26792
Richmond, VA 23261

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0001. **Procedures, Instructions and Guidelines for Multi-Family Housing Developments.**

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

Effective Date: February 16, 1988

Summary:

The amendments to the Procedures, Instructions and Guidelines for Multi-Family Housing Developments will modify the authority's regulatory controls on rents, income limits, annual cash distributions and loan prepayments for financially sound developments on which the tax benefits have been so reduced as to provide the owners with insufficient financial return.

VR 400-02-0001. Procedures, Instructions and Guidelines for Multi-Family Housing Developments.

§ 1. Purpose and applicability.

The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the Virginia Housing Development Authority (the "authority") to mortgagors to provide the construction and/or permanent financing of multi-family housing developments intended for occupancy by persons and families of low and moderate income ("development" or "developments"). These procedures, instructions and guidelines shall be applicable to the making of such mortgage loans directly by the authority to mortgagors, the purchase of such mortgage loans, the participation by the authority in such mortgage loans with mortgage lenders and any other manner of financing of such mortgage loans under the Virginia Housing Development Authority Act (the "Act"). These procedures, instructions and guidelines shall not, however, apply to any developments which are subject to any other procedures, instructions and guidelines adopted by the authority. If any mortgage loan is to provide either the construction or permanent financing (but not both) of a development, these procedures, instructions and guidelines shall be applicable to the extent determined by the executive director to be appropriate for such financing. If any development is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government, the applicable federal rules and regulations shall be controlling over any inconsistent provision. Furthermore, if the mortgage loan on any development is to be insured by the federal government, the provisions of these procedures,

instructions and guidelines shall be applicable to such development only to the extent determined by the executive director to be necessary in order to (i) protect any interest of the authority which, in the judgment of the executive director, is not adequately protected by such insurance or by the implementation or enforcement of the applicable federal rules, regulations or requirements or (ii) to comply with the Act or fulfill the authority's public purpose and obligations thereunder. Developments shall include housing intended to be owned and operated on a cooperative basis. The term "construction", as used herein, shall include the rehabilitation, preservation or improvement of existing structures.

These procedures, instructions and guidelines shall supersede the processing procedures, instructions and guidelines adopted by the authority on January 17, 1984.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any development to waive or modify any provision herein where deemed appropriated by him for good cause, to the extent not inconsistent with the Act, the authority's rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein refers to the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the Board of Commissioners of the authority (the "board").

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the mortgagor, the contractor or other members of the development team under the initial closing documents as described in § 7 of these procedures, instructions and guidelines.

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements and not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's multi-family housing programs. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to any particular development or developments or any multi-family housing program or programs.

§ 2. Income limits and general restrictions.

Under the authority's rules and regulations, to be eligible for occupancy of a multi-family dwelling unit, a

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person or family shall not have an adjusted family income (as defined therein) greater than seven times the total annual rent, including utilities except telephone, applicable to such dwelling unit. The authority's rules and regulations authorize its board to establish from time to time by resolution lower income limits for initial occupancy.

In the case of developments for which the authority has agreed to permit the mortgagor to establish and change rents without the prior approval of the authority (as described in §§ 11 and 14 of these procedures, instructions and guidelines), at least 20% of the units in each such development shall be occupied or held available for occupancy by persons and families whose incomes (at the time of their initial occupancy) do not exceed 80% of the area median income as determined by the authority, and the remaining units shall be occupied or held available for occupancy by persons and families whose incomes (at the time of their initial occupancy) do not exceed 150% of such area median income as so determined.

Furthermore, in the case of developments which are subject to federal mortgage insurance or assistance or are financed by notes or bonds exempt from federal income taxation, federal regulations may establish lower income limitations which in effect supersede the authority's income limits as described above.

If federal law or rules and regulations impose limitations on the incomes of the persons or families who may occupy all or any of the units in a development, the adjusted family incomes (as defined in the authority's rules and regulations) of applicants for occupancy of all of the units in the development shall be computed, for the purpose of determining eligibility for occupancy thereof under the authority's rules and regulations and these procedures, instructions and guidelines, in the manner specified in such federal law and rules and regulations, subject to such modifications as the executive director shall require or approve in order to facilitate processing, review and approval of such applications.

Notwithstanding anything to the contrary herein, all developments and the processing thereof under the terms hereof must comply with (i) the Act and the authority's rules and regulations; (ii) the applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued by the authority to finance such developments; (iii) in the case of developments subject to federal mortgage insurance or other assistance, all applicable federal laws and regulations relating thereto; and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds are issued by the authority to finance the developments. Copies of the authority's note and bond resolutions are available upon request.

§ 3. Terms of mortgage loans.

The authority may make or finance mortgage loans

secured by a lien on real property or, subject to certain limitations in the Act, a leasehold estate in order to finance development intended for occupancy by persons and families of low and moderate income. The term of the mortgage loan shall be equal to (i) if the mortgage loan is to finance the construction of the proposed development, the period determined by the executive director to be necessary to: (1) complete construction of the development, (2) achieve sufficient occupancy to support the development and (3) consummate the final closing of the mortgage loan; plus (ii) if the mortgage loan is to finance the ownership and operation of the proposed development, an amortization period set forth in the mortgage loan commitment but not to exceed 45 years. The executive director may require that such amortization period not extend beyond the termination date of any federal insurance, assistance or subsidy.

Mortgage loans may be made to: (i) for-profit housing sponsors in original principal amounts not to exceed the lesser of the maximum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 95%; and (ii) nonprofit housing sponsors in original principal amounts not to exceed the lesser of the minimum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 100%.

The maximum principal amount and percentage of housing development costs specified or established in the mortgage loan commitment shall be determined by the authority in such manner and based upon such factors as it deems relevant to the security of the mortgage loan and fulfillment of its public purpose. Such factors may include the fair market value of the proposed development as completed, the economic feasibility and marketability of the proposed development at the rents necessary to pay the debt service on the mortgage loan and the operating expenses of the proposed development, and the income levels of the persons and families who would be able to afford to pay such rents.

In accordance with the authority's rules and regulations, the executive director is authorized to prepare and from time to time revise a cost certification guide for mortgagors, contractors and certified public accountants (the "cost certification guide") which shall, unless otherwise agreed to by the authority, govern the extent to which costs may be eligible for inclusion in the housing development costs as determined by the authority at final closing. Copies of such guide are available upon request.

The interest rate on the mortgage loan shall be established at the initial closing and may be thereafter adjusted in accordance with the authority's rules and regulations and terms of the deed of trust note. The authority shall charge a financing fee equal to 2.5% of the mortgage loan amount, unless the executive director shall

for good cause require the payment of a different financing fee. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for good cause require.

§ 4. Solicitation of proposals.

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

§ 5. Application and acceptance for processing.

Application for a mortgage loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority, including, but not limited to: initial site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; a preliminary estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; a preliminary estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the tenants of dwelling units in the proposed development; and the amount of any federal insurance, subsidy or assistance which the applicant is requesting for the proposed development.

The authority's staff shall review each application and

any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience and financial capacity of the applicant and general contractor and the qualifications of the architect, management agent and other members of the proposed development team;
3. A preliminary evaluation of the estimated construction costs and the proposed design and structure of the proposed development;
4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated construction and financing costs; and
5. A preliminary evaluation of the marketability of the proposed development.

Based on the authority's review of the applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not now, nor is it likely in the future to become, subject to uses or deterioration which could cause undue depreciation in the value of the proposed development or which could adversely affect its operation, marketability or economic feasibility.
2. There are or will be available on or before the estimated completion date (i) direct access to adequate public roads and utilities and (ii) such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.
3. The characteristics of the site (such as its size,

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topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development, and the site is free from any defects which would have a materially adverse effect on such construction and operation.

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

5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.

6. The design of the proposed development is attractive and esthetically appealing, will contribute to the marketability of the proposed development, makes use of materials to reduce energy and maintenance costs, provides for a proper mix of units for the residents intended to be benefitted by the authority's program, provides for units with adequate, well-designed space, includes equipment and facilities customarily used or enjoyed in the area by the contemplated residents, and will otherwise provide a safe, habitable and pleasant living environment for such residents.

7. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.

8. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the proposed rents appear to be at levels which will: (i) be affordable by the persons and families intended to be assisted by the authority; (ii) permit the successful marketing of the units to such persons and families; and (iii) sustain the operation of the proposed development.

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

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

11. The application and proposed development

conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these procedures, instructions and guidelines.

12. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.

13. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in § 6 of these procedures, instructions and guidelines and that the proposed development will otherwise continue to be processed through initial closing and will be completed and operated, all in compliance with the Act and the authority's rules and regulations, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of these procedures, instructions and guidelines and without unreasonable delay, interruptions or expense.

If only one application is being reviewed for acceptance for processing, the executive director shall accept such application for processing if he determines that such application adequately satisfies the foregoing criteria.

In the selection of an application or applications for processing, the executive director may take into account the desirability of allocating funds to different sponsors throughout the Commonwealth of Virginia.

Applications shall be selected only to the extent that the authority has or expects to have funds available from the sale of its notes or bonds to finance mortgage loans for the proposed developments.

Nothing contained herein shall require the authority to select any application which, in the judgment of the executive director, does not adequately satisfy the foregoing criteria.

The executive director's determinations with respect to the above criteria shall be based only on the documents and information received or obtained by him at that time and are subject to modification or reversal upon his receipt of additional documents or information at a later time. In addition, the application shall be subject to further review in accordance with § 6 of these procedures, instructions and guidelines.

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto and

may require the payment by the sponsor of a nonrefundable processing fee of 0.25% of the estimated mortgage loan amount. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

If the executive director determines that a proposed development to be accepted for processing does not adequately satisfy one or more of the foregoing criteria, he may nevertheless accept such proposed development for processing subject to satisfaction of the applicable criteria in such manner and within such time period as he shall specify in his notification of acceptance. If the executive director determines not to accept any proposed development for processing, he shall so notify the sponsor.

§ 6. Feasibility and commitment.

In order to continue the processing of the application, the applicant shall file, within such time limit as the executive director shall specify, such forms, documents and information as the executive director shall require with respect to the feasibility of the proposed development, including without limitation the following:

1. Any additions, modifications or other changes to the application and documents previously submitted as may be necessary or appropriate to make the information therein complete, accurate and current;
2. Architectural and engineering plans, drawings and specifications in such detail as shall be necessary or appropriate to determine the requirements for construction of the proposed development;
3. The applicant's (i) best estimates of the housing development costs and the components thereof; (ii) proposed mortgage loan amount; (iii) proposed rents; (iv) proposed annual operating budget and the individual components thereof; (v) best estimates of the monthly utility expenses and other costs for each dwelling unit if paid by the resident; and (vi) amount of any federal insurance, subsidy or assistance that the applicant is requesting for the proposed development. The applicant's estimates shall be in such detail and with such itemization and supporting information as shall be requested by the executive director;
4. The applicant's management, marketing and tenant selection plans, including description and analysis of marketing and tenant selection strategies, techniques and procedures to be followed in marketing the units and selecting tenants; and
5. Any documents required by the authority to evidence compliance with all conditions and requirements necessary to acquire, own, construct, operate and manage the proposed development, including local governmental approvals, proper zoning status, availability of utilities, licenses and other legal

authorizations necessary to perform requisite functions and any easements necessary for the construction and operation of the development.

The executive director may for good cause permit the applicant to file one or more of the foregoing forms, documents and information at a later time, and any review, analysis, determination or other action by the authority or the executive director prior to such filing shall be subject to the receipt, review and approval by the executive director of such forms, documents and information.

An appraisal of the land and any improvements to be retained and used as a part of the development will be obtained at this time or as soon as practical thereafter from an independent real estate appraiser selected by the authority. The authority may also obtain such other reports, analyses, information and data as the executive director deems necessary or appropriate to evaluate the proposed development.

If at any time the executive director determines that the applicant is not processing the application with due diligence and best efforts or that the application cannot be successfully processed to commitment and initial closing within a reasonable time, he may, in his discretion, terminate the application and retain any fees previously paid to the authority.

The authority staff shall review and evaluate the documents and information received or obtained pursuant to this § 6. Such review and evaluation shall include, but not be limited to, the following:

1. An analysis of the estimates of construction costs and the proposed operating budget and an evaluation as to the economic feasibility of the proposed development;
2. A market analysis as to the present and projected demand for the proposed development in the market area, including: (i) an evaluation of existing and future market conditions; (ii) an analysis of trends and projections of housing production, employment and population for the market area; (iii) a site evaluation (such as access and topography of the site, neighborhood environment of the site, public and private facilities serving the site and present and proposed uses of nearby land); and (iv) an analysis of competitive projects;
3. A review of the management, marketing and tenant selection plans, including their effect on the economic feasibility of the proposed development and their efficacy in carrying out the programs and policies of the authority;
4. A final review of the (i) ability, experience and financial capacity of the applicant and general contractor; and (ii) the qualifications of the architect,

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management agent and other members of the proposed development team.

5. An analysis of the architectural and engineering plans, drawings and specifications, including the functional use and living environment for the proposed residents, the marketability of the units; the amenities and facilities to be provided to the proposed residents; and the management, maintenance and energy conservation characteristics of the proposed development.

Based upon the authority staff's analysis of such documents and information and any other information obtained by the authority in its review of the proposed development, the executive director shall prepare a recommendation to the board that a mortgage loan commitment be issued to the applicant with respect to the proposed development only if he determines that all of the following criteria have been satisfied:

1. Based on the data and information received or obtained pursuant to this § 6, no material adverse change has occurred with respect to compliance with the criteria set forth in § 5 of these procedures, instructions and guidelines.

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

3. Subject to review by the authority at final closing, the categories of the estimated housing development costs to be funded from the proceeds of the mortgage loan are eligible for such funding under the authority's cost certification guide or under such other requirements as shall be agreed to by the authority.

4. Any administrative, community, health, nursing care, medical, educational, recreational, commercial or other nonhousing facilities to be included in the proposed development are incidental or related to the proposed development and are necessary, convenient or desirable with respect to the ownership, operation or management of the proposed development.

5. All operating expenses (including replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated

amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.

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

7. The estimated income from the proposed development, including any federal subsidy or assistance, is sufficient to pay when due the estimates of the debt service on the mortgage loan, the operating expenses, and replacement and other reserves required by the authority.

8. The units will be occupied by persons and families intended to be served by the proposed development and qualified under the Act and the authority's rules and regulations, and any applicable federal laws, rules and regulations. Such occupancy of the units will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other required reserves and escrows) within the usual and customary time for a development for its size, nature, location and type, and without any delay in the commencement of amortization; and (ii) will continue to be self-sufficient for the full term of the mortgage loan.

9. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with item 8 above.

10. The architectural drawings, plans and specifications shall demonstrate that: (i) the proposed development as a whole and the individual units therein shall provide safe, habitable, and pleasant living accommodations and environment for the contemplated residents; (ii) the dwelling units of the proposed housing development and the individual rooms therein shall be furnishable with the usual and customary furniture, appliances and other furnishings consistent with their intended use and occupancy; and (iii) the proposed housing development shall make use

of measures promoting environmental protection, energy conservation and maintenance and operating efficiency to the extent economically feasible and consistent with the other requirements of this § 6.

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

12. The management plan includes such management procedures and requirements as are necessary for the proper and successful operations, maintenance and management of the proposed development in accordance with these procedures, instructions and guidelines.

13. The marketing and tenant selection plans submitted by the applicant shall comply with the authority's rules and regulations and shall provide for actions to be taken such that: (i) the dwelling units in the proposed development will be occupied in accordance with item 8 above and any applicable federal laws, rules and regulations by those eligible persons and families who are expected to be served by the proposed development; (ii) the residents will be selected without regard to race, color, religion, creed, sex or national origin; and (iii) units intended for occupancy by handicapped and disabled persons will be adequately and properly marketed to such persons and such persons will be given priority in the selection of residents for such units. The tenant selection plan shall describe the requirements and procedures (including any occupancy criteria and priorities established pursuant to § 11 of these procedures, instructions and guidelines) to be applied by the mortgagor in order to select those residents who are intended to be served by the proposed development and who are best able to fulfill their obligation and responsibilities as residents of the proposed development.

14. In the case of any development to be insured or otherwise assisted or aided by the federal government, the proposed development will comply in all respects with any applicable federal laws, rules and regulations, and adequate federal insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable federal agency, authority or instrumentality.

15. The proposed development will comply with: (i) all applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued or to be issued by the authority to finance the proposed development; and (ii) all requirements set forth in the resolutions pursuant to which such notes or bonds are issued or to be issued.

16. The prerequisites necessary for the members of

the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied prior to initial closing. These prerequisites include, but are not limited to obtaining: (i) site plan approval; (ii) proper zoning status; (iii) assurances of the availability of the requisite public utilities; (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development; (v) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia; (vi) building permits; and (vii) fee simple ownership of the site, a sales contract or option giving the applicant or mortgagor the right to purchase the site for the proposed development and obtain fee simple title, or a leasehold interest of the time period required by the Act (any such ownership or leasehold interest acquired or to be acquired shall be free of any covenants, restrictions, easements, conditions, or other encumbrances which would adversely affect the authority's security or the construction or operation of the proposed development).

17. The proposed development will comply with all applicable state and local laws, ordinances, regulations, and requirements.

18. The proposed development will provide valid and sound security for the authority's mortgage loan and will contribute to the fulfillment of the public purposes of the authority as set forth in its Act.

19. Subject to a final determination by the board, the financing of the proposed development will meet the applicable requirements set forth in § 36-55.39 of the Code of Virginia.

If the executive director determines that the foregoing criteria are satisfied and that he will recommend approval of the application and issuance of the commitment, he shall present his analysis and recommendations to the board. If the executive director determines that one or more of the foregoing criteria have not been adequately satisfied, he may nevertheless in his discretion recommend to the board that the application be approved and that a mortgage loan commitment be issued subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate. Prior to the presentation of his recommendations to the board, the executive director may require the payment by the applicant of a nonrefundable processing fee in an amount equal to 0.5% of the then estimated mortgage loan amount less any processing fees previously paid by the applicant. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

The board shall review and consider the analysis and

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recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the application and authorize the issuance of a commitment, subject to such terms and conditions as the board shall require in such resolution. Such resolution and the commitment issued pursuant thereto shall in all respects conform to the requirements of the authority's rules and regulations.

If the executive director determines not to recommend approval of the application and issuance of a commitment, he shall so notify the applicant. If any application is not so recommended for approval, the executive director may select for processing one or more applications in its place.

§ 7. Initial closing.

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal documentation (the "initial closing documents") required by the commitment within the time period specified. When the initial closing documents have been submitted and approved by the authority staff and all other requirements in the commitment have been satisfied, the initial closing of the mortgage loan shall be held. At this closing, the initial closing documents shall be, where required, executed and recorded, and the mortgagor will pay to the authority the balance owed on the financing fee, will make any initial equity investment required by the initial closing documents and will fund such other deposits, escrows and reserves as required by the commitment. The initial disbursement of mortgage loan proceeds will be made by the authority, if appropriate under the commitment and the initial closing documents.

The actual interest rate on the mortgage loan shall be established by the executive director at the time of the execution of the deed of trust note at initial closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of such note.

The executive director may require such accounts, reserves, deposits, escrows, bonds, letters of credit and other assurances as he shall deem appropriate to assure the satisfactory construction, completion, occupancy and operation of the development, including without limitation one or more of the following: working capital deposits, construction contingency funds, operating reserve accounts, payment and performance bonds or letters of credit, latent construction defect escrows, replacement reserves, and tax and insurance escrows. The foregoing shall be in such amounts and subject to such terms and conditions as the executive director shall require and as shall be set forth in the initial closing documents.

§ 8. Construction.

The construction of the development shall be performed in accordance with the initial closing documents. The authority shall have the right to inspect the development

as often as deemed necessary or appropriate by the authority to determine the progress of the work and compliance with the initial closing documents and to ascertain the propriety and validity of mortgage loan disbursements requested by the mortgagor. Such inspections shall be made for the sole and exclusive benefit and protection of the authority. A disbursement of mortgage loan proceeds may only be made upon a determination by the authority that the terms and conditions of the initial closing documents with respect to any such disbursement have been satisfied; provided, however, that in the event that such terms and conditions have not been satisfied, the executive director may, in his discretion, permit such disbursement if additional security or assurance satisfactory to him is given. The amount of any disbursement shall be determined in accordance with the terms of the initial closing documents and shall be subject to such retainage or holdback as is therein prescribed.

§ 9. Completion of construction and final closing.

The initial closing documents shall specify those requirements and conditions that must be satisfied in order for the development to be deemed to have attained final completion. Upon such final completion of the development, the mortgagor, general contractor, and any other parties required to do so by the initial closing documents shall each diligently commence, complete and submit to the authority for review and approval their cost certification in accordance with the authority's cost certification guide or in accordance with such other requirements as shall have been agreed to by the authority.

Prior to or concurrently with final closing, the mortgagor, general contractor and other members of the development team shall perform all acts and submit all contracts and documents required by the initial closing documents in order to attain final completion, make the final disbursement of mortgage loan proceeds, obtain any federal insurance, subsidy or assistance and otherwise consummate the final closing.

At the final closing, the authority shall determine the following in accordance with the initial closing documents:

1. The total development costs, the fair market value of the development (if such value is to be used to determine the mortgagor's equity investment), the final mortgage loan amount, the balance of mortgage loan proceeds to be disbursed to the mortgagor, the equity investment of the mortgagor and, if applicable, the maximum amount of annual limited dividend distributions;
2. The interest rate to be applied initially upon commencement of amortization, the date for commencement and termination of the monthly amortization payments of principal and interest, the amount of such monthly amortization payments, and

the amounts to be paid monthly into the escrow accounts for taxes, insurance, replacement reserves, or other similar escrow items; and

3. Any other funds due the authority, the mortgagor, general contractor, architect or other parties that the authority requires to be disbursed or paid as part of the final closing.

Unless otherwise agreed to by the authority, the mortgagor and contractor shall, within such period of time as is specified in the authority's cost certification guide, submit supplemental cost certifications, and the authority shall have the right to make such adjustments to the foregoing determinations as it shall deem appropriate as a result of its review of such supplemental cost certification.

If the mortgage loan commitment and initial closing documents so provide and subject to such terms and conditions as shall be set forth therein, the equity shall be adjusted subsequent to final closing to an amount equal to the difference, as of the date of adjustment, between the fair market value of the development and the outstanding principal balance of the mortgage loan.

§ 10. Mortgage loan increases.

Prior to initial closing, the principal amount of the mortgage loan may be increased, if such an increase is justified by an increase in the estimated costs of the proposed development, is necessary or desirable to effect the successful construction and operation of the proposed development, can be funded from available proceeds of the authority's notes or bonds, and is not inconsistent with the provisions of the Act or the authority's rules and regulations or any of the provisions of these procedures, instructions and guidelines. Any such increase shall be subject to such terms and conditions as the authority shall require.

Subsequent to initial closing, the authority will consider and, where appropriate, approve a mortgage loan increase to be financed from the proceeds of the authority's notes or bonds in the following instances:

1. Where cost increases are incurred as the direct result of (i) changes in work required or requested by the authority or (ii) betterments to the development approved by the authority which will improve the quality or value of the development or will reduce the costs of operating or maintaining the development;
2. Where cost increases are incurred as a direct result of a failure by the authority during processing of the development to properly perform an act for which the authority is solely responsible;
3. Where a mortgage loan increase is determined by the authority, in its sole and absolute discretion, to be in the best interests of the authority in protecting its security for the mortgage loan; or

4. Where the authority has entered into an agreement with the mortgagor prior to initial closing to provide a mortgage loan increase if certain cost overruns occur in agreed line items, but only to the extent set forth in such agreement.

In the event that a person or entity acceptable to the authority is prepared to provide financing on a participation basis on such terms and conditions as the authority may require, the authority will consider and, where appropriate, approve an increase in its mortgage loan subsequent to initial closing to the extent of the financing by such person or entity in any of the following instances:

1. One or more of the instances set forth in 1 through 4 above; or
2. Where costs are incurred which are:
 - a. In excess of the original total contract sum set forth in the authority's mortgage loan commitment;
 - b. The direct result of necessary and substantial changes approved by the authority in the original plans and specifications;
 - c. Evidenced by change orders in accordance with the original contract documents or by other documentation acceptable to the authority; and
 - d. Approved by the authority for inclusion within the total development cost in accordance with the Act, the authority's rules and regulations and the authority's cost certification guide.

Any such mortgage loan increase to be financed on a participation basis shall be granted only to the extent that such costs cannot be funded from mortgage loan proceeds, any income from the operation of the development approved by the authority for application thereto, and other moneys of the mortgagor available therefor. As used herein, the term "other moneys of the mortgagor" shall include moneys received or to be received as a result of the sale or syndication of limited partnership interest in the mortgagor. In the event that any limited dividend mortgagor shall have sold or syndicated less than 90% of the partnership interests, such term shall include the amount, as determined by the authority, which would have been received upon the sale or syndication of 90% of such interest under usual and customary circumstances.

Any such increase in the mortgage loan subsequent to initial closing may be subject to such terms and conditions as the authority shall require, including (but not limited to) one or more of the following:

1. The ability of the authority to sell bonds to finance the mortgage loan increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only to a mortgage loan to be

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financed from the proceeds of the authority's notes or bonds).

2. The obtaining by the owner of additional federal subsidy (if the development is to receive such subsidy) in amounts necessary to fund the additional debt service to be paid as a result of such mortgage loan increase. The provision of such additional subsidy shall be made subject to and in accordance with all applicable federal regulations.

3. A determination by the authority that the mortgage loan increase will have no material adverse effect on the financial feasibility or proper operation and maintenance of the development.

4. A determination by the authority that the mortgage loan, as increased, does not exceed such percentage of the total development cost (as certified in accordance with the authority's cost certification guide and as approved by the authority) as is established in the resolution authorizing the mortgage loan in accordance with § 3 of these procedures, instructions and guidelines.

5. Such terms and conditions as the authority shall require in order to protect the security of its interest in the mortgage loan, to comply with covenants and agreements with the holders of its bonds issued to finance the mortgage loan, to comply with the Act and the authority's rules and regulations, and to carry out its public purpose.

The executive director may, without further action by the board, increase the principal amount of the mortgage loan at any time by an amount not to exceed 2.0% of the maximum principal amount of the mortgage loan set forth in the commitment, provided that such increase is consistent with the Act and the authority's rules and regulations and the provisions of these procedures, instructions and guidelines. Any increase in excess of such 2.0% shall require the approval of the board.

Nothing contained in this § 10 shall impose any duty or obligation on the authority to increase any mortgage loan, as the decision as to whether to grant a mortgage loan increase shall be within the sole and absolute discretion of the authority.

§ 11. Operation, management and marketing.

The development shall be subject to a regulatory agreement entered into at initial closing between the authority and the mortgagor. Such regulatory agreement shall govern the rents, operating budget, occupancy, marketing, management, maintenance, operation, use and disposition of the development and the activities and operation of the mortgagor, as well as the amount of assets or income of the development which may be distributed to the mortgagor.

Only Except as otherwise agreed by the authority pursuant to § 14 hereof, only rents established or approved on behalf of the authority pursuant to the regulatory agreement may be charged for dwelling units in the development. Notwithstanding the foregoing, in the case of any developments financed subsequent to January 1, 1986, the authority may agree with the mortgagor that the rents may be established and changed by the mortgagor without the prior approval of the authority, subject to such restrictions in the regulatory agreement as the authority shall deem necessary to assure that the rents shall be affordable to persons and families intended to be served by the development and subject to compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines.

Any costs for supportive services not generally included in the rent for similar developments shall not be funded from the rental income of the development.

If the mortgagor is a partnership, the general partner or partners shall be required to retain at least a 10% interest in the net proceeds from any sale, refinancing or other disposition of the development during the life of the mortgage loan.

The mortgagor shall lease the units in the development only to persons and families who are eligible for occupancy thereof as described in § 2 of these procedures, instructions and guidelines. The mortgagor shall comply with the provisions of the authority's rules and regulations regarding: (i) the examination and determination of the income and eligibility of applicants for initial occupancy of the development; and (ii) the periodic reexamination and redetermination of the income and eligibility of residents of the development.

In addition to the eligibility requirements of the authority, the executive director may establish occupancy criteria and priorities based on the following:

1. The age, family size, financial status, health conditions (including, without limitation, any handicaps or disabilities) and other circumstances of the applicants for the dwelling units;
2. The status and physical condition of the housing then occupied by such applicants; and
3. Any other factors or matters which the executive director deems relevant to the effectuation of the public purposes of the authority.

In selecting eligible residents, the mortgagor shall comply with such occupancy criteria and priorities and with the tenant selection plan approved by the authority pursuant to § 6 of these procedures, instructions and guidelines.

The executive director is authorized to prepare and from time to time revise a housing management handbook

which shall set forth the authority's procedures and requirements with respect to the management of developments. Copies of the housing management handbook shall be available upon request.

The management of the development shall also be subject to a management agreement entered into at initial closing between the mortgagor and its management agent, or where the mortgagor and the management agent are the same entity, between the authority and the mortgagor. Such management agreement shall govern the policies, practices and procedures relating to the management, marketing and operation of the development. The mortgagor and its management agent (if any) shall manage the development in accordance with the Act, the authority's rules and regulations, the regulatory agreement, the management agreement, the authority's housing management handbook, and the management plan approved by the authority.

The authority shall have the power to supervise the mortgagor and the development in accordance with § 36-55.34:1 of the Code of Virginia and the terms of the initial closing documents or other agreements relating to the mortgage loans. The authority shall have the right to inspect the development, conduct audits of all books and records of the development and to require such reports as the authority deems reasonable to assure compliance with this § 11.

§ 12. Transfers of ownership.

A. It is the authority's policy to evaluate requests for transfers of ownership on a case-by-case basis. The primary goal of the authority is the continued existence of low and moderate income rental housing stock maintained in a financially sound manner and in safe and sanitary condition. Any changes which would, in the opinion of the authority, detrimentally affect this goal will not be approved.

The provisions set forth in this § 12 shall apply only to transfers of ownership to be made subject to the authority's deed of trust and regulatory agreement. Such provisions shall not be applicable to transfers of ownership of developments subject to HUD mortgage insurance, it being the policy of the authority to consent to any such transfer approved by HUD and permitted by the Act and applicable note or bond resolutions.

For the purposes hereof, the terms "transfer of ownership" and "transfer" shall include any direct or indirect transfer of a partnership or other ownership interest (including, without limitation, the withdrawal or substitution of any general partner) or any sale, conveyance or other direct or indirect transfer of the development or any interest therein; provided, however, that if the owner is not then in default under the deed of trust or regulatory agreement, such terms shall not include: (i) any sale, transfer, assignment or substitution of limited partnership interests prior to final closing of the

mortgage loan or; (ii) any sale, transfer, assignment or substitution of limited partnership interests which in any 12 month period constitute in the aggregate 50% or less of the partnership interests in the owner. The term "proposed ownership entity", as used herein, shall mean: (i) in the case of a transfer of a partnership interest, the owner of the development as proposed to be restructured by such transfer; and (ii) in the case of a transfer of the development, the entity which proposes to acquire the development.

B. The proposed ownership entity requesting approval of a transfer of ownership must initially submit a written request to the authority. This request should contain (i) a detailed description of the terms of the transfer; (ii) all documentation to be executed in connection with the transfer; (iii) information regarding the legal, business and financial status and experience of the proposed ownership entity and of the principals therein, including current financial statements (which shall be audited in the case of a business entity); (iv) an analysis of the current physical and financial condition of the development, including a current audited financial report for the development; (v) information regarding the experience and ability of any proposed management agent; and (vi) any other information and documents requested by the authority relating to the transfer. The request will be reviewed and evaluated in accordance with the following criteria:

1. The proposed ownership entity and the principals therein must have the experience, ability and financial capacity necessary to own, operate and manage the development in a manner satisfactory to the authority.
2. The development's physical and financial condition must be acceptable to the authority as of the date of transfer or such later date as the authority may approve. In order to assure compliance with this criteria, the authority may require any of the following:
 - a. The performance of any necessary repairs and the correction of any deferred or anticipated maintenance work;
 - b. The addition of any improvements to the development which, in the judgment of the authority, will be necessary or desirable for the successful marketing of the development, will reduce the costs of operating or maintaining the development, will benefit the residents or otherwise improve the liveability of the development, or will improve the financial strength and stability of the development;
 - c. The establishment of escrows to assure the completion of any required repairs, maintenance work, or improvements;
 - d. The establishment of such new reserves and/or such additional funding of existing reserves as may

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be deemed necessary by the authority to ensure or preserve the financial strength and stability or the proper operation and maintenance of the development; and

e. The funding of debt service payments, accounts payable and reserve requirements such that the foregoing are current at the time of any transfer of ownership.

3. The management agent, if any, to be selected by the proposed ownership entity to manage the development on its behalf must have the experience and ability necessary to manage the development in a manner satisfactory to the authority. The management agent must satisfy the qualifications established by the authority for approval thereof.

If the development is subsidized or otherwise assisted by HUD, the approval by HUD may be required. Any and all documentation required by HUD must be submitted by the proposed ownership entity in conjunction with its request.

C. The authority will charge the proposed ownership entity a fee of \$5,000 or such higher fee as the executive director may for good cause require. This fee is to be paid at the closing.

D. The amount and terms of any secondary financing (i.e., any portion of the purchase price is to be paid after closing of the transfer of ownership) shall be subject to the review and approval of the authority. Secondary financing which would require a lien on the development is prohibited by the authority's bond resolution and, therefore, will not be permitted or approved. The authority will not provide a mortgage loan increase or other financing in connection with the transfer of ownership. The authority will also not approve a rent increase in order to provide funds for the repayment of any secondary financing. Cash flow (other than dividend distributions) shall not be used to repay the secondary financing. Any proposed secondary financing must not, in the determination of the authority, have any material adverse effect on the operation and management of the development, the security of the mortgage loan, the interests of the authority as lender, or the fulfillment of the authority's public purpose under the Act. The authority may impose such conditions and restrictions (including, without limitation, requirements as to sources of payment for the secondary financing and limitations on the remedies which may be exercised upon a nonpayment of the secondary financing) with respect to the secondary financing as it may deem necessary or appropriate to prevent the occurrence of any such adverse effect.

E. In the case of a transfer from a nonprofit owner to a proposed for-profit owner, the authority may require the proposed for-profit owner to deposit and/or expend funds in such amount and manner and for such purposes and to take such other actions as the authority may require in order to assure that the principal amount of the mortgage

loan does not exceed the limitations specified in the Act and the authority's rules and regulations or otherwise imposed by the authority. No transfer of ownership from a nonprofit owner to a for-profit owner shall be approved if such transfer would, in the judgment of the authority, affect the tax-exemption of the notes or bonds issued by the authority to finance the development. The authority will not approve any such transfer of ownership if any loss of property tax abatement as a result of such transfer will, in the determination of the authority, adversely affect the financial strength or security of the development.

At the closing of the transfer of the ownership, the total development cost and the equity of a proposed for-profit owner shall be determined by the authority. The resolution of the board approving the transfer of ownership shall include a determination of the maximum annual rate, if any, at which distributions may be made by the proposed for-profit owner pursuant to the authority's rules and regulations. The proposed for-profit owner shall execute and deliver such agreements and documents as the authority may require in order to incorporate the then existing policies, requirements and procedures relating to developments owned by for-profit owners. The role of the nonprofit owner in the ownership, operation and management of the development subsequent to the transfer of ownership shall be subject to the review and approval of the authority. The authority may require that any cash proceeds received by the nonprofit owner (after the payment of transaction costs and the funding of any fees, costs, expenses, reserves or escrows required or approved by the authority) be used for such charitable or other purposes as the authority may approve.

F. A request for transfer of ownership shall be reviewed by the executive director. If the executive director determines to recommend approval thereof, he shall present his analysis and recommendation to the board. The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the request and authorize the executive director to consent thereto, subject to such terms and conditions as the board shall require in such resolution.

Notwithstanding the foregoing, if any proposed transfer of a partnership interest is determined by the executive director to be insubstantial in effect and to have no material detrimental effect on the operation and management of the development or the authority's interest therein as lender, such transfer may be approved by him without approval of the board.

After approval of the request, an approval letter will be issued to the mortgagor consenting to the transfer. Such letter shall be contingent upon the delivery and execution of any and all closing documents required by the authority with respect to the transfer of ownership and the fulfillment of any special conditions required by the resolution of the board. The partnership agreement of the proposed ownership entity shall be subject to review by

the authority and shall contain such terms and conditions as the authority may require.

The authority may require that the proposed ownership entity execute the then current forms of the authority's mortgage loan documents in substitution of the existing mortgage loan documents and/or to execute such amendments to the existing mortgage loan documents as the authority may require in order to cause the provisions of such documents to incorporate the then existing policies, procedures and requirements of the authority. At the closing of the transfer, all documents required by the approval letter shall be, where required, executed and recorded; all funds required by the approval letter will be paid or deposited in accordance therewith; and all other terms and conditions of the approval letter shall be satisfied. If deemed appropriate by the executive director, the original mortgagor shall be released from all liability and obligations which may thereafter arise under the documents previously executed with respect to the development.

In the case of a development which is in default or which is experiencing or is expected by the authority to experience financial, physical or other problems adversely affecting its financial strength and stability or its proper operation, maintenance or management, the authority may waive or modify any of the requirements herein as it may deem necessary or appropriate in order to assist the development and/or to protect the authority's interest as lender.

§ 13. Prepayments.

It shall be the policy of the authority that no prepayment of a mortgage loan shall be made without its prior written consent for such period of time set forth in the note evidencing the mortgage loan as the executive director shall determine, based upon his evaluation of then existing conditions in the financial and housing markets, to be necessary to accomplish the public purpose of the authority. The authority may prohibit the prepayment of mortgage loans during such period of time as deemed necessary by the authority to assure compliance with applicable note and bond resolutions and with federal laws and regulations governing the federal tax exemption of the notes or bonds issued to finance such mortgage loans. Requests for prepayment shall be reviewed by the executive director on a case-by-case basis. In reviewing any request for prepayment, the executive director shall consider such factors as he deems relevant, including without limitation the following: (i) the proposed use of the development subsequent to prepayment; (ii) any actual or potential termination or reduction of any federal subsidy or other assistance; (iii) the current and future need and demand for low and moderate housing in the market area of the development; (iv) the financial and physical condition of the development; (v) the financial effect of prepayment on the authority and the notes or bonds issued to finance the development; and (vi) compliance with any applicable federal laws and

regulations governing the federal tax exemption of such notes or bonds. As a precondition to its approval of any prepayment, the authority shall have the right to impose restrictions, conditions and requirements with respect to the ownership, use, operation and disposition of the development, including without limitation any restrictions or conditions required in order to preserve the federal tax exemption of notes or bonds issued to finance the development. The authority shall also have the right to charge a prepayment fee in an amount determined in accordance with the terms of the resolutions authorizing the notes or bonds issued to finance the development or in such other amount as may be established by the executive director in accordance with the terms of the deed of trust note and such resolutions. The provisions of this § 13 shall not be construed to impose any duty or obligation on the authority to approve any prepayment, as the executive director shall have sole and absolute discretion to approve or disapprove any prepayment based upon his judgment as to whether such prepayment would be in the best interests of the authority and would promote the goals and purposes of its programs and policies. *The provisions of this § 13 shall be subject to modification pursuant to § 14 hereof.*

§ 14. Modification of regulatory controls.

If the executive director determines that (i) the mortgagor of any development is not receiving a sufficient financial return from the operation thereof as a result of a reduction in the amount of federal tax benefits available to the development (generally, at least 10 years, in the case of new construction, or five years, in the case of substantial rehabilitation, after the date of initial occupancy), (ii) the reserves of such development are and, after any action taken pursuant to this section, will continue to be adequate to assure its proper operation and maintenance and (iii) the rental and other income is and, after any action taken pursuant to this section, will continue to be sufficient to pay the debt service on the mortgage loan and the operating expenses of the development (including required payments to reserve accounts), then he may agree to one or more of the following modifications to the regulatory controls of the authority:

1. Rents may be thereafter established and changed by the mortgagor without the prior approval of the authority, subject to (i) such restrictions as he shall deem necessary to assure that the rents shall be affordable to persons and families to be served by the development, (ii) compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines, and (iii) such limitations on rent increases to existing residents as he shall deem necessary to prevent undue financial hardship to such residents;

2. Subject to prior approval by the board, any limitation on annual dividend distributions may be increased or eliminated, as determined by him to be necessary to provide an adequate financial return to

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the mortgagor without adversely affecting the financial strength or proper operation and maintenance of the development; and

3. The mortgagor may be given the right to prepay the mortgage loan on the date 20 years after the date of substantial completion of the development as determined by the executive director (or such later date as shall be necessary to assure compliance with federal laws and regulations governing the tax exemption of the notes or bonds issued to finance the mortgage loan), provided that the mortgagor shall be required to pay a prepayment fee in an amount described in § 13 of these procedures, instructions and guidelines, and provided further that such right to prepay shall be granted only if the prepayment pursuant thereto would not, in the determination of the executive director, result in a reduction in the amount or term of any federal subsidy or assistance for the development.

The foregoing modifications shall be made only to the extent permissible under and consistent with applicable federal laws and regulations and any agreements governing federal subsidy, assistance or mortgage insurance.

The effective date of the foregoing amendments to multi-family procedures, instructions and guidelines shall be July 1, 1987 February 16, 1988.

* * * * *

Title of Regulation: VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

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

Effective Date: February 16, 1988

Summary:

Pursuant to a resolution of the authority's board of commissioners adopted on May 19, 1987, the fund was established to create new housing opportunities for lower income Virginians through operation of the fund as a special purpose revolving loan fund. The regulations will allow the fund to be used to assist families in need of affordable housing only if they are not then being serviced by other housing programs.

VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

PART I. PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

"Act" means the Virginia Housing Development Authority Act as set forth in Chapter 1.2 (§ 36-55.24 et

seq.) of the Code of Virginia.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making an application or proposal under these procedures, instructions and guidelines.

"Application" or "proposal" means a written request to the authority by a prospective borrower for a loan or a written request to the authority by an applicant requesting the establishment of a loan program or other assistance under the procedures, instructions and guidelines.

"Authority" means the Virginia Housing Development Authority.

"Board of commissioners" means the board of commissioners of the authority.

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

"Fund" means the housing fund created by the authority from moneys in its general fund for the purposes set forth herein.

"Loan" means any extension of credit which is made or financed or is to be made or financed pursuant to these procedures, instructions and guidelines.

"Loan program" means any program requested to be developed or implemented by the authority for the purpose of providing loans pursuant to these procedures, instructions and guidelines.

"U.S. government or agency security" means direct general obligations of the United States of America; obligations the payments of the principal of and interest on which, in the opinion of the Attorney General of the United States in office at the time such obligations were issued, are unconditionally guaranteed by the United States of America; or bonds, debentures, participation certificates or notes issued by any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

§ 1.2. Applicability and purpose.

The procedures, instructions and guidelines that follow will be applicable to loans or programs for loans which are made or financed or are proposed to be made or financed by the authority to borrowers who have presented proposals or applications for loans or loan

programs from the fund.

The purpose of the fund is to create new housing opportunities for lower income Virginians through its operation as a special purpose revolving loan fund. The highest priority is placed upon serving the elderly, disabled, and homeless as well as families in need of affordable housing *not otherwise being serviced by other housing programs*. The fund will also seek to provide support for comprehensive programs of neighborhood revitalization.

There will be special emphasis placed upon using the fund to attract and leverage other housing aid of all kinds including, but not limited to, financial, in kind, tax incentives and subsidies. The fund shall be used to encourage partnerships with both public and private interests including state agencies, localities and nonprofit organizations. The goal is to maximize the participation in, and resources devoted to, solving housing problems of lower income Virginians.

There will be an emphasis on creative uses of the fund which will result in the most effective use of its resources and advancement of the state of the art in providing decent housing at an affordable cost to lower income Virginians.

Notwithstanding anything to the contrary herein, the executive director is authorized to waive or modify any provision herein, where deemed appropriate by him, for good cause, to the extent not inconsistent with the Act and the authority's rules and regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the borrower, any contractors or any other parties under any agreements or documents relating to the loan.

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements for loans or loan programs under the fund and are not intended to include all actions involved or required in the processing and administration of such loans or loan programs. Because the fund is an experimental venture, in order to refine and improve its implementation, it is the intention of the authority to be flexible in its interpretation of the principles set forth herein for loans or loan programs of special merit. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by additional policies, procedures, instructions and guidelines adopted by the authority from time to time. The authority reserves the right to change the size of the fund or its uses as circumstances may reasonably dictate.

PART II. PRINCIPLES GOVERNING THE FUND.

§ 2.1. General principles.

A. The fund is a revolving loan fund. It is the authority's intent that repaid principal plus interest, less any loss of interest or principal in the event of default sustained by the fund, will be recycled and loaned to additional projects up to the full amount of the fund as approved by the board of commissioners.

B. Project and program proposals will be given preference in the selection process to the extent they address the following:

1. Needs of the user group, which shall be primary;
2. Partnerships which maximize leveraging of fund loans;
3. Extent to which the project is either innovative or demonstrates a possible "breakthrough" idea for serving lower income households or both;
4. Potential for the project to be replicable (i.e., demonstration);
5. Financial soundness and experience of the sponsor.

C. Proposals should seek to maximize the number of persons or projects which are served. Projects which highly leverage fund moneys by attracting external subsidies and capital are encouraged.

D. The authority will seek an equitable geographic distribution of loans made from the fund.

E. All loans to be made from the fund shall comply with all applicable laws and regulations to which the authority is subject and with any procedures, instructions and guidelines applicable or to be applicable thereto and such other underwriting criteria as the executive director deems necessary to protect the interests of the authority as lender.

PART III. TERMS OF LOANS AND INTEREST RATES.

§ 3.1. Terms of loans.

Ten years shall be the maximum loan term, although longer amortization schedules may be utilized.

§ 3.2. Interest rates.

The interest rate on loans shall generally not be lower than the rate on a U.S. government or agency security for an equivalent term. Such policy should provide interest rates significantly lower to borrowers from the fund than those which would be available from other sources and, at

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the same time, will provide continuing support for the authority's currently outstanding and future bond issues. The authority realizes that loans will have significantly higher risks than alternative investments and will have little or no liquidity. If deemed necessary, all or a portion of the interest payments on loans may be deferred by the authority.

PART IV. PROPOSALS AND LOAN APPLICATIONS.

§ 4.1. Solicitation of applications and proposals.

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

§ 4.2. Authority programs under the fund.

Programs may be designed and operated by the authority if they are innovative, cannot currently be conventionally funded, or may serve as models for future state or bond funding.

§ 4.3. Application and selection for processing.

Application for a loan or loan program shall be commenced by filing with the authority an application or proposal on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority.

Based on the applications, proposals, documents and any additional information submitted by applicants or obtained from other sources by the authority, a subcommittee of the board of commissioners shall select for processing those applications and proposals which it determines may best satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

Nothing contained herein shall require the authority to select any application or proposal which, in the judgment

of the subcommittee of the board of commissioners, does not adequately satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

The selection by the subcommittee of the board of commissioners shall be based only on the documents and information received or obtained by it at that time and shall be subject to modification or reversal upon receipt and further analysis of additional documents or information at a later time.

After selection of an application or proposal for a loan has been made by the subcommittee of the board of commissioners, such application will then be processed by the authority in accordance with the authority's applicable procedures, instructions and guidelines or, if no such procedures, instructions and guidelines are applicable, in accordance with such written agreement or agreements with the applicant as the executive director may require to effect the purposes and principles hereof and to protect the authority's interest as lender.

After selection of an application or proposal for a loan program has been made by the subcommittee of the board of commissioners, the authority may implement such program by (i) applying any then existing procedures, instructions and guidelines of the authority, (ii) promulgating new procedures, instructions and guidelines therefor, or (iii) entering into such written agreement or agreements with the applicant or proposed borrowers or both as the executive director may require consistent with the purposes and principles hereof and the authority's interest as lender.

These procedures, instructions and guidelines shall be effective as of ~~August 18, 1987~~ February 16, 1988 .

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

NOTICE: The Department of Mines, Minerals and Energy has revised five of their forms. One is a substantial revision and one is a new form requiring publishing in the Virginia Register.

FORM CP-034, the Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination System (NPDES) has been substantially modified by adding the DMLR Stratigraphic Data Sheet. This is a Division of Mined Land Reclamation form.

FORM MS-B-001, the Blasting Practices - Solid Shooting Explosive/Detonator Data and Shot Pattern Plan is a new form to be used by the Division of Mines under authority of § 45.1-48(b)(10), Mining Laws of Virginia. This form is in respect to mining.

Permit No. _____



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
DRAWER U, BIG STONE GAP, VA 24219
TELEPHONE: (703) 523-2925



APPLICATION FOR PERMIT FOR COAL SURFACE MINING
AND RECLAMATION OPERATIONS
AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

Application No. _____
NPDES No. _____

The Applicant is requested to complete all items in the permit application. Any item requiring additional space shall be continued or referenced to Appendix and correspond to a Table of Contents. Any information deemed confidential (Section 45.1-235 F of the Code of Virginia) by the applicant should be clearly marked "CONFIDENTIAL" and submitted separately from the public information. The Division shall determine whether such information is confidential pursuant to the laws of the Commonwealth. (Note: All regulations are prefixed with 480-03-19.)

A. GENERAL INFORMATION

1. Applicant (Company Name) _____
Address _____
Telephone No. _____

2. Type of Application (check one):
 (a) Original Application
 (b) Repermit of Permit No. _____
 (c) Succession to Permit No. _____
 (d) Renewal of Permit No. _____

3a. Name of mine _____ MSHA I.D. # _____

b. Location of proposed operation:
 Latitude _____ Longitude _____
 Nearest community _____
 Nearest public road _____
 USGS Quadrangle(s) _____

c. Designate by county the total surface acreage involved in this proposed mining operation: _____

d. Name (i) the immediate watershed(s) _____
and (ii) the receiving stream into which surface and pit drainage will be discharged _____

e. Proposed type of mining (check appropriate type(s)):
 Surface Associated Facilities only
 Underground Combination (Specify _____)
 Other (Specify _____)

f. Requested permit term: _____ years. (If more than 5 years is requested, provide the basis and supporting rationale for exceeding the 5-year limit.) (Section 778.17(b)) _____

4. Authorized Representative _____ *SSN _____
(Person Signing This Permit)

Address _____ Telephone No. _____

5a. Applicant's legal structure (check one):
 Corporation Partnership Single Proprietorship
 Association Other (Specify _____)

b. Resident Agent _____ Telephone No. _____
Address _____

c. If a corporation, is the corporation registered in Virginia?
 Yes No

d. If other than a single proprietorship, list the following where applicable, the name, address, official title, and *social security number of every officer, partner, director, principal, and each stockholder owning 10 percent or more of any class of voting stock.

6. List all names under which the applicant, partner or principal shareholder operated a surface coal mining operation in the United States within five (5) years preceding the date of this application. Include all permitted or unpermitted operations and any pending permit applications.

Permit No.	Type of Permit	Company Name	Issuing Authority and Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* Optional

7. List all other permits and licenses needed to conduct surface coal mining activities, including the permit application or identification number, type of permit, status of such, and the name and address of regulatory authority.

8a. List the name, address, and telephone number of the operator(s), if other than the applicant (i.e. contractor(s)).

b. If the Contractor/Operator is a business entity other than a single proprietor, attach a list of the names and addresses of the principals, officers, and resident agent to this application.

9. Reclamation Representative *SSN Address Telephone No.

10. Correspondence concerning this application prior to approval should be addressed to: (check one)

Applicant Authorized Representative Engineer Contractor/Operator

11. Engineer(s) Registration No. Organization and Address Telephone No.

12. Applicant's projected yearly coal production from all sources: (check one) over 200,000 tons between 100,000 and 200,000 tons less than 100,000 tons

13a. Provide a statement of those documents (for each surface/mineral tract for the proposed permit area) upon which the applicant bases his right to enter and conduct surface mining activities. Include the type of document, the date of execution, and a description of the land covered by the document.

b. Are these rights the subject of pending litigation? Yes No

14a. If the Mineral Estate has been severed from the Surface Estate, attach a copy of either (1) written consent of surface owner for coal extraction by surface mining methods, or (2) document of conveyance that expressly grants or reserves the right to extract coal by surface coal mining methods.

* Optional

b. If such conveyance is not expressly granted, provide documentation of the legal right to extract coal by surface coal mining methods under applicable State law.

15a. Has the Applicant, or any subsidiary, affiliates, or persons controlled by or under common control with the applicant in the last 5 years:

i. Had a Federal or State mining permit suspended or revoked? Yes No

ii. Forfeited a mining bond or similar security at any time? Yes No

b. If yes, provide the information specified under Section 778.14(b) of the regulations.

16a. Have any violation notices been received by the Applicant in connection with any surface coal mining operation during the last 3 years, excluding DMLR special orders? Yes No

b. If yes, provide the information specified under Section 778.14(c) of the regulations.

B. OWNERSHIP INFORMATION

1. List the name and address of each surface owner of the area proposed for disturbance under this application:

2. List the name and address of each holder of record of any leasehold interest in the area proposed for disturbance:

3. List the name and address of any purchaser of record under a real estate contract of the area proposed for disturbance:

4. List the name and address of each mineral owner of the area proposed for disturbance under this application:

5. List the name and address of each surface and subsurface owner adjacent to any part of the permit boundaries.

a. SURFACE

b. SUBSURFACE (Mineral)

6a. Does the applicant have any interest in lands (ownership, option, or pending bids) contiguous to the proposed permit area? Yes No

b. If so, list the interests. _____

C. PUBLIC NOTICE

1. Public Office where copy of this application is filed for public inspection:

Public Office _____
Address _____

Z. Attach a copy of the proposed advertisement that is to be placed in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operations at least once a week for four consecutive weeks. _____

D. BOND/LIABILITY INSURANCE INFORMATION

Prior to permit issuance, permit bond and certificate of liability insurance shall be submitted in accordance to Parts 800, 801 and Section 800.60.

E. PERMIT APPLICATION CHECKLIST

Attach the appropriate permit application checklist to this form (check the type(s) attached) which is required to supplement your application:

- _____ 1. Surface Mining
- _____ 2. Underground Mining
- _____ 3. Associated Facilities

F. GEOLOGY AND HYDROLOGY MODULE

Include with permit application package in accordance with the general instruction a bound certified copy of the Geology and Hydrology module. This includes the DMLR Stratigraphic Data Sheet.

CERTIFICATION

I hereby certify that any surface coal mining and reclamation operation conducted pursuant to this Application shall comply with the requirements of the Virginia Coal Surface Mining Control and Reclamation Act of 1979 and affirm the information provided on this form and all attachments submitted herewith are true to the best of my knowledge and belief.

(Date) (Signature)

(Title)

(If the person signing this Application is not listed under Item A 5 of this Application, attach a copy of Power of Attorney, or Resolution of Board of Directors, which grants signature authority.)

NOTARIZATION

SUBSCRIBED AND SWORN TO BEFORE ME BY _____

THIS THE _____ DAY OF _____, 19_____.

IN THE CITY/COUNTY OF _____.

NOTARY PUBLIC _____ MY COMMISSION

EXPIRES _____.

ATTACHMENT 2

EXPLOSIVE/DETONATOR DATA

The following information is hereby incorporated as part of the solid shooting permit for:

Company _____
 Mine Name/No. _____
 Mine Index No. _____

and is accepted accurate and correct and should not be deviated from while this permit is in effect.

NOTE: Should any of this information change, this office should be contacted immediately.

Explosive

Manufacturer: _____
 Type: _____
 Size: _____
 Maximum number of sticks of explosives per hole: _____

Detonator

Manufacturer: _____
 Type: _____
 Delay Numbers: _____

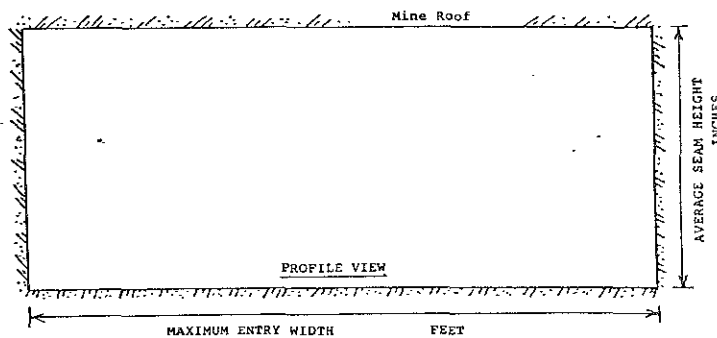
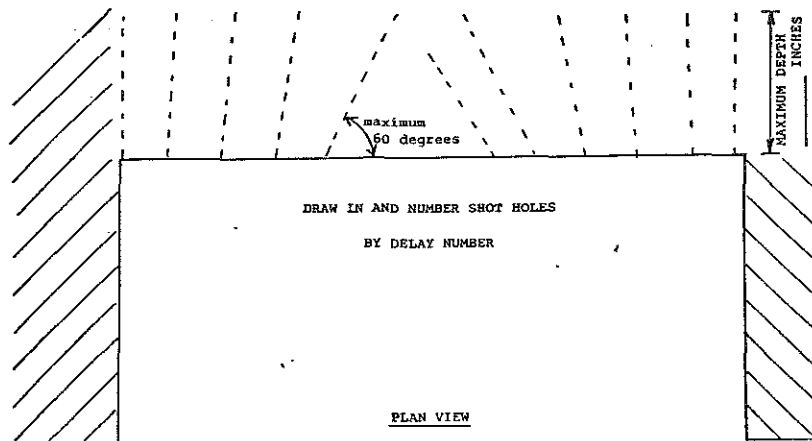
Shot-Firing Unit

Shot-Firing Unit Manufacturer: _____
 Shot-Firing Unit Model: _____

Form MS-B-001
 March, 1988

ATTACHMENT 3

Company _____
 Mine Name/No. _____
 Mine Index No. _____



GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

* * * * *

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF CORRECTIONS

Title of Regulation: **VR 230-30-001. Minimum Standards for Jails and Lockups.**

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

Governor's Comment:

Governor's Comment:

No objection to the proposed regulations as presented.

The 1987 edition of the Virginia Uniform Statewide Building Code - Volume I - New Construction Code is a mandatory, statewide uniform regulation which will ensure the health, safety and welfare of building users.

/s/ Gerald L. Baliles
February 19, 1988

/s/ Gerald L. Baliles
February 24, 1988

* * * * *

STATE BOARD OF EDUCATION

Title of Regulation: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.**

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

Governor's Comment:

Governor's Comment:

Virginia, will, of course, comply with federal statutes. I want to convey, however, Virginia's pride in its record of involving parents in educational decisions which affect their children and my concern for amending our state regulation to exclude the consent of parents for any change in educational placement.

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
February 24, 1988

/s/ Gerald L. Baliles
February 24, 1988

* * * * *

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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

Title of Regulation: **VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1987.**

Governor's Comment:

Governor's Comment:

No objection to the proposed regulation as presented.

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
February 19, 1988

/s/ Gerald L. Baliles
February 19, 1988

* * * * *

* * * * *

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

Title of Regulation: **VR 394-01-41. Virginia Public Building Safety Regulations/1987.**

Governor's Comment:

Governor's Comment:

No objection to the proposed regulation as presented.

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
February 19, 1988

/s/ Gerald L. Baliles
February 19, 1988

* * * * *

Title of Regulation: **VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/1987.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
February 19, 1988

DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation: VR 615-50-5. Fees for Court Services
Provided by Local Departments of Social Services.**

Governor's Comment:

The regulations appear carefully drawn to bring the Department's standards into compliance with the Code of Virginia and to allow sufficient flexibility in the assessment of fees for individuals with limited resources. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles
February 19, 1988

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-01. Permit Regulation.

Governor's Comment:

The proposed regulations will consolidate existing regulations, procedural rules and policies regarding the control of dischargers of pollutants into Virginia's waters. Language changes have been made to ensure that the consolidated regulations which establish the Virginia Pollutant Discharge Elimination System permit program conform with the federal regulations. I have no objection to the promulgation of these regulations.

/s/ Gerald L. Baliles
February 24, 1988

STATE LOTTERY DEPARTMENT



Commonwealth of Virginia

NOTICE OF PUBLIC PARTICIPATION

Commonwealth of Virginia Lottery Retailer (Ticket Sales Agent) Selection Criteria

The Virginia Lottery Department is developing criteria for the selection of lottery retailers and invites written public comments.

Suggestions for the criteria should be submitted in writing, postmarked no later than March 12, 1988. Only suggestions submitted in writing will be considered. Written responses should be sent to: Director; State Lottery Department; P.O. Box 4689; Richmond, Virginia 23220.

For your information, the Virginia Lottery Law contains provisions which prohibit the issuance of a license to sell lottery tickets to certain persons. The law specifies that **no license** to sell lottery tickets will be issued to any person who is:

1. under 18 years of age; or
2. engaged in business primarily to sell lottery tickets.

The law also provides that the **Director may refuse** to grant a license to any person who has been:

1. convicted of a crime involving moral turpitude;
2. convicted of bookmaking or other forms of illegal gambling;
3. found guilty of fraud or misrepresentation in any connection; or
4. convicted of a felony.

Further, the **Director may refuse** to issue a license to a partnership or corporation, if any general or limited partner, or officer or director of such partnership or corporation has been convicted or found guilty of any of the criminal acts described above.

The Virginia Lottery Law also contains general factors that the Director shall consider in issuing retailer licenses. These factors are:

1. the financial responsibility and security of the person and his business or activity;
2. the accessibility of his place of business or activity to the public;
3. the sufficiency of existing licensees to serve the public convenience; and
4. the volume of expected sales.

If you believe other factors, in addition to these, should be considered in awarding lottery retailer licenses, your written suggestions are encouraged.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT FOR THE AGING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Area Agencies on Aging**. The purpose of the proposed regulation is to set forth the methods for (i) designating a planning and service area and an area agency on aging and (ii) suspending or terminating the designation of an area agency on aging.

Statutory Authority: § 2.1-373 A.7 of the Code of Virginia.

Written comments may be submitted until July 20, 1988.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Aging intends to consider promulgating regulations entitled: **Area Plans for Aging Services**. The purpose of the proposed regulation is to regulate the process by which an Area Agency on Aging develops and implements its Area Plan for Aging Services.

Statutory Authority: § 2.1-373 A.3 of the Code of Virginia.

Written comments may be submitted until July 20, 1988.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Financial Management Policies Applicable to Area Agencies on Aging**. The purpose of the proposed regulation is to provide policies and standards for an Area Agency on Aging in the administration of federal and state grants to provide supportive and nutrition services to older persons.

Statutory Authority: § 2.1-373 A.3 of the Code of Virginia.

Written comments may be submitted until July 20, 1988.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider promulgating regulations entitled: **Hearings**. The purpose of the proposed regulation is to describe the hearing procedures of the Department for the Aging.

Statutory Authority: § 2.1-373 A.7 of the Code of Virginia.

Written comments may be submitted until July 20, 1988.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Aging intends to consider promulgating regulations entitled: **Long-Term Care Ombudsman Program**. The purpose of the proposed regulations is to describe the policies by which the Department for the Aging establishes and operates the Office of the State Long-Term Care Ombudsman and designates and supervises an area or local ombudsman entity.

Statutory Authority: § 2.1-373 A.7 of the Code of Virginia.

Written comments may be submitted until July 20, 1988.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219-2797, telephone (804) 225-2271 or SCATS 225-2271

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

General Notices/Errata

public participation guidelines that the Alcoholic Beverage Control Board intends to consider promulgating, amending or repealing regulations entitled: **VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending and repealing the board's regulations.

NOTICE TO THE PUBLIC

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 2, 1988 at 10 a.m. in its Hearing Room, First Floor, Alcoholic Beverage Control Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs and/or savings to regulate entities, the public, or other incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than March 31, 1988.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a

regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by March 31, 1988 requesting that their name be placed on the general mailing list.

C. Applicable laws or regulation (authority to adopt regulations): Sections 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, Board Regulations.

D. Entities affected: (i) all licensees (manufacturers, wholesalers, importers, retailers) and (ii) the general public.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until March 31, 1988.

Contact: Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616 or SCATS 367-0616

CHILD DAY-CARE COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **Public Participation Guidelines.** The purpose of the proposed regulation is to establish written procedures to solicit input from "interested parties" prior to formation and drafting of the proposed regulations and during the formation, promulgation and final adoption process of the regulations. Public participation guidelines have been approved by the Governor on a temporary emergency basis and are in effect until November 29, 1988.

Statutory Authority: § 63-1.202 of the Code of Virginia.

Written comments may be submitted until March 16, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9025 or SCATS 662-9025

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **Minimum Standards for Licensed Child Care Centers, Regulation for Criminal Record Checks for Licensed Child Care Centers, and General Procedures for Child Care Centers.**

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

Written comments may be submitted until April 13, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9025 or SCATS 662-9025

DEPARTMENT OF CORRECTIONS (STATE BOARD OF) Division of Youth Services

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections, Division of Youth Services intends to consider amending regulations entitled: **Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants**. The purpose of the proposed regulation is to provide regulations governing applications for Virginia Delinquency Prevention and Youth Development Act grants with respect to eligibility, developmental process, criteria for application review and funding, and the review process.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until June 1, 1988.

Contact: Thomas J. Northern, III, Delinquency Prevention Specialist, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 367-1633 or SCATS 367-1633

VIRGINIA BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Dentistry intends to consider promulgating new regulations and repeal existing regulations entitled: **Virginia Board of Dentistry Regulations**. The purpose of the proposed regulations is to (i) set standards for the administration of general anesthesia, conscious sedation and nitrous oxide oxygen inhalation analgesia; (ii) consider setting standards for restraint techniques; (iii) consider fee adjustments; (iv) consider setting standards for infectious disease control; (v) consider dental assistants posting radiation certification certificates; and (vi) review any new and existing regulations believed to be necessary by the public.

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

Written comments may be submitted until April 10, 1988.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations entitled: **Requirement for Public School Students to Obtain a Social Security Number**. The purpose of the proposed action is to establish regulations for determining which students are eligible to obtain a federal social security number as directed under § 22.1-260 of the Code of Virginia, which requires all public school students to obtain a social security number.

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

Written comments may be submitted until March 18, 1988.

Contact: Dr. Don S. Ayers, Supervisor, Secondary School Guidance, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2072 or SCATS 225-2072

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries**. The purpose of the proposed regulation is to continue regulations which prohibit the taking of specific finfish in designated portions of the James River and its tributaries. Continuation of the regulations is recommended for a one-year period (July 1, 1988 through June 30, 1989).

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

Written comments may be submitted until 5 p.m., May 2, 1988.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner for Community Health Services, Department of Health, Room 400, Richmond, Va. 23219, telephone (804) 786-3575 or SCATS 786-3575

VIRGINIA BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry**. The purpose of the proposed action is to establish baseline

General Notices/Errata

procedures to be performed by optometrists on patients during eye examinations, and is intended to help assure that members of the public receive adequate eye examinations.

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

Written comments may be submitted until March 15, 1988.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

DEPARTMENT OF SOCIAL SERVICES (STATE 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 promulgating regulations entitled: **General Relief (GR) Program - Relocation Assistance**. The purpose of the proposed regulation is to add a component to general relief that will allow local departments to provide assistance for relocation when employment has been secured outside the locality.

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

Written comments may be submitted until April 13, 1988.

Contact: Carolyn Sturgill, Program Specialist, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

Division of Benefit Programs

† 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: **Job Training Partnership Act (JTPA), Title IV, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed amendments is to disregard children's earnings derived through participation in JTPA, Title IV, Part A, for six calendar months per year and children's unearned income derived through participation in JTPA, Title IV, Part A, indefinitely.

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

Written comments may be submitted until April 13, 1988.

Contact: Carol I. Holmes, Program Specialist, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

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: **State Noise Abatement Policy**. The purpose of the proposed regulation is to implement a statewide noise abatement program for all new federal and nonfederal highway projects.

Statutory Authority: § 33.1-12 of the Code of Virginia.

Written comments may be submitted until May 27, 1988, to J.S. Hodge, Chief Engineer, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219.

Contact: A.C. Anday, Coordinator, Air, Noise & Energy, Department of Transportation, 1401 E. Broad St., Room 1111, Richmond, Va. 23219, telephone (804) 786-6556 or SCATS 786-6556

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 680-21-00. Water Quality Standards**. The purpose of the proposed regulation is to amend Special Condition b, Potomac Embayment Standards, Section VR 680-21-07.1 of the Water Quality Standards.

Amendments to special condition (b) may impact the National Pollutant Discharge Elimination System Permits for the Lower Potomac, Little Hunting Creek, Aquia, Lorton, Harbor View and Quantico Marine Corps Mainside sewage treatment plants.

Applicable laws and regulations include the Clean Water Act, State Water Control Law, Water Quality Standards, Regulation No. 6 - National Pollutant Discharge Elimination System Permits.

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

Written comments may be submitted until 4 p.m., March 14, 1988.

Contact: Jean Gregory, Water Resources Ecology Supervisor, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

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: **Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed.** The purpose of the proposed action is to amend the policy to incorporate recommendations of recent technical studies, as well as to make the policy consistent with current state water quality goals, regulations and operating policies.

The communities potentially impacted include the Town of Leesburg, Loudoun County, and Fairfax County. The policy goals would remain unchanged, but wastewater treatment requirements would be based on technically-verified water quality requirements. The result of such a change would significantly reduce capital and operating costs for those jurisdictions operating wastewater treatment plants in the watershed. Water quality standards would continue to be met and drinking water supply operations would be unaffected.

Applicable laws and regulations include the Federal Clean Water Act, State Water Control Law, Water Quality Standards, and Regulation No. 6 - National Pollutant Discharge Elimination System Permit Program. For copies or inspection of these materials, please contact Stephen Hogue at the address below.

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

Written comments may be submitted until 4 p.m., March 14, 1988.

Contact: Stephen Hogue, Northern Regional Office, State Water Control Board, 5515 Cherokee Avenue, Suite 404, Alexandria, Va. 22312, telephone (703) 750-9111

GENERAL NOTICES

COUNCIL ON THE ENVIRONMENT

† Public Notice

This is PUBLIC NOTICE of the intention of the Council on the Environment to include Virginia's Chesapeake Bay Initiatives, State 401 Certification under the Federal Clean Water Act, the state's tributyltin (TBT) regulatory program and the 1987 legislative change to the Coastal Primary Sand Dune Protection Act in Virginia's Coastal Resources Management Program.

Virginia's Coastal Resources Management Program (VCRMP) was approved under the Federal Coastal Zone Management Act in October, 1986. The program is a coordination of existing state regulations and policies and a networking of state agencies to provide for environmentally sound development and resource conservation in Virginia's Tidewater area described in Executive Order 13 as all those counties and localities

which, in whole or in part, lie east of the "fall line." The Council on the Environment, under the Secretary of Natural Resources, manages the program.

These inclusions in the VCRMP are routine program implementations (RPI's) rather than program amendments because they constitute routine rather than substantial changes to the enforceable and advisory policies of the program.

These RPIs are described briefly below:

RPI No. 1 - The inclusion of a 1987 legislative change to the Coastal Primary Sand Dune Protection Act. The Act, which was amended in 1985 so as not to prohibit erosion control in Sandbridge, was again amended in 1987 in order to more clearly delineate the Sandbridge area and to ensure that the rights of adjacent property owners were not infringed upon.

RPI No. 2 - The addition of State Water Control Board § 401 Certification of applications for § 404 permits to the U.S. Army Corps of Engineers. Section 401 Certification and Section 404 Permitting are part of the Federal Clean Water Act of 1977. The Virginia State Water Control Board assumed the responsibility for § 401 Certification in 1977 and authority is described in Virginia State Code Section 62.1-44.2 et seq. Prior to approval of the Clean Water Act, the Water Board issued Certifications of Reasonable Assurance.

RPI No. 3 - The inclusion of state regulations and policies regarding the use of tributyltin (TBT) in the Virginia Pesticide Use and Application Act. TBT is a pesticide used in marine anti-foulant paint. It is extremely toxic to many marine species and its use is detrimental to the aquatic ecology of Virginia's waters. The Departments of Game and Inland Fisheries, Agriculture and Consumer Services, and the Virginia Marine Resources Commission share the responsibility of enforcing the regulations.

RPI No. 4 - The inclusion of the programs and policies of Virginia's Chesapeake Bay Initiatives in the VCRMP. These initiatives are a comprehensive set of projects and programs planned and implemented as Virginia's Chesapeake Bay Program by various state agencies with interstate and intrastate coordination by the Council on the Environment under the Secretary of Natural Resources.

Public comment on these changes, including, but not limited to, their content and inclusion as RPIs rather than amendments should be directed within three weeks to:

U.S. Department of Commerce,
National Oceanic and Atmospheric Administration,
National Ocean Service
Office of Ocean and Coastal Resource Management
Washington, D.C. 20235

General Notices/Errata

Attn: Director, OCRM

The formal text of these RPIs, comments by affected state agencies and copies of the VCRMP program document may be viewed at the above address and at the Council office, 903 Ninth Street Office Building, Richmond, VA 23219. For information please contact David J. Kinsey, Coastal Resources Management Program Analyst at (804) 786-4500.

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
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the 1987 Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

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.

Publication: 4:8 VA.R. 663-665 January 18, 1988

Corrections to the Final Regulation:

Page 663, § 1.3 B, line 2. The run together word *renewalnotice* should be separated to read *renewal notice*.

Page 665, § 3.2, line 1 should read: In addition, the audiologist should have a knowledge...

Page 665, § 3.3, line 1 should read: In addition, the speech pathologist should have a knowledge...

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-8802. Closed Public Oyster Season.

Publication: 4:11 VA.R. 1091 February 29, 1988

Correction to the Final Regulation:

Page 1091, column 2, line 1. The word "through" should be changed to the word "to." This regulation is not effective on October 1, 1988. The effective date of the regulation should read:

Effective Date: April 1, 1988 to October 1, 1988

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: State Plan for Medical Assistance Relating to Cost Report Filing Requirements. VR 460-02-4.191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care.

Publication: 4:10 VA.R. 912-920 February 15, 1988

Correction to the Proposed Regulation:

Page 913, item VI.3, presently reads "...a statement of retained earnings (or *found* balance), a statement..." This should read "...a statement of retained earnings (or *fund* balance), a statement..."

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.

Publication: 4:9 VA.R. 854-860 February 1, 1988

Corrections to the Final Regulation:

Page 855, § 1.1. Definitions. The definition of "Preceptor" should read as follows:

"Preceptor" means a currently licensed nursing home administrator certified in accordance with § 2.5 A, B, C and D of these regulations who conducts an approved Administrator-in-Training (A.I.T.) program.

Page 855, § 1.3 B, line 7. The run together word *acopy*

should read a *copy*.

Page 855, § 1.3 C, line 4. The word *boar* should read *board*.

Page 857, § 2.3. Training Program, paragraph 1, line 5. The text beginning with line 5 should read as follows:

...defined in § 2.7 under the direct supervision of a board certified preceptor in accordance with § 2.5 A and B of these regulations. Extension may be granted by the board on an individual case basis.

Page 857, § 2.3 B. The words "appended to these regulations" were omitted from the end of the sentence. The text should read as follows:

The curriculum shall be designed to include the Core of Knowledge as defined by Title XIX of the Social Security Act as appended to these regulations.

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

VIRGINIA AGRICULTURAL COUNCIL

May 16, 1988 - 9 a.m. - Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A meeting to (i) review progress reports on approved funded research projects; (ii) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (iii) any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, Va. 23219, telephone (804) 786-2373

ALCOHOLIC BEVERAGE CONTROL BOARD

March 22, 1988 - 9:30 a.m. - Open Meeting
April 5, 1988 - 9:30 a.m. - Open Meeting
April 19, 1988 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ♿

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

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va., telephone (804) 367-0617

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

State Board of Architects

† **March 25, 1988 - 9 a.m. - Open Meeting**
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to (i) approve minutes of December 11, 1987; (ii) discuss investigative cases; (iii) review applications; and (iv) discuss correspondence.

Virginia State Board of Land Surveyors

† **April 14, 1988 - 9 a.m. - Open Meeting**
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to (i) approve minutes of February 5, 1988; (ii) review applications; and (iii) consider enforcement cases.

Contact: Bonnie S. Salzman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8506, toll-free 1-800-552-3016 or SCATS 367-8506

AUCTIONEERS BOARD

May 3, 1988 - 10 a.m. - Open Meeting
Roanoke City Circuit Court, 315 W. Church Avenue, Roanoke, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Auctioneers Board v. Earl Frith.

Contact: Sylvia Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

March 16, 1988 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ♿

An open board meeting to (i) conduct affairs of the board; (ii) discuss revenue and expenditures; (iii) sign certificates; and (iv) conduct orientation from

members of the staff at Health Regulatory Boards, etc.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

AUDITOR OF PUBLIC ACCOUNTS

March 23, 1988 - 9 a.m. - Public Hearing
Roanoke City Council Chambers, City Hall, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Auditor of Public Accounts intends to amend regulations entitled: **VR 160-01-01. Specifications for Audit.** The purpose of the proposed action is to establish policies and procedures of the Auditor of Public Accounts related to the review of audits of local political subdivisions performed by independent Certified Public Accountants.

Statutory Authority: §§ 2.1-164 and 15.1-167 of the Code of Virginia.

Written comments may be submitted until April 15, 1988.

Contact: Cynthia J. Hartley, Director, Systems and Quality Control, P. O. Box 1295, Richmond, Va. 23210, telephone (804) 225-3350

VIRGINIA BOATING ADVISORY BOARD

April 7, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

Review of and action on issues, legislation and regulations affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, Va. 23229, telephone (804) 740-7206

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **March 18, 1988 - 10 a.m. - Open Meeting**
Fourth Street Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested)

A meeting (i) to consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

CHILD DAY-CARE COUNCIL

† **May 16, 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 Child Day-Care Council intends to adopt regulations entitled: **VR 175-01-01. Public Participation Guidelines.** The purpose of the proposed regulation is to set guidelines for obtaining public participation prior to and during the drafting, promulgation and final adoption process of regulations applicable to child care centers.

STATEMENT

Subject: These regulations describe the public participation guidelines to be used by the Child Day-Care Council when developing or revising regulations for licensed child care centers.

Substance: Public comment will be obtained in the following ways:

1. A notice of intent will be published in the Virginia Register;
2. Agencies and associations will be notified and requested to advise their constituency through newsletters, etc; and
3. Interested parties will be notified through a special mailing.

An ad hoc advisory committee, consisting of people who previously gave input about the regulation, will be formed when appropriate as determined by the nature and scope of the regulation.

Issues: The issues which this regulation address are the policy and purpose of the public participation guidelines; who will be notified when making a substantial change to a regulation and the method of notification; the items to be included in the notice of intent published in the Virginia Register; the creation and maintenance of an advisory list; the formation of ad hoc advisory committees; the items to be included in the training of ad hoc committees; and the basis for the regulation.

Basis: Chapter 5, Acts of Assembly of 1984, made amendments to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia which included statutory requirements for participation guidelines. These guidelines must be effective before other regulations can be adopted.

Purpose: The intent of the public participation guidelines is to establish written procedures to solicit input from

Calendar of Events

"interested parties" prior to formation and drafting of the regulations and during the formation, promulgation and final adoption process of the regulations.

These public participation guidelines have been approved by the Governor on a temporary emergency basis and are in effect until November 23, 1988.

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

Written comments may be submitted until May 16, 1988.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

April 8, 1988 - 10 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☐

An open board meeting to (i) conduct affairs of the board; (ii) discuss revenue and expenditures; (iii) conduct regulatory review; and (iv) conduct review of complaints.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

STATE BOARD FOR COMMUNITY COLLEGES

March 16, 1988 - 1 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☐

A working session. The state board committees will meet at 3 p.m. following the working session.

† **March 17, 1988 - 9 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☐

A meeting of the board. The agenda is unavailable.

Contact: Joy Graham, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Falls of the James Advisory Committee

† **March 18, 1988 - noon – Open Meeting**

† **April 15, 1988 - noon – Open Meeting**

† **May 20, 1988 - noon – Open Meeting**

Richmond City Hall, 3rd Floor Conference Room, Richmond, Virginia. ☐

A regular meeting to discuss general business and issues affecting the portion of the James River that runs through the City of Richmond.

Contact: Richard G. Gibbons, Division of Parks and Recreation, 1201 Washington Bldg., Capitol Sq., Richmond, Va. 23219, telephone (804) 786-4132

Virginia Soil and Water Conservation Board

March 17, 1988 - 9 a.m. – Open Meeting
203 Governor Street, Division Conference Room, Richmond, Virginia. ☐

A regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

STATE BOARD FOR CONTRACTORS

March 16, 1988 - 10 a.m. – Open Meeting
Massey Building, 4100 Chain Bridge Road, Board of Supervisors Conference Room, Fairfax, Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Herbert Rose.

Contact: Sylvia Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

STATE BOARD OF CORRECTIONS

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

VIRGINIA BOARD OF COSMETOLOGY

† **March 21, 1988 - 8 a.m. – Open Meeting**
Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☐

A meeting to (i) discuss regulations; (ii) review

enforcement cases; (iii) review correspondence; and (iv) review applications.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

CRIMINAL JUSTICE INFORMATION SYSTEM COMMITTEE

† **March 24, 1988 - 10 a.m.** – Open Meeting
Ninth Street Office Building, Governor's Cabinet Conference Room, Richmond, Virginia. ☒

A regular meeting to discuss on-going business.

Contact: Paul Kolmetz, Ph.D., Division Director, 805 E. Broad St., 10th Fl., Richmond, Va. 23219, telephone (804) 786-4000

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† **March 17, 1988 - 2 p.m.** – Open Meeting
Municipal Building, 1st Floor Conference Room, Danville, Virginia. ☒

Local Committee, SARA Title III. Hazardous Material Community Right To Know.

Contact: C. David Lampley, Chairman, LEPC, 297 Bridge St., Danville, Va. 24541, telephone (804) 799-5228

VIRGINIA BOARD OF DENTISTRY

April 15, 1988 - 8:30 a.m. – Open Meeting
April 16, 1988 - 8:30 a.m. – Open Meeting
April 17, 1988 - 8:30 a.m. – Open Meeting
Cascades Conference Center, Williamsburg, Virginia

The Virginia Board of Dentistry meeting will cover (i) general board business; (ii) officer's reports; (iii) disciplinary hearings; and (iv) proposed regulations.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

March 17, 1988 - 9 a.m. – Open Meeting
March 18, 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

March 15, 1988 - 7 p.m. – Public Hearing
Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia

March 15, 1988 - 7 p.m. – Public Hearing
Henrico High School, 302 Azalea Avenue, Richmond, Virginia

March 15, 1988 - 7 p.m. – Public Hearing
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

March 15, 1988 - 7 p.m. – Public Hearing
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

Pursuant to § 22.1-16 of the Code of Virginia and 34 CFR 99.1-99; 20 USC 1232 et seq., the Management of Student's Scholastic Record is being amended. A public hearing will be held in order that all persons will be offered full opportunity to present testimony concerning the record.

Contact: Kathe Klare, Supervisor, Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2887, toll-free 1-800-422-2083, SCATS 225-2887 or 1-800-422-1098/TDD ☎

March 17, 1988 - 3 p.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Pursuant to § 22.1-209.2 of the Code of Virginia, the Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia currently being amended are further amended to include regulations for education programs in regional and local juvenile detention homes. A public hearing will be held in order that all persons will be afforded full opportunity to present testimony concerning the regulations for education programs in regional and local detention homes.

Contact: Nancy W. Haynes, Supervisor, Institutional and Related Services, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2883, toll-free 1-800-422-2083, SCATS 225-2883 or 1-800-422-1098/TDD ☎

Calendar of Events

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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.

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

STATE BOARD OF ELECTIONS

† **March 28, 1988 - 10 a.m. – Open Meeting**
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☒

The State Board of Elections will meet on Monday, March 28, 1988, at 10 a.m. to certify the results of the March 8, 1988, Democratic and Republican Presidential Preference Primaries.

Contact: Susan H. Fitz-Hugh, 101 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6651

LOCAL EMERGENCY PLANNING COMMITTEE

April 6, 1988 - 10 a.m. – Open Meeting
Mount Rogers Planning District Commission's Conference Room, 1021 Terrace Drive, Marion, Virginia. ☒

A meeting to update committee and review the plan to date.

Contact: Mt. Rogers Planning District Commission, 1021 Terrace Dr., Marion, Va. 24354, telephone (703) 783-5103

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF COLONIAL HEIGHTS

† **March 29, 1988 - 7:30 p.m. – Open Meeting**
Colonial Heights Municipal Building, 1507 Boulevard,

Colonial Heights, Virginia. ☒ (Interpreter for deaf provided if requested)

Organizational meeting - Orientation and discussion of the responsibilities of the Local Emergency Planning Committee (LEPC).

Contact: John H. Mitchell, Assistant City Manager, 1507 Boulevard, Colonial Heights, Va. 23834, telephone (804) 520-9265

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

† **April 14, 1988 - 9:30 a.m. – Open Meeting**
Martinsville Municipal Building, Martinsville, Virginia. ☒

† **May 12, 1988 - 9:30 a.m. – Open Meeting**
Henry County Administration Building, Collinsville, Virginia. ☒

An open meeting to discuss general business relating to SARA Title III and development of the emergency response plan.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Building, P. O. Box 7, Collinsville, Va. 24078, telephone (703) 638-5311, ext. 256

VIRGINIA FARMERS' MARKET BOARD

† **March 17, 1988 - 10 a.m. – Open Meeting**
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. ☒

A regular business meeting.

Contact: R. Duke Burruss, Washington Bldg., 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-1949

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **April 7, 1988 - 9:30 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Conference Room 1, Richmond, Virginia

Informal fact-finding conferences.

† **April 22, 1988 - 9 a.m. – Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Conference Room 1, Richmond, Virginia

A general board meeting including certifying candidates for the May examination. Proposed regulations may be discussed.

† May 17, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Conference Room 1, Richmond, Virginia

Administering examinations and a general board meeting. Proposed regulations may be discussed.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† March 24, 1988 - 3 p.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☐

The Wildlife and Boat Committee of the board will meet to discuss matters relative to local legislative acts, together with other general business.

Following the committee meeting on this date, the board members may meet informally to discuss the business on the agenda for the regular meeting on March 25, 1988.

March 25, 1988 - 9:30 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☐

A meeting of the board to (i) act on a proposed amendment to VR 325-02-11.1 pertaining to closed season on mountain lions; (ii) consider regulation proposals relative to local legislative acts repealed by the 1987 General Assembly; (iii) discuss matters concerning Smith Mountain Lake; (iv) give committee reports; and (v) consider general administrative matters.

Contact: Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 367-1000, toll-free 1-800-237-5712 (hotline) or SCATS 367-1000

DEPARTMENT OF GENERAL SERVICES

State Insurance Advisory Board

March 18, 1988 - 9:30 a.m. - Open Meeting
Department of General Services, Ninth Street Office Building, 9th and Grace Streets, Room 209, Director's Conference Room, Richmond, Virginia. ☐

A quarterly meeting.

Contact: Charles F. Scott, Director, Department of General Services, Division of Risk Management, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4619

STATE BOARD OF HEALTH

May 2, 1988 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.** These regulations prohibit the removal, for the purpose of sale, of specific finfish from designated areas of the James River and its tributaries.

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

Written comments may be submitted until May 2, 1988.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Health Commissioner, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

March 16, 1988 - 9 a.m. - Open Meeting
Fort Magruder Inn and Conference Center, Williamsburg, Virginia. ☐

A regular business meeting.

Contact: Raymond O. Perry, M.P.H., Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

COUNCIL ON HEALTH REGULATORY BOARDS

† April 18, 1988 - 11 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

Informational Hearing on the Regulation of Allied Health Professions. The council solicits comments on the recommendations of a study of the regulations of allied health professions. Specifically:

1. Should the council endorse the formation of a new congregate Board of Allied Health Regulation?
2. Should the council revise the criteria and process used to evaluate the need to regulate additional health occupations and professions?

A copy of the report and recommendations is available on request.

Calendar of Events

† April 19, 1988 - 11 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

A regular quarterly meeting of the council. Agenda items include the review of reports of standing and special committees with special attention to the plan for evaluation by the council of the health professional regulatory enforcement system.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9904

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† March 23, 1988 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

HOPEWELL INDUSTRIAL SAFETY COUNCIL

April 5, 1988 - 9 a.m. - Open Meeting
May 3, 1988 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, City of Hopewell, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

March 15, 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

COUNCIL ON HUMAN RIGHTS

† March 24, 1988 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia. ☒

Monthly council meeting - 10 a.m.

Executive session - 1 p.m.

Contact: Alison Browne Parks, Executive Assistant, Council on Human Rights, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2438

COUNCIL ON INDIANS

March 16, 1988 - 2 p.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, 6th Floor, Richmond, Virginia. ☒

A meeting to discuss revision of educational curriculum with Department of Education and other council activities.

Contact: Mary Zoller, Special Assistant, Office of the Secretary of Human Resources, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-7765

DEPARTMENT OF LABOR AND INDUSTRY

April 18, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, XI. Program Sponsor Evaluation Procedure.** The program sponsor evaluation procedure will be used when program sponsors are evaluated once every two years to determine their compliance with the intent of the Voluntary Apprenticeship Act.

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

Written comments may be submitted until April 15, 1988.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or SCATS 786-2381

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

† **March 14, 1988 - 10:30 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

An open board meeting to conduct (i) discussion of rules and regulations of the board; (ii) review of applications; (iii) signing of certificates; and (iv) other board business.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

LONGWOOD COLLEGE

Board of Visitors

† **April 7, 1988 - 11 a.m.** – Open Meeting
† **April 8, 1988 - 3 p.m.** – Open Meeting
Longwood College, Virginia/Prince Edward Rooms, Farmville, Virginia. ☒

A quarterly spring meeting to consider actions necessary to the governance of Longwood College.

Board of Visitors Executive Committee

† **March 18, 1988 - 10:30 a.m.** – Open Meeting
Longwood College, Virginia Room, Farmville, Virginia. ☒

A business meeting pertaining to the governance of Longwood College.

Contact: Dr. George R. Healy, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

VIRGINIA MARINE PRODUCTS BOARD

† **March 23, 1988 - 5 p.m.** – Open Meeting
Ships Cabin Seafood Restaurant, 4110 East Ocean View Avenue, Norfolk, Virginia

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, 97 Main Street, Room 103, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

April 5, 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

Habitat Management Division

May 3, 1988 - 9:30 a.m. – Public Hearing
Newport News City Council Chambers, Newport News, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to adopt guidelines entitled: **VR 450-01-0047. Criteria for the Siting of Marinas or Community Facilities for Boat Mooring.** The purpose of these guidelines is to set forth criteria which will be used by the Virginia Marine Resources Commission to evaluate the siting of marinas and community boat mooring facilities pursuant to the permitting authority provided in § 62.1-3 of the Code of Virginia.

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

Written comments may be submitted until April 15, 1988.

Contact: Norman E. Larsen, Chief, Habitat Management, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2200

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

April 15, 1988 – Written comments may be submitted until this date.

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

Calendar of Events

of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **The State Plan for Medical Assistance Relating to Audit Requirements**. This proposed amendment replaces provision requiring audits every three years with proposed provision for periodic audits as determined from internal desk audits.

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

Written comments may be submitted until 4:30 p.m., April 15, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

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April 15, 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 Department of Medical Assistance Services intends to amend **The State Plan for Medical Assistance Relating to the Cost Report Filing Requirements**. The amendments standardize information to be supplied by institutional providers which is necessary for the process of finalizing cost reports.

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

Written comments may be submitted until 4:30 p.m., April 15, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

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April 14, 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 Department of Medical Assistance Services intends to amend **The State Plan for Medical Assistance Relating to Rehabilitative Services**. These proposed amendments clarify requirements for inpatient and outpatient admission authorizations, add criteria for rehab nursing and make technical corrections to existing

language.

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

Written comments may be submitted until 4:30 p.m., April 14, 1988, to Tinnie Conover, Manager of Institutional Services, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

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† **May 16, 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 Department of Medical Assistance Services intends to adopt regulations entitled: **State Plan for Medical Assistance Relating to Extended Repayment Schedule (VR 460-02-4.191, 460-02-4.192, 460-03-4.193)**. The proposed regulation authorizes the director to extend scheduled repayments of overpayments in certain circumstances.

STATEMENT

Purpose: This amendment authorizes the director to approve an extended repayment schedule of up to 36 months (with an interest charge) when a provider can document that repayment within a 12-month period would cause severe financial hardship. It also documents the treatment of overpayments to providers which are not inpatient hospitals or long-term care facilities.

Summary and analysis: This amendment details when the director may approve a repayment schedule of up to 36 months, and codifies the repayment rules for providers which are neither inpatient hospitals or long-term care facilities.

As of October 31, 1987, approximately 17,700 providers had agreements with the Department of Medical Assistance Services to be reimbursed for rendering medical care to eligible recipients. Certain providers (such as inpatient hospitals, long-term care facilities, and home health care services) are reimbursed on the basis of a prospectively determined rate and reasonable cost, whereas other providers (such as practitioners and outpatient laboratories) are reimbursed on the basis of a fee plus cost of materials.

Institutional providers file cost reports annually. These reports serve as a basis for the providers' rate of reimbursement for the next year, as well as settling any amounts due for the year just ended. During the course of this settlement process, overpayments to the provider may

be discovered.

In addition, pursuant to 42 CFR 447.202, the Department of Medical Assistance Services must assure appropriate audit of records when payment is based on cost of services or on a fee plus cost of materials. These audits on occasion reveal overpayments to the providers. These overpayments are considered immediately due and payable. When a provider can demonstrate that the immediate repayment of the overpayment would place a financial hardship on its operations, an extended payment schedule, with appropriate applicable interest charges, is used to recover the overpayment.

The existing regulation currently limits the repayment schedule to 12 months. This proposed amendment would allow the director to approve an extended payment schedule for a time period not to exceed 36 months, if the provider can establish that repayment within a 12-month period would create severe financial hardship. This revision would give the director discretion when dealing with providers whose financial standing would be jeopardized by requiring repayment within the shorter period. The longer period would permit the providers to continue operations, yet still assure that funds are properly returned to the Program. The concept of a repayment period longer than 12 months is patterned after the federal Medicare guidelines.

Impact: The proposed amendment potentially affects all providers with agreements to participate in the Program. As of October 31, 1987, the Program had approximately \$3.8 million in accounts receivable for 69 institutional providers, and approximately \$270,000 in accounts receivable for 51 providers reimbursed on the basis of a fee plus cost of materials. It is estimated that 10% of these providers would qualify for a 36-month repayment schedule.

There is little or no estimated budgetary impact on the Program. All overpayments which are not repaid within 30 days from the date that the director's determination becomes final accrue interest from such date at the judgment rate (currently 8.0% per annum).

Forms: The department will use currently existing forms to administer this Plan amendment.

Evaluation: The department will include the monitoring of the implementation of this action in its ongoing Plan-monitoring activities. The department is also monitored closely by the federal Department of Health and Human Services' Health Care Financing Administration in this area of provider reimbursement.

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

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

VIRGINIA STATE BOARD OF MEDICINE

† March 17, 1988 - 8 a.m. - Open Meeting
† March 18, 1988 - 8 a.m. - Open Meeting
† March 19, 1988 - 8 a.m. - Open Meeting
† March 20, 1988 - 8 a.m. - Open Meeting
Holiday Inn Fair Oaks, 11787 Lee Jackson Highway,
Fairfax, Virginia. ☒

The board will meet to review reports, interview licensees and make decisions on discipline matters before the board on Thursday, Friday, Saturday afternoon and Sunday. At 8:15 a.m. on Saturday, March 19, 1988, the full board will meet in open session and conduct general board business and discuss any other items which may come before the board.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, Va. 23229-5005, telephone (804) 662-9925

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April 20, 1988 - 9:30 a.m. - Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-02-1. Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture** and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of medicine, osteopathic medicine, chiropractic, clinical psychology, podiatry, acupuncture and other healing arts.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, Va. 23229-5005.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, Va. 23229-5005, telephone (804) 662-9925

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April 20, 1988 - 10:30 a.m. - Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

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

Calendar of Events

465-03-1. Physical Therapy and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of physical therapy.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Conner, M.D., Executive Director, 1601 Rolling Hills Drive, Surry Building, Richmond, Va. 23229-5005.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

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April 20, 1988 - 1:30 p.m. - Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-05-1. Physician Assistants.** and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of physician's assistants in the Commonwealth.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Surry Building, Richmond, Va. 23229-5005.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Building, 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

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April 20, 1988 - 2:30 p.m. - Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-06-1. Correctional Health Assistants** and repeal existing regulations entitled Physicians Assistants - Category II. The purpose of this action is to establish requirements for the practice of Correctional Health Assistants employed in correctional institutions.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of

Medicine, Surry Building, Richmond, Va. 23229-5005.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

Chiropractic Examination Committee

April 21, 1988 - 12:30 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

A meeting in open and executive session for the purpose of reviewing and developing chiropractic questions for the June, 1988 exam.

Credentials Committee

April 9, 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 closed sessions and to discuss any other items which may come before this committee.

Informal Conference Committee

April 6, 1988 - 9 a.m. - Open Meeting
April 12, 1988 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

April 8, 1988 - 1 p.m. - Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☐

April 22, 1988 - 9 a.m. - Open Meeting
Patrick Henry Inn and Conference Center, York and Page Streets, Route 60 East, Williamsburg, Virginia. ☐

April 27, 1988 - 9 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

March 23, 1988 - 10 a.m. - Open Meeting
Piedmont Hospital, Burkeville, Virginia. ☒

A regular monthly meeting. The agenda will be published on March 16 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

MILK COMMISSION

† March 16, 1988 - 11 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. ☒

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office Bldg., 9th and Grace Sts., Room 1015, Richmond, Va. 23219, telephone (804) 786-2013

VIRGINIA MUSEUM OF FINE ARTS

Full Board of Trustees

† March 19, 1988 - 2:30 p.m. - Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Virginia Museum Auditorium, Richmond, Virginia. ☒

A regularly scheduled meeting of the full board. Committee and staff reports to be presented, financial statements reviewed.

Accessions Committee

† March 16, 1988 - 2 p.m. - Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Virginia Museum Library Reading Room, Richmond,
Virginia. ☒

A quarterly meeting to consider the purchase and gift offers of works of art.

Finance Committee

† March 19, 1988 - 1 p.m. - Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Members' Dining Room (Payne Room), Richmond,
Virginia. ☒

A regularly scheduled meeting to consider financial statements, budgetary concerns.

Nominating Committee

† March 19, 1988 - 11 a.m. - Open Meeting
Virginia Museum of Fine Arts, Virginia Museum
Conference Room, 2800 Grove Avenue, Richmond, Virginia.
☒

A review of nominations to 1988-89 Board of Trustees (to be submitted to the Governor for consideration).

Contact: Emily C. Robertson, Secretary of the Museum, Boulevard and Grove Ave., Richmond, Va. 23221-2466, telephone (804) 367-0553

VIRGINIA STATE BOARD OF NURSING

† March 28, 1988 - 9 a.m. - Open Meeting
† March 29, 1988 - 9 a.m. - Open Meeting
† March 30, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf
provided if requested)

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

Informal Conference Committee

† April 12, 1988 - 8:30 a.m. - Open Meeting
† April 28, 1988 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Conference Room 2, 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 or SCATS 662-9909

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

March 17, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Conference
Room 3, Richmond, Virginia. ☒ (Interpreter for deaf
provided if requested)

An open board meeting to (i) conduct examinations; (ii) review revenue and expenditures; (iii) review applications; (iv) sign certificates; and (v) conduct other matters of the board.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond,

Calendar of Events

Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

VIRGINIA STATE BOARD OF OPTICIANS

† **March 25, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

A meeting to (i) discuss enforcement cases; (ii) review applications; and (iii) review correspondence.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

VIRGINIA BOARD OF OPTOMETRY

May 1, 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 Virginia Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The proposed amendments increase the fees charged to optometrists for licensure and examination.

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

Written comments may be submitted until May 1, 1988.

Contact: Moira C. Lux, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

STATE BOARD OF PHARMACY

† **March 24, 1988 - 8:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Informal conferences.

† **March 30, 1988 - 9:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Routine board business.

Contact: Jack B. Carson, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

ADVISORY BOARD ON PHYSICAL THERAPY

† **March 18, 1988 - 8:30 a.m.** – Open Meeting

Holiday Inn Fair Oaks, 11787 Lee Jackson Highway, Fairfax, Virginia. ☒

The Advisory Board on Physical Therapy will meet to conduct general board business and respond to correspondence. The advisory board will also discuss any other items which may come before them.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, 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 PROFESSIONAL COUNSELORS

March 30, 1988 – Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Professional Counselors intends to repeal existing and adopt new regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Written comments may be submitted until March 30, 1988.

Contact: Stephanie A. Sivert, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

VIRGINIA REAL ESTATE BOARD

March 16, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests). The agenda may include possible revision of the Rules and

Regulations of Fair Housing, Property Registration, and Licensing.

Contact: Joan L. White, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

BOARD OF REHABILITATIVE SERVICES

† March 25, 1988 - 9:30 a.m. - Open Meeting
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to hear standing and ad hoc committee reports, department reports including Woodrow Wilson, and conduct the regular business of the board.

Finance Committee

† March 24, 1988 - 3 p.m. - Open Meeting
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review department financial reports, grants and contracts, General Assembly appropriations for the department and Woodrow Wilson Rehabilitation Center, and develop fiscal policies for recommendations to the board at its regular meeting.

Legislation and Evaluation Committee

† March 24, 1988 - 1 p.m. - Open Meeting
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review recent legislative activity by the General Assembly and develop a report and policy recommendations for presentation to the board at its regular meeting.

Program Committee

† March 24, 1988 - 11 a.m. - Open Meeting
Woodrow Wilson Rehabilitation Center, Mary Switzer Building, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review regulatory matters, grants and contracts, and develop recommendations for presentation to the board at its regular meeting.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, Va., telephone (804) 367-6446, toll-free 1-800-552-5019, SCATS 367-6446 or (804) 367-0280/TDD ☎

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

† March 16, 1988 - 9 a.m. - Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C, Salem, Virginia. ☒

The committee will begin planning process for SARA Title III regulations and appointment of subcommittees to work in various phases of program.

Contact: Warren E. Trent, Coordinator of Emergency Services, 215 Church Ave., S.W., Roanoke, Va. 24011, telephone (703) 981-2425

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† March 17, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The authority will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation.

Contact: Rose Heilman, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va., telephone (804) 786-3791

DEPARTMENT OF SOCIAL SERVICES

Division of Licensing Programs

March 31, 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 Department of Social Services, Division of Licensing Programs intends to amend regulations entitled: **VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of the proposed regulation is to regulate homes which provide maintenance and care to aged, infirm, and disabled adults.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Written comments may be submitted until March 31, 1988.

Contact: Kathryn Thomas, Program Development Supervisor, Department of Social Services, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

Calendar of Events

VIRGINIA BOARD OF SOCIAL WORK

Ad Hoc Committee on Proposed Regulations

† **March 25, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Ad Hoc Committee on Proposed Regulations will meet to review the proposed regulations of the Board of Social Work prior to the public hearings.

Contact: Beverly Putnam, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **March 17, 1988 - 10 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Room 512, Richmond, Virginia. ☒

A work session to discuss the development of regulations and examinations for this new regulatory program.

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

REFORESTATION OF TIMBERLANDS BOARD

March 16, 1988 - 10 a.m. – Open Meeting
Department of Forestry Office, Alderman and McCormick, Charlottesville, Virginia. ☒

A semi-annual meeting of the board to review accomplishments and budget.

Contact: James D. Starr, Department of Forestry, P. O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

COMMONWEALTH TRANSPORTATION BOARD

March 17, 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

DEPARTMENT OF TRANSPORTATION

March 28, 1988 - 10 a.m. – Public Hearing
Fredericksburg District Office, Route 607 (Deacon Road) 0.4 mile west of Route 218, Fredericksburg, Virginia. ☒ (Interpreter for deaf provided if requested)

March 30, 1988 - 10 a.m. – Public Hearing
Suffolk District Office, 1700 North Main Street (Route 460), Suffolk, Virginia. ☒ (Interpreter for deaf provided if requested)

April 1, 1988 - 10 a.m. – Public Hearing
Bristol District, Virginia Highway School Auditorium, Long Crescent Drive, Bristol, Virginia. ☒

April 4, 1988 - 10 a.m. – Public Hearing
Lynchburg District Office, Route 501, 0.26 mile south of intersection Routes 460 and 501 south of Lynchburg, Virginia. ☒ (Interpreter for deaf provided if requested)

April 6, 1988 - 10 a.m. – Public Hearing
Richmond District Office, Pine Forest Drive off Route 1, one mile north of Colonial Heights, Virginia. ☒ (Interpreter for deaf provided if requested)

April 8, 1988 - 2 p.m. – Public Hearing
Staunton District Office, Commerce Road (Route 11 Bypass) just north of Staunton, Virginia. ☒ (Interpreter for deaf provided if requested)

April 11, 1988 - 10 a.m. – Public Hearing
Culpeper District Office, Route 15, 0.5 mile south of Route 3, Culpeper, Virginia. ☒ (Interpreter for deaf provided if requested)

April 12, 1988 - 10 a.m. – Public Hearing
Salem District Office, Harrison Avenue north of Main Street and east of Route 311 in Salem, Virginia. ☒ (Interpreter for deaf provided if requested)

April 22, 1988 - 1:30 p.m. – Public Hearing
Fairfax City Hall, 10455 Armstrong Street, Room 305, Council Chambers, Fairfax, Virginia. ☒ (Interpreter for deaf provided if requested)

Public hearings to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary, and urban systems.

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

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April 1, 1988 - 2 p.m. - Public Hearing
Department of Transportation, Central Office, 1401 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Transportation intends to adopt regulations entitled: **VR 385-01-06. Minimum Standards of Entrances to State Highways.** These regulations 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(3), 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until April 1, 1988.

Contact: John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878 or SCATS 786-2878

TREASURY BOARD

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

† **March 31, 1988 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Informal conferences and general business.

Contact: Moira C. Lux, Executive Director, 1601 Rolling Hills Drive, Richmond, Va. 23229, telephone (804) 662-9915

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

April 23, 1988 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to advise the department on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

March 24, 1988 - 10:30 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A meeting to review public hearing comments and product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

STATE WATER CONTROL BOARD

March 14, 1988 - 7 p.m. - Public Hearing
Eastern Shore Community College, Route 13, Lecture Room, Melfa, Virginia

A public hearing to receive comments on the proposed issuance or denial of an NPDES Permit to Integrated Fisheries International, Limited.

This issuance proposes interim effluent limitations and a schedule of compliance to upgrade in order to meet future effluent limitations to assure compliance with Water Quality Standards.

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6829

April 4, 1988 - 7 p.m. - Public Hearing
Spotsylvania County Board of Supervisors Room, Route 208 at Spotsylvania Courthouse, Spotsylvania, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **VR 680-16-17. Rappahannock River Basin Water Quality Management Plan.** The Plan sets forth measures to be implemented by the State Water Control Board to reach and maintain applicable water quality goals.

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

Written comments may be submitted until April 18, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230.

Contact: Dale J. Jones, Director, Office of Water Resources Planning, State Water Control Board, P. O. Box

Calendar of Events

11143, Richmond, Va. 23230, telephone (804) 367-6422

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

April 21, 1988 - 3 p.m. - Open Meeting

April 22, 1988 - 8 a.m. - Open Meeting

Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

COUNCIL ON THE STATUS OF WOMEN

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.

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

CHRONOLOGICAL LIST

OPEN MEETINGS

March 14

† Librarians, State Board for the Certification of

March 15

Education, Department of
Housing Development Authority, Virginia
Women, Council on the Status of

March 16

Audiology and Speech Pathology, State Board of
Examiners for
Community Colleges, State Board for
Contractors, State Board for
Corrections, State Board of
Health Coordinating Council, Virginia Statewide
Indians, Council on
† Milk Commission
† Museum of Fine Arts, Virginia
- Accessions Committee
Real Estate Board, Virginia
† Roanoke Valley Local Emergency Planning
Committee
Timberlands Board, Reforestation of
Treasury Board
Women, Council on the Status of

March 17

Community Colleges, State Board for
Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
† Danville Local Emergency Planning Committee
Education, State Board of
Education, Department of
† Farmers' Market Board, Virginia
† Medicine, Virginia State Board of
Nursing Home Administrators, State Board of
Examiners for
† Soil Scientists, Board for Professional
Transportation Board, Commonwealth

March 18

† Building Code Technical Review Board, State
† Conservation and Historic Resources, Department of
- Falls of the James Advisory Committee
Education, State Board of
General Services, Department of
- State Insurance Advisory Board
† Longwood College
- Board of Visitors, Executive Committee
† Medicine, Virginia State Board of
† Physical Therapy, Advisory Board on

March 19

† Medicine, Virginia State Board of
† Museum of Fine Arts, Virginia
- Full Board of Trustees
- Finance Committee
- Nominating Committee

March 20

† Medicine, Virginia State Board of

March 21

† Cosmetology, Virginia Board of

March 22

Alcoholic Beverage Control Board

March 23

† Health Services Cost Review Council, Virginia
 † Marine Products Board, Virginia
 Mental Health, Mental Retardation and Substance
 Abuse Services, State

March 24

† Criminal Justice Information System Committee
 † Game and Inland Fisheries, Board of
 † Human Rights, Council on
 † Pharmacy, State Board of
 † Rehabilitative Services, Board of
 - Finance Committee
 - Legislation and Evaluation Committee
 - Program Committee
 Voluntary Formulary Board, Virginia

March 25

† Architects, Professional Engineers, Land Surveyors
 and Certified Landscape Architects, State Board of
 - State Board of Architects
 Game and Inland Fisheries, Board of
 † Opticians, Virginia State Board of
 † Rehabilitative Services, Board of
 † Social Work, Virginia Board of
 - Ad Hoc Committee on Proposed Regulations

March 28

† Elections, State Board of
 † Nursing, Virginia State Board of

March 29

† Emergency Planning Committee for the City of
 Colonial Heights, Local
 † Nursing, Virginia State Board of

March 30

† Nursing, Virginia State Board of
 † Pharmacy, State Board of

March 31

† Veterinary Medicine, Virginia Board of

April 5

Alcoholic Beverage Control Board
 Hopewell Industrial Safety Council
 Marine Resources Commission
 Real Estate Board, Virginia

April 6

Emergency Planning Committee, Local
 Medicine, Virginia State Board of
 - Informal Conference Committee
 Real Estate Board, Virginia

April 7

Boating Advisory Board, Virginia
 † Funeral Directors and Embalmers, Virginia Board of
 † Longwood College
 - Board of Visitors
 Real Estate Board, Virginia

April 8

Commercial Driver Training Schools, Board for
 † Longwood College
 - Board of Visitors
 Medicine, Virginia State Board of
 - Informal Conference Committee

April 9

Medicine, Virginia State Board of
 - Credentials Committee

April 12

Medicine, Virginia State Board of
 - Informal Conference Committee
 † Nursing, Virginia State Board of
 - Informal Conference Committee

April 13

Pilots, Board of Commissioners to Examine

April 14

† Architects, Professional Engineers, Land Surveyors
 and Certified Landscape Architects, State Board of
 - Virginia State Board of Land Surveyors
 † Emergency Planning Committee for the City of
 Martinsville and Henry County, Local

April 15

† Conservation and Historic Resources, Department of
 - Falls of the James Advisory Committee
 Dentistry, Virginia Board of

April 16

Dentistry, Virginia Board of

April 17

Dentistry, Virginia Board of

April 18

- Health Regulatory Boards, Council on

April 19

Alcoholic Beverage Control Board
 † Health Regulatory Boards, Council on

April 21

Medicine, Virginia State Board of
 - Chiropractic Examination Committee
 William and Mary, The College of
 - Board of Visitors

April 22

† Funeral Directors and Embalmers, Virginia Board of
 Medicine, Virginia State Board of
 - Informal Conference Committee
 William and Mary, The College of
 - Board of Visitors

April 23

Visually Handicapped, Department for the
 - Advisory Committee on Services

Calendar of Events

April 27
Medicine, Virginia State Board of
- Informal Conference Committee

April 28
Nursing, Virginia State Board of
- Informal Conference Committee

May 3
Auctioneers Board
Hopewell Industrial Safety Council

May 12
† Emergency Planning for the City of Martinsville and
Henry County, Local

May 16
Agricultural Council, Virginia

May 17
† Funeral Directors and Embalmers, Virginia Board of

May 20
† Conservation and Historic Resources, Department of
- Falls of the James Advisory Committee

PUBLIC HEARINGS

March 14
Water Control Board, State

March 17
Education, Department of
† Small Business Financing Authority, Virginia

March 23
Auditor of Public Accounts

March 28
Transportation, Department of

March 30
Transportation, Department of

April 1
Transportation, Department of

April 4
Water Control Board, State
Transportation, Department of

April 6
Transportation, Department of

April 8
Transportation, Department of

April 11
Transportation, Department of

April 12
Transportation, Department of

April 18
Labor and Industry, Department of

April 20
Medicine, Virginia State Board of

April 22
Transportation, Department of

May 2
Health, State Board of

May 3
Marine Resources Commission
- Habitat Management Division

