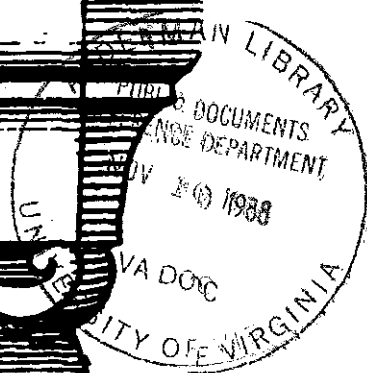
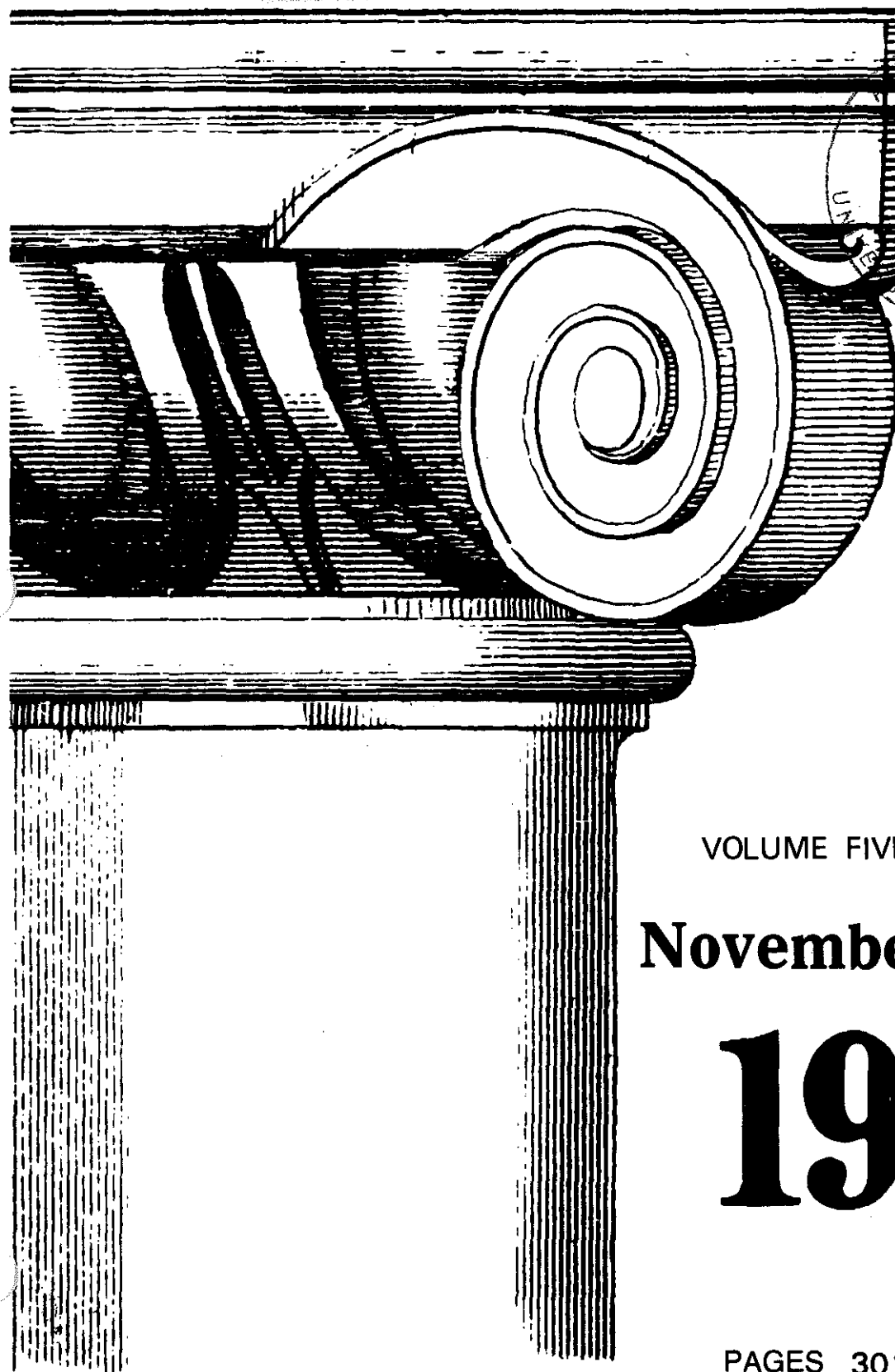


THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued periodically 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

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Symbol Key

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Title of Regulation: VR 400-02-0015. **Procedures, Instructions and Guidelines for the Virginia Senior Home Equity Account.**

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

Public Hearing Date: N/A

(See Calendar of Events section for additional information)

Summary:

The proposed changes to the procedures, instructions and guidelines for the Virginia senior home equity account amend several sections of the procedures by defining the term "maximum amount available under the home equity account"; by clarifying that \$50,000 is the maximum principal amount which may be disbursed under a home equity account loan; by adding language which provides a maximum loan term of 50 years for each home equity account loan; and by permitting the authority to establish interest rate caps on the home equity account loans.

VR 400-02-0015. Procedures, Instructions and Guidelines for the Virginia Senior Home Equity Account.

PART I. PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

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

"Applicant" means a person or family, as defined in the authority's rules and regulations, who submits an application for a home equity account. An applicant may be an individual applicant or a joint applicant, as defined herein.

"Application" means a request to the authority by an applicant for a home equity account.

"Application date" means the date on which a completed application is received by the authority.

"Appraised value" means the value of a home as determined by an independent fee appraiser retained by the authority.

"Area agency on aging" or *"AAA"* means one of the local area agencies on aging which have been established on a local and regional basis throughout the Commonwealth pursuant to § 2.1-373 of the Code of Virginia.

"Area median income" means the area median income, adjusted for family size, for areas within the Commonwealth as established and published from time to time by the United States Department of Housing and Urban Development.

"Assessed value" means the value of the home as determined by the real estate assessment office of the local government body for tax purposes. The applicable assessed value shall be that value which is in effect as of the application date.

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

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

"Borrower" means a person or family, as defined in the authority's rules and regulations, to whom a home equity account loan is made by the authority. If a home equity account loan is made to more than one individual, such individuals are sometimes referred to herein as joint borrowers.

"Eligible applicant" means an applicant who satisfies the criteria set forth in Part II of these procedures, instructions and guidelines.

"Equity payment" means a loan disbursement made by the authority to a borrower pursuant to an equity payment request.

"Equity payment request" means a request completed and signed by a borrower for the purpose of requesting an equity payment by the authority pursuant to the borrower's home equity account. Such payment request shall be on such form as prescribed by the authority and shall be mailed or delivered to 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.

"Home" means single family residential housing, as

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defined in the Act, which meets the requirements set forth in Part III of these procedures, instructions and guidelines.

"Home equity account" means a line of credit made available by the authority to an eligible applicant which is secured by a first mortgage lien upon the applicant's home and, pursuant to which the authority agrees to make equity payments to the applicant in accordance with the applicant's equity payment requests, in amounts not to exceed the maximum established therefor and in accordance with the terms and conditions set forth in Part IV of these procedures, instructions and guidelines.

"Home equity account loan" means the disbursements of equity payments to be repaid, together with interest thereon, as provided in these procedures, instructions and guidelines.

"Income" means gross family income as defined in the authority's rules and regulations, including all salary, wages, bonuses, commissions, income from self employment, interest, dividends, alimony, rental income, pensions, business income, annuities, social security payments, cash public assistance, support payments, retirement income and any other sources of cash income which are being received by the applicant as of the application date. All such earnings, provided they are not temporary, shall be computed on an annual basis to determine income for the purpose of program eligibility.

"Individual applicant" means a single person who submits an application pursuant to these procedures, instructions and guidelines.

"Joint applicant" means any two or more persons who submit an application pursuant to these procedures, instructions and guidelines.

"Maximum amount available under the home equity account" shall mean the maximum principal amount which may be outstanding at any time under the home equity account.

"Program" means the Virginia senior home equity account program as described in these procedures, instructions and guidelines.

"Value of home" or *"home value"* means the fair market value of the home as determined by the authority in accordance with these procedures, instructions and guidelines.

§ 1.2. Purpose and applicability.

This program is being implemented pursuant to Part IX of the authority's rules and regulations. The purpose of the program is to permit elderly homeowners who satisfy certain age, residency and income criteria to borrow against the equity in their homes to assist in meeting housing, medical and other living expenses as specified in § 5.3 herein. Eligible applicants shall receive a

commitment from the authority for a home equity account in a maximum amount based upon the interest rate or rates to be charged thereon, the applicant's age and the value of the home. Upon satisfaction of the terms and conditions of such commitment, the authority shall make equity payments to the borrowers upon their request up to the maximum amount. All such equity payments will be made in accordance with the terms and conditions set forth in these procedures, instructions and guidelines. The maximum amount of such home equity account shall be subject to change in the manner set forth in § 4.2. The term during which the borrower may request and receive equity payments shall be established and may be extended as provided in § 4.8 hereof. Repayment of the home equity account loan is deferred as described herein, and, as a result, the borrowers may utilize the equity in their homes without being required to sell their homes at the end of a fixed term in order to repay the home equity account loans.

The program will be administered by the authority with the participation of the Virginia Department for the Aging and local area agencies on aging. Home equity accounts will be financed entirely with authority funds.

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

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's requirements and procedures and are not intended to include all of the actions involved or required in the processing and administration of the program. These procedures, instructions and guidelines are subject to amendment 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 with respect to the program. Notwithstanding anything to the contrary herein, all home equity accounts must comply with any applicable state and federal laws, rules and regulations.

PART II. ELIGIBILITY OF APPLICANTS.

§ 2.1. Eligible applicants.

An applicant that, as of the application date, satisfies all of the following criteria shall be eligible for a home equity account under the program:

1. Age. An individual applicant or each joint applicant shall be 62 years of age or older.
2. Residency. An individual applicant or each joint

applicant shall be a resident of the Commonwealth.

3. **Income.** The income of an individual applicant or the aggregate of the incomes of all joint applicants shall not, as of the application date, exceed 80% of the area median income.

4. **Ownership.** An individual applicant or the joint applicants shall be the sole owner or owners of the home, and no person who is not an owner may be an applicant.

5. **Principal residence.** An individual applicant or each joint applicant must occupy the home as his principal residence during the term of the home equity account.

6. **Relationship of joint applicants.** Joint applicants must be related by blood, marriage or adoption.

PART III. ELIGIBILITY OF THE HOME.

§ 3.1. Title.

At the time of recordation of the deed of trust securing the home equity account, fee simple title to the home shall be vested in the applicant free and clear of all liens, encumbrances, assessments or other defects which might affect the priority of the authority's lien or are otherwise unacceptable to the authority. Notwithstanding the foregoing, the home may be subject to liens securing outstanding balances in an aggregate amount not greater than one third of the maximum amount available under the account; provided, however, that the initial equity payment from the home equity account shall be used at the closing thereof to pay off such outstanding balances in full. If the spouse of an individual applicant has an inchoate dower or curtesy interest in the home, such spouse shall execute the deed of trust securing the home equity account for the purpose of conveying such dower or curtesy interest as security for the home equity account loan.

§ 3.2. Condition of home.

The home and all fixtures attached thereto shall be in a state of repair and condition satisfactory to the authority; provided, however, that the authority may require the applicant to use at settlement all or a portion of the initial equity payment on the home equity account to make necessary repairs and improvements to the home in a manner acceptable to the authority.

§ 3.3. Taxes.

All real estate taxes and assessments due and payable against the home as of the the date of recordation of the deed of trust securing the home equity account shall have been paid by the applicant; provided, however, that the authority may require the applicant to use their initial equity payment to pay such taxes and assessments.

§ 3.4. Insurance.

At the time of recordation of the deed of trust securing the home equity account, the home shall be insured against such loss and by such insurers as the authority shall approve or require and in an amount at least equal to the value of the home or such other amount as the authority may approve.

PART IV. TERMS AND CONDITIONS.

§ 4.1. Maximum amount.

The authority shall provide to an eligible applicant a maximum amount available under the home equity account based upon the interest rate or rates to be charged thereon, the age of an individual applicant or of the youngest joint applicant as of the application date, and the value of the home.

The value of the home shall be determined by the authority based on the home's assessed value, unless the authority, at its option and at its cost, elects to have the home appraised and to use the appraised value rather than the assessed value in so determining the value of the home. Also, if requested by the applicant, the authority may, at its option and at the cost of such applicant, obtain an appraisal of the home for use by the authority, in lieu of the assessed value, in determining the value of the home.

Prior to September 1, 1988, and on or about January 1 of each subsequent year, the executive director shall establish a schedule which sets the maximum percentages of the home value by age group based upon the interest rate to be in effect for such year. The maximum amount of the home equity account during such year shall be equal to such maximum percentage applicable to the age group of the applicant (or, in the case of joint applicants, the youngest applicant) as of the application date times the value of the home.

The maximum amount available which may be disbursed under any home equity account shall in no event exceed \$50,000.

The applicant may, at its option, request a lower maximum amount than may be approved by the authority, in which case the maximum amount shall be the amount so requested.

§ 4.2. Adjustments in the maximum amount.

The maximum amount available under a home equity account shall be adjusted annually in accordance with the schedule then established pursuant to § 4.1 hereof. For the purpose of determining such adjusted maximum amount, the age of the borrower shall be his age (or, in the case of joint borrowers, the youngest borrower's age) as of January 1 of such year. Notwithstanding the foregoing,

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such maximum amount shall not be increased if (i) the authority has determined not to make funds available for such increase, or (ii) the applicant requests that the maximum amount not be increased.

If on or after five years from the date of extension of the home equity account the borrower has utilized the maximum amount available thereunder, he may request the authority to approve an increase in the value of the home. Such increase may be granted only if such increase is due to appreciation or improvements. Any such increase shall be determined by the authority based upon the then current assessed value, except that the authority may, at its option and at the request and cost of the borrower, obtain an appraisal for use by the authority, in lieu of the assessed value, in so determining the value of the home. The maximum amount available under the home equity account, as so increased, shall be calculated in accordance with the schedule established pursuant to § 4.1 hereof using the age of the borrower (or, in the case of joint borrowers, the age of the youngest borrower) as of January 1 of the year in which the request was made. Increases in such maximum amount are subject to the determination by the authority to make funds available therefor and shall be at the sole discretion of the authority.

In the event that the borrower had originally requested and received a home equity account in a maximum amount less than the maximum amount for which he was eligible under the schedule established pursuant to § 4.1 hereof, the authority may, at its option and upon the written request of the borrower, increase the maximum amount available under the home equity account up to the maximum amount for which the borrower would then be eligible. Such an increase may be granted at any time upon the request of the borrower and without a determination of a new assessed or appraised value, subject to the authority's determination to make funds available therefor and shall be at the sole discretion of the authority.

§ 4.3. Loan term.

The term of a home equity account loan shall not be a fixed period of time ; *provided, however, that the term of such loan shall in no event exceed 50 years.* Such loan shall be due and payable upon the occurrence of any of the following events:

1. A sale or transfer (whether voluntary or involuntary) of the home or any interest therein (other than a transfer to a joint borrower) without the authority's prior written consent.
2. Failure by the borrower and, in the case of joint borrowers, all borrowers to occupy the home as his or their principal residence. Absence from the home for a period of more than 180 consecutive days, without the prior written consent of the authority, shall be deemed to be such a failure.

3. The use of the home, in whole or in part, for purposes other than as a principal residence without the prior written consent of the authority.

4. Failure to pay the home equity balance in full within nine months after the death of the borrower or, in the case of joint borrowers, within nine months after the death of the last surviving borrower.

The home equity account loan may also be declared immediately due and payable in full, at the option of the authority, upon the occurrence of any of the acts of default set forth in § 4.7 of these procedures, instructions and guidelines.

§ 4.4. Interest rate and compounding.

The interest rate to be charged on equity payments disbursed under the program during any calendar year shall be established by the authority prior to January 1 of such year. Any such interest rate shall not apply to equity payments disbursed during prior calendar years. Interest shall be compounded on the first day of each month at the applicable interest rate.

The authority shall establish from time to time a maximum interest rate to be charged on home equity account loans closed subsequent to the establishment of such rate.

§ 4.5. Equity payments.

A borrower may from time to time request and receive equity payments under a home equity account, subject to the requirements and limitations set forth in these procedures, instructions and guidelines.

No scheduled equity payments shall be made to a borrower. The borrower is required to request and receive an initial equity payment at the time of closing of the home equity account in an amount of not less than \$1,000 for any of the purposes set forth in § 5.3 hereof. Subsequent to the initial equity payment, the borrower may request and receive no more than one equity payment during a single calendar month, and each such equity payment must be in an amount of not less than \$250.

All equity payments, other than the initial equity payment, shall be made to the borrower by the authority in the form of a check which will be mailed to the borrower's home.

The authority shall bill the borrower for payment of real property taxes and hazard insurance premiums as they become due. The borrower shall be obligated to submit payment to the authority within 30 days after the date of mailing. If payment is not so made, the authority, at its option, may pay property taxes and insurance premiums from the home equity account, to the extent not fully utilized, or may deem such nonpayment by the

borrower to be an act of default under § 4.7 hereof.

§ 4.6. Repayments.

The borrower is not required to make any repayments of principal or interest on the home equity account loan until such time as the loan is due and payable as described in §§ 4.3 and 4.7 hereof. The borrower may, at his option, elect to prepay at any time the home equity account loan, in whole or in part, and any such prepayments shall be applied first to accrued interest and then to the outstanding principal amount of the home equity account loan.

§ 4.7. Acts of default.

The occurrence of any of the following events will constitute an act of default for which the home equity account loan shall, at the option of the authority, become immediately due and payable:

1. The imposition on the home or any part thereof of any lien or encumbrance (including mechanics' or tax liens) without the authority's prior written consent, if such lien or encumbrance may have priority over the lien of the home equity account loan or any prior or future equity payments thereunder and is not removed within 90 days.
2. Physical deterioration of the home beyond normal wear and tear and failure to repair, replace and maintain the various components of the home when required or necessary, including the failure to repair damage caused by fire or other casualty within a reasonable time after the occurrence as determined by the authority in its sole discretion.
3. Failure to make payment to the authority for taxes and insurance premiums as described in § 4.5 hereof.
4. A borrower's admission of his inability to pay his debts, making any assignment for the benefit of creditors or filing for relief under federal bankruptcy statutes. The filing of a petition in bankruptcy against the borrower without the borrower's consent will not be an act of default if the petition is dismissed within 60 days of filing.
5. Any omission or misrepresentation by the applicant in the application or in any equity payment request.
6. Any other occurrence which constitutes a default under the terms of the deed of trust securing the home equity account loan.

Upon default, the authority shall be entitled to exercise any one or more of the remedies set forth in the home equity account loan documents or available at law or in equity; provided, however, that, except in the case of a default as described in subdivisions 2 and 5 of this section, the authority shall not seek any personal judgment against

the borrower but shall look solely to the home for payment of the home equity account loan.

§ 4.8. Term and extensions of home equity account.

The term during which the borrower shall have the right to request and receive equity payments under a home equity account shall be (i) five years, if the application shall be received prior to September 1, 1989; or (ii) such period of time as the executive director may establish prior to the closing thereof, if the application shall be received on or after September 1, 1989. The executive director may extend such term and any extensions thereof for such period of time and upon such terms and conditions as he may deem appropriate to accomplish the purposes of the program and to best utilize the resources of the authority. The expiration of such term or any extensions thereof shall not in any way affect the then existing principal balance of the home equity account loan or any accrued interest thereon.

§ 4.9. Repairs.

The authority shall have the right to inspect the home from time to time, to require the borrower to make such repairs as are determined by the authority to be necessary to maintain the home in good condition, and, if such repairs are not promptly made, to cause such repairs to be made and to disburse equity payments under the borrower's home equity account to the parties performing such repairs in amounts necessary to pay the costs thereof.

PART V. REQUEST FOR AND USE OF HOME EQUITY ACCOUNT LOAN PAYMENTS.

§ 5.1. Requests for equity payments.

In order to receive an equity payment from the authority under a home equity account, the borrower must submit a request to the authority on a form prescribed by the authority. Such form must be completed and signed by the borrower and delivered to the authority by hand delivery or through the U.S. mail.

§ 5.2. Optional notification of third parties.

At closing, the applicant may, at his option, choose to participate in a voluntary third party notification system. Under this system, the applicant requests that the authority send notification by mail to a third party of his or her choice at least three days prior to the authority's making any equity payment to the applicant of \$2,500 or greater. The notification letter shall state that the authority intends to make the equity payment and that such notification is being given to the third party at the request of the applicant. The authority shall make such payment to the applicant if the request is otherwise in compliance with these procedures, instructions and guidelines. Third party notification shall not apply to the applicant's initial

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equity payment at closing, but only to subsequent equity payments. It is the applicant's responsibility to give the authority an accurate address for the third party; to notify the authority in writing in order to terminate his participation in this notification program; to change his designated third party; or to notify the authority of a change in address for the third party. Nothing contained in this section shall be deemed (i) to impose any liability on the authority for failure to send any notification or (ii) to affect the validity of the equity payment, the obligation of the borrower to repay such equity payment, together with interest thereon, or the rights and remedies of the authority upon any act of default as set forth in § 4.7 hereof.

§ 5.3. Allowable use of funds.

All equity payments requested by borrowers shall be for purposes which are expressly permitted under these procedures, instructions and guidelines or which directly benefit the applicant and demonstrably contribute to enhancing their quality of life, especially their ability to continue to live independently. Such uses shall include, but shall not be limited to, home repairs and maintenance, real estate taxes and insurance, medical expenses (including in-home health care and medical insurance premiums), travel and normal living expenses which the applicant is unable to meet from other sources. Equity payments may not be used for any type of investment or commercial purposes, for the acquisition or construction of another residence, or for any purpose which primarily benefits someone other than the borrower. The authority shall have the right to deny any equity payment request which does not, in its sole discretion, comply with the provisions of this section.

PART VI. APPLICATION AND PROCESSING.

§ 6.1. Application.

An interested applicant may obtain information about the program through any participating AAA. Informational material about the program may also be made available through senior centers and other agencies and organizations which provide services to the elderly.

If a prospective applicant wishes to submit an application, he shall do so through the local AAA or other organizations designated by the authority. The staff from the AAA will provide the applicant with an application form and will assist him or her in completing the application form. This form will contain any information which the authority deems necessary in order to determine the eligibility of the applicant and the home. This application must be signed and dated by the applicant.

The staff of the AAA will also provide program information to applicants as part of their normal agency responsibilities. Such information will include a description

and explanation of the program. Applicants will be encouraged by the AAA to seek advice from others as well, including family members, attorneys and financial advisors. The authority assumes no responsibility for the performance of such services by the AAA.

§ 6.2. AAA review.

Following completion of the application, the AAA staff shall undertake a preliminary review. The purpose of this review shall be to determine if the applicant and the home are eligible under these procedures, instructions and guidelines, subject to final review and approval by the authority. If on the basis of such review the AAA determines that the applicant or the home is not eligible, the applicant shall be so informed and his application shall be terminated. A copy of this application shall be retained by the AAA and provided to the authority upon its request.

Applications which meet all of the eligibility criteria in these procedures, instructions and guidelines shall be forwarded to the authority for review and final approval.

§ 6.3. Authority review and commitment.

Upon receipt of the application, the authority shall review it to determine the eligibility of the applicant and the home. If the applicant and the home are eligible, then the authority shall prepare a commitment to the applicant specifying the terms and requirements for closing the home equity account. This commitment shall be mailed to the applicant with instructions that it must be executed and returned to the authority within such period of time as shall be specified therein. Failure to return the executed commitment agreement within such period of time shall result in the expiration of the commitment, unless the applicant has received a written extension from the authority.

The authority may, at its option, not approve an otherwise eligible application for any of the following reasons:

1. The application contains any untrue statement of a material fact or omits any material fact necessary to make the statement therein not misleading; or
2. The authority has determined that sufficient funds are not available for the program.

§ 6.4. Closing and fees.

If the commitment is signed by the applicant and returned to the authority within the requisite time period, the applicant and the authority shall establish a mutually acceptable place and date for the purpose of executing and delivering all necessary home equity account documents and such other documents as may be required under federal and state law.

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At the time of closing, the authority shall collect from the applicant an application and commitment fee in the amount of \$100. All other fees and charges associated with the closing, including title search, title insurance, legal fees, and recording costs, must be paid by the applicant. Such fees may, at the option of the applicant, be funded from the initial equity payment from the home equity account.

Subsequent to the closing, the home equity account and equity payments pursuant thereto shall be governed by the terms and conditions set forth herein and in the home equity account loan documents.

§ 6.5. Right to terminate program.

Notwithstanding anything to the contrary herein, the authority shall have the right, at any time, to discontinue accepting new applications for home equity accounts. Such discontinuance shall not, however, affect the terms and conditions of any then existing home equity account.

The foregoing procedures, instructions and guidelines shall take effect July 19 November 21, 1988.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

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

Public Hearing Date: N/A

(See Calendar of Events section for additional information)

Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary for the operation of public assistance programs in Virginia. Federal regulations require that a period of ineligibility be established when a family receives a lump sum payment. The period of ineligibility may be shortened when it can be determined that the lump sum is unavailable to the family for reasons beyond its control. The regulation proposed will delete language from policy that states that final authority rests with the local agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum.

The proposed regulation will remove any implication that the client does not have the right to appeal the local agency decision. It also will encourage equitable treatment of cases throughout the Commonwealth.

The regulation also clarifies the definition of "lump sum income" with respect to the insurance settlements.

VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.

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

"Aid to Dependent Children (ADC) Program" means the program administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Budget month" means the calendar month in which the income is received.

"Lump sum income" means any nonrecurring payment such as an accumulation of benefits for a prior period, including Social Security and Workmen's Compensation benefits; earned income tax credit refund, an insurance settlement, payments in the nature of a windfall, e.g., inheritances or lottery winnings, personal injury awards; that portion of a casualty property loss payment which is not used for repair or replacement of the damaged/lost resources; life insurance settlements when the policy is owned by someone other than a member of the assistance unit; loans for current living expenses, child support identified as payments paid in excess of public assistance; or income from any other unearned nonrecurring source.

"Payment month" means the second month following the budget month in which budget month income is reflected.

"Standard of need" means the dollar amount, based on the family size, which has been established to cover predetermined monthly maintenance needs.

PART II. LUMP SUM PAYMENTS.

§ 2.1. When a lump sum payment is received by any member of an assistance unit, the lump sum shall be added to other countable income and compared against 100% of the state's Commonwealth's standard of need. If the total income is less than 100% of need, the income is to be reflected in the payment month by reducing the payment or suspending the grant for one month, whichever is appropriate.

If the total income equals or exceeds 100% of need, the

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total budget month income is divided by the 100% standard of need for the appropriate assistance unit size to determine the number of months the assistance unit will be ineligible for assistance. Any income remaining after this calculation is counted as available income in the first month following the period of ineligibility, should the family reapply for assistance in this month.

§ 2.2. Once established, the period of ineligibility may not be shortened unless (i) the standard of need increases and the amount the family would have received also changes, (ii) the lump sum or portion thereof becomes unavailable to the family for a reason beyond the control of the family, or (iii) the family incurs medical expenses during the period of ineligibility and uses lump sum moneys to cover the cost of medical services received. For the purpose of item (ii) above, "reasons beyond control of the family" include a family member absconding with the lump sum moneys, the theft of such moneys, repayment of debts, or any other condition which, in the best judgment of the local agency, is deemed to meet this criteria for shortening the period of ineligibility. Debts are defined as medical bills incurred from the period prior to receipt of the lump sum, expenses related to a natural disaster or fire, costs related to avoiding an eviction and/or a utility cut-off, or both, weather related repairs or replacement, and funeral expenses. Final authority for such decisions will rest with the superintendent/director of each locality. Medical services which will be allowed under item (iii) will be those services which the department has identified as follows: inpatient hospital services; outpatient hospital services; laboratory and x-ray services; nursing home care; home health services; clinic services; pharmaceutical services; optometry services; medical supplies and equipment; family planning services; acupuncture; transportation necessary for medical care; screening services; physical, occupational, and speech therapy; and physician's services, including services provided by any person licensed to practice medicine, osteopathy, chiropractic, clinical psychology, podiatry, or midwifery.

VIRGINIA BOARD OF SOCIAL WORK

Title of Regulation: VR 620-01-2. Regulations Governing the Practice of Social Work.

Statutory Authority: § 54-942 of the Code of Virginia.

Public Hearing Date: December 16, 1988 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Board of Social Work proposes to repeal existing regulations and promulgate new regulations to establish the requirements governing the practice of social work in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure; provide criteria for the

written and oral examinations; set the standards of practice, and establish procedures for the disciplining of licensed social workers.

The proposed regulations are necessary to clarify existing requirements set by the Virginia Board of Behavioral Science (abolished by the General Assembly in 1983) and the current regulations of the Board of Social Work. The review of the regulations resulted in proposals to delete some existing regulations, amend or revise other existing regulations, and add some new regulations. These changes are outlined in the Index to Existing and Proposed Regulations which is incorporated by reference for the purpose of this summary. All relevant documents are available for inspection at the office of the Virginia Board of Social Work, 1601 Rolling Hills Drive, Richmond, Va. 23229. Telephone (804) 662-9914.

VR 620-01-2. Regulations Governing the Practice of Social Work.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Accredited school of social work" is defined as a school of social work accredited by the Council on Social Work Education.

"Applicant" is defined as a person who has submitted a completed application for licensure as a social worker with the appropriate fees.

"Board" is defined as the Virginia Board of Social Work.

"Candidate for licensure" is defined as a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"Supervision" is defined as the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision is the inspection, critical evaluation, and direction over the services of the supervisee. Supervision shall include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

§ 1.2. Fees.

A. The board has established fees for the following:

1. Registration of supervision \$25

2. Annual renewal of supervision	25
3. Application processing	65
4. Examinations and reexaminations:	
Written	85
Oral (for first specialty)	65
(for second specialty)	65
5. Initial license:	
prorated portion	
of biennial license	
fee for unexpired	
part of biennium	
6. Biennial license	
a. Registered social worker	30
b. Associate social worker	30
c. Licensed social worker	120
d. Licensed clinical social worker	120
7. Penalty for late renewal	10
8. Name change	10
9. Endorsement to another jurisdiction	10
10. Additional or replacement wall	
certificates	15
11. Returned check	15

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

PART II. REQUIREMENTS FOR LICENSURE.

§ 2.1. General requirements.

A. No person shall practice as a social worker or clinical social worker in the Commonwealth of Virginia except as provided for in the Code of Virginia or these regulations.

B. Licensure by this board to practice as a social worker or clinical social worker shall be determined by examination.

C. Every applicant for examination for licensure by the board shall:

1. Meet the education and experience requirements

prescribed in § 2.2 of these regulations for the category of practice in which licensure is sought.

2. Have official transcripts documenting required academic coursework and degrees attained submitted directly from the appropriate institutions of higher education to the board not less than 60 days prior to the date of the written examination.

3. Submit to the board, not less than 60 days prior to the date of the written examination:

- a. A completed application, on forms provided by the board;
- b. Documented evidence of having fulfilled the experience requirements of § 2.2; and
- c. The application fee prescribed in § 1.2 of these regulations.

§ 2.2. Education and experience requirements.

A. For a licensed social worker:

1. Education. The applicant shall hold a bachelor's or a master's degree from an accredited school of social work, documented as prescribed in § 2.1 C 2. Graduates of foreign institutions shall establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

2. Experience. Applicants shall meet applicable requirements for experience depending on their educational background, as provided in subdivisions a and b of this subdivision.

- a. Bachelor's degree applicants shall have had two years of full-time post-bachelor's degree experience or the equivalent in part-time experience in casework management and supportive services under supervision satisfactory to the board.

- (1) Full-time experience in casework management and supportive services is defined as a total of 3000 hours of work experience acquired in no less than two years.

- (2) Part-time equivalent experience in casework management and supportive services is defined as at least 3000 hours of work experience acquired in no less than four years.

- b. Master's degree applicants are not required to have professional experience in the field.

- c. Registration of supervised post-bachelor's degree experience may be required as provided in subdivisions (1) and (2) of this subdivision.

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(1) *Experience in a nonexempt setting:*

(a) An individual who proposes to obtain supervised post-bachelor's degree experience in a nonexempt setting in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience: (i) be registered on a form provided by the board and completed by the supervisor and supervised individual; and (ii) pay the annual registration-of-supervision fee as prescribed by the board.

(b) The supervisor providing supervision under this subsection shall: (i) be a licensed social worker with a Master's degree or a social worker who holds a Master's degree in social work and who has had at least two years of experience prior to performing such supervision or a licensed clinical social worker; and (ii) be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board.

(c) The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.

(d) Peer supervision shall not be substituted for any of the required hours of supervision.

(e) Group supervision shall constitute no more than 30 hours of the 100 hours required for supervision.

(f) Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

(g) The individual acting as supervisor: (i) shall be knowledgeable about the diagnostic assessment and treatment plan of cases assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision; (ii) shall not provide supervision of activities for which the applicant has not had appropriate education; (iii) shall not provide supervision for activities for which the supervisor is not qualified; and (iv) shall, on an annual basis, provide to the board documentation of the hours attained by the supervisee of social work practice for which the supervisor has been responsible. On the same form on which this information is recorded, the supervisor shall list the number of hours of face-to-face supervision or group supervision, or both, received during the reporting period as well as evaluate the supervisee in the areas of professional ethics and professional competency.

(h) At the time of application, applicants shall provide to the board documentation of the supervised experience from all supervisors, or, if a supervisor is unavailable, shall provide a satisfactory

explanation of such circumstances to the board: (i) applicants whose former supervisor is deceased or whose whereabouts is unknown shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation, or partnership in which the applicant was supervised; and (ii) the affidavit shall specify dates of employment, job responsibilities, the supervisor's name (and last known address), and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

(2) *Experience in an exempt setting.* Persons who wish to register their exempt setting supervised experience as the supervised experience required for licensure must meet the requirements of these regulations as prescribed in § 2.2 A 2 c.

B. For a licensed clinical social worker:

1. *Education.* The applicant shall hold a minimum of a master's degree from an accredited school of social work, documented as prescribed in § 2.1 C 2. Graduates of foreign institutions shall establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

a. The degree program shall have included a sequence of graduate courses in the areas of:

(1) Human behavior and social environment;

(2) Social policy;

(3) Research; and

(4) Clinical practice with individuals, families, and groups.

The program shall also have included a clinical field practicum which focuses on diagnostic, prevention, and treatment services, or

b. The applicant shall provide documentation of having completed specialized experience, coursework or training acceptable to the board as equivalent to such sequence of courses.

2. *Experience.* The applicant shall have had three years of full-time post-master's degree experience in the delivery of clinical services as prescribed in subdivision a of this subdivision, or the equivalent in part-time experience. The post-master's experience, whether full- or part-time, shall be under supervision satisfactory to the board as prescribed in § 2.2 B 2 c. A doctorate degree in clinical social work may be counted as one-third of the time required.

a. Full-time experience in the delivery of clinical services is defined as a total of 4,500 hours of work

experience required in no less than three years.

(1) Of these 4,500 hours, 15 hours per week shall be spent in fact-to-face client contact, for a total of 2,070 hours in the three-year period.

(2) The remaining hours may be spent in activities supporting the delivery of clinical services.

b. Part-time equivalent experience in the delivery of clinical services is a total of 4,500 hours of work experience acquired in no more than six years. Of the 4,500 hours, 2,070 hours shall be spent in face-to-face client contact.

c. Registration of supervised post-graduate degree experience may be required as provided in subdivisions (1) and (2) of this subdivision.

(1) Experience in a nonexempt setting:

(a) An individual who proposes to obtain supervised post-graduate experience in a nonexempt setting in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience: (i) be registered on a form provided by the board and completed by the supervisor and the supervised individual; and (ii) pay the annual registration-of-supervision fee prescribed by the board.

(b) The supervisor providing supervision under this subsection shall: (i) be a licensed clinical social worker, psychologist (clinical), professional counselor, clinical psychologist, or psychiatrist; and (ii) be responsible for the clinical activities of the prospective applicant once the supervisory arrangement is accepted by the board.

(c) An individual who does not become a candidate for licensure after six years of supervised training in a nonexempt setting shall submit evidence to the board showing why the training should be allowed to continue.

(d) The experience shall include at least 150 hours of face-to-face supervision during the three-year period as follows: (i) a minimum of one hour of individual face-to-face supervision per week shall be provided during the first two years. (ii) a minimum of 50 hours of the 150 hours of face-to-face supervision shall be provided by a licensed clinical social worker; and (iii) at least 25 hours of supervision shall be provided in each specialty area (Casework, Groupwork) for which the applicant is seeking licensure.

(e) Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

(f) The individual obtaining the three years of required experience shall not call himself a licensed clinical social worker, solicit clients, bill for his services, or in any way represent himself as a clinical social worker until such a license has been issued.

(g) Group supervision involving six or fewer supervised persons will be acceptable for not more than one-third of the required 150 hours of face-to-face supervision, on the basis of two hours of group supervision as considered equivalent to one hour of individual supervision. Group supervision cannot be substituted for the required one hour of face-to-face individual supervision per week during the first two years.

(h) Peer supervision will not be counted toward the 150 hours of supervision required during the three-year period.

(i) The individual acting as supervisor: (i) shall be knowledgeable about the diagnostic assessment and treatment plan of cases assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision; (ii) shall not provide supervision of activities for which the applicant has not had appropriate education; (iii) shall not provide supervision for activities for which the supervisor is not qualified; and (iv) shall, on an annual basis, provide to the board documentation of the supervisee's direct client contact and supervisory hours for which the supervisor was responsible. The supervisor shall evaluate the supervisee in the areas of professional ethics, knowledge of theory base, and professional competency, noting any limitations observed regarding the supervisee's skills and practice.

(j) Applicants shall provide to the board documentation of the supervised experience from all supervisors, or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board: (i) applicants for licensure who have worked full-time for a minimum of three years in the delivery of clinical social work services need document only their full-time employment as long as the requirement in § 2.2 B 2 a (1) has been met; (ii) applicants for licensure who have worked part-time in the delivery of clinical services will need to document the experience prescribed in both subdivisions (1) and (2) of § 2.2 B 2 a, covering a period not more than six year; (iii) applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised; and (iv) the affidavit shall specify dates of employment, job responsibilities, supervisor's name (and last address, if known), and

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the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

(2) Experience in an exempt setting. Persons who wish to register their exempt setting supervised experience as the supervised experience required for licensure must meet the requirements of these regulations as prescribed in § 2.2 B 2 c.

§ 2.3. Applicant for licensure in an additional specialty.

An applicant seeking licensure in an area of practice other than that listed in the original application shall present documentation of 25 hours of supervised experience in the additional specialty for which licensure is sought and shall take the required examinations in this specialty area.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. The board may waive the written examination in whole or in part, if the applicant has been certified or licensed in another jurisdiction by standards and procedures equivalent to those of the board.

B. An applicant for licensure by the board as a social worker shall take a written examination and an applicant for licensure as a clinical social worker shall take a written and oral examination at times prescribed by the board.

C. Examination schedules.

A written examination and an oral examination shall be administered at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit, and of the fees for these examinations.

2. The candidate shall submit the applicable fees.

3. If the candidate fails to appear for the examination without providing written notice at least two weeks before the examination, the examination fee shall be forfeited.

§ 3.2. Written examination.

A. The written examination comprises an examination consisting of standardized multiple-choice questions. These questions may cover all or some of the following areas: social sciences, human growth and development, social work practice, social groupwork, supervision, legislation, administration, social research, community planning, and

social work knowledge and concerns.

B. The board will establish passing scores on the written examination.

§ 3.3. Oral examination: clinical social worker candidates only.

Successful completion of the written examination requirements shall be a prerequisite to taking the oral examination for the clinical social worker license.

A. Candidates who sit for the clinical social worker written licensure examination shall submit to the board office a work sample prepared in accordance with the requirements outlined in subsection D of this section.

B. Candidates who pass the written examination will be notified by the board of the time and place of the oral examination.

C. The oral examination shall consist of an interview between the board or its designees and the candidate for the purpose of:

1. Reviewing the candidate's education, training and experience;

2. Evaluating the applicant's professional competency and emotional maturity, the extent and nature of the applicant's professional identity, the candidate's knowledge of ethical professional behavior, and demonstrated competency to successfully apply such knowledge in clinical practice, and

3. Determining the candidate's clinical skills as demonstrated in a work sample or through another examination format as prescribed by the board.

D. The work sample(s) of a candidate for examination for licensure as a clinical social worker shall conform to the following requirements:

1. The work sample(s) shall:

a. Present material drawn from the candidate's practice within the last 12 months immediately preceding the date of the written examination;

b. Be typical of the practice specialty area in which the candidate intends to engage as a clinical social worker; and

c. State the area(s) of specialty in which the candidate seeks licensure to practice, specifying whether the planned specialty will be casework (including individual, family, and marital); or groupwork.

2. A candidate who plans to practice in both specialty areas shall submit a separate work sample for each

area. Each sample shall be reflective of the candidate's work in the applicable specialty area.

3. Each work sample shall be typed, double-spaced, on one side of the paper only, and within an absolute limit of six pages in length. Six clearly readable copies of each work sample shall be submitted to the board.

4. A work sample on casework or groupwork shall present an orderly, sequential treatment based on the candidate's understanding of the problem described. The work sample shall:

a. State dates of treatment, including the frequency of the sessions;

b. Provide a clear statement of the problem in such a way as to demonstrate the client's description of the problem and to substantiate the therapist's interpretation of the problem;

c. Substantiate the diagnostic assessment made by the therapist and the relationship to relevant significant history;

d. Show clearly the flow of the treatment process based upon the therapist's conceptual understanding of the problem and the diagnosis; and

e. Demonstrate the role played by the therapist in facilitating the treatment process and the client's progress; the theory base from which the therapist is operating; and the social work principles the therapist has used.

5. Candidates who submit a work sample but do not take the next scheduled oral examination may use this sample for the subsequent oral examination period only.

E. A majority decision of the board will determine whether a candidate has passed the oral examination.

3.4. Reexamination.

Reexamination will be required on the failed examination as follows:

1. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period.

2. The candidate may be reexamined on any scheduled examination date; and

3. A candidate who fails the examination twice shall reapply and submit documentation of education and experience as recommended by the board.

PART IV.

LICENSURE RENEWAL; REINSTATEMENT; NAME

CHANGE.

§ 4.1. Biennial renewal of licensure.

All licensees shall renew their licenses on or before June 30 of each odd-numbered year.

A. Along with the renewal application, the licensee shall submit:

1. A statement verifying completion of a minimum of 40 clock hours of continuing education in social work during the last biennium;

a. Acceptable categories of continuing educational activities:

(1) Academic social work courses taken for credit or audited.

(2) Continuing education offered by accredited social work education programs, other accredited educational programs, and other providers, including professional associations, agencies and private entrepreneurs:

(a) Seminars, institutes, workshops, or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge; and

(b) Cross-disciplinary offering from medicine, law, and the behavioral sciences if they are clearly related to the enhancement of social work practice, values, skills and knowledge.

(3) Planned self-directed study in collaboration with other professionals; (i) independent study in a social work curriculum area or a closely related field. Examples include a planned reading program, individual supervision or consultation; and (ii) the content and plan of instruction developed by the licensee.

(4) Publication of books, papers, or presentations given for the first time at a professional meeting;

(5) Other professional activities, including: (i) preparation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar; and (ii) research not resulting in publication.

(6) Social work-related academic courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance.

2. The renewal fee prescribed by the board.

B. Failure to receive a renewal notice from the board

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shall not relieve the licensee from the renewal requirement.

§ 4.2. Late renewal.

A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:

1. Providing evidence of having met all applicable requirements, including the requirements for continuing education; and
2. Paying:
 - a. The penalty fee prescribed the board; and
 - b. The renewal fee prescribed by the board for each renewal period during which the license was expired.

§ 4.3. Reinstatement.

A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply and be reexamined for licensure.

§ 4.4. Legal change of name.

A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

B. A licensee whose name is changed by marriage or court order shall promptly:

1. Notify the board of such change and provide a copy of the legal paper documenting the change;
2. Pay the "name change" fee prescribed in § 1.2;
3. Request and obtain from the board a new license bearing the individual's new legal name;
4. Practice only under such new legal name.

§ 4.5. Renewal of registration for associate social workers and registered social workers.

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under § 54-775.4 of the Code of Virginia shall expire on June 30 of each odd-numbered year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.

2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

PART V. COMMITTEES.

§ 5.1. Examining and advisory committees.

The board may establish advisory and examining committees to assist it in carrying out statutory responsibilities.

1. The committees may assist in evaluating the professional qualifications of applicants and candidates for licensure and renewal of licenses and in other matters the board deems necessary.
2. The committees may assist in the evaluation of the mental or emotional competency, or both, of any licensee or applicant for licensure when such competence is an issue before the board.

PART VI. DISCIPLINARY PROVISIONS.

§ 6.1. Standards of practice.

No person whose activities are regulated by the board shall:

1. Engage in professional conduct harmful to the public health, safety, and welfare or the best interest of the public.
2. Engage in professional conduct designed solely to further the financial interest of the licensee and not necessary for diagnostic or therapeutic purposes.
3. Engage in any professional conduct unless qualified by training or experience, or both.
4. Violate or aid and abet another in violating any provision of statutes applicable to the practice of social work or any provision of these regulations.
5. Perform or attempt to perform professional functions outside the area of licensed competence.

§ 6.2. Grounds for revocation, suspension, or denial of renewal of license.

Action by the board to revoke, suspend or decline to renew a license shall be in accordance with the following:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as

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to make the practice a danger to the health and welfare of one's clients or to the public; or is unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;

4. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of § 6.1, standards of practice;

5. Performing functions outside the board-licensed area of competency; and

6. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of these regulations.

§ 6.3. Reinstatement following disciplinary action.

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for a license:

1. The board, at its discretion, may, after a hearing, grant the reinstatement;

2. The applicant for reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-01. Virginia Pollutant Discharge Elimination System and Virginia Pollution Abatement Permit Program.

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

Public Hearing Date: January 5, 1989 - 2 p.m.

(See Calendar of Events section for additional information)

NOTICE: Due to its length the Virginia Pollutant Discharge Elimination System (VPDES) and Virginia Pollution Abatement Permit Program, filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the proposed amendments is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Summary:

The Permit Regulation, VR 680-14-01, delineates the

authority and general procedures to be followed in connection with any Virginia Pollutant Discharge Elimination System (VPDES) permits issued by the board authorizing discharges of pollutants into state waters pursuant to §§ 402, 318, and 405 of the Clean Water Act (Act) and in connection with any Virginia Pollution Abatement (VPA) permits issued by the board.

The proposed amendments are revisions requested by the U.S. Environmental Protection Agency for conformance with federal regulations and revision of the section of the regulation requiring issuance of a permit prior to commencing erection, construction or expansion or employment of new processes at any site.

* * * * *

Title of Regulation: VR 680-21-08.8 James River Basin (Upper) - Water Quality Standards.

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

Public Hearing Date: January 5, 1989 - 2 p.m.

(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the Water Quality Standards, filed by the State Water Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published. Also, the proposed amendment is set out below. The full text of the standards is available for inspection at the offices of the Registrar of Regulations, and the State Water Control Board.

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Summary:

The proposed amendment reclassifies Hot Springs Run, § 12, James River Basin (Upper) from Class VI, natural trout water to Class IV, mountainous zone water. These amendments are being proposed based on recommendations of the Department of Game and Inland Fisheries.

VR 680-21-08.8. James River Basin (Upper) - River Basin Section Tables.

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SEC.	SECTION DESCRIPTION	CLASS
	Natural Trout Waters in § 12	VI
12	Cedar Creek from its confluence with the Jackson River to its headwaters confluence with Hot Springs Run	***

NOTE: The *** in the class column indicates that the stream has no subclassification under the Department of Game and Inland Fisheries classification system. The department's classifications are for informational purposes only and imply no additional requirements.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-05-09. Rules and Regulations - Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law.

Statutory Authority: § 3.1-615 of the Code of Virginia.

Effective Date: December 7, 1988

Summary:

The amendments improve clarity, eliminate eight outdated Virginia Grade standards for apples, update the remaining Virginia standards, and adopt the U.S. Standards for determination of grades of apple quality in Virginia.

The only substantial change is in § 3 B 1 a. The words, "and Virginia No. 1 Hail Grade," were added to Va. Extra Fancy and Va. Fancy grades in the description of defects allowed under tolerances for these grade standards. This corrected an omission of "Va. No. 1 Hail Grade" in the text of the proposed amendments.

VR 115-05-09. Rules and Regulations - Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law.

Regulation 153

July 31, 1984

Virginia Standards for Apples

Under the authority of Section 3.1-615, and for the enforcement of Article I, Chapter 23, Title 3.1 of the Code of Virginia (1950), as amended, (Sections 3.1-611 through 3.1-617), the Board of Agriculture and Commerce on the 23rd day of January, 1976, adopted these amended rules and regulations establishing grades for apples.

The rules and regulations entitled "Virginia Standards for Apples for the Enforcement of the Virginia Apple Standardization Law," were originally adopted by the Board of Agriculture and Immigration on December 18, 1963.

Definition of Terms.

As used under grades in Part II for Red, Partial Red or Blushed Varieties:

(1) "*Mature*" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "*Hard*" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(b) "*Firm*" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(c) "*Firm Ripe*" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(d) "*Ripe*" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) "*Overripe*" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) "*Carefully hand-picked*" means that the apples do not show evidence of rough handling or of having been on the ground.

(4) "*Clean*" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) "*Sound*" means apples that at time of packing are free from visible defects; such as decay, breakdown, scald, bitter pit, or physical injury affecting quality.

(6) "*Not Badly Misshapen*" means that an apple may be more irregularly shaped than "Fairly well formed," but shall not be deformed to the extent of materially affecting its culinary value or its general appearance.

(7) "*Fairly well formed*" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

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(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside the stem cavity or calyx basin shall be considered as damage:

(i) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(ii) Smooth net-like russeting, when an aggregate area of the surface is covered of more than 15% for the Virginia Extra Fancy and 25% for the Virginia Fancy, and the color of russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(iii) Smooth solid russeting, when an aggregate area of the surface is covered of more than 5% for the Virginia Extra Fancy and 10% for the Virginia Fancy, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(iv) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.³

(v) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.³

NOTE: Any one of the following defects (b through g) or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by

russeting (8a).³

(d) Hail marks, drought spots, or other similar depressions or scars when the skin has not been broken and the injury is more than slightly depressed, or affects a total area of more than one-half inch in diameter; or hail marks or similar scars when the skin has been broken and the injury is not well healed, or is more than slightly depressed, or affects an aggregate area of more than one-fourth inch in diameter.

(e) Stem or Calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Diseases:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.³

(ii) Cedar rust infection which affects total area of more than one-fourth inch in diameter.³

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily encountered spots which affect an area of more than one-half inch in diameter.³

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.³

(g) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.³

(ii) Worm holes.

(9) "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: Provided, That, no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.³

(11) "Serious Damage" in Red or Partial Red Varieties, C Grade or Hail Grade: The following shall

not be considered as serious damage: Apples which meet the requirements for Fancy Grade (in the Red or Partial Red Varieties) but have punctures not exceeding 1/4 inch in diameter or healed hail marks.

³ The area refers to that of a circle of the specified diameter.

Definition of Terms:

As used under grades in Part II for Green or Yellow Varieties:

1. "Mature" means having reached the stage of maturity which will insure the proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

2. "Hand picked" means that the apples do not show evidence of rough handling or of having been on the ground.

3. "Clean" means free from excessive dirt, or other foreign material.

4. "Well formed" means having the normal shape characteristic of the variety, except that the shape may be slightly irregular provided it does not detract from the general appearance of the apple.

5. "Fairly well formed" means the apple shall have the normal shape characteristic of the variety except that one-half of the apple may deviate slightly or the apple may be slightly flattened as by frost injury.

6. "Not badly misshapen" means that an apple may be more irregularly shaped than "Fairly well formed" as defined above, but shall not be deformed to the extent of materially affecting its culinary value or its general appearance.

7. "Sound" means apples that at time of packing are free from visible defects, such as decay, breakdown, scald, bitter pit, or physical injury affecting quality.

8. "Slight Blemishes" means defects in excess of the following:

(a) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of tight pack.

(b) Smooth russeting shall be permitted at the stem end provided such a russeting is not visible for more than 1/2 inch when the apple is placed stem end down on a flat surface, except in the Newtown variety characteristic russet commencing at the stem end shall be permitted as long as it is continuous from the stem bowl and not extending beyond the center of the apple.

(c) Smooth net like russeting which does not extend over an aggregate area of more than 5% of the surface of the apple.

(d) Sunburn or sprayburn when slight and when the normal color of the apple is but slightly changed and the affected area does not exceed 5% of the surface of the apple.

(e) Smooth solid russeting, light limb rubs, hail marks or sprayburn of a russet character shall be permitted when the aggregate area affected does not exceed 1/4 inch.

(f) Slight hail marks or other depressions when there is no discoloration, when the indentations are very shallow, and no individual indentation exceeds 1/8 inch in diameter and the aggregate area affected does not exceed 1/4 inch.

(g) Thrip marks not to exceed three in number shall be permitted.

(h) Any healed sting or healed stings which affect a total area of more than 1/8 inch in diameter, including any encircling discolored rings.

9. "Damaged." The following shall not be considered as damage:

(a) Slight handling bruises and box bruises, such as are incident to good commercial handling in the preparation of a tight pack.

(b) Limb rubs not to exceed 1/2 inch in aggregate area.

(c) Sprayburn, which has altered or discolored natural pigment when the normal color of the apples is not seriously affected, when there is no blistering or cracking of the skin, except that red spot such as caused by Bordeaux, shall not extend over more than 20% of the apple. Sprayburn of a russet natural shall be governed by the definition covering solid russeting.

(d) Sunburn, when the normal color of the apple is not seriously affected, there is no blistering or cracking of the skin, and the discolored area blends into the normal color of the fruit.

(e) Slight rough russeting which does not cover an area of more than 1/2 inch in diameter if it is not continuous with the russeting in the stem basin or calyx cavity. See Exception (f)(1).

(f) Smooth russeting shall be permitted at the stem or calyx end provided such russeting is not visible for more than 1/2 inch when the apple is placed with russet end down on a flat surface, except in the Newtown variety characteristic russet

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commencing at the stem or calyx end and not extending beyond the center of the apple shall be permitted as long as it is continuous from the stem or calyx bowl. See Exception (f)(1).

(l) The following shall be applicable to apples of the Golden Delicious variety only:

Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted.

(g) Smooth net like russeting which does not extend over an aggregate area of more than 20% of the surface. See Exception (f)(1).

(h) Solid russeting, such as is characteristic of frost, sprayburn, hail, and certain insect and disease injury affecting a total aggregate area not to exceed 1/2 inch. See Exception (f)(1).

(i) Hail marks, drought spots, or other depressions when the injury is slight, the skin is not broken and the depressions do not exceed an aggregate area of 1/2 inch in diameter or detract seriously from the appearance of the fruit. Hail injury of a russet character shall be governed by the definition covering russet injury.

(j) Apple scab spots affecting a total area of not more than 1/4 inch in diameter.

(k) Four stings, each having an encircling hard ring, usually green, or a slight depression, provided stings do not exceed 1/8 inch in diameter, exclusive of any encircling ring.

(m)(1) Slight aphid signs or thrip marks which do not roughen or pebble the surface of the apple.

10. "Serious Damage" means any injury or defect or any combination of injuries and/or defects which seriously detract from the appearance or keeping quality of the apple. The following defects shall not be considered as serious damage:

(a) Sunburn or sprayburn which does not seriously detract from the appearance of the fruit.

(b) Limb rubs which affect not more than 1/10 of the surface in the aggregate.

(c) Smooth solid russeting which affects not more than 1/2 of the surface in the aggregate, including any russeting in the stem basin or rough or bark like russeting which does not detract from the appearance of the fruit to a greater extent than the

smooth solid russeting permitted.

(d) Growth cracks, such as occur in Staymans, shall be permitted when no cracks exceed 1/2 inch in length.

(e) Visible watercore which does not affect an area of more than 1/2 inch in diameter.

(f) Hail marks, drought spots, or other depressions, when the injury is slight, the skin is not broken and the depressions do not exceed an aggregate area of 10% of the surface in red or partial red varieties or more than 20% of the surface in green or yellow varieties.

(g) Scab spots affecting an aggregate area of not to exceed 1/2 inch in diameter.

(h) Five stings, each having an encircling hard ring, usually green, or a slight depression, provided stings do not exceed 1/8 inch in diameter exclusive of any encircling ring.

(i) Aphid pebbling or thrip marks not seriously detracting from the appearance of the apple.

NOTE: "Aggregate area" means that all the areas of the blemish under consideration may be assembled into one circular area of the maximum diameter specified.

NOTE: An apple may show any one or a combination of the following defects if the aggregate area does not exceed the specified tolerance for the defects and the aggregate of the combination does not exceed 1/2 inch; the defects are: Apple scab, hail marks, drought spots, solid russeting, and limb rubs.

NOTE: Export standards limit defects (g), (h), and (i) to 10% of the surface.

§ 1. Definitions.

The following words and terms, when used in § 3 of these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

"Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

"Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

1. Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

a. Russeting which is excessively rough on Roxbury Russet and other similar varieties.

b. Smooth net-like russeting, when an aggregate area of more than 25% of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

c. Smooth solid russeting, when an aggregate area of more than 10% of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

d. Slightly rough russeting which covers an aggregate area of more than 1/2 inch in diameter.

e. Rough russeting which covers an aggregate area of more than 1/4 inch in diameter.

2. Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

3. Limb rubs which affect a total area of more than 1/2 inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

4. Hail marks, drought spots, other similar depressions or scars:

a. When any unhealed mark is present;

b. When any surface indentation exceeds 1/8 inch in depth;

c. When the skin has not been broken and the aggregate affected area exceeds 1/2 inch in diameter; or

d. When the skin has been broken and well healed, and the aggregate affected area exceeds 1/4 inch in diameter.

5. Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of 1/4 inch.

6. Disease:

a. Scab spots which affect a total area of more than 1/4 inch in diameter.

b. Cedar rust infection which affects a total area of more than 1/4 inch in diameter.

c. Sooty blotch or fly speck which is thinly scattered over more than 1/10 of the surface, or dark, heavily concentrated spots which affect an area of more than 1/2 inch in diameter.

d. Red skin spots which are thinly scattered over more than 1/10 of the surface, or dark, heavily concentrated spots which affect an area of more than 1/2 inch in diameter.

7. Insects:

a. Any healed sting or healed stings which affect a total area of more than 3/16 inch in diameter including any encircling discolored rings.

b. Worm holes.

"Diameter" means:

1. When measuring for minimum size, diameter means the greatest dimension of the apple measured at right angles to a line from stem to blossom end.

2. When measuring for maximum size, diameter means the smallest dimension of the apple determined by passing the apple through a round opening in any position. (See § 2.H - Marking Requirements)

"Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

"Injury" means any specific defect, defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which more than slightly detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

1. Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is injured by russeting.

a. Smooth net-like russeting outside of the stem cavity or calyx basin shall be considered as injury

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when an aggregate area of more than 10% of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

b. Smooth solid russeting, when an aggregate area of more than 5.0% of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

2. Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

3. Dark brown or black limb rubs which affect a total area of more than 1/4 inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

4. Hail marks, drought spots, other similar depressions or scars:

a. When the skin is broken, whether healed or unhealed;

b. When there is appreciable discoloration of the surface;

c. When any surface indentation exceeds 1/16 inch in depth;

d. When any surface indentation exceeds 1/8 inch in diameter; or

e. When the aggregate affected area of such spots exceeds 1/2 inch in diameter.

5. Disease:

a. Cedar rust infection which affects a total area of more than 3/16 inch in diameter.

b. Sooty blotch or fly speck which is thinly scattered over more than 5.0% of the surface, or dark, heavily concentrated spots which affect an area of more than 1/4 inch in diameter.

c. Red skin spots which are thinly scattered over more than 1/10 of the surface, or dark, heavily concentrated spots which affect an area of more than 1/4 inch in diameter.

6. Insects:

a. Any healed sting or healed stings which affect a total area of more than 1/8 inch in diameter

including any encircling discolored rings.

b. Worm holes.

7. Invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

"Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process.

1. "Hard" means apples with a tenacious flesh and starchy flavor.

2. "Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

3. "Firm ripe" means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

4. "Ripe" means apples with mealy flesh and soon to become soft for the variety.

"Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

"Serious damage" means any specific defect defined in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

1. Smooth solid russeting, when more than 1/2 of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: Provided, that any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

2. Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

3. Limb rubs which affect more than 1/10 of the surface in the aggregate.

4. Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit or if such

defects affect more than 1/10 of the surface in the aggregate. Provided, that no hail marks which are unhealed shall be permitted and not more than an aggregate area of 1/2 inch shall be allowed for well healed hail marks where the skin has been broken.

5. Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of 1/2 inch.

6. Visible water core which affects an area of more than 1/2 inch in diameter.

7. Disease:

a. Scab spots which affect a total area of more than 3/4 inch in diameter.

b. Cedar rust infection which affects a total area of more than 3/4 inch in diameter.

c. Sooty blotch or fly speck which affects more than 1/3 of the surface.

d. Red skin spots which affect more than 1/3 of the surface.

e. Bitter pit or Jonathan spot which is thinly scattered over more than 1/10 of the surface and does not materially deform or disfigure the fruit.

8. Insects:

a. Healed stings which affect a total area of more than 1/4 inch in diameter including any encircling discolored rings.

b. Worm holes.

"Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

PART I.

§ 2. U.S. standards for grades of apples.

The United States Standards for grades of apples effective September 1, 1964, and all of its amendments thereto to date promulgated by the U.S. Department of Agriculture, are hereby adopted as standards for this state and . All apples packed under these standards shall be so labeled and shall meet the their requirements of these standards and shall be so labeled. (Code of Federal Regulations §§ 51-300 through 51-323 - United States Standards for Grades of Apples which are incorporated by reference and made a part of these regulations). (See § 3.H - Marking Requirements)

PART II.

§ 3. Standards in addition to the U.S. Standards.

The following standards are established in addition to the United States Standards adopted in Part I § 2. These standards are to apply only in those instances where size count packs are to be used.

A. Red, Partial Red, or Blushed Varieties.

1. Virginia Extra Fancy or First Grade:

Virginia Extra Fancy or First Grade shall consist of apples of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (7); free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins, and bruises (except those incident to proper handling and packing), and visible watercore. The apples shall also be free from damage (8), caused by russeting (8a), sunburn or sprayburn (8b), limb rubs (8c), hail (8d), stem or calyx cracks (8e), other diseases (8f), insects (8g), or mechanical or other means (8). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, Tolerances and Condition after Storage or Transit.)

A. Grades.

1. Virginia Extra Fancy.

Virginia Extra Fancy consists of apples of one variety which are mature but not further advanced in maturity than firm ripe, carefully handpicked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore and broken skins, and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russeting, smooth solid russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by slightly rough or rough russeting, or stem or calyx cracks, and free from injury by invisible water core after January 31 of the year following the year of production. Each apple of this grade has the amount of color specified for the variety. (See color requirements)

2. Virginia Fancy or Second Grade:

Virginia Fancy or Second Grade shall consist of apples of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (7); free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible watercore. The apples shall also be free from damage (8) caused by russeting (8a), sunburn or sprayburn (8b), limb rubs (8c), hail (8d), drought spots (8d), or sears (8d), stem or calyx cracks (8e), other diseases

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(8f), insects (8g), or mechanical or other means (8). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, Tolerances, and Condition after Storage or Transit.)

Apples of this grade shall be free from excessive damage caused by russeting and shall meet the requirements of Virginia Extra Fancy as defined under the definitions of "damage by russeting" and "damage caused by hail" except as follows:

- a. The aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent.
- b. The aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent.
- c. Hail marks, drought spots, or other similar depressions or scars when the skin has not been broken and the injury is more than slightly depressed or affects a total area of more than one-half inch in diameter; or hail marks or similar scars when the skin has been broken and the injury is not well healed, or is more than slightly depressed, or affects an aggregate area of more than one-fourth inch in diameter.

2. Virginia Fancy.

Virginia Fancy consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible water core, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, or damage by other means. Each apple of this grade has the amount of color specified for the variety. (See color requirements)

3. Virginia C Grade or Hail Grade:

Virginia C Grade or Hail Grade shall consist of apples of one variety which are mature (1), handpicked (3), clean (4), sound (5), not badly misshapen (6), and free from serious damage caused by hail or punctures (11). Each apple shall have the amount of color hereinafter specified for apples in this grade.

NOTE: Punctured apples under this grade do not meet the requirements of the Export Apple and Pear Act and cannot be certified on an export form certificate.

3. Virginia No. 1 Hail grade.

Virginia No. 1 Hail [Grade] consists of apples which meet the requirements of Virginia Fancy grade except that hail marks where the skin has not been broken, and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed.

D. Green or Yellow Varieties.

1. Virginia Extra Fancy or First Grade.

Virginia Extra Fancy or First Grade shall consist of apples of one variety which are mature (1), hand picked (2), clean (3), well formed (4), sound (7), free from bruises (8), russeting (8b), (8c), (8e), sprayburn (8d), (8e), sunburn (8d), (8e), limb rubs (8e), drought spot (8f), hail marks (8f), visible watercore, broken skin, apple scab, and from diseases and insect injury (8g), stings (8h), except that slight blemishes (8) shall be permitted in this grade. Each apple shall have the amount of color hereinafter specified for apples in this grade.

2. Virginia Fancy or Second Grade.

Virginia Fancy or Second Grade shall consist of apples of one variety which are mature (1), hand picked (2), clean (3), fairly well formed (5), sound (7), free from visible watercore, broken skin, and from damage (9), caused by bruises (9a), limb rubs (9b), sprayburn (9c), sunburn (9d), russeting (9e), (9g), (9h), drought spot (9i), hail marks (9i), apple scab (9j), diseases and insect injury (9k), (9m). See exception (9f-1) for Golden Delicious. Each apple shall have the amount of color hereinafter specified for apples in this grade.

3. Virginia C Grade or Third Grade.

Virginia C Grade or Third Grade shall consist of apples of one variety which are mature (1), hand picked (2), clean (3), not badly misshapen (6), sound (7), and free from serious damage (10) caused by sunburn (10a), sprayburn (10a), limb rubs (10b), russeting (10c), growth cracks (10d), visible watercore (10e), hail marks (10f), drought spots (10f), disease (10g), and insect injury (10h), (10i), and free from soft bruises and broken skin except that apples having Fancy or better color for the variety may contain punctures not exceeding 1/4 inch in diameter.

NOTE: Punctured apples do not meet the requirements of the Export Apple and Pear Act and cannot be certified on an export form certificate.

4. Hail Grade shall consist of apples which meet the requirements of Combination Extra Fancy and Fancy, except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted provided the apples are fairly well formed. The marks or labels "Extra Fancy" or "Fancy" shall not appear on the containers.

E. Color Requirements.

Golden Delicious....Extra Fancy....75% Characteristic

Color¹

....Fancy....75% Characteristic

Color²

....C. Grade....33 1/3% Characteristic

Color³

¹ In the Golden Delicious variety when the white or light green color predominates over the green color, it shall be considered as the minimum characteristic color.

In the following, no color is required in Extra Fancy, Fancy, or C Grade; natural blush not objectionable:

Duchess....King....Ortly....White Winter Pearmain

Gravenstein....Wolf River....Newtown....Yellow Transparent

Twenty Ounce....Grimes (Golden)

A. Domestic Grade.

Domestic Grade shall consist of apples of one variety which are not seriously damaged by being dirty, not overripe, free from decay, internal breakdown, freezing injury, worm holes, and from any injury or defect which cannot be removed without the loss of more than 5 percent of the total weight or volume of the apple; not more than 5 percent of the surface of the apple in the aggregate shall be affected with Scab; (See Size Requirement (H) of this section) Decay, Internal Breakdown, Freezing Injury, None; Dirt, Spray Residue, Not noticeable on casual examination; Visible Watercore, Bruises, Stem and Calyx Cracks, Sprayburn, Sunburn, Bitter Pit, Jonathan Spot, Fruit, York, King David, Drought Spot, Hard, dry Bruises, Hail Marks, Apple Blotch, Cedar Rust and Healed Stings, Not more than 5 percent waste; Not badly misshapen, broken skin - dry and not serious - any amount; Red Skin Spot - any amount; Limb Rubs and Scars - any amount not deforming fruit; Apple Scab 5 percent of surface aggregate; Sooty Blotch, Fly Speck - any amount; San Jose Scale - any amount.

B. Virginia Extra Fancy Mixed Grade.

This grade shall consist of only one of the following varieties: Golden Delicious, Grimes Golden or Albemarle Pippin, mixed in the same package with only one of these varieties: Red Delicious, Delicious, Red Stayman, Stayman, or Winesap.

All apples packed as this grade shall meet the

requirements hereafter set out; provided, however, that mixed apples of any varieties are exempt from the requirements of this grade when sold in special packages of any size containers as gift packages and do not go through the wholesale or retail channels.

This grade shall further consist of apples of the two varieties which are mature (1), but not overripe (2), carefully hand-picked (3), clean (4), fairly well formed (7); free from decay, internal browning, internal breakdown, bitter pit, Jonathan Spot, Scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible watercore. The apples shall also be free from damage (8), caused by russetting (8a), sunburn or sprayburn (8b), limb rubs (8c), hail (8d), drought spots (8d), or sears (8d), stem or calyx cracks (8e), other diseases (8f), insects (8g), or mechanical or other means (8). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, Tolerances, Applications for Tolerances and Size).

C. Color Requirements.

Red Varieties. For the red varieties, the percentage stated below refers to the area of the surface with a good shade of red characteristic of the variety; provided, that, an apple having a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to the grade; provided, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety.

Partial Red Varieties. The percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to the grade; provided, that, it has sufficient additional area covered so that the apple has as good an appearance one with the minimum percentage of stripes of a good red characteristic of the variety for the grade. Faded brown stripes shall not be considered as color.

Red Delicious....65% Stayman....40%

Delicious....50% Golden Delicious⁴....75%

..... Characteristic

..... color

Red Stayman....50% Grimes....Characteristic

..... ground color

Winesap....50% Albemarle Pippin....Characteristic

..... ground color

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¹ "Characteristic Color" -- When the white around the lenticles predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

H. Size Requirements

1. The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container or a stuffer within.

2. When the numerical count is marked on the container, or a stuffer within, the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

3. When the numerical count is not shown, the minimum (size) diameter shall be plainly stamped, stenciled, or otherwise marked on the container, or a stuffer within in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, (as 2 1/2 inches minimum, or 2 5/8 inches minimum), in accordance with the facts. It is suggested that both minimum and maximum diameters be shown, as 2 1/4 to 2 1/2 inches, or 2 1/2 to 2 3/4 inches. The minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

4. The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

5. In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements; provided, that, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

4. Domestic Grade.

Domestic [Grade] consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, disease, insects, or other means.

C. Combination Grades.

1. Combination Extra Fancy and Fancy.

When Extra Fancy and Fancy apples are packed

together, the boxes may be marked "Combination Extra Fancy and Fancy" and shall contain at least 80% Extra Fancy apples, except Newtowns, which shall contain at least 25% Extra Fancy apples.

2. Combination Extra Fancy, Fancy, and C Grade.

When Extra Fancy, Fancy, and C Grade apples are packed together, the boxes may be marked "Combination Extra Fancy, Fancy, and C Grade" and shall contain at least 80% Extra Fancy apples, except Newtowns, which shall contain at least 25% Extra Fancy apples.

3. Combination Extra Fancy and C Grade.

When Extra Fancy and C Grade apples are packed together, the boxes may be marked "Combination Extra Fancy and C Grade" and shall contain at least 80% Extra Fancy apples, except Newtowns, which shall contain at least 25% Extra Fancy apples.

4. Combination Fancy and C Grade.

When Fancy and C Grade apples are packed together, the boxes may be marked "Combination Fancy and C Grade," but shall contain at least 80% Fancy apples, except Newtowns, which shall contain at least 25% Fancy apples.

B. Color Requirements.

Apples shall be admitted to the grade subject to the following color specifications:

1. Red Varieties.

For the red varieties the percentage stated below refers to the area of the surface with a good shade of red characteristic of the variety; provided, that, an apple having a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to the grade, provided that it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade.

	Extra Fancy	Fancy	C Grade
Red Beitctious	65%	25%	15%
Arkansa Black	50%	25%	15%
Spitzenburg (Esopus)	50%	25%	15%
Winesap	50%	25%	15%
King David	50%	25%	15%
Red Sport Varieties ¹	50%	25%	15%

¹ When sport varieties are marked as such they shall meet

the color requirements of red sport varieties, and the boxes must also bear the name of the parent variety.

2. Partial Red Varieties

For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over the stripes of lighter red, green or yellow. However, an apple having color of a lighter shade of red than that considered as a good shade of red characteristic of the variety may be admitted to the grade; provided, that, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade.

	Extra Fancy	Fancy	E Grade
Delicious	50%	25%	±5%
Stayman	40%	25%	±0%
York	40%	25%	±0%
Black Twig	40%	25%	±0%
Jonathan	40%	25%	±0%
McIntosh	40%	25%	±0%
Rome	40%	25%	0
Other Similar Varieties	40%	25%	±0%

3. Red Checked or Blushed Varieties:

	Extra Fancy	Fancy	E Grade
Winter Banana	Some Color		0

H. Standard Box Packs.

A standard box in this state shall be eighteen inches long, eleven and one-half inches wide, and ten and one-half inches deep, inside measure. When boxes are marked with a size count, all apples shall be arranged according to the approved method and shall be fairly tightly packed at the time of packing, but shall not show excessive or unnecessary bruising caused by poor sizing, poor packing or an overfilled package. Each apple wrapped shall be well wrapped.

NOTE: Standard box packs of Golden Delicious shall be well filled or fairly well filled at the time of packing.

I. Tray Packs.

A standard tray pack container carries four, five, or six molded pulp trays and is packed to and marked with one of the same size counts of the same size apples as are

packed in the standard box. All apples packed in tray pack containers shall be uniformly sized as those packed in the standard box and shall be arranged according to the approved method for the tray type of pack. Each container shall be well filled or fairly well filled. To be fairly well filled a container must have not less than forty (40) pounds net of apples.

5. Gift Grade.

Gift Grade may consist of mixed varieties and shall meet Virginia Extra Fancy grade as defined in Virginia Standards for Apples. When gift containers meet the requirements of Gift Grade, such containers need be marked only "Gift Grade" and a statement of net contents and name and address of packer or distributor.

6. Color requirements.

In addition to the requirement specified for the grades set forth, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety. Provided, that an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade.

TABLE I

Color Requirements for Specified Virginia Grades of Apples by Variety

Variety	Va. Extra Fancy	Va. Fancy
.....		
Solid Red:		
Winesap		25%

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Other similar varieties		25%
Red Sport varieties (1)	90%(2)	25%
Striped or Partially red:		
Jonathan		25%
Other similar varieties		25%
Rome Beauty		15%
Stayman		15%
York Imperial		15%
Delicious		15%
Other similar varieties		15%
Rambo		10%
Other similar varieties	(3)	
Red cheeked or blushed varieties:		
Summer Rambo (4)		
Other similar varieties (4)		
Green varieties (5)		
Yellow varieties (5)		
Golden Delicious (6) (5)		

(1) When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties.

(2) Must have at least 90% good shade of red color: characteristic of the variety.

(3) Tinge of Color.

(4) None.

(5) Characteristic Ground Color.

(6) 75% or more of the surface of the apple shall show white or light green predominating over the green color.

K. Tolerances Which Apply At Time of Packing.

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any container may be below the requirements of the grade, provided that not more than 5 percent shall be seriously damaged by insects and not more than 1/10 of this amount, or 1 percent shall be allowed for decay and/or internal breakdown. Slight imperfections which are not discernible in good commercial sorting practice shall not be considered defects of grades.

In addition to the above, for standard box packs in boxes or cartons marked with a size count, a tolerance of 10 percent for each of the defects of pack, such as

wrapping and tightness, shall be permitted in any lot and shall be computed by counting, weighing, or measuring the samples.

When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be used to reduce the percentage of apples of the higher grade required in the combination.

The tolerances specified for the various grades are placed on a container basis. However, any lot of apples shall be considered as meeting the requirements of a specified grade if the entire lot averages within the tolerances specified, provided that no sample from the containers in any lot is found to exceed the following amounts:

For a specified tolerance of 10 percent, not more than one and one half times the tolerance shall be allowed in any one package.

For specified tolerances of 5 percent, or less, not more than double the tolerance shall be allowed in any one package.

L. Tolerances Which Apply After Apples Have Been In Storage Or in Transit.

After fruit has been placed in storage or in transit, scald, breakdown, decay, bitter pit, or physical injury affecting keeping quality which may have developed or may only have become evident after apples are packed are defined as applying to condition rather than to grade.

M. Virginia State Condition Standards (Not Mandatory).

As applied to condition factors:

(1) Not more than an average of 5% of the apples in any lot, with not more than 10% in any one sample, shall be further advanced in maturity (firmness) than firm ripe.

(2) Not more than a total of 5% of the apples in any lot, with not more than 10% in any one sample, shall be damaged by bitter pit, Jonathan spot, common scald, visible watercore, freezing, or other such condition factors, excluding delayed sunburn.

(3) Not more than an average of 2% each in any lot, with not to exceed 8% in any sample, shall be allowed for apples affected by decay, visible breakdown, or by soft scald; except that after March 1 not more than an average of 3% each in any lot with not to exceed 10% in any sample shall be allowed for apples affected by decay, visible breakdown, or by soft scald.

Remarks: On request, official certificates will bear the statement "Lot Meets Virginia State Condition Standards;" provided the apples meet the standard

requirements at the time of inspection.

[C. B.] Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

1. Defects:

a. Va. Extra Fancy, Va. Fancy [, and Va. No. 1 Hail Grade] : 10% of the apples in any lot may fail to meet the requirements of the grade, but not more than 1/2 of this amount, or 5.0%, shall be allowed for apples which are seriously damaged, including therein not more than 1.0% for apples affected by decay or internal breakdown.

b. Domestic grade: 10% of the apples in any lot may fail to meet the requirements of the grade, but not more than 1/2 of this amount, or 5.0%, shall be allowed for apples which are seriously damaged by insects, and including in the total tolerance not more than 1.0% for apples affected by decay or internal breakdown.

2. Size: When size is designated by the numerical count for a container, not more than 5.0% of the apples may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5.0% of the apples in any lot may be smaller than the designated minimum and not more than 10% may be larger than the designated maximum.

D. Tolerances Which Apply At Time Of Packing

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade, provided, that, not more than one half of this amount, or 5 percent shall be allowed for apples which are seriously damaged by insects, and including not more than 1 percent for apples affected by decay or internal breakdown or both.

E. Applications Of Tolerances To Individual Packages

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

1. For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not

more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

2. For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects; provided, that not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

F. Tolerances Which Apply After Apples Have Been In Storage Or Transit.

Decay, scald, or any other deterioration which may develop on apples after they were last packed and been in storage or transit shall be considered as affecting condition and not the grade.

As Applied to Condition Factors:

1. Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

2. Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan Spot, Storage Scab, Internal breakdown, watercore, freezing, decay, or other such condition factors; provided, that not more than 2 percent shall be allowed for apples damaged by decay, internal breakdown, or soft scald, or all three.

3. Not more than a total of 10 percent shall be allowed for apples showing scald; provided, that not more than 5 percent shall be allowed for apples showing heavy scald.

[D. C.] Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: Provided, that the averages for the entire lot are within the tolerances specified for the grade:

1. Packages which contain more than 10 pounds:

Shall have not more than 1-1/2 times a specified tolerance of 10% or more and not more than double a tolerance of less than 10%, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

2. Packages which contain 10 pounds or less:

Not over 10% of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: Provided, that not more than one apple or more than 6.0% (whichever is the larger amount) may

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be seriously damaged by insects or affected by decay or internal breakdown.

C. Basis of Calculating Percentages

1. When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

2. When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

[E. D.] Calculation of percentages.

1. When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

2. When the minimum diameter or minimum and maximum diameters are marked on a container or when the apples are jumbled in a container or in bulk, percentages shall be calculated on the basis of count or an equivalent basis.

[F. E.] Condition after storage or transit.

Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

[G. F.] Packing requirements.

1. Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight or fairly well filled.

a. "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples shall be not more than 3/4 inch below the top edge of the carton.

b. "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh, and Golden Delicious varieties and not less than 40 pounds for all other varieties.

2. Closed cartons containing apples not tray or cell packed shall be fairly well filled or the pack shall be sufficiently tight to prevent any appreciable movement of apples.

3. Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.

4. Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

5. Tolerances: In order to allow for variations incident to proper packing, not more than 10% of the containers in any lot may fail to meet these requirements.

I. Marking.

Each closed package shall be marked in a conspicuous manner on the outside thereof or upon a durable stuffer placed within, but readily readable from the outside, with the information hereafter listed. This information shall be in letters and figures and shall be as follows:

- (1) The correct size or minimum quantity of apples.
- (2) The minimum size of the closed package.
- (3) The correct variety or varieties of apples.
- (4) The official grade of the apples, and
- (5) The name and address of the grower or packer.

The minimum sizes of letters and figures for the closed packages shall be as follows:

Barrels, one-half inch in height;

Packages weighing ten pounds or less, one-eighth inch in height.

The letters and figures shall be placed upon the end of the boxes and upon the cover of baskets, except the words, "U.S. One Bushel" or "U.S. One-half Bushel" and all labels containing the required markings may be placed on the side of baskets.

Where apples are graded in conformity with the grades set forth in these regulations and such grade is used on the container, no other name, word, or description implying a different grade or quality shall appear on the container.

When the numerical count is shown, the number of apples of each variety shall be shown and the total net weight. The maximum net weight shall not be more than twenty-five pounds.

When jumble packed and the minimum (size) diameter

or minimum and maximum (size) diameters are marked on the container, the maximum net weight shall not be more than ten pounds.

[H. G.] *Marking requirements.*

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

1. When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof.

2. The word "minimum," or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger.

[F. H.] *Inspection and certification requirements.*

The grade Virginia Extra Fancy shall not be placed on any container or subcontainer of apples, unless an authorized representative of the Virginia Department of Agriculture and Consumer Services has inspected such apples and issued a state lot number in conjunction with a certificate stating that such apples have met the requirements of this grade.

INSPECTOR'S GUIDE FOR APPLE BRUISES
AT SHIPPING POINT AND MARKET

(Areas based on apples 3 inches in diameter, 88-125 size)

When exceeding the following allowances, report as injury, damage or serious damage, respectively.

	Allow in VA. Extra Fancy		Allow in Va. Fancy		Allow in Domestic	
	Tray or Cell	Other Packs ^{1/}	Tray or Cell	Other Packs ^{1/}	Tray or Cell	Other Packs ^{1/}
DEPTH	1/8"	Same	3/16"	Same	3/8"	Same
<u>AREA ONE</u> BRUISE	5/8"	Same	7/8"	1"	1-1/8"	1-1/4"

AGGREGATE AREA Any combination of lesser bruises which do not detract from the appearance or edible quality to an extent greater than above allowances; Provided, that superficial bruises that are not noticeable without holding the apple at an angle to the light shall be ignored.

As a guide, depending on their location on the apple and the intensity of the discoloration of the bruises, the following aggregate areas are allowed for noticeable bruising:

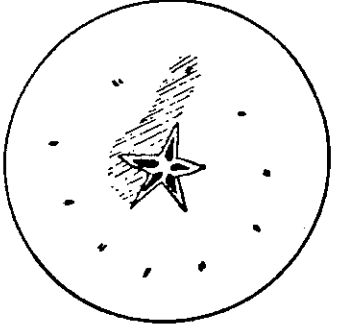
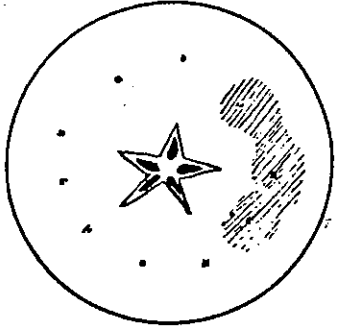
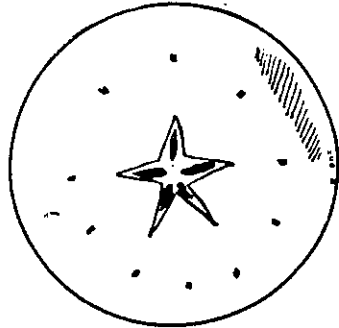
1/2"	Same	3/4"	7/8"	1-1/8"	1-1/4"
------	------	------	------	--------	--------

NOTE: Bruised areas may be cut to check depth, but in no case shall apples be peeled to search for bruised or discolored areas.

^{1/} Includes apples in bulk, loose in cartons and in consumer size packages such as film bags and trays overwrapped in film.

INJURY BY INVISIBLE WATERCORE affects:

Va. Extra Fancy Grade after January 31, of year following production and affecting U.S. Condition Standards for export anytime.

<u>THIS</u>	or	<u>THIS</u>	or	<u>THIS</u>
<p>1. Existing around core and extending to watercore in vascular bundles</p>		<p>2. Surrounding vascular bundles when affected areas around three or more bundles meet or coalesce</p>		<p>3. More than slight degree outside circular area formed by vascular bundles.</p>
				

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DEPARTMENT OF AIR POLLUTION CONTROL (STATE BOARD)

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

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Effective Date: January 1, 1989

Summary:

The regulation amendments concern provisions covering documents incorporated by reference. The amendments update Appendix M which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from which it may be obtained. The amendments also update Rule 5-5 and Rule 6-1 which contain the list of federally promulgated New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) being incorporated by reference.

VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.

PART V. ENVIRONMENTAL PROTECTION AGENCY STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (RULE 5-5)

§ 120-05-0501. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in § 120-05-0502 are incorporated by reference into these regulations amended by the word or phrase substitutions given in § 120-05-0503. The complete text of the subparts in § 120-05-0502 incorporated herein by reference is contained in 40 CFR Part 60 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-05-0502 identify the specific provisions of the subpart incorporated by reference.

§ 120-05-0502. Designated standards of performance.

Subpart A - General Provisions.

40 CFR 60.1, 40 CFR 60.2, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.13 through 40 CFR 60.15, 40 CFR 60.18

(applicability, definitions, notification and record

keeping performance tests, compliance, monitoring requirements, modification, and reconstruction, and general control device requirements)

Subpart D - Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46

(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da - Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a

(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

40 CFR 60.40b through 40 CFR 60.49b

(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart E - Incinerators.

40 CFR 60.50 through 40 CFR 60.54

(units of more than 50 tons per day charging rate)

Subpart F - Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64

(kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G - Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74 (nitric acid

production units)

Subpart H - Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85

(sulfuric acid production units)

Subpart I - Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93

(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems)

Subpart J - Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106

(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K - Storage Vessels for Petroleum Liquids Constructed after June 11, 1973 and Prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka - Storage Vessels for Petroleum Liquids Constructed after May 18, 1978.

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b

(storage vessels with capacity greater than or equal to 8,790 gallons)

Subpart L - Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123

(pot furnaces of more than 550 lb charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M - Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133

(reverberatory and electric furnaces of 2,205 lb or greater production capacity and blast (cupola) furnaces of 550 lb per hr or greater production capacity)

Subpart N - Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973: Primary Emissions.

40 CFR 60.140 through 40 CFR 60.144

(basic oxygen process furnace)

Subpart Na - Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983: Secondary Emissions.

40 CFR 60.140a through 40 CFR 60.145a

(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs.)

Subpart O - Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154

(incinerators that combust wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2,205 lb per day municipal sewage sludge (dry basis))

Subpart P - Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166

(dryer, roaster, smelting furnace and copper converter)

Subpart Q - Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176

(roaster and sintering machine)

Subpart R - Primary Lead Smelters.

40 CFR 60.180 through 40 CFR 60.186

(sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace and converter)

Subpart S - Primary Aluminum Reduction Plants.

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40 CFR 60.190 through 40 CFR 60.195

(potroom groups and anode bake plants)

Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204

(reactors, filters, evaporators and hotwells)

Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214

(evaporators, hotwells, acid sumps and cooling tanks)

Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224

(reactor, granulators, dryers, coolers, screens and mills)

Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate)

Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244

(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y - Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254

(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems and coal transfer and loading systems)

Subpart Z - Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266

(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon,

silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276

(electric arc furnaces and dust-handling equipment)

Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a

(facilities in steel plants that produce carbon, alloy, or specialty steels: electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems)

Subpart BB - Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285

(digester system, brown stock washer system, multiple effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kilns, condensate stripper and kraft pulping operations)

Subpart CC - Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296

(glass melting furnace)

Subpart DD - Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304

(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers and all grain handling operations)

Subpart EE - Metal Furniture Surface Coating Operations.

40 CFR 60.310 through 40 CFR 60.316

(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF - (Reserved)

Subpart GG - Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335

(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH - Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344

(each rotary lime kiln)

Subparts II through JJ - (Reserved)

Subpart KK - Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374

(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL - Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386

(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397

(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN - Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404

(phosphate rock plants which have a maximum

plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO - (Reserved)

Subpart PP - Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424

(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435

(publication rotogravure printing presses, except proof presses)

Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447

(pressure sensitive tape and label material coating lines)

Subpart SS - Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456

(surface coating operations in large appliance coating lines)

Subpart TT - Metal Coil Surface Coating Operations.

40 CFR 60.460 through 40 CFR 60.466

(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU - Asphalt Processing and Asphalt Roofing Manufacturing.

40 CFR 60.470 through 40 CFR 60.474

(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

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Subpart VV - Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489

(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW - Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496

(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX - Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506

(total of all loading racks at a bulk gasoline terminal which deliver product into gasoline tank trucks)

Subparts YY through EEE - (Reserved)

Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585

(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593

(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH - Synthetic Fiber Production Facilities

40 CFR 60.600 through 40 CFR 60.604

(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III - (Reserved)

Subpart JJJ - Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity

equal to or greater than 84 pounds: petroleum solvent dry cleaning, dryers, washers, filters, stills, and settling tanks)

Subpart KKK - Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636

(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

Subpart LLL - Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648

(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM through NNN - (Reserved)

Subpart OOO - Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676

(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685

(each rotary spin wool fiberglass insulation manufacturing line)

Appendix A - Reference Methods.

Method 1 - Sample and velocity traverses for stationary sources.

Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

Method 2A - Direct measurement of gas volume through pipes and small ducts.

Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

Method 4 - Determination of moisture content in stack gases.

Method 5 - Determination of particulate emissions from stationary sources.

Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

Method 6 - Determination of sulfur dioxide emissions from stationary sources.

Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

Method 7 - Determination of nitrogen oxide emissions from stationary sources.

Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion colorimetric method.

Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

Method 9 - Visual determination of the opacity of emissions from stationary sources.

Alternate Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.

Method 10 - Determination of carbon monoxide emissions from stationary sources.

Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

Method 12 - Determination of inorganic lead emissions from stationary sources.

Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

Method 17 - Determination of particulate emissions from stationary sources (instack filtration method).

Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates and electric utility steam generators.

Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

Method 21 - Determination of volatile organic compounds leaks.

Method 22 - Visual determination of fugitive emissions from material processing sources and smoke emissions from flares.

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Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

Appendix B - Performance specification.

Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring system in stationary sources.

Appendix C - Determination of Emission Rate Change.

Appendix F - Quality Assurance Procedures.

Procedure 1 - quality assurance requirements for gas continuous emission monitoring systems used for compliance determination.

§ 120-05-0503. Word or phrase substitutions.

In all the standards designated in § 120-05-0502 substitute:

- A. Owner or other person for owner or operator.
- B. Board for Administrator.

C. Board for U.S. Environmental Protection Agency (except in references).

D. § 120-05-03 for § 60.8.

E. § 120-05-05 C of § 60.7(c).

PART VI. ENVIRONMENTAL PROTECTION AGENCY NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (RULE 6-1).

§ 120-06-0101. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in § 120-06-0102 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in § 120-06-0103. The complete text of the subparts in § 120-06-0102 incorporated herein by reference is contained in 40 CFR Part 61 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-06-0102 identify the specific provisions of the subpart incorporated by reference.

§ 120-06-0102. Designated emission standards.

Subpart A - General Provisions.

40 CFR 61.01 through 40 CFR 61.02 and 40 CFR 61.12 through 40 CFR 61.15

(applicability, definitions, compliance, emission tests, monitoring, modification)

Subpart B - Radon-222 Emissions from Underground Uranium Mines.

40 CFR 61.20 through 40 CFR 61.28

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart C - Beryllium.

40 CFR 61.30 through 40 CFR 61.34

Subpart D - Beryllium Rocket Motor Firing.

40 CFR 61.40 through 40 CFR 61.44

Subpart E - Mercury.

40 CFR 61.50 through 40 CFR 61.55

Subpart F - Vinyl Chloride.

40 CFR 61.60 through 40 CFR 61.71

Subpart G - (Reserved)

40 CFR 61.240 through 40 CFR 61.247

Subpart H - Radionuclide Emissions From Department of Energy (DOE) Facilities.

Subpart W - Radon-222 Emissions from Licensed Uranium Mill Tailings.

40 CFR 61.90 through 40 CFR 61.98

40 CFR 61.250 through 40 CFR 61.252

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Appendix B - Test Methods.

Subpart I - Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by Subpart H.

Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

40 CFR 61.100 through 40 CFR 61.108

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.

Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

40 CFR 61.110 through 40 CFR 61.112

Method 103 - Beryllium screening method.

Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.

Method 104 - Determination of beryllium emissions from stationary sources.

40 CFR 61.120 through 40 CFR 61.126

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Method 105 - Determination of mercury in wastewater treatment plant sewage sludges.

Subpart L - (Reserved)

Method 106 - Determination of vinyl chloride from stationary sources.

Subpart M - Asbestos.

40 CFR 61.140 through 40 CFR 61.156

Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.

40 CFR 61.160 through 40 CFR 61.165

Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.

40 CFR 61.170 through 40 CFR 61.177

Method 111 - Determination of polonium-210 emissions from stationary sources.

Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

40 CFR 61.180 through 40 CFR 61.186

(NOTE: Authority to enforce the above test method is being retained by EPA and it is not incorporated by reference into these regulations.)

Appendix C - Quality assurance procedures.

Subparts N through U Q through U - (Reserved)

Procedure 1 - Determination of adequate chromatographic peak resolution.

Subpart V - Equipment Leaks (Fugitive Emission Sources).

Procedure 2 - Procedure for field auditing gas cylinder analysis.

§ 120-06-0103 Word or phrase substitutions.

In all of the standards designated in § 120-06-0102 substitute:

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- A. Owner or other person for owner or operator.
- B. Board for Administrator.
- C. Board for U.S. Environmental Protection Agency (except in references).
- D. Part VIII and § 120-06-05 A for §§ 61.05(a), 61.07 and 61.09.
- E. § 120-06-03 for § 61.14.

APPENDIX M. DOCUMENTS INCORPORATED BY REFERENCE.

I. General.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

- 1. United States Code.
- 2. Code of Virginia.
- 3. Code of Federal Regulations.
- 4. Federal Register.
- 5. Technical and scientific reference documents.

Additional information on key federal regulations and non-statutory documents incorporated by reference and their availability may be found in Section II.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(1986)~~ (1987) in effect July 1, 1986 1987. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR Part 35.20 means Section 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this appendix any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this appendix may be examined by the public at the headquarters office of the State Air Pollution Control Board, in Room 825, Ninth Street Office Building, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

II. Specific documents.

A. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, ~~1986~~ 1987 are incorporated herein by reference.

a. 40 CFR Part 40 - National Primary and Secondary Ambient Air Quality Standards.

(1) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(2) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(3) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(4) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(5) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(6) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(7) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(8) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

(9) *Appendix J - Reference Method for the Determination of Particulate Matter as PM10 in the Atmosphere.*

(10) *Appendix K - Interpretation of the National Ambient Air Quality Standards for Particulate Matter.*

b. 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

c. 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

(1) Subpart A - General Provisions.

- (a) § 60.1 - Applicability.
- (b) § 60.2 - Definitions.
- (c) § 60.7 - Notification and record keeping.
- (d) § 60.8 - Performance tests.
- (e) § 60.11 - Compliance with standards and maintenance requirements.
- (f) § 60.13 - Monitoring requirements.
- (g) § 60.14 - Modification.
- (h) § 60.15 - Reconstruction.
- (i) § 60.18 - General control device requirements.
- (2) Subpart D - Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
- (3) Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
- (4) *Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.*
- ~~(4)~~ (5) Subpart E - Standards of Performance for Incinerators.
- ~~(5)~~ (6) Subpart F - Standards of Performance for Portland Cement Plants.
- ~~(6)~~ (7) Subpart G - Standards of Performance for Nitric Acid Plants.
- ~~(7)~~ (8) Subpart H - Standards of Performance for Sulfuric Acid Plants.
- ~~(8)~~ (9) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
- ~~(9)~~ (10) Subpart J - Standards of Performance for Petroleum Refineries.
- ~~(10)~~ (11) Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978.
- ~~(11)~~ (12) Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After May 18, 1978.
- (13) *Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which*

Construction, Reconstruction, or Modification Commenced after July 23, 1984.

~~(12)~~ (14) Subpart L - Standards of Performance for Secondary Lead Smelters.

~~(13)~~ (15) Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.

~~(14)~~ (16) Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.

~~(15)~~ (17) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.

~~(16)~~ (18) Subpart O - Standards of Performance for Sewage Treatment Plants.

~~(17)~~ (19) Subpart P - Standards of Performance for Primary Copper Smelters.

~~(18)~~ (20) Subpart Q - Standards of Performance for Primary Zinc Smelters.

~~(19)~~ (21) Subpart R - Standards of Performance for Primary Lead Smelters.

~~(20)~~ (22) Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.

~~(21)~~ (23) Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

~~(22)~~ (24) Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

~~(23)~~ (25) Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

~~(24)~~ (26) Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

~~(25)~~ (27) Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

~~(26)~~ (28) Subpart Y - Standards of Performance for Coal Preparation Plants.

~~(27)~~ (29) Subpart Z - Standards of Performance for Ferroalloy Production Facilities.

~~(28)~~ (30) Subpart AA - Standards of Performance for

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Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

~~(29)~~ (31) Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.

~~(30)~~ (32) Subpart BB - Standards of Performance for Kraft Pulp Mills.

~~(31)~~ (33) Subpart CC - Standards of Performance for Glass Manufacturing Plants.

~~(32)~~ (34) Subpart DD - Standards of Performance for Grain Elevators.

~~(33)~~ (35) Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.

~~(34)~~ (36) Subpart GG - Standards of Performance for Stationary Gas Turbines.

~~(35)~~ (37) Subpart HH - Standards of Performance for Lime Manufacturing Plants.

~~(36)~~ (38) Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.

~~(37)~~ (39) Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.

~~(38)~~ (40) Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.

~~(39)~~ (41) Subpart NN - Standards of Performance for Phosphate Rock Plants.

~~(40)~~ (42) Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.

~~(41)~~ (43) Subpart QQ - Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

~~(42)~~ (44) Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

~~(43)~~ (45) Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.

~~(44)~~ (46) Subpart TT - Standards of Performance for Metal Coil Surface Coating.

~~(45)~~ (47) Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

~~(46)~~ (48) Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

~~(47)~~ (49) Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry.

~~(48)~~ (50) Subpart XX - Standards of Performance for Bulk Gasoline Terminals.

~~(49)~~ (51) Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

~~(50)~~ (52) Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

~~(51)~~ (53) Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.

~~(52)~~ (54) Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.

~~(53)~~ (55) Subpart KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

~~(54)~~ (56) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

~~(55)~~ (57) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.

~~(56)~~ (58) Subpart PPP - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.

~~(57)~~ (59) Appendix A - Reference Methods.

(a) Method 1 - Sample and velocity traverses for stationary sources.

(b) Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

(c) Method 2A - Direct measurement of gas volume through pipes and small ducts.

(d) Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

(e) Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

(f) Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

(g) Method 4 - Determination of moisture content in stack gases.

- (h) Method 5 - Determination of particulate emissions from stationary sources.
- (i) Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.
- (j) Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.
- (k) Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.
- (l) Method 6 - Determination of sulfur dioxide emissions from stationary sources.
- (m) Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.
- (n) Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.
- (o) Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).
- (p) Method 7 - Determination of nitrogen oxide emissions from stationary sources.
- (q) Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.
- (r) Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).
- (s) Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.
- (t) Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion chromatographic method.
- (u) Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).
- (v) Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.
- (w) Method 9 - Visual determination of the opacity of emissions from stationary sources.
- (x) Alternative Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.
- (y) Method 10 - Determination of carbon monoxide emissions from stationary sources.
- (z) Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.
- (aa) Method 12 - Determination of inorganic lead emissions from stationary sources.
- (bb) Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.
- (cc) Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.
- (dd) Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.
- (ee) Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.
- (ff) Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.
- (gg) Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).
- (hh) Method 17 - Determination of particulate emissions from stationary sources (in-stack filtration method).
- (ii) Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.
- (jj) Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates from electric utility steam generators.
- (kk) Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.
- (ll) Method 21 - Determination of volatile organic compounds leaks.
- (mm) Method 22 - Visual determination of fugitive emissions from material sources and smoke emissions from flares.
- (nn) Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.
- (oo) Method 24A - Determination of volatile matter content and density of printing inks and related

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coatings.

(pp) Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

(qq) Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

(rr) Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

(ss) Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

~~(55)~~ (60) Appendix B - Performance Specifications.

(a) Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

(b) Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

(c) Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

(d) Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

(e) Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

~~(56)~~ (61) Appendix C - Determination of Emission.

(62) Appendix F - Quality Assurance Procedures.

Procedure 1 - Quality assurance requirements for gas continuous emission monitoring systems used for compliance determination.

d. 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

(1) Subpart A - General Provisions.

(a) § 61.01 - Applicability.

(b) § 61.02 - Definitions.

(c) § 61.12 - Compliance with standards and maintenance requirements.

(d) § 61.13 - Emission tests and waiver of emission

tests.

(e) § 61.14 - Monitoring requirements.

(f) § 61.15 - Modification.

(2) Subpart C - National Emission Standard for Beryllium.

(3) Subpart D - National Emission Standard for Beryllium Rocket Motor Firing.

(4) Subpart E - National Emission Standard for Mercury.

(5) Subpart F - National Emission Standard for Vinyl Chloride.

(6) Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(7) Subpart M - National Emission Standard for Asbestos.

(8) Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

(9) Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.

(10) Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

~~(8)~~ (11) Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).

(12) Subpart W - National Emission Standard for Radon-222 Emissions from Licensed Uranium Mill Tailings.

~~(9)~~ (13) Appendix B - Test Methods.

(a) Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

(b) Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

(c) Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

(d) Method 103 - Beryllium screening method.

(e) Method 104 - Determination of beryllium

emissions from stationary sources.

(f) Method 105 - Determination of mercury in wastewater treatment plant sewage sludge.

(g) Method 106 - Determination of vinyl chloride from stationary sources.

(h) Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

(i) Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

~~(10)~~ (14) Appendix C - Quality Assurance Procedures.

(a) Procedure 1 - Determination of adequate chromatographic peak resolution.

(b) Procedure 2 - Procedure for field auditing GC analysis.

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

B. U.S. Environmental Protection Agency.

1. The documents specified below from the U.S. Environmental Protection Agency are incorporated herein by reference.

a. Guideline on Air Quality Models (revised), EPA-450/2-78-027R, OAQPS No. 1.2-080, July 1986, as amended by Supplement A, July 1987.

b. Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. 999-AP-13, PB190235, 1965.

2. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

C. U.S. government.

1. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-006 and 003-005-00176-0, respectively).

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office,

Washington, D.C. 20402; phone (202) 783-3238.

D. American Society for Testing and Materials (ASTM).

1. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

a. D323-82, "Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

b. D97-66 (reapproved 1978), "Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

2. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400.

E. American Petroleum Institute (API).

1. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980.

2. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.

F. American Conference of Governmental Industrial Hygienists (ACGIH).

1. The following document from the ACGIH is incorporated herein by reference: ACGIH Handbook - Threshold Limit Values[®] for Chemical Substances in the Work Environment Adopted by ACGIH with Intended Changes for 1986-1987 1987-1988.

2. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211; phone (513) 661-7881.

G. National Fire Prevention Association (NFPA).

1. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

a. NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.

b. NFPA 30, Flammable and Combustible Liquids Code, 1984 Edition.

c. NFPA 30A, Automotive and Marine Service Station Code, 1984 Edition.

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2. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.6 of the Code of Virginia, which excludes from Article 2 Department of Health orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 355-19-02.68. **Notice and Description of Shellfish Area Condemnation Number 68, Upper Rappahannock River.**

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Date: December 7, 1988

Summary:

This notice defines the area of the Rappahannock River which does not conform to the standards of an approved shellfish growing area as set by the National Shellfish Sanitation Program (NSSP) of which Virginia is a participant. Recent evaluation by the Division of Shellfish Sanitation indicated that a portion of the Rappahannock River that was classified as condemned in the emergency regulation effective May 26, 1988, now meets the criteria for an approved shellfish growing area. The approximate area thus made available for the direct marketing of shellfish is 459 acres.

VR 355-19-02.68. Notice and Description of Shellfish Area Condemnation Number 68, Upper Rappahannock River.

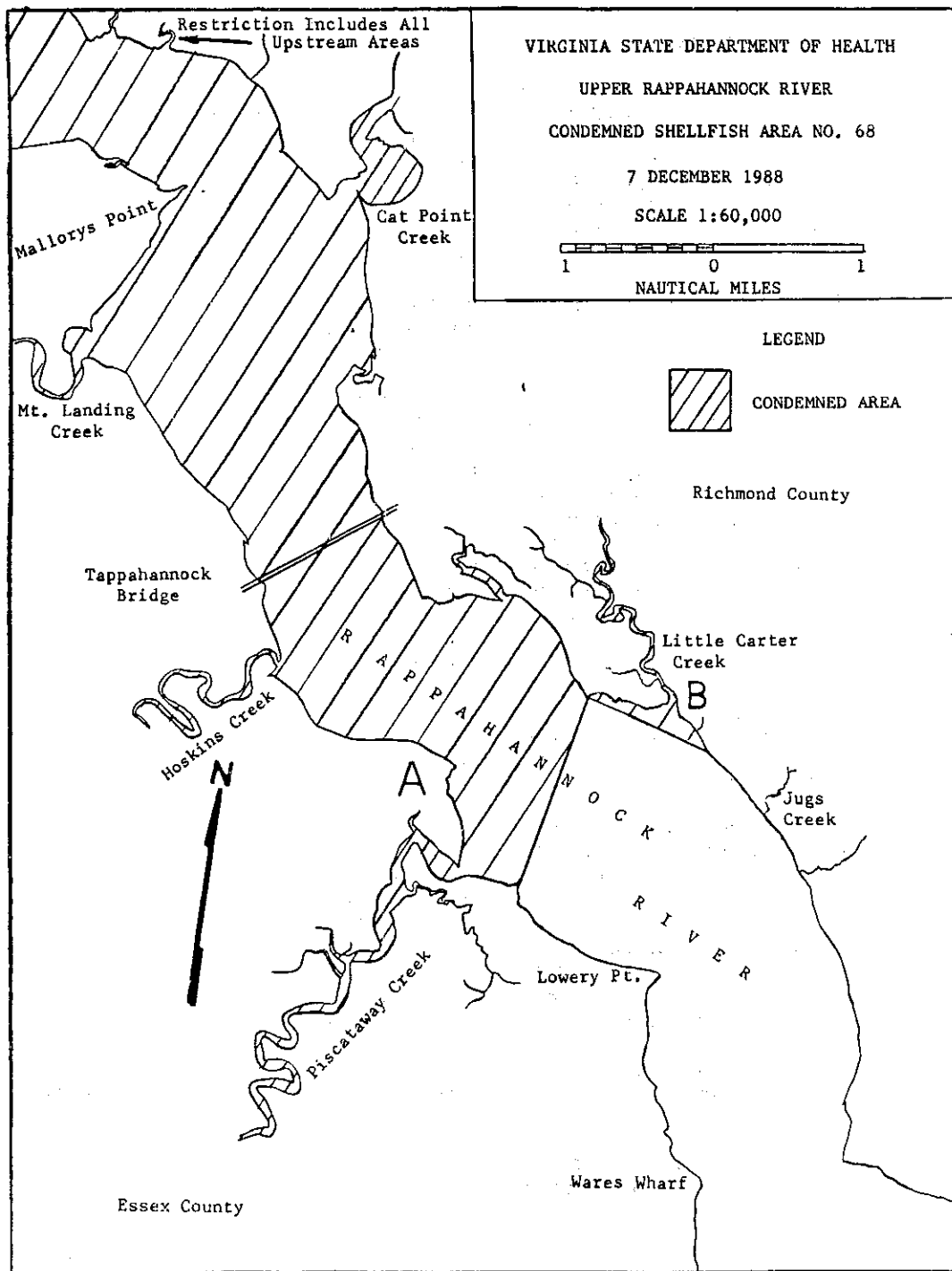
§ 1. *The "Notice and Description of Shellfish Area Condemnation Number 68, Upper Rappahannock River," effective May 26, 1988 (emergency regulation), is cancelled.*

§ 2. *Condemned Shellfish Area Number 68, Upper Rappahannock River, effective December 7, 1988, is established. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose except by permit granted by the Marine Resources Commission, as provided in Title 28.1, Chapter 7, § 28.1-179 of the Code of Virginia. The boundaries of this area are shown on map titled "Upper Rappahannock River, Condemned Shellfish Area Number 68, 7 December 1988," which is a part of this notice.*

§ 3. *Boundaries of condemned areas.*

A. The condemned area includes all of the Rappahannock River and its tributaries upstream of a line beginning at the first prominent point of land downstream from the mouth of Piscataway Creek on the south shore and extending northerly to the prominent point of land on the opposite shore.

B. The condemned area includes all of Little Carter Creek upstream of a line beginning at the prominent point of land on the upstream side of the mouth of Little Carter Creek easterly to a point on the downstream side approximately 1,100 yards upstream from the mouth of Jugs Creek.



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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. 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 400-02-0003. **Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

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

Effective Date: October 19, 1988

NOTICE: Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The amendments to the procedures, instructions and guidelines for single family mortgage loans to persons and families of moderate income will:

- 1. For the purpose of calculating the maximum allowable loan amount for any dwelling include the value of personal property in the appraised value of such dwelling;*
- 2. Clarify that, for the purpose of calculating the maximum allowable loan amount of a dwelling, FHA and VA insurance fees and FHA-approved closing costs may be included in such calculation; and*
- 3. Clarify when reservation fees are due from PDS Agents and provide for a late charge if such fees are not timely paid.*

VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. General.

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

authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" or "gross family income" (as determined in accordance with the authority's rules and regulations) as applicable, which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds. Such income and sales price limitations and other restrictions shall be set forth in the Processing and Disbursing Guide set forth in Part II hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the 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 or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's single family housing program. 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.

§ 1.2. PDS agents.

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement

of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Service Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation;
4. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
5. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
6. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
7. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualifications set forth in (3) and (4) above only with respect to the origination of mortgage loans.

All PDS agents approved by the authority shall enter into Processing/Disbursing/Service Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as

he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications 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

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determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and the Servicing Guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to

the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

§ 2.2. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing and signing the "PDS Agent's Checklist for Certain Requirements of the Tax Code" (Exhibit A (1)) prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1.B Three-year requirement);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See § 2.2.1.C Principal residence requirement);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1.D New mortgage requirement);
4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);
5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;
6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 Income requirements); and
7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See § 2.10 Loan assumptions).

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3 "Targeted areas"); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence during the previous three years.

2. Persons covered. This requirement applies to any person who will execute the mortgage document or

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note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by PDS agent. The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to the authority that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. General. An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can

reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas. However, exceptions may be made: (i) if the land is owned free and clear and is not being financed by the loan, the lot may be as large as five acres, (ii) if difficulty is encountered locating a well or septic field, the lot may exceed two acres to include the additional acreage required, and (iii) local city and county zoning ordinances which require more acreage will be taken into consideration.

5. Review by PDS agent. The affidavit of borrower must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of an authority approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to the authority for approval.

6. Post-closing procedures. The PDS agent shall establish procedures to (i) review correspondence,

checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by PDS agent. Prior to closing the mortgage loan, the PDS agent must examine the affidavit of borrower, the affidavit of seller, and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to the authority that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one

outstanding authority mortgage loan.

§ 2.2.2. Eligible dwellings.

A. In general.

In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General rule. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the PDS agent must contact the authority to determine if the residence is an eligible dwelling.

2. Acquisition cost requirements for assumptions. To determine if the acquisition cost is at or below the federal limits for assumptions, the PDS agent must in all cases contact the authority.

3. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitating is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit

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occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Exhibit G, Item 4 and Appraiser Report, Exhibit H).

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

4. Acquisition cost worksheet (Exhibit G) and Appraiser Report (Exhibit H). The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this subsection B. The PDS agent shall assist the eligible borrower in the correct completion of the worksheet. The PDS agent must also obtain from the appraiser a completed appraiser's report which may also be relied upon in completing the acquisition cost worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the affidavit of borrower required to be submitted with the loan submission. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

5. Review by PDS agent. The PDS agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the PDS agent

must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the PDS agent must contact the authority for this determination in all cases). Also, as part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to the authority that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

6. Independent appraisal. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.2.3. Targeted areas.

A. In general.

In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in a forward commitment agreement between the PDS agent and the authority.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1.B.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

b. A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

c. An area of chronic economic distress is an area

designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

§ 2.3. Sales price limits.

The authority's maximum allowable sales prices for new loans for which reservations are taken by the authority on or after August 10, 1987, shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to All New Loans for which Reservations
are Taken by the Authority on or after August 10,
1987

	New Construction	Substantial Rehabilitation	Existing
Washington, DC-MD-VA MSA (Virginia Portion) 1/	\$ 120,000	\$ 120,000	\$ 110,000
Norfolk-Virginia Beach- Newport News MSA 2/	\$ 81,500	\$ 81,500	\$ 75,500
Richmond-Petersburg MSA 3/	\$ 77,000	\$ 71,500	\$ 68,500
Roanoke MSA 4/	\$ 73,500	\$ 56,500	\$ 56,500
Lynchburg MSA 5/	\$ 65,000	\$ 58,500	\$ 58,500
Charlottesville MSA 6/	\$ 77,000	\$ 74,500	\$ 68,500
Fringe of Washington MSA Fauquier County	\$ 77,000	\$ 77,000	\$ 77,000
Fredericksburg \$ 64,000	\$ 60,000	\$ 60,000	\$ 60,000
Spotsylvania County	\$ 66,000	\$ 60,000	\$ 60,000
Winchester Area 7/	\$ 64,000	\$ 58,500	\$ 58,500
North Piedmont (Rural Pt) 8/	\$ 64,000	\$ 56,500	\$ 56,500
Balance of State	\$ 64,000	\$ 56,500	\$ 56,500

1/ Includes: Virginia Portion; Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

§ 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of income over \$20,000. (The value of furniture and household goods shall not be included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.5. Income requirements.

A. Maximum income.

1. Maximum gross income (only applicable to loans for which reservations are taken by the authority on or after August 10, 1987, and for assumptions of loans for which applications are taken by the PDS agent on or after August 10, 1987). As provided in § 2.2.1.A.6

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the gross family income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this paragraph 1 apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1.A.6 are met as long as the requirements of this subsection are met. The maximum annual gross family incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE GROSS INCOMES

Applicable only to loans for which reservations are taken by the Authority and to assumptions for which applications are taken by the PDS agent on or after August 10, 1987

	New Construction	Substantial Rehabilitation	Existing
Washington, DC-MD-VA MSA (Virginia Portion)			
1/	\$ 49,400	\$ 49,400	\$ 46,000
Norfolk-Virginia Beach-Newport News MSA			
2/	\$ 37,000	\$ 37,000	\$ 35,000
Richmond-Petersburg MSA			
3/	\$ 36,400	\$ 34,400	\$ 33,300
Roanoke MSA			
4/	\$ 35,100	\$ 32,700	\$ 31,500
Lynchburg MSA			
5/	\$ 32,200	\$ 32,200	\$ 30,000
Charlottesville MSA			
6/	\$ 36,400	\$ 35,400	\$ 33,300
Fringe of Washington MSA			
Fauquier County			
	\$ 34,400	\$ 34,400	\$ 34,400
Fredericksburg			
	\$ 32,700	\$ 32,700	\$ 31,500
Spotsylvania County			
	\$ 32,200	\$ 32,700	\$ 31,500
Winchester Area			
7/	\$ 32,200	\$ 32,200	\$ 30,000
North Piedmont (Rural Pt)			
8/	\$ 32,700	\$ 32,700	\$ 31,500
Balance of State			
	\$ 32,200	\$ 32,200	\$ 30,000

1/ Includes: Virginia Portion; Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas

Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

2. Maximum adjusted family income. (Only applicable to loans for which reservations are taken by the authority before August 10, 1987, and to assumptions of loans for which applications are taken by the PDS agent before August 10, 1987.)

NOTE: No federal income limits apply to these loans. The maximum adjusted family incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE ADJUSTED FAMILY INCOMES

Applicable only to loans for which reservations are taken by the authority or to assumptions for which applications are taken by the PDS agent before August 10, 1987.

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD-VA MSA			
1/	\$ 46,600	\$ 46,600	\$ 43,200
Norfolk-Virginia Beach Newport News MSA			
2/	\$ 34,300	\$ 34,300	\$ 29,000
Richmond-Petersburg			
3/	\$ 29,900	\$ 29,900	\$ 28,700

Northern Piedmont/ Roanoke MSA			
4/	\$ 29,900	\$ 29,900	\$ 28,700
Remainder of State			
5/	\$ 29,400	\$ 29,400	\$ 27,200

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

5/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/Roanoke MSA.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration or the Veterans Administration (hereinafter referred to as "FHA or VA loans").

An applicant satisfies the minimum income requirement for authority financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Exhibit B) For units in condominiums, 60% of the monthly condominium assessment shall be used in the foregoing ratio calculations.

§ 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) Maximum of 95% (or, in the case of a

FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, The value of personal property included in the appraisal *must shall not* be deducted from the appraised value. (See Appraiser Report, Exhibit H).

In the case of a FHA or VA loan, the FHA or VA insurance fees charged in connection with such loan (and, if a FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA and VA requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

§ 2.7. Mortgage insurance requirements.

Unless the loan is an FHA or VA loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If the authority requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by the authority once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event the authority purchases an FHA or VA loan, the PDS agent must enter into a purchase and sale agreement. (See Exhibit C) For assumptions of conventional loans (i.e., loans other than FHA and VA loans), full private mortgage insurance as described above is required unless waived by the authority.

§ 2.8. Underwriting.

A. Conventional loans.

1. Employment and income.

a. Length of employment. The applicant must be employed a minimum of six months with present employer. An exception to the six-month

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requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Self-employed applicants. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1.C Principal residence requirement.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. Income derived from sources other than primary employment.

(1) Alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) Social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment. Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime, commission and bonus. Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and

stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. Credit.

a. Credit experience. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain an authority loan.

b. Bankruptcies. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years and has a poor credit history. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy and poor credit history. The authority has complete discretion to decline a loan when a bankruptcy and poor credit is involved.

c. Judgments. An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for an authority loan.

3. Appraisals. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

B. FHA loans only.

1. In general. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Mortgage insurance premium. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed, except that, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. Closing fees. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. Appraisals. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

C. VA loans only.

1. In general. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.

2. VA funding fee. 1.0% funding fee can be included in loan amount provided final loan amount does not exceed the authority's maximum allowable sales price.

3. Appraisals. VA certificates of reasonable value (CRV's) are acceptable.

§ 2.9. Funds necessary to close.

A. Cash (Not applicable to FHA or VA loans).

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

§ 2.10. Loan assumptions.

A. Requirements for assumptions.

VHDA currently permits assumptions of all of its single family mortgage loans as long as certain requirements are met. The requirements for each of the four different categories of mortgage loans listed below are as follows:

1. Assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirement).
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.2.1.B (Three year requirement)
- (5) § 2.2.2.B (Acquisition cost requirement)
- (6) § 2.7 (Mortgage insurance requirement).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirements)
- (2) § 2.2.1.C (Principal residence requirements)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.7 (Mortgage insurance requirements).

2. Assumptions of FHA or VA loans.

a. For assumptions of FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981 the following conditions must be met:

- (1) § 2.5.A (Maximum income requirement)
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.2.1.B (Three year requirement)
- (4) § 2.2.2.B (Acquisition cost requirements).

In addition, all applicable FHA or VA underwriting requirements, if any, must be met.

b. For assumptions of FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA or VA underwriting requirements, if any, must be met.

B. Requirement that the authority be contacted.

The PDS agent must in each case of a request for assumption of a mortgage loan contact the authority in order to determine which category of loans described in subsection A above applies to the loan and whether or not the requirements of the applicable category are satisfied. (For example, in cases of assumptions, the PDS agent may not rely - as it may for new loans - on the fact that the acquisition cost of the dwelling is less than the authority's sales price limits to satisfy the acquisition cost requirement. It is therefore essential that the authority be contacted in each case.)

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C. Application package for assumptions.

Once the PDS agent has contacted the authority and it has been determined which of the four categories described in subsection A above applies to the loan, the PDS agent must submit to the authority the information and documents listed below for the applicable category:

1. Assumption package for conventional loans:

a. Conventional loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(1)).
- (9) Authority's completed application (Exhibit D).
- (10) Verification of employment (VOE's) (and other income related information).
- (11) Verification of deposit (VOD's).
- (12) Credit report.
- (13) Sales contract.
- (14) Truth-in-lending (Exhibit K) and estimate of charges.
- (15) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (16) Authority underwriting qualification sheet (Exhibit B(1)).

b. Conventional loans financed by the proceeds of bonds issued prior to December 17, 1981:

- (1) Authority's completed application (Exhibit D).
- (2) Verification of employment (VOE's) (and other income related information).
- (3) Verification of deposit (VOD's).
- (4) Credit report.

(5) Sales contract.

(6) Truth-in-lending (Exhibit K) and estimate of charges.

(7) Equal credit opportunity act (ECOA) notice (Exhibit I).

(8) Authority underwriting qualification sheet (Exhibit B(2)).

2. Assumption package for FHA or VA loans.

a. FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's Report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(2) or (3)).
- (9) Authority's completed application (Exhibit D).
- (10) In addition, all applicable requirements, if any, of FHA or VA must also be met.

b. FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981: Only the applicable requirements, if any, of FHA or VA must be met.

D. Review by the authority/additional requirements.

Upon receipt of an application package for assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the PDS agent of such determination in writing. The authority will further advise the PDS agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance and submission of an escrow transfer letter.

§ 2.11. Leasing, loan term, and owner occupancy.

A. Leasing.

The owner may not lease the property without first contacting the authority.

B. Loan term.

Loan terms may not exceed 30 years.

C. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Reservations/fees.

A. Making a reservation.

The authority currently reserves funds for each mortgage loan on a first come, first served basis. In order to make a reservation of funds for a loan, the PDS agent shall:

1. First make a determination based on the information then made available to it by the applicant or otherwise that neither the applicant nor the property appears to violate any of the authority's eligibility requirements for a new loan.

2. Collect a \$100 nonrefundable reservation fee (or such other amount as the authority may require).

3. Determine what type of mortgage insurance will be required; specifically, whether the loan will be a conventional loan, an FHA loan or a VA loan.

4. Complete a reservation sheet (Exhibit C).

5. Call the authority (after completing the four preceding requirements) between 9 a.m. and 5 p.m. Monday through Friday for the assignment of a reservation number for the loan, an interest rate for the reserved funds and an expiration date for the reservation, all of which will be assigned after the PDS agent gives to the authority the following information:

- a. Name of primary applicant
- b. Social security number of applicant
- c. Estimated loan amount
- d. PDS agent's servicer number
- e. Gross family income of applicant and family, if any
- f. Location of property (city or county)
- g. Verification of receipt of the reservation fee

- h. Type of mortgage insurance to be used (if conventional, the authority will assign the loan a suffix "C;" if FHA, the suffix will be "F;" and, if VA, it will be "V").

6. Complete the reservation card by filling in the reservation number, interest rate, expiration date and by executing it (only an authorized representative of the PDS agent may sign the reservation card).

7. Submit the complete application package to the authority (see § 2.13) along with evidence of receipt of the reservation fee within 60 days after the authority assigns the reservation number to the loan (i.e., takes the reservation). Funds will not be reserved longer than 60 days unless the PDS agent requests and receives an additional one-time extension prior to the 60-day deadline.

B. More than one reservation.

An applicant may request a second reservation if the first has expired, but in no case may the interest rate be reduced without the authority's prior approval. In addition, a second reservation fee must be collected for a second reservation.

C. The reservation fee.

Under no circumstances is this fee refundable. If the loan closes, it will be retained by the PDS agent as part of its 1.0% origination fee. If the loan does not close, regardless of the reason, it is to be immediately submitted to the authority. If (i) the application is not submitted prior to the expiration of the reservation, or (ii) the authority determines at any time that the loan will not close, this reservation fee must be submitted to the authority within 30 days after such expiration or such determination by the authority, as applicable. If, in such cases, the fee is not received by the authority within such 30-day period, the PDS Agent shall be charged a penalty fee of \$50 in addition to the reservation fee (see subsection D for other fees). No substitutions of applicants or properties are permitted.

D. Other fee.

1. Commitment fee. The PDS agent must collect at the time of the issuance of a commitment by the authority an amount equal to 1.0% of the loan amount less the amount of the reservation fee already collected (such that the total amount received by the PDS agent at that point equals 1.0% of the loan amount - please also note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan closes, the PDS agent retains the full 1.0% as its original fee. If the loan does not close the origination fee (which includes the reservation fee) must be submitted to the authority when the failure to close is due to the fault of the applicant. On the other hand, if the failure to

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close is not due to the fault of the applicant, then everything collected except for the reservation fee may at the option of the authority be refunded to the applicant. (The reservation fee, as required in subsection C above is always submitted to the authority when a loan fails to close.)

2. Discount point. The PDS agent must collect at the time of closing an amount equal to 1.0% of the loan amount from the seller. This fee is to be remitted to the authority by the PDS agent.

§ 2.13. Preparation of application package for new loans.

A. Conventional loans.

The application package submitted to the authority for approval of a conventional loan must contain the following:

1. Reservation sheet (Exhibit C).
2. Application - the application must be made on the authority's approved application form. (Exhibit D)
3. Preliminary underwriting form. (Exhibit B)
4. Credit report issued by local credit bureau and miscellaneous information as applicable explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.
7. Verification of deposits (and any additional documentation).
8. Gift letters (and verification).
9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.
10. Appraisal (FHLMC No. 70) should be the Federal National Mortgage Association ("FNMA") or Federal Home Loan Mortgage Corporation ("FHLMC") form and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to the authority or who has a certification from a trade organization approved by the authority (photos and required supporting documentation).
11. Loan submission cover letter. (Exhibit O(1))
12. Appraiser's report. (Exhibit H)
13. Acquisition cost worksheet. (Exhibit G)
14. Affidavit of seller. (Exhibit F)

15. Affidavit of borrower. (Exhibit E)

16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).

17. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))

18. Signed request for copy of tax returns. (Exhibit Q)

19. U.S. Department of Housing and Urban Development ("HUD") information booklet acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulations Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of the ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

21. Truth-in-lending disclosure. (Exhibit K)

B. FHA loans.

The application package submitted to the authority for approval of an FHA loan must contain the following items:

1. Reservation sheet (Exhibit C).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the HUD application (FHA form 92900).
4. Copy of the Mortgage Credit Analysis Worksheet (HUD form 92900-ws).
5. Copy of the credit report.
6. Copy of verification of employment.
7. Copy of verification of other income.
8. Copy of verification of deposits.
9. Copy of gift letters (and verification).

10. Copy of sales contract.
11. Assignment letter - this must reference the case number, name of applicant.
12. Copy of appraisal - this must be on a form acceptable to FHA and must contain all supporting documentation necessary for valuation.
13. FHA Notice to Buyers (Document F-9)
14. Loan submission cover letter. (Exhibit O(2))
15. Appraiser's report. (Exhibit H)
16. Acquisition cost worksheet. (Exhibit G)
17. Affidavit of seller. (Exhibit F)
18. Affidavit of borrower. (Exhibit E)
19. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1 .B3 hereof, such letter must be enclosed instead).

20. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
21. Signed request for copy of tax returns (Exhibit Q)
22. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.
23. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)
24. Truth-in-lending disclosure. (Exhibit K)

C. VA loans.

The application package submitted to the authority for approval of a VA loan must contain the following items:

1. Reservation sheet (Exhibit C).

2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
 3. Copy the VA application (VA form 26-1802A).
 4. Copy of the Loan Analysis Worksheet (VA form 6393).
 5. Copy of the credit report.
 6. Copy of verification of employment.
 7. Copy of verification of other income.
 8. Copy of verification of deposits.
 9. Copy of gift letters (and verification).
 10. Copy of sales contract.
 11. Copy of appraisal - this must be on a form acceptable to VA and must contain all supporting documentation necessary for valuation.
 12. Loan submission cover letter. (Exhibit O(3))
 13. Appraiser's report. (Exhibit H)
 14. Acquisition cost worksheet. (Exhibit G)
 15. Affidavit of seller. (Exhibit F)
 16. Affidavit of borrower. (Exhibit E)
 17. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.
- (NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).
18. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
 19. Signed request for copy of tax returns (Exhibit Q)
 20. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

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21. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

22. Truth-in-lending disclosure. (Exhibit K)

D. Delivery of package to authority.

After the application package has been completed, it should be forwarded to:

Single Family Originations Division
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

§ 2.14. Commitment. (Exhibit J)

A. In general.

Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the PDS agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the PDS agent. A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. Generally, no more than one commitment will be issued to an applicant in any calendar year. However, if an applicant who received a commitment fails to close the mortgage loan transaction through no fault of his own, that borrower may be considered for one additional commitment upon proper reapplication to the authority within the one year period from the cancellation or expiration of the original commitment; provided, however, that the interest rate offered in the additional commitment, if issued, may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. Loan rejection.

If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

§ 2.15. Loan settlement.

A. Loan closing.

1. In general. Upon the borrower's acceptance of the

mortgage loan commitment, the PDS agent will send the authority's letter and closing instructions (see Exhibits M and N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded to the closing attorney. The authority will provide the PDS agent with the documents which the closing attorney is required to complete. After the authority reviews the closing attorney's preliminary work and has been advised by the PDS agent in the case of an FHA or VA loan that all applicable FHA or VA requirements have been met, it will approve closing and, a loan proceeds check will be sent to the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions. The closing attorney may disburse loan proceeds only after he has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the loan to the authority and in all other respects is in a position to disburse proceeds in accordance with the authority's letter authorizing the closing, the commitment and the instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with the authority's requirements, Regulation Z and ECOA.

2. Special note regarding check for buy-down points. A certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay interest rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down fees may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

B. Post-closing requirements.

All post-closing documents, including the post-closing cover letter (Exhibit P), should be forwarded as follows to:

Single Family Servicing Division
Post-Closing Section
Virginia Housing Development Authority

13 South 13th Street
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due the authority, a repayment of the authority's outstanding construction loan, if any, private mortgage insurance affidavit and all closing documents except the original recorded deed of trust and title insurance policy and hazard insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to the authority the original recorded deed of trust and final mortgage title insurance policy. Within 55 days after loan closing the PDS agent shall forward to the authority the original hazard insurance policy.

During the 120-day period following the loan closing the PDS agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify the authority if such addresses are not the same or if there is any such change of address. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the PDS agent's checklist for certain requirements of the tax code may not be correct or proper, the PDS agent shall immediately notify the authority.

§ 2.16. Property guidelines.

A. In general.

For each application the authority must make the determination that the property will constitute adequate security for the loan. The determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing may be financed only if it is new construction and insured 100% by FHA (see subsection C).

B. Conventional loans.

1. Existing housing and new construction. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road (easements or right-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be

acceptable to the authority; and (iii) joint ownership of well and septic will be considered on a case-by-case basis to determine whether such ownership is acceptable - to - the authority.

2. Additional requirements for new construction. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. FHA or VA loans.

1. Existing housing and new construction. Both new construction and existing housing financed by an FHA or VA loan must meet all applicable requirements imposed by FHA or VA.

2. Additional requirements for new construction. If such homes being financed by FHA loans are new manufactured housing they must meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

§ 2.17. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and

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estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

- a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and
- b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Conventional loans.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which the authority has not previously financed the purchase of any units, Exhibit S providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. The authority will review the above described form and financial information. If on the basis of such review the authority finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit S requires that the Unit Owners Association agree to submit to the authority upon its request, the condominium's annual financial statements, operating budget and other information as the authority may require. The association is also required to agree that the authority shall have a right to inspect the condominium and its records. The form states that failure to comply with the foregoing shall be grounds for the authority's termination of its approval of the condominium.

3. Each year the authority will send Exhibit T to the

Unit Owners Association requesting information concerning the condominium including a statement as to the status of the approvals of VA, FNMA and FHLMC, as applicable, and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, the authority may terminate its approval of the condominium. The authority will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, the authority will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event the authority determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of the authority, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by the authority.

4. If a condominium is approved by FNMA, the authority will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, the authority will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has been previously approved by the authority and exceeds the foregoing percentage limitations, the authority will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans. The authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, or by VA, in the case of a VA loan.

The effective date of the foregoing amendments shall be ~~March 16, 1988~~ *October 19, 1988*.

MARINE RESOURCES COMMISSION

NOTICE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations pursuant to § 9-6.14:22 of the Code of Virginia.

Title of Regulation: VR 450-01-0033. **Pertaining to the Tangier Island Crab Scrape Sanctuary (formerly entitled: Pertaining to Crab Pots).**

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: October 10, 1988

VR 450-01-0033. Pertaining to the Tangier Island Crab Scrape Sanctuary.

Preamble:

This regulation is designed to minimize gear conflicts existing between hard crab fishermen and crab scrape fishermen in the Chesapeake Bay near Tangier Island. This regulation prohibits the setting of crab pots and the taking of hard crabs by any gear in a small area north of Tangier Island.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. No prior regulations pertain to crab pots. This regulation amends VR 450-01-0033 which was promulgated on May 1, 1985.

C. The effective date of this regulation is ~~May 1, 1985~~ October 10, 1988.

§ 2. Purpose.

The purpose of this regulation is to minimize gear conflicts existing between crab pot fishermen and crab scrape fishermen in an area of Chesapeake Bay north of Tangier Island.

§ 3. Gear limitation, closed area.

A. No crab pot shall be set or fished in the designated closed area.

B. The harvesting of hard crabs by any gear shall be prohibited in the designated closed area.

B. C. The closed area is defined as follows: Beginning at the northernmost point of Fishbone Island, 37°-53'-10" North/76°-00'-10" West; thence in a northerly direction approximately 0.90 miles to a point on the Eastern shore of Herring Island, 37°-54'-03" North/76°-00'-29" West; thence in a northerly direction approximately 1.68 miles to a point on South Point Marsh known as Peach Orchard Point, 37°-55'-41" North/76°-00'-55" West; thence following the shoreline of South Point Marsh to South Point, 37°-55'-19" North/76°-01'-32" West; thence due West approximately 0.75 miles to the overhead power cable at the westernmost point of Shanks Island, 37°-55'-20" North/76°-02'-32" West; thence in southeasterly direction, along the overhead powerline approximately 2.85 miles to Upper Tump, 37°-52'-50" North/76°-00'-47" West; thence in a northeasterly direction approximately 0.60 miles to the northernmost point of Fishbone Island, the point of beginning.

§ 4. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner
Date: October 4, 1988

EMERGENCY REGULATIONS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-02-16. Rules and Regulations Establishing Testing Requirements for Feeder Pig Production Herds.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Effective Dates: December 1, 1988 through November 30, 1989.

SUMMARY

Request:

The Governor's approval is hereby requested to adopt the emergency regulation entitled "Rules and Regulations Establishing Testing Requirements for Feeder Pig Production Herds," VR 115-02-16.

This emergency regulation will allow the Virginia Department of Agriculture and Consumer Services to begin testing of feeder pigs for pseudorabies (a highly contagious and destructive disease) by December 1, 1988. With a testing program in place, Virginia's hog producers will be able to sell their feeder pigs in nearby states that have adopted or soon will adopt pseudorabies control and eradication programs. North Carolina, a major market for our feeder pigs, will require pseudorabies testing effective January 1, 1989.

Public comment received by the Board of Agriculture and Consumer Services at its meeting on October 5, 1988, from hog producers and state/federal animal health officials strongly supported this proposal. A summary of these comments are attached. The board will consider final approval of the emergency regulation on October 24, 1988, and work toward completing the regulatory process required by the Administrative Process Act by September 1989.

Recommendation

That the Governor take action to approve this emergency regulation. The Governor's approval will permit the Department of Agriculture and Consumer Services to deal with the immediate problem of controlling and eradicating pseudorabies in the Commonwealth and keeping out-of-state markets open for Virginia feeder pigs, and will provide the Board of Agriculture and Consumer Services with sufficient time to complete the lengthy regulatory process required by the Administrative Process Act to establish a comprehensive pseudorabies program.

/s/ S. Mason Carbaugh, Commissioner
Date: October 7, 1988

/s/ Curry A. Roberts
Secretary of Economic Development

Date: October 13, 1988

/s/ Gerald L. Baliles, Governor
Date: October 17, 1988

Filed with:

/s/ Joan W. Smith
Registrar of Regulations
Date: October 18, 1988 - 3:05 p.m.

BACKGROUND

The Disease

Pseudorabies is a virus disease that attacks the central nervous systems of, and causes high death losses in, young pigs. The disease primarily affects swine, but can be transmitted to almost all other warm-blooded animals. The species most often affected are cattle, sheep, dogs, cats, mink, mice, rats, raccoon, skunks, and opossums. The virus has not been known to infect man.

Swine serve as the natural reservoir for the virus, and some become carriers without showing visible signs of the disease. Death losses may range from 100% in a litter of newborn pigs to just a few in older hogs.

Economic Consequences

In 1987, sales of graded feeder pigs alone in Virginia amounted to nearly 3.5 million dollars. Twenty percent of these feeder pigs were sold to buyers in other states.

At present, a number of states, many of which are important purchasers of Virginia swine, are instituting programs to control pseudorabies within their borders. A principal feature of these programs is prohibiting swine from states that do not institute a comprehensive swine-testing program from entering a state with a pseudorabies control program. (These programs have been recently instituted, and their restrictions on out-of-state imports are to be imposed in a time frame that prohibits developing a regulation under the Administrative Process Act.) There are very practical, economic consequences if Virginia does not begin immediately to test for pseudorabies in swine.

North Carolina, Pennsylvania, Tennessee, Kentucky, Ohio, and Georgia are six states whose markets will soon be or have been closed to Virginia feeder pigs, because such a testing program is not in place. Their programs are based on a program developed by the pork producers of the United States now coming into existence.

The requirements of Kentucky, Georgia, and North Carolina were set in place this year, with North Carolina's requirements having an effective date of January 1, 1989. Similarly, Ohio's requirements took effect only this year. Tennessee put requirements in place in 1987, but only through an opinion of their attorney general under existing

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law. Pennsylvania is reviewing a draft regulation of its own and is expected to have a regulation in place shortly.

The Situation in Virginia

Pseudorabies is a disease of growing concern throughout the United States. It has been found in Virginia.

In order to deal with pseudorabies in Virginia, the Commissioner of Agriculture and Consumer Services, S. Mason Carbaugh, has appointed a committee to consider and develop ways to eradicate pseudorabies in Virginia. This committee consists of educators, producers, regulators, and representatives of the Pork Industry Board. (This proposed regulation is one of the advisory committee's initiatives.)

There is support on the part of Virginia's swine industry for instituting emergency measures. The organized swine industry of Virginia has urged the State Veterinarian to establish and implement at the earliest possible date the provisions contained in this emergency regulation. That industry includes, but is not limited to, the following:

The Virginia Feeder Pig Association

The Virginia Pork Industry Board

The Virginia Pork Industry Association

In addition, there was considerable support shown for such a measure when public comment was received by the Board of Agriculture and Consumer Services at its meeting on October 5, 1988.

The proposed emergency regulation, which sets forth pseudorabies testing requirements for feeder pig production herds, is designed to qualify feeder pigs originating from such herds to be (1) offered for sale, loan, lease, or trade within Virginia; (2) sold, lent, leased, or traded within Virginia; (3) exported from Virginia into those states that require such testing; and (4) imported into Virginia from other states.

Future Regulation

This emergency regulation will serve as the basis for a future proposed regulation, broader in scope than the present regulation. Such a proposed regulation may include, but not necessarily be limited to, the following:

- (1) Slaughter swine surveillance of cull sows and boars;
- (2) Vaccination restrictions;
- (3) Specifics on the quarantine of infected herds;
- (4) Other breeder swine provisions;
- (5) Disposition of infected and neighboring herds;

(6) A system of permits;

(7) Surveillance of farrow-to-finish operations; and

(8) Assembly of swine for show or exhibition.

The provisions of the proposed regulation are in addition to and not in lieu of any current provision of state law or regulation.

AUTHORITY TO ACT

Sections 3.1-724 and 3.1-726 of the Code of Virginia (1950), as amended.

FISCAL/BUDGETARY IMPACT

Testing pursuant to the emergency regulation will be performed by private veterinary practitioners. The Virginia Department of Agriculture and Consumer Services has made available ten thousand dollars of General Fund monies for fiscal year 1988-89 to help swine producers pay the costs of this testing. This is the only direct outlay of funds required or contemplated at this time. Only when pseudorabies is detected on a farm premises will staff of the department become involved, and there will be no additional costs for their work, which is borne by already-budgeted salaries.

RECOMMENDATION

That the Governor grant the prior approval necessary for the Board of Agriculture and Consumer Services to adopt the proposed emergency regulation.

APPROVAL SOUGHT FOR VR 115-02-16

The Governor's approval is sought to adopt the proposed emergency regulation, the text of which is attached.

* * *

VR 115-02-16. Rules and Regulations Establishing Testing Requirements for Feeder Pig Production Herds.

APPLICABILITY

The provisions of this regulation are in addition to, and not in lieu of, other provisions of law or regulation.

PREAMBLE

The Board of Agriculture and Consumer Services finds that pseudorabies is one of the contagious and infectious diseases of livestock and poultry subject to regulation pursuant to § 3.1-726 of the Code of Virginia (1950), as amended. The disease is not known to infect man. For reasons detailed below, there is not sufficient time to promulgate a regulation through ordinary means under the Administrative Process Act.

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Without a regulation, serious harm will result to the market for Virginia feeder pigs.

Pseudorabies affects (and often kills) a host of warm-blooded animals, but its presence is of particular concern in swine. There is a need to develop early a program to test swine in Virginia for this disease. The need derives in part from the fact that the disease has been found in Virginia, and abatement requires knowledge of where and to what extent the disease exists in the Commonwealth. Also, a number of states have adopted, and others are in the process of adopting, regulations that bar importation of swine from states that do not have in place pseudorabies-control programs that meet their standards. North Carolina, for one, will close its markets to Virginia feeder pigs on January 1, 1989, unless Virginia has a satisfactory program in place by that time. Tennessee, Pennsylvania, Kentucky, Ohio, and Georgia are initiating or have initiated similar measures. The standards they have adopted center on a model program recently established by the National Pseudorabies Control Board. The effort of that Board is a cooperative one, involving the National Pork Producers Association, the United States Animal Health Association, and the Livestock Conservation Institute.

There is a need for a regulation to establish the program in Virginia. A fuller regulation will soon be developed, and that regulation will supersede the present, proposed emergency regulation.

§ 1. Definitions.

The following terms, when used in this regulation, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited veterinarian" means a licensed veterinarian approved by the United States Department of Agriculture and the State Veterinarian to perform functions required by cooperative state-federal disease control and eradication programs.

"Approved laboratory" means a laboratory approved by the United States Department of Agriculture or the State Veterinarian to conduct official pseudorabies tests.

"Boar" means any male swine used for or intended to be used for producing offspring.

"Feeder pig" means any immature swine used for or intended to be used exclusively for feeding for slaughter.

"Licensed veterinarian" means a veterinarian who has been graduated from a recognized college of veterinary medicine and has been examined and found to be proficient by the Virginia Board of Veterinary Medicine.

"Official pseudorabies serologic test" means an official pseudorabies test conducted on swine serum to detect the

presence or absence of pseudorabies antibodies.

"Official pseudorabies test" means any test for the diagnosis of pseudorabies approved by the United States Department of Agriculture and conducted in an approved laboratory.

"Pseudorabies" is an infectious and contagious disease, governed by § 3.1-726 of the Code of Virginia (1950), as amended, of swine and certain other warm-blooded animals.

"Pseudorabies monitored herd" means a feeder pig production herd that has been tested according to the provisions of § 4 of this regulation.

"Qualified pseudorabies negative herd" means a feeder pig production herd that meets the provisions of § 5 of this regulation.

"Sow" means any female swine used for or intended to be used for producing offspring.

"State Veterinarian" means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal-health programs in the Commonwealth of Virginia.

§ 2. Pseudorabies test procedures.

A. Blood samples collected for use in conducting an official pseudorabies serologic test shall be drawn by an accredited veterinarian, and the test shall be conducted at an approved laboratory.

B. The accredited veterinarian shall record on the official pseudorabies test chart individual identification of the animals tested.

§ 3. Identification of swine.

A. All swine tested for pseudorabies from feeder pig production herds shall be individually identified by eartag, tattoo, standard ear notch, or by any other method approved by the State Veterinarian.

B. Feeder pigs subject to this regulation shall be individually identified by metal eartag or by any other method approved by the State Veterinarian.

§ 4. Pseudorabies monitored herd procedures.

A. To achieve initial certification as a pseudorabies monitored herd, a feeder pig production herd shall be tested and found to be negative for pseudorabies, with the testing to be of a representative sample of the herd. In addition, all boars shall be tested. The sample size shall be as follows:

(1) In herds of ten sows or fewer, all sows shall be

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tested;

(2) In herds of 11 to 35 sows, ten sows shall be tested; and

(3) In herds of 36 sows or more, 30% of sows or 30 sows, whichever is fewer, shall be tested.

B. To continue to be certified as a pseudorabies monitored herd, the initially certified feeder pig production herd shall be re-certified annually by utilizing the sample size specified in § 4 A of this regulation. The sample for re-certification shall also include all boars and 30% of sows added to the feeder pig production herd since the last certification test. The re-certification date shall be no more than 30 days before and no more than 30 days after the anniversary date of the initial herd certification pursuant to § 4 A.

§ 5. Qualified pseudorabies negative herd procedures.

A. Qualified pseudorabies negative herd status shall be attained by subjecting all swine over six months of age in the feeder pig production herd to an official pseudorabies serologic test and finding all swine so tested to be negative.

B. Qualified pseudorabies negative herd status shall be maintained by subjecting all swine over six months of age in the feeder pig production herd to an official pseudorabies serologic test at least once each year. The test shall be accomplished by testing 25% of swine over six months of age every 80-105 days and finding all swine so tested to be negative. No swine may be tested twice in one year to comply with the 25% requirement.

C. To the extent that they are consistent with the present regulation, the provisions of 9 CFR 85.1 shall govern the means of establishing a herd as a qualified pseudorabies negative herd.

§ 6. Proof of herd-health status.

Proof of herd-health status for pseudorabies shall be by one of the following methods:

A. A current Swine Herd Health Card for Pseudorabies (VDACS-03024) issued by the State Veterinarian or other proof, specified by the State Veterinarian, of being a pseudorabies negative herd; or

B. An official pseudorabies test chart identifying the individual feeder pigs offered in the transaction or shipment and indicating that they have been tested and found to be negative for pseudorabies within the past 30 days.

§ 7. Intrastate dealings in feeder pigs; interstate shipment.

Feeder pigs sold, lent, leased or traded in Virginia; feeder pigs offered for sale, loan, lease, or trade in

Virginia; feeder pigs imported into Virginia from other states; and feeder pigs exported from Virginia into states that require testing for export shall:

A. Originate from a pseudorabies monitored herd; or

B. Originate from a qualified pseudorabies negative herd; or

C. Be individually tested and found negative for pseudorabies within 30 days prior to the shipment and within 30 days prior to the transaction.

§ 8. Petitions for reconsideration or revision.

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

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: Notice and Description of Shellfish Area Condemnation Number 34A, Warwick River.

Statutory Authority: §§ 28.1-177, 32.1-20 and 9-6.14:4.1 C 5 of the Code of Virginia.

Effective Dates: October 19, 1988 through October 18, 1989.

DECISION BRIEF SUMMARY

1. Request: An emergency shellfish closure is required on the Warwick River as a result of raw sewage entering the river from a broken force main on the headwaters. National Shellfish Sanitation Program requirements do not permit the classification of shellfish growing areas as approved if they are contaminated with sewage.
2. Recommendation: The Code of Virginia allows the State Health Commissioner to declare a shellfish growing area to be condemned for the direct marketing of shellfish on an emergency basis. If this closure is not imposed, there is a very real possibility of contaminated shellfish getting on the market and causing an epidemic.

/s/ C. M. G. Buttery, M.D., M.P.H.
State Health Commissioner
Date: October 13, 1988

/s/ Eva S. Teig
Secretary of Health and Human Resources
Date: October 14, 1988

/s/ Gerald L. Baliles, Governor
Date: October 17, 1988

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Filed: /s/ Joan W. Smith
Registrar of Regulations
Date: October 19, 1988 - 10:09 a.m.

Summary:

Nature of Emergency

On the afternoon of October 7, 1988, the Division of Shellfish Sanitation (DSS), Virginia State Health Department, was notified by the Southeastern Regional Office, Office of Water Programs, of a ruptured force main on the headwaters of the Warwick River. It was estimated that approximately 35,000 gallons of sewage had been bypassed over a period of five days. Therefore, the Marine Resources Commission was requested to restrict harvesting from the Warwick River. They agreed to the request and are continuing to do so. A pump-and-haul operation was instituted on October 7 and continues.

On October 11, 1988 DSS was informed that intermittent bypassing from this location had been occurring during the month of September. A review of the routine seawater sampling run for September indicated high fecal coliform levels in the Warwick River. Since a revised estimate of the volume bypassed October 3-7 was in excess of 65,000 gallons, and it is unknown when repairs will be completed, and the Warwick River downstream of the pollution source is an active shellfish growing area, it was determined that an emergency exists.

Special bacteriological sampling was instituted by DSS on October 11 and will continue until repairs are made and water quality once again conforms to the standards for an approved growing area.

Necessity for Action

Virginia is a participant in the National Shellfish Sanitation Program (NSSP). The NSSP determines the shellfish industry to ship its products in interstate commerce. The proper classification of shellfish growing areas relative to their safety for direct marketing, along with a strong enforcement program to prevent harvesting from those areas that are contaminated, is an essential component of the NSSP. Shellfish areas that fail to meet established requirements must be condemned and violators rigorously prosecuted. Since shellfish with bioaccumulate contaminants such as bacteria, viruses, heavy metals, radionuclides, pesticides, and herbicides, and are often eaten raw, condemnations are established around all actual or potential pollution sources in order to prevent contaminants from reaching adjacent approved shellfish growing areas. Should an accident occur, ordinarily approved shellfish growing areas must be restricted for direct harvesting for as long as the effects of the contamination are present. The marketing of shellfish from areas subject

to contamination from sewage poses a severe threat to the public health.

Notice and Description of Shellfish Area Condemnation Number 34A, Warwick River.

1. Pursuant to §§ 28.1-178, 32.1-13, 32.1-20 and 9-6.14:4.1 C5, Code of Virginia, an emergency closure on the Warwick River is hereby established. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose except by permit granted by the Marine Resources Commission, as provided in Title 28.1, Chapter 7, § 28.1-179, Code of Virginia. The boundaries of this area are shown on map titled "Warwick River, Condemned Shellfish Area Number 34A, Emergency Closure" which is a part of this notice.

2. Because the area described below has been subjected to untreated sewage and is likely to be polluted and is not a safe area from which to take shellfish for direct marketing, and because shellfish exist in such area, an emergency exists and the immediate promulgation of this regulation is needed to protect the public health.

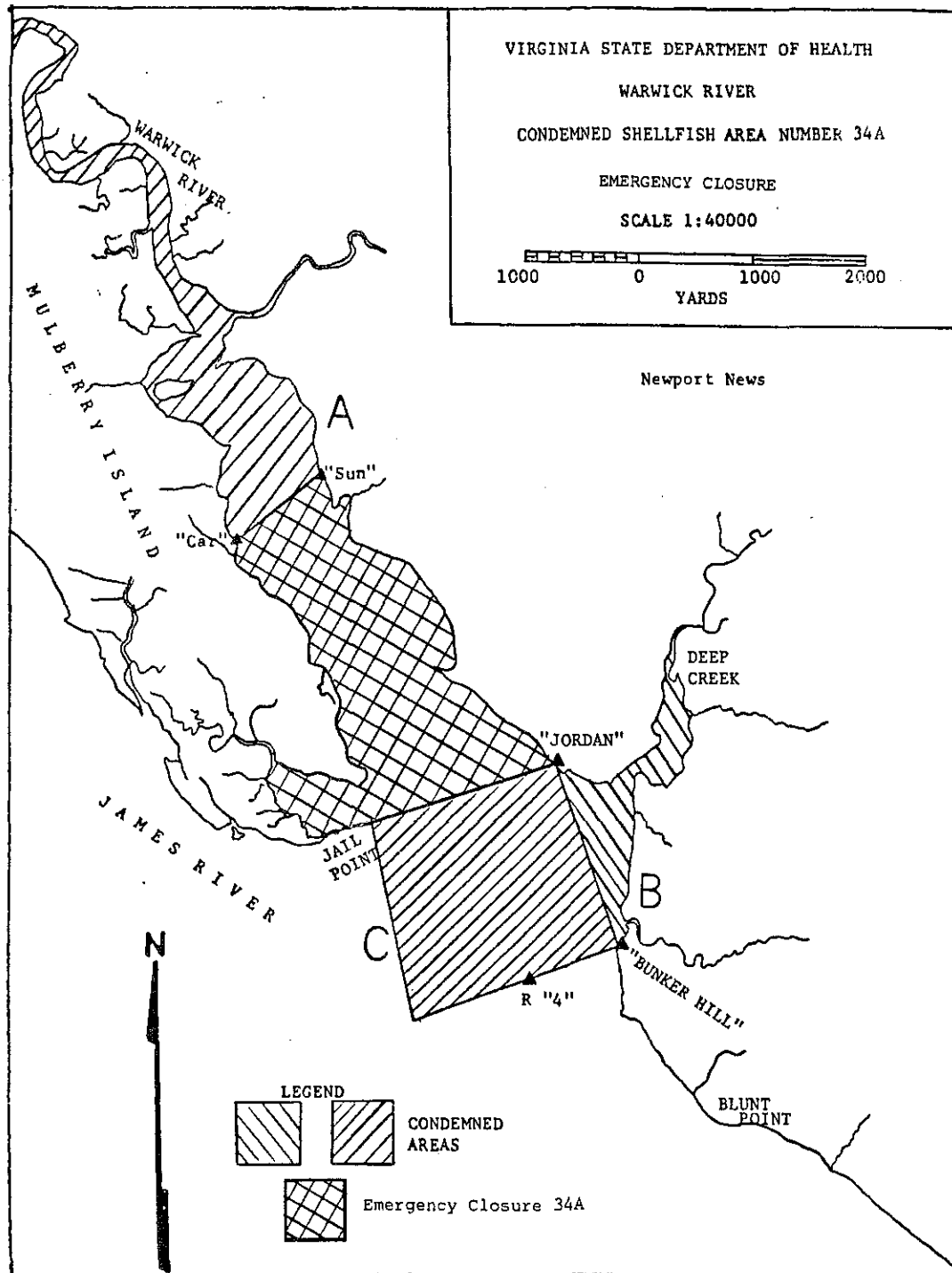
BOUNDARY OF EMERGENCY CLOSURE

The emergency closure includes that portion of the Warwick River bounded by a line beginning at the easternmost projection of Jail Point; thence east northeasterly to U.S. Geological Survey triangulation station "Jordan"; thence upstream along the shore to Marine Resources Commission survey marker "Sun"; thence southwesterly to survey marker "Car," thence downstream along the shore to the point of beginning.

Recommended by: /s/ Cloyde W. Wiley
Director, Division of Shellfish Sanitation
Date: October 12, 1988

Approved by: /s/ C. M. G. Buttery, M.D., M.P.H.
State Health Commissioner
Date: October 13, 1988

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GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF AIR POLLUTION CONTROL (STATE BOARD)

Title of Regulation: **VR 120-99-02. Regulation for Vehicle Emissions Control Program Analyzer Systems.**

Governor's Comment:

No objections to the proposed regulations as presented.

/s/ Gerald L. Baliles
Date: October 17, 1988

Code/1987 Edition.

Governor's Comment:

The proposed regulation relating to ammunition storage magazines is in response to the requirements of HB 550. The proposed regulation relating to public restrooms responds to HJR 164, requesting the Board of Housing and Community Development to recommend appropriate changes to the Plumbing Code. Pending public comment, I recommend approval of these proposals.

/s/ Gerald L. Baliles
Date: October 17, 1988

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: **VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Guidelines/1985 Edition.**

Governor's Comment:

The proposed amendment to the Board of Housing and Community Development's public participation guidelines allows the public hearing to be held before, rather than after, the final regulations are complete. Pending public comment, I recommend approval of this amendment.

/s/ Gerald L. Baliles
Date: October 12, 1988

* * * * *

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

Governor's Comment:

The proposed amendments to the Board of Housing and Community Development's Statewide Fire Prevention Code are designed to promote safety and protect the public. Given the many unknowns concerning the impact of the regulations on entities not now subject to regulation, I recommend that the Board carefully consider information received during the public comment period, review the impact of the proposals on those entities, and, if necessary, modify these proposals accordingly.

/s/ Gerald L. Baliles
Date: October 14, 1988

* * * * *

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

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-01. Rules and Regulations Relating to the Endangered Plant and Insect Species Act.** The purpose of the proposed amendment is to list the following 12 rare plant species as endangered under the Virginia Endangered Plant and Insect Species Act: Shale Barren Rock Cress, Arabis serotina; Mat-Forming Water-Hyssop, Bacopa stragula; Piratebush, Buckleya distichophylla; Variable Sedge, Carex polymorpha; Harper's Fimbristylis, Fimbristylis perpusilla; Virginia Sneezeweed, Helenium virginicum; Swamp-Pink, Helonias bullata; Long-Stalked Holly, Ilex collina; Peter's Mountain Mallow, Iliamna corei; Nestronia, Nestronia umbellula; Northeastern Bulrush, Scirpus ancistrochaetus; and Virginia Spiraea, Spiraea virginiana. Naturally occurring populations of the proposed endangered species list ranges from a single known population in the world to populations in five counties along the foothills of the Blue Ridge Mountain. The proposed additions to the endangered species list would prevent the plants' collections and allow for a comprehensive recovery conservation program.

Statutory Authority: § 3.1-1025 of the Code of Virginia.

Written comments may be submitted until December 7, 1988.

Contact: D. J. Schweitzer, Assistant Supervisor, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3516 or SCATS 786-3516

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed amendment is to exempt owners and users of vehicle scales from paragraph U.R.3.7. National Bureau of Standards Handbook 44 - minimum net weight load weighing requirement of 50 scale divisions. Recycling operators (waste paper, scrap metal, aluminum cans, etc.) that weigh vehicles would be permitted to weigh net weight loads less than 50 scale divisions. Section 3.1-926 of

the Code of Virginia states in part "...The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of the State of Virginia, except insofar as specifically modified, amended, or rejected by a rule or regulation issued by the board."

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., December 7, 1988.

Contact: J. Alan Rogers, Bureau Chief, Virginia Weights and Measures Bureau, P. O. Box 1163, Rm. 402, Richmond, Va. 23209, telephone (804) 786-2476 or SCATS 786-2476

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Chesapeake Bay Local Assistance Board intends to consider promulgating regulations entitled: **Public Participation Procedures for the Formation and Promulgation of Regulations.** The purpose of the proposed regulation is to establish procedures consistent with the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia), for public involvement in the development or modification of the board regulations. These procedures are intended to replace emergency public participation procedures previously adopted by the board and approved by the Governor.

Statutory Authority: § 10.1-2103 of the Code of Virginia.

Written comments may be submitted until November 10, 1988.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3440 or SCATS 225-3440

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Chesapeake Bay Local Assistance Board intends to consider promulgating regulations entitled: (i) **Chesapeake Bay Preservation**

General Notices/Errata

Area Designation Criteria and (ii) Chesapeake Bay Preservation Area Management Criteria. The purpose of the proposed regulation is to provide criteria, consistent with the requirements of the Chesapeake Bay Preservation Act, for local governments to use to protect the water quality of the bay and its tributaries from degradation that may result from the use and development of land, especially those activities near the bay and its tributaries.

Statutory Authority: § 10.1-2107 of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3440 or SCATS 225-3440

DEPARTMENT OF COMMERCE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Virginia Asbestos Licensing Regulations.** The purpose of the proposed regulation is to promulgate regulations to replace emergency regulations enacted July 1, 1988.

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

Written comments may be submitted until January 20, 1989.

Contact: Peggy Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595, toll-free 1-800-552-3016 or SCATS 367-8595

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Regulations Relating to Criminal History Record Information - Part I; Criminal History Record Information Security - Part II.** The purpose of the proposed action is to amend and update existing regulations governing the privacy and security of criminal history record information.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until December 12, 1988, to Charlottee McClamroch, Section Chief, Department

of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to amend and revise entry level training standards for persons employed by state, local or municipal government agency whose duties require the dispatching of law enforcement personnel.

Statutory Authority: Subdivisions 1 and 8 of § 9-170 of the Code of Virginia.

Written comments may be submitted until November 30, 1988, to L. T. Eckenrode, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730 or SCATS 786-8730

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers and Officers of the Department of Corrections, Division of Adult Institutions.** The purpose of the propose action is to amend and revise compulsory in-service training standards for all law-enforcement officers, jailors or custodial officers and officers of the Department of Corrections, Division of Adult Institutions.

Statutory Authority: Subdivisions 1,3 and 7 of § 9-170 of the Code of Virginia.

Written comments may be submitted until November 30, 1988, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730 or SCATS 786-8730

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum**

Training Standards for Undercover Investigative Officers. The purpose of the proposed action is to amend and revise compulsory minimum training standards for all full-time law-enforcement officers who are assigned as an undercover investigative officer.

Statutory Authority: Subdivisions 1 and 4 of § 9-170 of the Code of Virginia.

Written comments may be submitted until November 30, 1988, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730 or SCATS 786-8730

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider promulgating regulations entitled: **Rules Relating to Compulsory Minimum In-Service Training Standards for Courthouse/Courtroom Security Officers and Deputy Sheriffs Designated to Serve Process.** The purpose of the proposed regulation is to establish mandated in-service training requirements for courthouse/courtroom security officers and deputy sheriffs designated to serve process.

Statutory Authority: Subdivisions 1, 5 and 6 of § 9-170 of the Code of Virginia.

Written comments may be submitted until November 30, 1988, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730 or SCATS 786-8730

DEPARTMENT OF EDUCATION (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 Education intends to consider amending regulations entitled: **VR 270-02-0000. Certification Regulations for Teachers.** Amendments to the regulation is in response to federal legislation (P.L. 99-457) requiring that personnel serving special education students meet the highest standard in the Commonwealth. Accordingly, the certification regulations for speech-language pathologists are being revised.

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

Written comments may be submitted until December 31, 1988.

Contact: Dr. Lissa Power Cluver, Associate Director, Special Education Programs, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2873

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Requirements for Renewing a (Virginia Teaching) Certificate.** The purpose of the proposed action is to amend the recertification requirements for all certified educational personnel by changing the requirement for certificate renewal from 90 clock hours of professional development work (three semester hours college credit and three semester hours of college credit or noncredit) to the accrual of 180 professional development points as outlined in the proposed Individualized Recertification Point System for certified personnel.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until November 15, 1988.

Contact: Dr. Thomas A. Elliott, Administrator Director, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2094 or SCATS 225-2094

COUNCIL ON HUMAN RIGHTS

† Notice of Intended Regulatory Action

Notice is hereby given that the Council on Human Rights intends to consider promulgating regulations entitled: **VR 402-01-1. Public Participation Guidelines for Development of Council on Human Rights Regulations.** The purpose of the proposed regulations is to solicit input of interested parties in the formation and development of the Council on Human Rights regulations.

Statutory Authority: §§ 2.1-720.6 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: Lawrence J. Dark, Director, Council on Human Rights, 101 N. 14th St., James Monroe Bldg., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2292, toll-free 1-800-633-5510 or SCATS 225-2292

VIRGINIA STATE BOARD OF MEDICINE

† Notice of Intended Regulatory Action

General Notices/Errata

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of this action is to amend regulations pertaining to licensure by endorsement to practice medicine and osteopathy to more clearly define the requirements for licensure.

Statutory Authority: § 54-310 of the Code of Virginia.

Written comments may be submitted until November 15, 1988.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA STATE BOARD OF OPTICIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Opticians intends to consider amending regulations entitled: **VR 505-01-1. Rules and Regulations of the Board of Opticians.** The purpose of the proposed action is to solicit public comment on the existing regulation as to its effectiveness, efficiency, clarity and cost of compliance and to address visual screening and the use of auto refractors and similar devices in accordance with its Public Participation Guidelines and Chapter 14.1 of Title 54 of the Code of Virginia.

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

Written comments may be submitted until November 11, 1988.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

BOARD FOR RIGHTS OF THE DISABLED

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Rights of the Disabled intends to consider promulgating regulations entitled: **Nondiscrimination Under State Grants and Programs.** The purpose of the proposed regulation is to assure nondiscrimination on the basis of disability under state grants and programs.

Statutory Authority: § 51.01-33 (A)(7) of the Code of Virginia.

Written comments may be submitted until November 17, 1988.

Contact: Bryan K. Lacy, Systems Advocacy Attorney, Department for Rights of the Disabled, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042, toll-free 1-800-552-3962 or SCATS 225-2042

COMMONWEALTH TRANSPORTATION BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending regulations entitled: **Hauling Permit Travel Regulations.** The purpose of the proposed action is to establish guidelines relating to the operation of vehicles over the highways of Virginia with loads that, when reduced to their smallest dimensions, exceed the maximum legal size and weight established by the Code of Virginia.

Statutory Authority: §§ 33.1-12 (3) and 46.1-343 of the Code of Virginia.

Written comments may be submitted until December 7, 1988.

Contact: R. M. Ketner, III, Permit and Truck Weight Manager, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2810 or SCATS 786-2810

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 action is to comply with the requirements of the Clean Water Act which requires the adoption of water quality standards for § 307(a) toxic pollutants (including the parameter ammonia). The specific sections of the Water Quality Standards being considered for amendment are VR 680-21-01 through 680-21-03 and VR 680-21-06.

The proposed changes have the potential to impact every VPDES permit holder in the Commonwealth of Virginia. The range of impact varies from one of additional monitoring costs through upgrades to existing wastewater treatment facilities.

Applicable laws and regulations include the State Water Control Law, VR 680-14-01 (Permit Regulation), and §§ 303(c)(2)(B) and 307(a) of the Clean Water Act.

Further information, including a fact sheet on the proposal and the applicable laws and regulations, may also be

reviewed at the board's regional offices. Addresses and telephone numbers for the offices are:

Piedmont Regional Office, 2201 West Broad Street, Richmond, Virginia 23230, (804) 367-1006

Southwest Regional Office Intersection Route 19 and 825, Abingdon, Virginia 24210, (703) 628-5183

Tidewater Regional Office, 287 Pembroke II, Virginia Beach, Virginia, (804) 363-3913

Valley Regional Office, 116 North Main Street, Bridgewater, Virginia 22812, (703) 828-2595

West Central Regional Office, 5312 Peters Creek Road, N.W., Roanoke, Virginia 24019, (703) 982-7432

Northern Regional Office, 5515 Cherokee Avenue, Suite 404, Alexandria, Virginia 22312, (703) 750-9111

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

Written comments may be submitted until 4 p.m., December 1, 1988, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mr. Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0791 or SCATS 367-0791

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed action is to revise VR 680-21-04, Groundwater Standards including the Antidegradation Policy to ensure complete and uniform compliance with the standards for the protection of human health and the environment.

The amendments may revise the current policy and standards and should greatly enhance understanding of the standard thereby enabling more complete and uniform compliance. The changes are likely to have an impact on holders of VPDES and VPA permits. However, the exact impact is not known at this time.

Applicable laws and regulations include the State Water Control Law; VR 680-14-01, Permit Regulation; and § 303 of the Clean Water Act.

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

Written comments may be submitted until November 29, 1988, to Ms. Doneva Dalton, Hearing Reporter, State Water

Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6350 or SCATS 367-6350

GENERAL NOTICES

DEPARTMENT FOR THE AGING

Notice of Intent to Develop State Application for Funding under Title III of the Older Americans Act, As Amended

Notice is hereby given that the Department for the Aging will develop an application for funding pursuant to Title III of the Older Americans Act, as amended. The application will be for a two-, three-, or four-year period to be determined by the department. The department anticipates submitting the application to the federal Administration on Aging in August, 1989. Prior to submission, there will be a public comment period, including at least one public hearing.

The application will:

1. Identify the Virginia Department for the Aging as the sole state agency which has been designated to develop and administer Title III programs in Virginia;
2. Identify the geographic boundaries of each Planning and Service Area in Virginia and the Area Agency on Aging designated for each Planning and Service Area;
3. Include a plan developed in accordance with guidelines issued by the Commissioner of the Administration on Aging for the distribution and proposed use of Title III funds within Virginia;
4. Set forth statewide program objectives to implement the requirements of Title III; and
5. Provide prior federal fiscal year information related to low-income minority and rural older persons in Virginia.

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

Written comments may be submitted until March 31, 1989.

Contact: J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271 or toll-free in Virginia 1-800-552-4464/TDD

DEPARTMENT OF HEALTH

General Notices/Errata

Notice of Intended Public Participation Virginia WIC Program

Notice is hereby given that the Special Supplemental Food Program for Women, Infants and Children (WIC) intends to solicit additional public comments regarding the manner in which it manages its vendor operations. Interested parties will have the opportunity to comment on the WIC authorization process for grocery stores, pharmacies and military commissaries. Information on WIC vendor limitation and selection criteria, as well as other related aspects of WIC Program administration may be obtained by writing to the Virginia Department of Health, Division of Public Health Nutrition/WIC, 109 Governor Street, 6th Floor, Richmond, Virginia 23219.

Comments may be submitted in writing to the above address between September 26, 1988, and November 25, 1988, or they may be presented at the following public hearings:

November 7, 1988 - 7 p.m.

Henrico Government Center, Parham at Hungary Springs Road, Board of Supervisors Room, Richmond, Virginia

November 15, 1988 - 7 p.m.

Massey Building, 4100 Chain Bridge Road, Board of Supervisors Meeting Room, "A" Level, Fairfax, Virginia

November 16, 1988 - 7 p.m.

Virginia Beach Public Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia

November 16, 1988 - 7 p.m.

University of Virginia Southwest Center, Highway 19 North, Room 1, Abingdon, Virginia

OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET
(Transmittal Sheet) - DPBRR09

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

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

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

DEPARTMENT FOR THE AGING

November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-02. Area Agencies on Aging.** The proposed regulation sets 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 December 9, 1988.

Contact: J. James Cotter, Division Director, Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464

or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-03. Area Plans for Aging Services.** The proposed regulation regulates the process by which an Area Agency on Aging develops and implements its Area Plan for Aging Services.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR**

Calendar of Events

110-01-04. Financial Management Policies Applicable to Area Agencies on Aging. The proposed regulation provides 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)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

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November 29, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

December 1, 1988 - 10 a.m. – Public Hearing
Loudoun County Administration Building, 18 North King Street, Board of Supervisors Meeting Room, Leesburg, Virginia

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-05. Long-Term Care Ombudsman Program.** The proposed regulation describes the policies by which the Department for the Aging establishes and operates the Office of the State Long-Term Care Ombudsman and designates/supervises area or local ombudsman entities.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

VIRGINIA AGRICULTURAL COUNCIL

November 18, 1988 - 10 a.m. – Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A meeting of the council called by the chairman. The Honorable Curry A. Roberts, Secretary of Economic Development, will be present at the meeting. Any business that may come before the members of the council will be considered.

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

ALCOHOLIC BEVERAGE CONTROL BOARD

November 15, 1988 - 9:30 a.m. – Open Meeting
November 29, 1988 - 9:30 a.m. – Open Meeting
December 13, 1988 - 9:30 a.m. – Open Meeting
December 27, 1988 - 9:30 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616

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

December 2, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 30, 1988 meeting; (ii) review and discuss enforcement cases; and (iii) review correspondence.

Virginia State Board of Architects

December 16, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 29, 1988 meeting; (ii) discuss enforcement cases; (iii) review applications; and (iv) discuss correspondence.

Virginia State Board of Professional Engineers

November 9, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve the minutes of the August 30, 1988 meeting; (ii) review applications; and (iii) review and discuss enforcement files and general correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

VIRGINIA AUCTIONEERS BOARD

† **November 15, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) review of applications; (iii) discussion of revenue and expenditures, and (iv) other board business.

Contact: Gerald W. Morgan, Administrator, 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

BOARD OF BARBER EXAMINERS

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

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; (iv) conduct routine business; and (v) administer barber examination.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016

STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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

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

VIRGINIA CATTLE INDUSTRY BOARD

December 6, 1988 - 11:45 a.m. – Open Meeting

Red Lion Inn, Blacksburg, Virginia

December 7, 1988 - 9 a.m. – Open Meeting
Virginia Cattlemen's Association Office, Daleville, Virginia

A winter board meeting to review research projects.

Contact: Reggie Reynolds, Secretary, P. O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

CHESAPEAKE BAY COMMISSION

† **November 17, 1988 - 10:30 a.m.** – Open Meeting
† **November 18, 1988 - 9 a.m.** – Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia

A quarterly meeting. The agenda will include Non-Tidal Wetlands, Bay-wide Toxics Reduction Strategy, and Population Growth and Development Commitments.

Contact: Ann Pesiri Swanson, Executive Director, 60 West St., Suite 200, Annapolis, Md. 21401, telephone (301) 263-3420

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

December 1, 1988 - 5:30 p.m. – Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, Va. 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **November 10, 1988 - 9 a.m.** – Open Meeting
Koger Executive Center, West End, Blair Building, 8007 Discovery Drive, Conference Room A & B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229, telephone (804) 662-9414 or SCATS 662-9414

Calendar of Events

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

† **November 14, 1988 - 10 a.m.** – Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, 3rd Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The council will receive and review the reports of the Task Force on Regulations Revisions, and the Task Force on Coordination with Licensing and Out-of-State Issues. The council will consider and determine the policy and appointment of a representative from the in-state private facilities. This individual will serve for one year on the Interagency Consortium for Severely Emotionally Disturbed Children.

Contact: Nancy W. Bockes, 120 Amory Rd., Galax, Va. 24333, telephone (703) 236-2452

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

November 10, 1988 - 8:30 a.m. – Open Meeting
December 9, 1988 - 8:30 a.m. – Open Meeting
Department of Social Services, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

Regularly scheduled monthly meetings to discuss administrative and policy areas related to the Interdepartmental Licensure and Certification of Residential Facilities for Children.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

STATE BOARD FOR COMMUNITY COLLEGES

† **November 10, 1988 - 2 p.m.** – Open Meeting
Jefferson Sheraton Hotel, Flemish Room, Richmond, Virginia

The state board meeting will be held Thursday, November 10, 1988, at 2 p.m. in the Flemish Room, Jefferson Sheraton Hotel, Richmond, Virginia. The state board committees will meet at 11 a.m. on November 10.

Contact: Joy Graham, State Board for Community Colleges, Richmond, Va., telephone (804) 225-2126

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Historic Landmarks Board

† **November 9, 1988 - 10 a.m.** – Open Meeting
University of Virginia, Rotunda, Charlottesville, Virginia

A planning meeting open to the public.

Contact: June Ellis, Department of Conservation and Historic Resources, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-6159

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

November 9, 1988 - 10:30 a.m. – Open Meeting
Virginia Beach Pavilion, Director's Conference Room, Virginia Beach, Virginia. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Jack E. Frye, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121

STATE BOARD OF CORRECTIONS

November 15, 1988 - 10 a.m. – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☒

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

Contact: Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, Va. 23225, telephone (804) 674-3235

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

November 15, 1988 – Written comments may be submitted until this date.

Title of Regulations: **VR 230-40-001. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulations: **VR 230-40-001. Core Standards for Interdepartmental Licensure and Certification of**

Residential Facilities for Children.

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

VIRGINIA BOARD OF COSMETOLOGY

† **November 21, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; and (iv) conduct routine business.

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December 2, 1988 - 10 a.m. – Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Cosmetology intends to amend regulations entitled: **VR 235-01-02. Virginia Board of Cosmetology Regulations.** The proposed amendments establish the requirements for licensure for cosmetologists, cosmetology instructors, and cosmetology schools and establishes standards of practice and fees.

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

Written comments may be submitted until November 26, 1988.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† **November 17, 1988 - 3 p.m.** – Open Meeting
Municipal Building, 2nd 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

† **November 16, 1988 - 9 a.m.** – Open Meeting
† **November 18, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling

Hills Drive, Conference Room 2, Richmond, Virginia. ☐

Informal conferences.

December 1, 1988 - 8 a.m. – Open Meeting
December 2, 1988 - 8 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to consider (i) board business; (ii) formal hearings; and (iii) to discuss proposed regulations.

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

STATE BOARD OF EDUCATION

December 8, 1988 - 9 a.m. – Open Meeting
December 9, 1988 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☐

January 12, 1989 - 9 a.m. – Open Meeting
January 13, 1989 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☐

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

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

November 15, 1988 – Written comments may be submitted until this date.

Title of Regulation: **VR 270-01-003. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services:

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November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulation: **VR 270-01-003. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

Calendar of Events

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services:

STATE EDUCATION ASSISTANCE AUTHORITY

December 12, 1988 - 10 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **VR 275-02-1. Regulations Governing the Edvantage Loan Program.** This regulation establishes policies to govern the administration of the Edvantage loan program on the part of participating lenders and institutions of higher education.

Statutory Authority: §§ 23-30.42 and 23-38.64 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Randy A. Craig, Manager, Technical Services, State Education Assistance Authority, 6 N. Sixth St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035, toll-free 1-800-792-5626 (In Virginia) or SCATS 786-2035

JOINT MEETING OF THE VIRGINIA EMERGENCY RESPONSE COUNCIL AND THE STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

November 16, 1988 - 10 a.m. – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia

Review of finance subcommittee report and review of training and response activities with reference to the Virginia Hazardous Materials Emergency Response Program. Review and discussion of the Community Right-to-Know policy developed to implement Title III of SARA.

Contact: Addison E. Slayton, Jr., Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 674-2497

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

November 10, 1988 - 10 a.m. – Open Meeting
Wood Municipal Center, Old Lee Highway, Fairfax, Virginia

The committee is meeting in accordance with SARA Title III in order to carry out the provisions required

within.

Contact: Melanie Pearson, Community Information Coordinator, 4031 University Dr., Suite 400, Fairfax, Va. 22030, telephone (703) 246-2331

FRANKLIN, ISLE OF WIGHT AND SOUTHAMPTON EMERGENCY PLANNING COMMITTEE

November 15, 1988 - 7 p.m. – Open Meeting
December 20, 1988 - 7 p.m. – Open Meeting
Public Safety Building, Franklin, Virginia. ☐

A meeting to review status of Emergency Response Plan.

Contact: Jim Wagenbach, Chief of Emergency Services, Public Safety Building, 1005 Main St., Franklin, Va. 23851, telephone (804) 562-8581

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

November 14, 1988 - 9 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center-West, Richmond, Virginia

November 15, 1988 - 9 a.m. – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, The Commerce Center, Richmond, Virginia

November 14, 1988 - A general board meeting. Proposed regulations may be discussed.

November 15, 1988 - A meeting to administer examinations for the Board of Funeral Directors and Embalmers and a general board meeting. Proposed regulations and Preneed (HJR 50) may also be discussed.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

December 2, 1988 - 10 a.m. – Open Meeting
Main Conference Room, Virginia Museum of Fine Arts, Richmond, Virginia.

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

Contact: M. Stanley Krause, AIA, AICP, Architect, Rancorn

Wildman & Krause, Architects, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

VIRGINIA BOARD OF GEOLOGY

November 14, 1988 - 10 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 15, 1988, meeting; (ii) review applications; and (iii) discuss correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

GEORGE MASON UNIVERSITY

Board of Visitors

† **November 18, 1988 - 2:30 p.m. - Open Meeting**
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☒

A regular meeting to hear reports of the standing committees of the board, and to act on those recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals or organizations who request it.

Standing committee meetings will be held during the day November 18.

Contact: Ann Wingblade, Office of the President, George Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

November 17, 1988 - 10 a.m. - Open Meeting
Holiday Inn Conference Center, Koger Center South, 1021 Koger Center Boulevard, Richmond, Virginia

The meeting will focus on the formation of a permanent Hazardous Materials Training Committee to include membership, committee functions and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, Va. 23607, telephone (804) 247-8404

STATE BOARD OF HEALTH

November 7, 1988 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Schedule of Board of Health meetings adopted May 10, 1988, and revised September 9, 1988:

November 7, 1988
December 15-16, 1988
January 17-18, 1988.

Contact: Sarah H. Jenkins, Legislative Analyst/Secretary to the Board, Department of Health, Commissioner's Office, 109 Governor St., Suite 400, Richmond, Va. 23219, telephone (804) 786-3561 or SCATS 786-3561

DEPARTMENT OF HEALTH (STATE BOARD OF)

November 7, 1988 - 7 p.m. - Public Hearing
Henrico Government Center, Parham and Hungary Springs Road, Board of Supervisors Room, Richmond, Virginia

November 15, 1988 - 7 p.m. - Public Hearing
Massey Building, 4100 Chain Bridge Road, Board of Supervisors Meeting Room, "A" Level, Fairfax, Virginia

November 16, 1988 - 7 p.m. - Public Hearing
Virginia Beach Public Library, 4100 Virginia Beach Boulevard, Virginia Beach, Virginia

November 16, 1988 - 7 p.m. - Public Hearing
University of Virginia Southwest Center, Highway 19 North, Room 1, Abingdon, Virginia

See the General Notices section of this register for information concerning a notice of intended public participation on the Virginia WIC Program. Comments may be submitted in writing between September 26, 1988, and November 25, 1988, or they may be presented at the public hearings.

Contact: Paul W. Matthias, Director, Department of Health, Division of Public Health Nutrition/WIC, 109 Governor St., 6th Fl., Richmond, Va. 23219

COUNCIL ON HEALTH REGULATORY BOARDS

Administration and Budget Committee

† **December 2, 1988 - 1 p.m. - Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A meeting to discuss the budget.

Contact: Robert A. Nebiker, Deputy Director, 1601 Rolling Hills Dr., Richmond, Va. 23219, telephone (804) 662-9904

Calendar of Events

or SCATS 662-9904

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† November 16, 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 Fl., Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

HOPEWELL INDUSTRIAL SAFETY COUNCIL

December 6, 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

† November 18, 1988 - 1 p.m. - Open Meeting
Wintergreen Conference Center, Wintergreen, Virginia. ☒

A regular 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; (iv) consider and, if appropriate, approve proposed amendments to the Procedures, Instruction and Guidelines for the Senior Home Equity Account Program; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. 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, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

† November 14, 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 Housing Development Authority intends to amend regulations entitled: VR 400-02-0015. **Procedures, Instructions and Guidelines for the Virginia Senior Home Equity Account.**

STATEMENT

Subject, substance, and issues: Under recently enacted federal law, the authority must establish a lifetime interest rate cap to a borrower at the time of loan application. The proposed amendments authorize the authority to establish such a cap from time to time. The authority's act limits the terms of its single family loans to 50 years. The proposed amendments include a provision so limiting the term of the home equity account loans.

Additionally, the proposed amendments clarify that the maximum principal amount which may be disbursed under a home equity account loan is \$50,000 and that the term "maximum amount available under the home equity account" refers to the outstanding principal balance thereunder.

Basis: To be adopted pursuant to regulations which were issued under § 36-55.30:3 of the Code of Virginia.

Purpose: To amend the authority's procedures, instructions and guidelines for home equity account loans to elderly persons and families of low and moderate income by (i) defining the term "maximum amount available under the home equity account"; (ii) clarifying that \$50,000 is the maximum principal amount which may be disbursed under a home equity account loan; (iii) adding language which provides a maximum loan term of 50 years for each home equity account loan; and (iv) permitting the authority to establish interest rate caps on home equity account loans.

Impact: The proposed amendments are not expected to significantly affect the number of units financed or the number of persons served under the authority's home equity account program. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendment.

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

Written comments may be submitted until November 14, 1988.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing and Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986 or SCATS 782-1986

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COUNCIL ON HUMAN RIGHTS

† **November 10, 1988 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 17th Floor
Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

Contact: Alison Browne Parks, Administrative Staff
Specialist, P. O. Box 717, Richmond, Va. 23206, telephone
(804) 225-2292, SCATS 225-2292 or toll-free
1-800-633-5510/TDD ☐

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Safety and Health Codes Board

† **November 14, 1988 - 10 a.m.** -- Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

The board will meet to consider the following:

Variance Request Appeal: Avtex Fibers Front Royal,
Inc., Front Royal, Virginia

Amendment to Ethylene Oxide Standard, Approval of
Information Collection Requirements; Effective Date,
1910.1047

Amendment to Asbestos Standard for Non-Asbestiform
Tremolite, Anthophyllite and Actinolite, Extension of
Partial Stay, 1910.1001 and 1926.58

Amendment Concerning Servicing of Single Piece and
Multi-Piece Rim Wheels, 1910.177

Access to Employee Exposure and Medical Records,
1910.20

Crane or Derrick Suspended Personnel Platforms,
1926.550

Contact: Jay W. Withrow, Occupational Safety and Health
Technical Services Director, Department of Labor and
Industry, P. O. Box 12064, Richmond, Va. 23241, telephone
(804) 786-4300 or SCATS 786-4300

BOARD FOR THE CERTIFICATION OF LIBRARIANS

† **November 14, 1988 - 10 a.m.** -- Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

An open meeting to (i) review applications; (ii) sign
certificates; and (iii) conduct other board business.

Contact: Geralde W. Morgan, Administrator, 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 LOTTERY DEPARTMENT

† **November 22, 1988 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. ☒

Regularly scheduled monthly meeting of the board.
Business will be conducted according to items listed
on agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State
Lottery Department, 2201 W. Broad St., Richmond, Va.
23220, telephone (804) 367-9433 or SCATS 367-9433

MARINE RESOURCES COMMISSION

December 6, 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. It
hears and decides cases on fishing licensing, oyster
ground leasing, environmental permits in wetlands,
bottomlands, coastal sand dunes and beaches. It hears
and decides appeals made on local wetlands board
decisions.

Fishery management and conservation measures are
discussed by the commission. The commission is
empowered to exercise general regulatory power
within 15 days, and is empowered to take specialized
marine life harvesting and conservation measures
within 5 days.

Contact: Sandra S. Schmidt, Secretary to the Commission,
2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607,
telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

† **November 14, 1988 - 5 p.m.** -- Open Meeting
† **November 15, 1988 - 9 a.m.** -- Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

An open meeting to discuss business of the board.

Contact: Jacqueline Fritz, 600 E. Broad St., Suite 1300,
Richmond, Va. 23219, telephone (804) 786-7958

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

December 8, 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

Calendar of Events

regulations entitled: **State Plan for Medical Assistance. VR 460-03-3.1100. Elimination of Preauthorization for Routine Eye Services.** This regulation proposes to remove the prior authorization requirement currently on routine eye services.

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

Written comments may be submitted until December 8, 1988, to C. Mack Brankley, Director, Division of Operations and Provider Relations, 600 East Broad Street, Suite 1300, Richmond, Virginia 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

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November 9, 1988 - 1988 - 2 p.m. – Public Hearing
Patrick Henry College, Route 108 North to College Drive, Room B-1, Martinsville, Virginia

November 10, 1988 - 11 a.m. – Public Hearing
Norfolk Department of Public Health, 400 Colley Avenue, Auditorium, Norfolk, Virginia

November 14, 1988 - 10 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

November 18, 1988 - 10:30 a.m. – Public Hearing
City Hall Council Chambers, 1113 East Beverly St., 2nd Floor, Staunton, Virginia

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 regulations entitled: **State Plan for Medical Assistance. VR 460-03-3.1501. Organ Transplantation.** These regulations propose to discontinue the coverage of liver transplants.

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

Written comments may be submitted until December 8, 1988, to Stephen B. Riggs, D.D.S., Director, Health Services Review, 600 East Broad Street, Suite 1300, Richmond, Virginia 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

VIRGINIA STATE BOARD OF MEDICINE

† **November 17, 1988 - 8 a.m. – Open Meeting**
† **November 18, 1988 - 8 a.m. – Open Meeting**

† **November 19, 1988 - 8 a.m. – Open Meeting**
† **November 20, 1988 - 8 a.m. – Open Meeting**
Ramada Renaissance Hotel, 555 East Canal Street, Richmond, Virginia. ☐

A meeting to review reports, interview licensees and make decisions on discipline matters for the board on Thursday, Friday, Saturday afternoon and Sunday. At 8:15 a.m. on Saturday, November 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.

December 20, 1988 - 9 a.m. – Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

A meeting to receive public comments on the use of therapeutic drugs by Doctors of Optometry.

Credentials Committee

December 3, 1988 - 8:15 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☐

The Credentials Committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and Executive Session and discuss any other items which may come before this committee.

Advisory Board on Physical Therapy

† **November 18, 1988 - 9 a.m. – Open Meeting**
Ramada Renaissance Hotel, 555 East Canal Street, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) respond to correspondence and (iii) discuss any other items which may come before the board.

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

† **November 16, 1988 - 9:30 a.m. – Open Meeting**
Region Ten Community Services Board, Charlottesville, Virginia. ☐

A regular monthly meeting. The agenda will be published on October 19 and may be obtained by calling Jane Helfrich.

Calendar of Events

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

November 15, 1988 – Written comments may be submitted until this date.

Title of Regulation: VR 470-02-01. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing

Title of Regulation: VR 470-02-01. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Refer to Notice of Comment Period listed under the Department of Social Services.

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November 30, 1988 - 10 a.m. – Public Hearing

Henrico County Government Center, Parham and Hungary Springs Road, Administration Building, Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health, Mental Retardation and Substance Abuse Services intends to amend regulations entitled: **VR 470-02-02. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** These regulations establish minimum program requirements for licensed facilities serving mentally ill, mentally retarded and substance abusing children. The purposes of the proposed revisions are to increase the level of protection and safety provided to children in out of home care and assure that the methods of discipline and treatment which are used are therapeutically sound and reasonable.

Statutory Authority: §§ 37.1-10 and 37.1-179.1 of the Code of Virginia.

Written comments may be submitted until November 30, 1988.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse

Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

† **November 17, 1988 - 10 a.m.** – Public Hearing
At 5 locations as follows:

James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Roanoke City Hall, Municipal Building, 215 Church Avenue, Room 450, Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

McGrew Towers, Hampton University, Room A, Hampton, Virginia. ☒ (Interpreter for deaf provided if requested)

Virginia Highlands Community College, Learning Resources Business/Technologies Building, Room 605, Auditorium, Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested)

Oakton Corporate Center, 10461 White Granite Drive, MR Program, Fairfax-Falls Church CSB, Suite 300, 3rd Floor Training Room, Oakton, Virginia. ☒ (Interpreter for deaf provided if requested)

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health, Mental Retardation and Substance Abuse Services, acting as the lead agency administering Part H (EH) Early Intervention Services to infants and toddlers with disabilities (Public Law 99-457), intends to conduct public hearings for the purpose of presenting a proposed draft definition of the term "developmentally delayed" that will be used by the Commonwealth in carrying out programs under P.L. 99-457. Interested parties are asked to give their comments and suggestions. Copies of the proposed definitions may be obtained by contacting the department employee as shown. Written comments will be accepted by the contact person until November 25, 1988.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

November 30, 1988 - 9 a.m. – Open Meeting

Fort Magruder Inn and Conference Center, Route 60 East, Williamsburg, Virginia. (Interpreter for deaf provided if requested)

Meeting of Virginia's Early Intervention Coordinating Council for Part H, P.L. 99-457. The council is to advise and assist the DMHMRSAS as lead agency to administer Part H, in the development and implementation of a statewide interagency, multidisciplinary system of early intervention services for infants and toddlers with disabilities ages birth

Calendar of Events

through two.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

Mental Retardation Advisory Council

November 18, 1988 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 8th Floor Conference Room, Richmond, Virginia. ☒

A quarterly meeting. The meeting will include general discussion, recommendations and approval of issues and topics to be addressed by the council during FY 1989.

The time period from 10 a.m. to 11 a.m. will be set aside for public comments on MR Programs, Issues, Concerns.

Contact: Stanley J. Butkus, Ph.D., Director, Office of Mental Retardation Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746 or 786-3710

Prevention and Promotion Advisory Council

† **November 10, 1988 - 10 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, 8th Floor Conference Room, Richmond, Virginia. ☒

A discussion on marketing the Prevention Plan and the future direction of the council.

Contact: Susan Geller, Office of Prevention, Promotion and Library Services, Richmond, Va. 23214, telephone (804) 786-1530

DEPARTMENT OF MINES, MINERALS AND ENERGY

December 12, 1988 - 10 a.m. - Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building Auditorium, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to adopt regulations entitled: **VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** These regulations prescribe the qualifications and other requirements, and the conditions of use, for a certificate of competency as an underground diesel engine mechanic.

Statutory Authority: §§ 45.1-1.3(4) and 45.1-12 of the Code of Virginia.

Written comments may be submitted until December 12,

1988.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-0330

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

November 7, 1988 - 3 p.m. - Open Meeting
Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, Christiansburg, Virginia. ☒

Development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P. O. Box 3726, Radford, Va. 24143, telephone (703) 639-9313 or SCATS 676-4012

VIRGINIA STATE BOARD OF NURSING

† **November 15, 1988 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Five formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

† **November 28, 1988 - 10 a.m. - Open Meeting**
† **November 29, 1988 - 10 a.m. - Open Meeting**
† **November 30, 1988 - 10 a.m. - Open Meeting**
Boar's Head Inn, Route 250 West, Ednam Forest, Charlottesville, Virginia. ☒ (Interpreter for deaf provided if requested)

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

On Monday, November 28, 1988, at 7:30 p.m., the board will conduct an informational program at the same location and respond to questions relative to duties of the board.

Informal Conference Committee

† **December 13, 1988 - 8:30 a.m. - Open Meeting**
Koger Building, 8001 Franklin Farms Drive, Suite 124, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

† **December 16, 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, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or SCATS 662-9909

BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **November 22, 1988 - 8 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center, West, Richmond, Virginia. ☐

Examinations
National Examination - 8 a.m.
State Examination - 11:30 a.m.
Oral Examination - 1:30 p.m.

Board meeting - 9 a.m.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23219-5005, telephone (804) 662-9907

OLD DOMINION UNIVERSITY

Board of Visitors

† **November 17, 1988 - (time to be announced)** – Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ☐

A meeting of the Board of Visitors to handle affairs of the University. (Specific times included in agenda distributed two weeks prior to meeting.)

† **December 13, 1988 - 3 p.m.** – Open Meeting
Old Dominion University, New Administration Building, Room 226, Norfolk, Virginia. ☐

A meeting of the Executive Committee of the Board of Visitors to handle affairs of the University. (Agenda distributed two weeks prior to meeting.)

Contact: Peter F. Wehmann, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23529-0029

BOARD OF OPTOMETRY

November 12, 1988 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Board of Optometry.** The proposed regulations establish a minimum series of procedures to be performed and documented during eye examinations by optometrists.

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

Written comments may be submitted until November 12, 1988.

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

VIRGINIA BOARD OF PHARMACY

† **December 15, 1988 - 9 a.m.** – Open Meeting
Holiday Inn-West End, 6531 West Broad Street, Richmond Room, Richmond, Virginia

Routine board business and possible consideration of any committee proposals for licensing of physicians to dispense drugs and for any proposals to increase various licensing fees.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

December 12, 1988 - 10 a.m. – Open Meeting
Virginia Port Authority, World Trade Center, Suite 600, Norfolk, Virginia. ☐

The board will meet to conduct routine business at its regular quarterly business meeting.

Contact: David E. Dick, Virginia Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or (804) 552-3016

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **December 9, 1988 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) discuss general board business, (ii) act on correspondence; (iii) continue regulatory review; (iv) act on committee reports; (v) identify budget issues for 1990-92 biennium; and (vi) review results of oral examinations.

Calendar of Events

Credentials Committee

† **December 2, 1988 - 11 a.m.** – Open Meeting
American Association of Pastoral Counselors, 9508 A Lee Highway, Fairfax, Virginia

A meeting to review the credentialing process for applicants with pastoral counseling or divinity degrees.

Examination Committee

† **December 2, 1988 - 10 a.m.** – Open Meeting
American Association of Pastoral Counselors, 9508 A Lee Highway, Fairfax, Virginia

A meeting to begin to identify issues for the study of the oral examination process.

Contact: Joyce D. Williams, Administrative Assistant, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

VIRGINIA REAL ESTATE BOARD

December 7, 1988 - 8:30 a.m. – Open Meeting
December 8, 1988 - 8:30 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).

Additionally, a work session for regulatory review of licensing regulations is anticipated to be scheduled for December 8, 1988.

Contact: Joan L. White, Assistant Director, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

† **November 16, 1988 - 9 a.m.** – Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C, Salem, Virginia. ☒

Local committee to conform to SARA Title III requirements.

Contact: Warren E. Trent, Roanoke City Emergency Services Coordinator, 215 Church Ave., S.W., Roanoke, Va. 24011, telephone (703) 981-2425

STATE BOARD OF SOCIAL SERVICES

November 16, 1988 - 2 p.m. – Open Meeting
November 17, 1988 - 9 a.m. – Open Meeting
Best-Western Radford Inn, 1501 Tyler Avenue, Radford, Virginia. ☒

December 14, 1988 - 2 p.m. – Open Meeting
December 15, 1988 - 9 a.m. – Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

November 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 Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to amend regulations entitled: **VK 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The proposed regulation amends and clarifies those sections of the regulations that define which facilities are subject to regulation under the Core Standards.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-179.1, 63.1-196.4 and 63.1-217 of the Code of Virginia.

Written comments may be submitted until November 15, 1988.

Contact: Linda Struck, Assistant Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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November 30, 1988 10 a.m. – Public Hearing
Henrico County Government Center, Parham and Hungary Springs Road, Administration Building, Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social

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Services intend to amend regulations entitled: **VR 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The purpose of the proposed action is to amend and clarify those sections of the regulations which address discipline or punishment and to assure that the methods of treatment and discipline which are used are therapeutically sound and responsible.

Written comments may be submitted until December 10, 1988.

Contact: Liz Lion, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

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Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-179.1, 63.1-196.4 and 63.1-217 of the Code of Virginia.

† **January 7, 1989** – Written comments may be submitted until this date.

Written comments may be submitted until November 30, 1988.

Contact: John J. Allen, Jr. Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7124, toll-free 1-800-552-7091 or SCATS 662-7124

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.** This amendment deletes language giving final authority to the local social services agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum.

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December 9, 1988 – Written comments may be submitted until this date.

STATEMENT

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-6. Compliance with Service Program Policy Requirements.** The purpose of the proposed action is to establish the philosophy and a system of monitoring for service program policy.

Subject: These regulations remove final authority of local agencies to decide whether lump sum moneys are no longer available to a family for reasons beyond its control.

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

Substance: Federal regulations require that a period of ineligibility be established when a family receives a lump sum payment. The period of ineligibility may be shortened when it can be determined that the lump sum is unavailable to the family for reasons beyond its control. Federal regulations indicate that a state must include a definition of unavailability with regard to a lump sum, and to specify what reasons will be considered beyond the control of the family. Currently, Virginia's ADC policy gives final authority to local agencies for decisions regarding what reasons will be considered beyond the control of the family that caused the unavailability of the lump sum.

Written comments may be submitted until December 12, 1988.

Contact: Elizabeth B. Whitley, Chief, Bureau of Management Services, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9140 or toll-free 1-800-522-7091

* * * * *

December 10, 1988 – Written comments may be submitted until this date.

The State Board of Social Services is proposing to delete the language in policy that states final authority for decisions regarding conditions to have occurred beyond the control of the assistance unit that could shorten the period of ineligibility due to receipt of a lump sum rests with the local agency.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to repeal existing regulations and adopt new regulations entitled: **VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.** These proposed regulations set forth the criteria an agency must meet to obtain a license to place children for foster care or adoption.

Issues: Under current policy approved by the State Board of Social Services, final authority for decisions regarding conditions to have occurred beyond the control of the parent(s) or assistance unit that could shorten the period of ineligibility due to the receipt of a lump sum rests with the local agency. The proposed regulation will delete this language from policy. Deleting this language will remove any implication that the client does not have the right to

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

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appeal the local agency decision, and will encourage equitable treatment of cases throughout the state.

Basis: Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. 45 Code of Federal Regulations 233.20(a)(3)(kk)(F)(3), in the administration of the Aid to Dependent Children (ADC) Program, indicates a state must include a definition of unavailability with regard to a lump sum and to specify what reasons will be considered beyond the control of the family.

Purpose: The purpose of the proposed regulation is to delete the language that final authority rests with the local agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum, in the Aid to Dependent Children (ADC) Program. This is in an effort to remove any implication that the client does not have the right to appeal the local agency decision, and to encourage equitable treatment of cases throughout the state.

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

Written comments may be submitted until January 7, 1989, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carol Holmes, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

VIRGINIA BOARD OF SOCIAL WORK

† November 18, 1988 - 10:30 a.m. - Open Meeting

† November 19, 1988 - 10:30 a.m. - Open Meeting

Graves Mountain Lodge, Route 670, Conference Room 115, Syria, Virginia

A meeting to (i) conduct general board business; (ii) review and plan for the budget for the next biennium; and (iii) review regulations.

Contact: Stephanie A. Sivert, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

* * * * *

† December 16, 1988 - 1 p.m. - Public Hearing
1601 Rolling Hills Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to adopt new regulations and repeal existing regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** These

proposed regulations establish the requirements governing the practice of social work in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure; provide criteria for the written and oral examinations; set the standards of practice, and establish procedures for the disciplining of licensed social workers.

STATEMENT

Statement of purpose: These proposed regulations establish the requirements governing the practice of social work in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure; provide criteria for the written and oral examinations; set the standards of practice, and establish procedures for the disciplining of licensed social workers.

The proposed regulations are the result of an extensive regulatory review conducted by the Board of Social Work pursuant to Executive Order 52(84) of former Governor Charles S. Robb. The proposed regulations are necessary to clarify existing requirements set by the Virginia Board of Behavioral Science (abolished by the General Assembly in 1983) and the current regulations of the Board of Social Work. During its review of existing regulations, the Board of Social Work examined its educational, experiential, examination, and practice requirements. In most areas, the proposed regulations reflect a less burdensome requirement. This statement, required by the Administrative Process Act (§ 9-6.14:9 B of the Code of Virginia), estimates the impact of changes to the existing regulations that increase the regulatory burden. Other proposed changes to the regulations are stated in an Index to the Existing and Proposed Regulations, which are incorporated by reference for the purpose of this statement. The Index of the Existing Regulations and the proposed regulations are available to the public through the Board of Social Work, Department of Health Regulatory Boards, Richmond, Virginia.

Estimated impact:

A. Regulated entities: Virginia's 1,543 licensed and registered social workers are affected by the proposed regulations. In addition, approximately 250 applicants for social work and clinical social work licensure each year are affected as well as approximately 150 licensed mental health practitioners who supervise applicants gaining the required experience for licensure.

B. Projected costs to regulated entities: The impact of licensees and applicants for new or modified regulations is discussed below. Fees listed below as proposed are current as a result of having been passed by emergency regulations.

1. § 1.2.

Type of Fee	Former	Current
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		<u>Proposed</u>
Registration of Supervision	None	\$25
Annual Renewal of Supervision	None	\$25
Application Processing	\$50	\$65
Examinations (Reexaminations)		
Written	\$65	\$85
Oral (for first Specialty)	\$50	\$65
(For second Specialty)	\$50	\$65
Initial License	None	Prorated portion of biennial license for unexpired part of biennium. Ex: \$60 initial licensure fee for LCSW, LSW licensure for second year of the biennium.
Biennial License Registered Social Worker	\$25	\$30
Associate Social Worker	\$25	\$30
Licensed Social Worker	\$90	\$120
Licensed Clinical Worker	\$90	\$120
Penalty for Late Renewal	\$5	\$10
Name Change	None	\$10
Endorsement to Another jurisdiction	None	\$10
Replacement Wall Certificate	None	\$15
Returned Check	None	\$15

Since the services of social workers are offered on a fee-for-service basis, it is possible that clients may experience slightly higher fees.

2. § 2.2.A.1 (LSW) and § 2.2.B.1 (LCSW). Education: Requires graduates of foreign institutions who are applicants for social worker and clinical social worker

licensure to establish the equivalency of their education to a master's degree or bachelor's degree (as applicable) from an accredited school of social work. An accredited school of social work is defined as a school of social work accredited by the Council on Social Work Education. The determination of education equivalency is required to be established through the Foreign Equivalency Determination Service of the Council on Social Work Education.

An applicant who is affected by this requirement will be required to submit a transcript of his education to the Foreign Equivalency Determination Services (FEDS), which, for a \$150 fee, will evaluate the applicant's educational credentials. The applicant will be required to pay the \$150 fee to FEDS in addition to the application fee of \$65 required by the board. A copy of the FEDS' evaluation must be submitted to the board. Approximately one applicant per year will be affected by this requirement.

3. § 2.2.A.2.c.(1)(a) (LSW) and § 2.2.B.2.c.(1)(a) (LCSW). Annual registration of supervision. Requires trainees working under supervision towards licensure to register annually and pay the annual registration-of-supervision fee of \$25. Currently, the board requires individuals engaged in the private practice of social work to work under supervision that is registered with the board at the onset of the supervision. Approximately 75-100 individuals will be required to register each year while under supervision and pay the \$25 fee. Experience while under supervision is usually acquired in two years for bachelors degree applicants for social work licensure and in three years, post masters degree, for clinical social work licensure. The estimated cost to register one's supervision for licensure would average \$50 for post-bachelors degree LSW applicants, and \$75 for post-masters degree LCSW applicants for the average period of supervision.

4. § 2.2.A.2.c.(1)(f) (LSW). Exclusion of family members as supervisors: Prohibits trainees for social work licensure from working under the supervision of immediate family members for the purpose of licensure. This restriction is currently in the regulations for clinical social work trainees. No more than three trainees register each year for the purpose of obtaining post-bachelor's degree experience for social work licensure. A trainee who is required to hire a supervisor could be expected to pay an average rate of \$65 an hour for individual supervision, with at least 100 hours of weekly face-to-face supervision required during a two-year period, for a total of \$6,500.

5. § 2.2.A.2.c.(1)(g)(iv) (LSW) and § 2.2.B.2.c.(1)(i)(iv) (LCSW). Annual evaluation of trainees' performance while under supervision: Requires the supervisor of the trainee who is gaining the post-degree experience required for licensure to submit an annual evaluation of the trainee's performance to the board. Currently, at the completion of a trainee's supervised work experience, supervisors must verify the hours that the trainee has worked under that supervisor's direction. This regulation will affect approximately 150 mental health professionals who provide

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supervision each year to social work trainees for licensure as well as the trainees who will be evaluated each year. Supervisors may charge the trainee an average rate of \$65 per hour to complete the form.

6. § 2.2.B.2.c.(1)(b) (LCSW). Supervisors required to be licensed mental health professionals: Requires that the supervisor of a trainee for the majority of the training experience for clinical social worker licensure be a licensed clinical social worker, licensed psychologist (clinical), licensed professional counselor, licensed clinical psychologist, or licensed psychiatrist. Currently, the board's regulations allow "social workers eligible for licensure" to act as supervisors as well as the other mental health professionals specified in the regulations who are licensed. Approximately 75 individuals each year who register their supervision for the purposes of licensure will be affected by this requirement. Individuals who do not have access to licensed practitioners within their places of employment will need to hire supervision at an average rate of \$65 an hour for 150 hours of supervision. Some supervision can be obtained in a group, which reduces the cost of supervision to the trainee.

7. § 2.2.B.2.c.(1)(d)(ii). Supervision provided by licensed clinical social workers for a portion of the supervised experience: Requires trainees to receive 50 hours of the 150 hours of face-to-face supervision from a licensed clinical social worker. All trainees for clinical social work licensure must be able to document, at the time of application, that a portion (50 hours) of their individual supervision was provided by a licensed clinical social worker. This will require trainees to register under the supervision of an L.C.S.W. if their supervisor is not one. In some circumstances, this regulation may require trainees to hire a supervisor if a licensed clinical social worker is not available in their place of employment. This requirement will impact approximately 75-100 individuals who are working under supervision for the purposes of licensure.

8. § 3.3. Work sample requirements - oral examination: Specifies the instructions for the work sample required of clinical social worker oral examination candidates. Currently, the work sample is included in the regulations as a required part of the oral examination process for clinical social work licensure. The instructions for the work sample are provided to each examination candidate but are not currently a part of the regulations. Approximately 250 oral examination candidates each year will be affected by this requirement. The candidate will need to submit six photocopies of his work sample to the board. The work sample is based on an actual case drawn from the candidate's practice. The average estimated cost to the candidate for preparation and submission of the work sample is \$15 to \$20.

9. § 4.1. Renewal - continuing education requirement: Requires the licensee to document that a minimum of 40 clock hours of continuing education has been obtained by the licensee during each biennium. Currently, the

regulations specify that "evidence of having kept abreast of new developments in the licensee's area of specialization in the field of social work" be presented each biennium at the time of renewal. The acceptable categories of continuing education activities are listed in the regulations. This regulation will impact approximately 1,400 licensees each biennium. The cost to a licensee to meet this requirement is estimated to be \$25 to \$100 a biennium, depending upon the type of continuing education activity chosen by the licensee.

10. § 4.2. Continuing education requirements: For licensees who fail to renew their licenses within four years of the expiration date, evidence of having met the continuing education requirements for the bienniums during this period is required. It is estimated that approximately 10 licensees each biennium fail to renew their licenses at the time of expiration and, thus, will be affected by this requirement. The cost of meeting the continuing education requirement for two bienniums is estimated by be \$50 to \$200, depending upon the activity chosen by the individual to meet this requirement.

11. § 4.3. Reinstatement after nonrenewal: Requires those social workers or clinical social workers who fail to renew their licenses for four years or more and who wish to be licensed to reapply and be reexamined for licensure. This requirement is estimated to impact approximately 10 licensees every biennium. Applicants for reinstatement will be required to pay the \$65 application fee and an estimated total of \$150 in examination fees in addition to an initial licensure fee, the maximum of which is \$120.

12. § 4.4. Legal name change: Requires a licensee whose name is changed by marriage or court order to notify the board of such a change, provide a copy of the legal document that indicates the official name change, and pay a "name change" fee. This requirement will impact approximately one licensee per year. A \$10 fee is charged to process a licensure name change in addition to a \$15 fee for an additional wall certificate.

13. § 6.1. Standards of practice: The standards of practice constitutes a revision of the board's code of ethics found in the current regulations. Approximately 1,543 social workers and clinical social workers will be affected by this requirement.

14. § 6.3. Reinstatement following disciplinary action: Prohibits a licensee whose license has been suspended, revoked, or denied renewal from reapplying for reinstatement until two years have lapsed from the effective date of the board's action to suspend, revoke, or deny the renewal of the license. Currently, there are no more than two individuals who would be affected by this requirement. Individuals who are prohibited from practice following disciplinary action for two years will have their ability to engage in private practice restricted, with a possibility of no financial income.

C. Projected costs to the agency for implementation ar

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enforcement: Data processing and administrative costs associated with the collecting and processing of eight new fees and the data administration of continuing education requirements will result in increased costs to the board, estimated to be approximately \$500-\$1,500 annually. Board review of the annual evaluation of trainees may increase the cost to the board through increased travel expenses and per diems for the board members of the Credentials Committee, estimated to be approximately \$500 additional cost annually. The board projects its expenditures for this biennium to be \$268,625, with its revenue projected to be \$301,310.

D. **Source of funds:** All funds of the Board of Social Work are derived from the fees paid by licensees and applicants for licensure.

Statutory Authority: § 54-942 of the Code of Virginia.

Written comments may be submitted until January 5, 1989.

Contact: Stephanie A. Sivert, Executive Director, Virginia Board of Social Work, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9967

DEPARTMENT OF TAXATION

November 15, 1988 - 10 a.m. – Public Hearing
NOTE: CHANGE OF MEETING ROOM
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled **Virginia Declaration of Estimated Income Tax by Individuals as follows:**

- VR 630-2-490.1. Definitions.**
- VR 630-2-490.2. Delcarations of Estimated Tax.**
- VR 630-2-492. Failure by Individual to Pay Estimated Tax.**

These regulations set forth the filing threshold for filing a declaration of estimated income tax and provide guidance as to when the addition to tax for the underpayment of estimated income tax is applicable.

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

Written comments may be submitted until November 15, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

* * * * *

November 15, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled **Fiduciary Estimated Tax as follows:**

- VR 630-5-490. Definitions, Delcaration.**
- VR 630-5-491. Installment Payments.**
- VR 630-5-492. Additions to the Tax.**

These regulations provide guidance to estates and trusts in complying with the new requirements relating to the estimated tax.

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

Written comments may be may until November 15, 1988.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

COMMONWEALTH TRANSPORTATION BOARD

† **November 19, 1988 - 9 a.m. – Open Meeting**
Virginia Polytechnic Institute and State University, Blacksburg, Virginia. ☒ (Interpreter for deaf provided if requested)

† **December 15, 1988 - 10 a.m. – Open Meeting**
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Monthly meeting of the 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. 23219, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

November 10, 1988 - 10 a.m. – Public Hearing
Virginia Department of Transportation - Staunton District Office, Route 11 (Commerce Road) near the North Corporate Limits of Staunton, Auditorium, Staunton, Virginia

November 15, 1988 - 1 p.m. – Public Hearing
Virginia Highlands Community College, located off Route 140 between Route 11 and Exit 7, Route 81, Auditorium, Abingdon, Virginia

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Transportation intends to adopt regulations entitled: **VR 385-01-08. Subdivision Street Requirements.** These proposed regulations prescribe the requirements and administrative procedures for the addition of subdivision streets into the secondary system of state highways.

Statutory Authority: §§ 33.1-12(3) and 33.1-229 of the Code of Virginia.

Written comments may be submitted until October 31, 1988, to Gerald E. Fisher, Secondary Roads Engineer, Virginia Department of Transportation, 1401 East Broad Street, Richmond, Va. 23219.

Contact: D.L. Camper, Assistant Secondary Roads Engineer, Virginia Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2745 or SCATS 786-2745

TREASURY BOARD

November 16, 1988 - 9 a.m. - Open Meeting

December 21, 1988 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting of the board.

Contact: Betty A. Ball, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

BOARD FOR THE VISUALLY HANDICAPPED

December 8, 1988 - 11 a.m. - Open Meeting

Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† **January 14, 1988 - 11 a.m. - Open Meeting**

397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the Virginia

Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23277, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☒

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

November 22, 1988 - 1 p.m. - Open Meeting

Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting of the 13 agency representatives that comprise the council. The council is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3140

DEPARTMENT OF WASTE MANAGEMENT

† **December 7, 1988 - 1:30 p.m. - Open Meeting**

James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

An informal meeting will be held for Amendment 7 to the Regulations Governing the Transportation of Hazardous Materials. The proposed amendment will incorporate by reference changes made from January 1, 1987, through June 30, 1988, to the U.S. Department of Transportation Hazardous Materials Regulations and § 2.8 is being revised to reflect changes made to § 10.1-1451 of the Code of Virginia by the General Assembly (see Clause 5, Chapter 891 of the 1988 Virginia Acts of Assembly).

Contact: Cheryl Cashman, Legislative Analyst, Department of Waste Management, 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

BOARD FOR THE CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

† **November 9, 1988 - 9 a.m. - Open Meeting**

Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

An open meeting for the preliminary approval of draft regulations.

Contact: Gerald W. Morgan, Administrator, 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 WATER CONTROL BOARD

† November 17, 1988 - 7 p.m. - Public Hearing Henry County Administration Building, Kings Mountain Road, Board Meeting Room, Collinsville, Virginia

A public hearing to receive comments on the proposed VPDES permit for the Upper Smith River STP, Route 682, Henry County, the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

November 29, 1988 - 2 p.m. - Open Meeting Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☐

A public meeting to receive comments on possible adoption of water quality standards for Section 307(a) toxic pollutants (including the parameter ammonia).

Contact: Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-0791 or SCATS 367-0791

November 29, 1988 - 7 p.m. - Open Meeting Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia

A public meeting to receive comments on possible amendments to the Groundwater Standards section of the Water Quality Standards, including the Antidegradation Policy.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6350

December 1, 1988 - 7 p.m. - Open Meeting Municipal Office, 150 East Monroe Street, Multi-Purpose Room, Wytheville, Virginia

A public meeting to receive comments on possible adoption of water quality standards for Section 307(a) toxic pollutants (including the parameter ammonia).

Contact: Alan J. Anthony, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0791 or SCATS 367-0791

December 12, 1988 - 9 a.m. - Open Meeting

December 13, 1988 - 9 a.m. - Open Meeting NOTE: CHANGE OF MEETING LOCATION Fort Magruder Inn and Conference Center, Route 60 East, Williamsburg, Virginia

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

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November 14, 1988 - 2 p.m. - Public Hearing Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal existing regulations and adopt new regulations entitled: VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan. This new regulation is to replace all previously approved water quality plans for major municipal and industrial discharges to the Upper James and Appomattox Estuaries in Planning Districts 15 (Richmond Regional) and 19 (Crater).

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

Written comments may be submitted until 4 p.m., December 9, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Thomas D. Modena, Supervisor, Water Resources Development, State Water Control Board, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-1006 or SCATS 367-1006

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† January 5, 1989 - 2 p.m. - Public Hearing Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-14-01. Permit Regulation. The proposed amendments are to conform with federal regulations and to revise the section requiring issuance of a permit prior to commencing erection, construction or expansion or employment of new processes at any site.

STATEMENT

Basis: Under the authority of §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia, the State Water Control Board (SWCB) is authorized to issue permits for

Calendar of Events

the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and to adopt such regulations as it deems necessary to enforce water quality management in the Commonwealth.

Section 402 of the Clean Water Act authorizes the Commonwealth to administer the National Pollution Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 with SWCB Regulation No. 6 being the specific governing regulation. On March 28-29, 1988, the SWCB adopted the Permit Regulation which became effective on July 1, 1988, and supersedes Regulation No. 6.

In addition, the State Water Control Law authorizes the Commonwealth to issue Virginia Pollution Abatement (VPA) permits.

Substance and purpose of amended regulation: The purpose of the proposed amendments is for the Permit Regulation to conform, more closely, with the federal regulations, and to modify the requirement that a permit be issued prior to commencing erection, construction or expansion or employment of new processes at any site.

The proposed amendments will satisfy EPA requirements for the SWCB to continue the administration of the NPDES permit program in the Commonwealth of Virginia. Also, the proposed amendments would allow owners to commence erection, construction or expansion or employment of new processes at any site unless notified by the board within 45 days after application for a permit that a permit must be issued prior to such commencement or employment.

Impact: The proposed amendments could affect all VPDES and VPA permittees. However, the impact will be minimal, and cause no monetary increases.

Issues: The issue under consideration is whether to adopt the proposed amendments.

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

Written comments may be submitted until January 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: David Smith, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6302 or SCATS 367-6302

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† **January 9, 1989 - 2 p.m.** - Public Hearing
General District Courtroom, Warm Springs Courthouse,
Courthouse Road, Warm Springs, Virginia

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

of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **V. 680-21-08.8. James River Basin (Upper) - Water Quality Standards.** The proposed amendment would reclassify Hot Springs Run from natural trout waters to mountainous zone waters.

STATEMENT

Basis: Section 62.1-44.15(3a) of the Code of Virginia, authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or cancelled.

Purpose: Water quality standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this proposed action is to amend the standards so as to reclassify Hot Springs Run, § 12, James River Basin (Upper) from Class VI, natural trout water to Class IV, mountainous zone water.

These amendments are being proposed from recommendations of the Department of Game and Inland Fisheries which is responsible for determining appropriate trout stream classifications.

Impact: If the stream segment is reclassified as Class IV, mountainous zone water, the Hot Springs Waste Water Treatment Plant (Bath County Public Service Authority) would be allowed to use chlorine for treatment rather than be required to install alternative forms of disinfection.

If the stream segment is not reclassified, VR 680-21-01.11.B.5 of the Water Quality Standards would apply and the Hot Springs Plant would have to replace their current chlorination/dechlorination facilities with alternate disinfection.

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

Written comments may be submitted until 4 p.m., January 19, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

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

STATE WATER COMMISSION AND STATE WATER CONTROL BOARD

† December 13, 1988 - 1:30 p.m. - Open Meeting
† December 14, 1988 - 9 a.m. - Open Meeting
Fort Magruder Inn and Conference Center, Route 60 East,
Williamsburg, Virginia

Joint meeting to discuss Minimum Instream Flow.

Contact: Doneva A. Dalton, State Water Control Board,
2111 N. Hamilton St., P. O. Box 11143, Richmond, Va.
23230, telephone (804) 367-6929

COUNCIL ON THE STATUS OF WOMEN

November 14, 1988 - 8:30 p.m. - Open Meeting
November 15, 1988 - 9 a.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.

Contact: Bonnie H. Robinson, Executive Director, 8007
Discovery Dr., Richmond, Va. 23229-8699, telephone (804)
662-9200 or SCATS 662-9200

VIRGINIA WORLD TRADE COUNCIL

November 9, 1988 - 9 a.m. - Open Meeting
Department of Planning and Budget, Conference Room,
Room 409, Richmond, Virginia

A meeting to discuss activities associated with the
state government exporting projects.

Contact: Ettore T. Brown, Administrative Staff Specialist,
Department of World Trade, 6000 World Trade Center,
Norfolk, Va. 23510, telephone (804) 683-2856

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

November 15, 1988 - 10 a.m. - Open Meeting
December 8, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A working session to discuss AIDS related issues. HJR
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Contact: Norma Szakai, Staff Attorney, Division of

Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208,
telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ALL-TERRAIN VEHICLES

December 1, 1988 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. ☒

A regular meeting of the committee. SJR 6

Contact: Alan B. Wambold, Research Associate, Division of
Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208,
telephone (804) 786-3591 or Amy Wachter, Committee
Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va.
23203, telephone (804) 786-5742

VIRGINIA CODE COMMISSION

November 28, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor
Conference Room, Richmond, Virginia. ☒

The commission will continue with the revision of
Title 46.1 (Motor Vehicle Laws) of the Code of
Virginia.

† December 15, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor
Conference Room, Richmond, Virginia. ☒

The commission will complete its work on the revision
of Title 46.1 (Motor Vehicle Laws) of the Code of
Virginia.

Contact: Joan W. Smith, Registrar of Regulations, Virginia
Code Commission, P. O. Box 3-AG, Richmond, Va. 23208,
telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE DECLINE OF VIRGINIA'S BOBWHITE QUAIL

† November 28, 1988 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

The subcommittee will meet to discuss incentives for
increasing the quail population. HJR 114

Contact: Martin Farber, Research Associate, Division of
Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208,
telephone (804) 786-3591

Calendar of Events

JOINT SUBCOMMITTEE STUDYING INVESTIGATIVE PROCEDURES USED IN CHILD ABUSE CASES

† November 21, 1988 - 1 p.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A work session to finalize recommendations and report. HJR 127

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208

JOINT SUBCOMMITTEE STUDYING CLINICAL LABORATORY TESTING

† November 7, 1988 - 1 p.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting to study clinical laboratory testing. SJR 62

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

November 14, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

December 13, 1988 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

November 14 - Meeting and working session. HJR 50

December 13 - Public hearing. HJR 50

Contact: Persons wishing to speak should contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Suzanne Elkin, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE TASK FORCES STUDYING EARLY CHILDHOOD AND DAY-CARE PROGRAMS

† November 21, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

Task Force on Education of Professionals and

Providers. HJR 27

† November 21, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

Task Force on Programs. HJR 27

† November 22, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

Task Force on Parental Education and Involvement. HJR 27

Contact: Jeffrey A. Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227

JOINT SUBCOMMITTEE STUDYING FIRE PREVENTION

† November 30, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A regular meeting. SJR 67

Contact: Jessica Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Natalee Grigg, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING FLOOD CONTROL POLICIES OF THE COMMONWEALTH

† November 28, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will meet to discuss the Commonwealth's role in providing technical and financial assistance for flood protection. HJR 113

Contact: Martin Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE FREEDOM OF INFORMATION ACT

November 17, 1988 - 10 a.m. - Open Meeting
December 9, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will meet to discuss certain issues pertaining to the Virginia Freedom of Information Act

and certain other public access laws contained in the Code of Virginia. HJR 100

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

HOUSE OF DELEGATES COMMITTEE ON MINING AND MINERAL RESOURCES

November 15, 1988 - - Open Meeting
Division of Mined Land Reclamation, Conference Room, Big Stone Gap, Virginia
November 16, 1988 - - Open Meeting
Tour of Mine, Big Stone Gap, Virginia
November 17, 1988 - - Open Meeting
Division of Administration, Big Stone Gap, Virginia

This will be a three-day meeting. The focus of the meeting will be to tour an actual mine site, to be briefed on various aspects of the mining processes and to review potential 1989 legislative initiatives that relate to mining. SJR 59 and HJR 110.

Contact: Mike Abbott, Information Officer, Department of Mines, Minerals and Energy, Big Stone Gap, Va., telephone (703) 532-2244

SPECIAL JOINT SUBCOMMITTEE STUDYING THE TAXATION OF DAILY RENTAL EQUIPMENT

† **November 10, 1988** - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A meeting to finalize recommendations regarding taxation of daily rental equipment.

Contact: Regina McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

November 7
† Clinical Laboratory Testing, Joint Subcommittee Studying Health, State Board of Montgomery/Town of Blacksburg Local Emergency Planning Committee, County of

November 9

Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Professional Engineers, Virginia State Board of Conservation and Development of Public Beaches, Board on
† Conservation and Historic Resources, Department of
- Historic Landmarks Board
† Water and Wastewater Works Operators, Board for the Certification of World Trade Council, Virginia

November 10
† Child Day-Care Council
Children, Interdepartmental Licensure and Certification of Residential Facilities for
- Coordinating Committee
† Community Colleges, State Board for Fairfax County, Town of Vienna, City of Fairfax, Town of Herndon, Local Emergency Planning Committee of
† Human Rights, Council on
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Prevention and Promotion Advisory Council
† Taxation of Daily Rental Equipment, Special Joint Subcommittee Studying the

November 14
† Barber Examiners, Board of
† Children's Facilities, Interdepartmental Council on Rate-Setting for
Funeral Directors and Embalmers, Virginia Board of Funeral Services, Joint Subcommittee Studying Preneed Contracts for
Geology, Virginia Board of
† Labor and Industry, Department of
- Virginia Safety and Health Codes Board
† Librarians, Board for the Certification of
† Medical Assistance Services, Board of
Women, Council on the Status of

November 15
Acquired Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
Alcoholic Beverage Control Board
† Auctioneers Board, Virginia
Corrections, State Board of
Franklin, Isle of Wight and Southampton Emergency Planning Committee
Funeral Directors and Embalmers, Virginia Board of
† Medical Assistance Services, Board of
Mining and Mineral Resources, House of Delegates Committee on
† Nursing, Virginia State Board of
Women, Council on the Status of

November 16
† Dentistry, Virginia Board of
Emergency Response Council and the State Hazardous Materials Emergency Response Advisory Council, Joint Meeting of the Virginia
† Health Services Cost Review Council, Virginia

Calendar of Events

† Mental Health, Mental Retardation and Substance Abuse Services Board, State Mining and Mineral Resources, House of Delegates Committee on
† Roanoke Valley Local Emergency Planning Committee
Social Services, State Board of Treasury Board

November 17

† Chesapeake Bay Commission
† Danville Local Emergency Planning Committee
Freedom of Information Act, Joint Subcommittee Studying
Hazardous Materials Emergency Response Advisory Council, State
- Training Study Committee
† Medicine, Virginia State Board of Mining and Minerals Resources, House of Delegates Committee on
† Old Dominion University
- Board of Visitors
Social Services, State Board of

November 18

Agricultural Council, Virginia
† Building Code Technical Review Board, State
† Chesapeake Bay Commission
† Dentistry, Virginia Board of
† George Mason University
- Board of Visitors
† Housing Development Authority, Virginia
† Medicine, Virginia State Board of
- Advisory Board on Physical Therapy
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Mental Retardation Advisory Council
† Social Work, Virginia Board of

November 19

† Medicine, Virginia State Board of
† Social Work, Virginia Board of
† Transportation Board, Commonwealth

November 20

† Medicine, Virginia State Board of

November 21

† Child Abuse Cases, Joint Subcommittee Studying Investigative Procedures Used in
† Cosmetology, Virginia Board of
† Early Childhood and Day-Care Programs, Joint Subcommittee Task Forces Studying

November 22

† Early Childhood and Day-Care Programs, Joint Subcommittee Task Forces Studying
† Lottery Department, State
† Nursing Home Administrators, Board of Examiners for
Visually Handicapped, Department for the

- Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

November 28

† Bobwhite Quail, Joint Subcommittee Studying the Decline of Virginia's
Code Commission, Virginia
† Flood Control Policies of the Commonwealth, Joint Subcommittee Studying
† Nursing, Virginia State Board of

November 29

Alcoholic Beverage Control Board
† Nursing, Virginia State Board of
Water Control Board, State

November 30

† Fire Prevention, Joint Subcommittee Studying
Mental Health, Mental Retardation and Substance Abuse Services, Department of
† Nursing, Virginia State Board of

December 1

All-Terrain Vehicles, Joint Subcommittee Studying
Chesterfield County, Local Emergency Planning Committee of
Dentistry, Virginia Board of
Water Control Board, State

December 2

Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
Dentistry, Virginia Board of
General Services, Department of
- Art and Architectural Review Board
† Health Regulatory Boards, Council on
- Administration and Budget Committee
† Professional Counselors, Virginia Board of
- Credentials Committee
- Examination Committee

December 3

Medicine, Virginia State Board of
- Credentials Committee

December 6

Cattle Industry Board, Virginia
Hopewell Industrial Safety Council
Marine Resources Commission

December 7

Cattle Industry Board, Virginia
Real Estate Board, Virginia
† Waste Management, Department of

December 8

Acquired Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
Education, State Board of
Real Estate Board, Virginia
Visually Handicapped, Board for the

December 9

Children, Interdepartmental Licensure and Certification of Residential Facilities for
 - Coordinating Committee
 Education, State Board of
 Freedom of Information Act, Joint Subcommittee
 Studying the
 † Professional Counselors, Virginia Board of

December 12

Pilots, Board of Commissioners to Examine
 Water Control Board, State

December 13

Alcoholic Beverage Control Board
 † Nursing, Virginia State Board of
 - Informal Conference Committee
 † Old Dominion University
 - Board of Visitors
 Water Control Board, State
 † Water Commission, State and Water Control Board,
 State

December 14

Social Services, State Board of
 † Water Commission, State and Water Control Board,
 State

December 15

† Code Commission, Virginia
 † Pharmacy, Virginia Board of
 Social Services, State Board of
 † Transportation Board, Commonwealth

December 16

Architects, Professional Engineers, Land Surveyors and
 Certified Landscape Architects, State Board of
 - Virginia State Board of Architects
 † Nursing, Virginia State Board of
 - Informal Conference Committee

December 20

Franklin, Isle of Wight and Southampton Emergency
 Planning Committee

December 21

Treasury Board

December 27

Alcoholic Beverage Control Board

January 12, 1989

Education, State Board of

January 13

Education, State Board of

January 14

† Visually Handicapped, Department for the
 - Advisory Committee on Services

PUBLIC HEARINGS

November 7

Health, Department of

November 9

Medical Assistance Services, Department of

November 10

Medical Assistance Services, Department of
 Transportation/Commonwealth Transportation Board,
 Department of

November 14

Medical Assistance Services, Department of
 Water Control Board, State

November 15

Health, Department of
 Taxation, Department of
 Transportation/Commonwealth Transportation Board,
 Department of

November 16

Health, Department of

November 17

† Mental Health Mental Retardation and Substance
 Abuse Services, Department of
 † Water Control Board, State

November 18

Medical Assistance Services, Department of

November 29

Aging, Department for the

November 30

Corrections, Department of
 Education, Department of
 Mental Health, Mental Retardation and Substance
 Abuse Services, Department of
 Social Services, Department of

December 1

Aging, Department for the

December 2

Cosmetology, Virginia Board of

December 8

Aging, Department for the

December 12

Education Assistance Authority, State
 Mines, Minerals and Energy, Department of

December 13

Funeral Services, Joint Subcommittee Studying
 Preneed Contracts for

Calendar of Events

December 16

† Social Work, Virginia Board of

December 20

Medicine, Virginia State Board of

January 5, 1989

† Water Control Board, State

January 9

† Water Control Board, State