

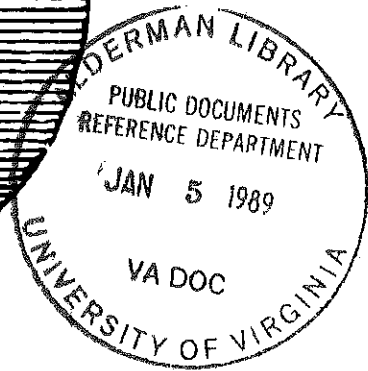
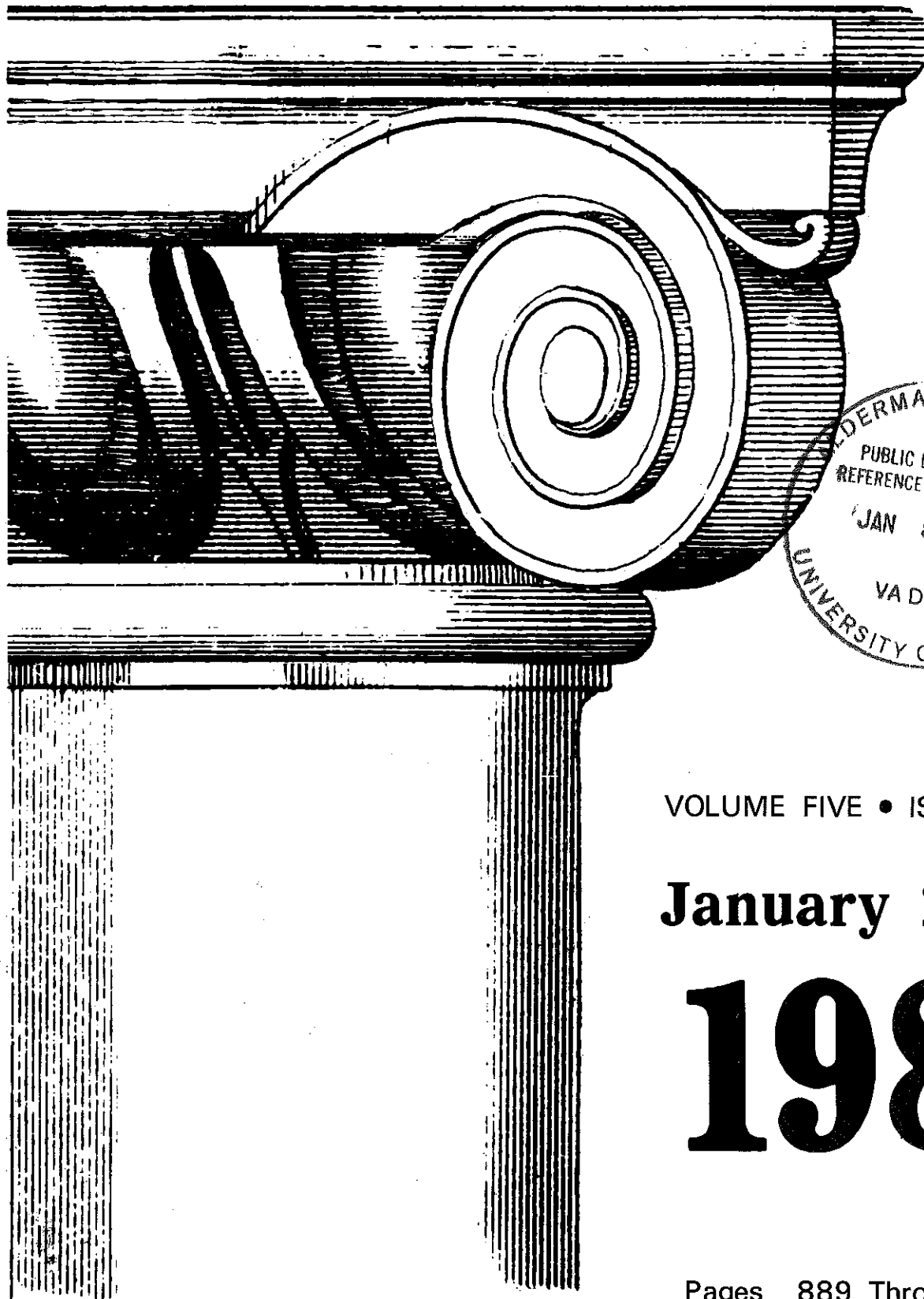
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THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-41-01. Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.

Statutory Authority: §§ 32.1-164 and 32.1-176.4 of the Code of Virginia.

Public Hearing Date: March 3, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

An owner who applies for a permit to construct an onsite sewage disposal system on his property shall pay a \$50 application fee at the time of filing. If he applies for a permit to construct a private well he shall pay a \$25 application fee at the time of filing. The requirement for the fee will be waived if the owner is applying for a construction permit for a pit privy, or if the owner is applying for a construction permit to repair a failing sewage disposal system or for the replacement of a private well or if the owner's income is below the federal poverty guidelines. An owner will be allowed a refund of his application fee, if the department denies the permit for land on which the owner seeks to construct his principal place of residence.

VR 355-41-01. Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.

PART I. DEFINITIONS.

§ 1. Definitions.

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

"Agent" means a legally authorized representative of the owner.

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Construction of private wells" means acts necessary to construct private wells, including the location of private wells, the boring, digging, drilling, or otherwise excavating

a well hole and installing casing with or without well screens, or well curbing.

"Department" means the Virginia Department of Health.

"Dewatering well" means a driven well constructed for the sole purpose of lowering the water table and kept in operation for a period of 60 days or less. Dewatering wells are used to allow construction in areas where a high water table hinders or prohibits construction and are always temporary in nature.

"Family" means the economic unit which shall include the owner, the spouse of the owner, and any other person actually and properly dependent upon or contributing to the family's income for subsistence.

A husband and wife who have been separated and are not living together, and who are not dependent on each other for support, shall be considered separate family units.

The family unit which is based on cohabitation is considered to be a separate family unit for determining if an application fee is waivable. The cohabitating partners and any children shall be considered a family unit.

"Income" means total cash receipts of the family before taxes from all sources. These include money wages and salaries before any deductions, but do not include food or rent in lieu of wages. These receipts include net receipts from nonfarm or farm self-employment (e.g., receipts from own business or farm after deductions for business or farm expenses.) They include regular payments from public assistance (including Supplemental Security Income), social security or railroad retirement, unemployment and worker's compensation, strike benefits from union funds, veterans' benefits, training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payment; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. These receipts further include funds obtained through college work study programs, scholarships, and grants to the extent said funds are used for current living costs. Income does not include the value of food stamps, WIC checks, fuel assistance, money borrowed, tax refunds, gifts, lump sum settlements, inheritances or insurance payments, withdrawal of bank deposits, earnings of minor children, money received from the sale of property. Income also does not include funds derived from college work study programs, scholarships,

Proposed Regulations

loans, or grants to the extent such funds are not used for current living costs.

"Onsite sewage disposal system" means a sewerage system or treatment works designed not to result in a point source discharge.

"Owner" means any person who owns, leases, or proposes to own or lease a private well or an onsite sewage disposal system, or both.

"Person" means the Commonwealth or any of its political subdivisions, including sanitary districts, sanitation district commissions and authorities, any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association which owns or proposes to own a sewerage system, treatment works or private well.

"Principal place of residence" means the dwelling unit, single family dwelling, or mobile home where the owner lives.

"Private well" means any water well constructed for a person on land which is owned or leased by that person and is usually intended for household, groundwater source heat pump, agricultural use, industrial use, use as an observation or monitoring well, or other nonpublic water well. A dewatering well, for the purposes of these regulations, is not a private well.

"Repair of a failing onsite sewage disposal system" means the construction of an onsite sewage disposal system or parts thereof to correct an existing and failing sewage disposal system for an occupied structure with indoor plumbing.

"Replacement of a private well" means the construction of a private well to be used in lieu of an existing private well.

"Sewage" means water-carried and nonwater-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewerage system" means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks and any works, including land, that are or will be (i) an integral part of the

treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

"Well" means any artificial opening or artificially altered natural opening, however made, by which groundwater is sought or through which groundwater flows under natural pressure or is intended to be artificially drawn; provided this definition shall not include wells drilled for the purpose of exploration or production of oil or gas, for building foundation investigation and construction, elevator shafts, grounding of electrical apparatus, or the modification or development of springs.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

Sections 32.1-164 and 32.1-176.4 of the Code of Virginia provide that the State Board of Health has the power to prescribe a reasonable fee to be charged for filing an application for an onsite sewage disposal system permit and a reasonable fee to be charged for filing an application for a private well construction permit.

§ 2.2. Purpose of regulations.

The board has promulgated these regulations to:

1. Establish a fee for filing an application for a permit to construct an onsite sewage disposal system or for the construction of a private well; and
2. Establish a procedure for the waiver of fees for an owner whose income of his family is at or below the federal poverty guidelines established by the United States Department of Health and Human Services, or when the application is for a pit privy, the replacement of a private well, or the repair of a failing onsite sewage disposal system.

§ 2.3. Compliance with the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, (§ 9-6.14:1 et. seq. of the Code of Virginia) shall govern the promulgation and administration of these regulations and shall be applicable to the appeal of any case decision based upon these regulations.

§ 2.4. Powers and procedures of regulations not exclusive.

The Commissioner may enforce these regulations through any means lawfully available.

§ 2.5. Effective date of regulations.

The proposed effective date of this regulation is July 1, 1989.

PART III. FEES.

Proposed Regulations

§ 3.1. Application fees.

A. A fee of \$50 shall be charged to the owner for filing an application for an onsite sewage disposal system permit with the department. The fee shall be paid to the Virginia Department of Health by the owner or his agent at the time of filing the application and the application shall not be processed until the fee has been collected. Applications shall be limited to one site specific proposal. When site conditions change, or the needs of an applicant change, or the applicant proposes and requests another site be evaluated, and a new site evaluation is conducted, a new application and fee is required.

B. A fee of \$25 shall be charged to the owner for filing an application for the construction of a private well with the department. The fee shall be paid to the Virginia Department of Health by the owner or his agent at the time of filing the application and the application shall not be processed until the fee has been collected. Applications shall be limited to one site specific proposal. When site conditions change, or the needs of an applicant change or the applicant proposes and requests another site be evaluated, and a new site evaluation is conducted, a new application and fee is required.

C. A person seeking revalidation of a construction permit for an onsite sewage disposal system shall file a completed application and shall pay a fee of \$50.

D. A person seeking revalidation of a permit for the construction of a private well shall file a completed application and shall pay a fee of \$25.

§ 3.2. Waiver of fees.

A. An owner whose income of his family is at or below the 1988 poverty Income Guidelines For All States (Except Alaska and Hawaii) and The District of Columbia established by the Department of Health and Human Services, 53 Fed. Reg. 4213(1988), shall not be charged a fee for filing an application for an onsite sewage disposal system permit or a private well construction permit.

B. Any person applying for a permit to construct a pit privy shall not be charged a fee for filing the application.

C. Any person applying for a construction permit for the replacement of a private well shall not be charged a fee for filing the application.

§ 3.3. Refunds of application fee.

An application fee shall be refunded to the owner (or agent, if applicable) if the department denies a permit on his land on which the owner seeks to construct his principal place of residence. Such fee shall not be refunded by the department until final resolution of any appeals made by the owner from the denial.

PART IV.

ELIGIBILITY DETERMINATION FOR WAIVER.

§ 4.1. Determining eligibility.

A. An owner seeking a waiver of an application fee shall request the waiver on the application form. The department will require information as to income, family size, financial status and other related data. The department shall not process the application until final resolution of the eligibility determination for waiver.

B. It is the owner's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level and to determine eligibility for a waiver of an application fee. The owner shall be required to provide written verification of income such as check stubs, written letter from an employer, W-2 forms, etc., in order to provide documentation for the application.

C. The proof of income must reflect current income which is expected to be available during the next 12-month period. Proof of income must include: Name of employer, amount of gross earnings, pay period for stated earnings. If no pay stub, a written statement must include the name, address, telephone number and title of person certifying the income.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

NOTICE: The Department of Social Services is withdrawing the following proposed regulations:

VR 615-01-02. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

5:3 VA.R. 309-310 November 21, 1988

VR 615-45-02. Child Protective Services Client Appeals Procedures.

VR 615-70-09. Enforcement of Child Support Obligations.

VR 615-70-10. Confidentiality and Exchange of Information for Child Support Enforcement.

VR 615-70-11. Establishment of Paternity in Child Support Enforcement.

VR 615-70-12. Responsibilities of IV-D Agencies in Interstate Child Support.

VR 615-70-13. Child Support Enforcement Services.

VR 615-70-14. Establishment of Administrative Support Orders.

VR 615-70-15. Persons Qualifying for Child Support Enforcement Services.

VR 615-45-02 and VR 615-70-09 through 615-70-15
5:4 VA.R. 468-492 November 21, 1988

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation: VR 675-01-01. Public Participation Guidelines.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Public Hearing Date: March 22, 1989 - 1 p.m.
(See Calendar of Events section
for additional information)

Summary:

The proposed Public Participation Guidelines establish the procedure whereby persons and organizations may be placed on a mailing list to receive regulatory information concerning the Board for Waterworks and Wastewater Works Operators. These guidelines also establish the steps necessary to promulgate regulations in accordance with the Administrative Process Act.

VR 675-01-01. Public Participation Guidelines.

I. § 1. Mailing list.

The Board for the Certification of Water Waterworks and Wastewater Works Operators (the agency) will maintain a list of persons and organizations who will shall be mailed the following documents as they become available:

1. "Notice of intent intended regulatory action" to promulgate or repeal regulations.
2. "Notice of comment period" and public hearing or informational proceeding," the subject of which is proposed or existing regulations.
3. Final Notice that final regulation has been adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

II. § 2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency board. In addition, the agency board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation of promulgation of regulations. Persons on the list will be provided all information stated in Part I § 1. Individuals and organizations will may be periodically requested to

indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

III. § 3. Notice of intent intended regulatory action.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14.1, "notice of comment period" and the filing of proposed regulations as required by § 9-6.14.7.1 of the Code of Virginia, the agency board will publish a "notice of intent intended regulatory action." This notice will contain a brief and concise statement of the possible regulations or the problem the regulations would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in the Virginia Register.

IV. Informational Proceedings or Public Hearings for Existing Rules.

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

V. § 4. Petition for rulemaking.

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

§ 5. "Notice of comment period" and of public hearing.

The board shall file a "notice of comment period" and its proposed regulations with the Registrar as required by § 9-6.14.7.1. Such notice shall establish the date of the public hearing (informational proceeding) and shall afford interested persons the opportunity to submit written data, views and arguments regarding the proposed regulations by a specified date. Interested persons may make their public submissions in writing, orally at the public hearing, or both.

VI. Notice of Formulation and Adoption.

At any meeting of the Board or any sub-committee or advisory committee where it is anticipated the formulation or adoption of the regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

Proposed Regulations

VI. § 6. Advisory committees.

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

VII. § 7. Applicability.

Sections I I through III and Sections 5 through 7 6 shall apply to all regulations promulgated except emergency regulations adopted in accordance with § 9-6.14:6 § 9-6.14:9 of the Code of Virginia.

* * * * *

Title of Regulation: VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Public Hearing Date: March 22, 1989 - 1 p.m.

(See Calendar of Events section for additional information)

Summary:

Contained herein are the regulations of the Board for Waterworks and Wastewater Works Operators. These regulations provide general information, entry requirements and standards of practice for licensure as waterworks and wastewater works operators in this Commonwealth. These regulations supersede all previous regulations of the board.

VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.

Section One General.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Board" means the Board for Waterworks and Wastewater Works Operators.

1-1-1. "Category" means the two divisions of treatment facilities waterworks and wastewater works and operators' licenses, one being drinking water waterworks and the second being wastewater works .

1-1-2. "Classification" means the four divisions of each category of treatment facilities waterworks and wastewater

works and operators' licenses, Classification "I" representing the highest and Classification "IV" representing the lowest.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation which is unlawful to practice without a license.

"Operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks or wastewater works.

"Operator-in-training" means an individual employed by an owner to work under the direct supervision and direction of an operator holding a valid license in the proper category and classification for the purpose of gaining experience and knowledge in the duties and responsibilities of an operator of a waterworks or wastewater works. An operator-in-training is not an operator.

"Owner" means the Commonwealth of Virginia, or any political subdivision thereof, any public or private institution, corporation, association, firm or company organized or existing under the laws of this Commonwealth or of any other state or nation, or any person or group of persons acting individually or as a group, who own, manage, or maintain waterworks or wastewater works.

"Person" means any individual, group of individuals, a corporation, a partnership, a business trust, an association or other similar legal entity engaged in operating waterworks or wastewater works.

"Responsible charge" means designation by the owner of any individual to have duty and authority to operate or modify the operation of waterworks or wastewater works processes.

"Wastewater works" means each system of (i) sewerage systems or sewage treatment works serving more than 400 persons, as set forth in § 62.1-44.18 of the Code of Virginia; (ii) sewerage systems or sewage treatment works serving fewer than 400 persons, as set forth in § 62.1-44.18 of the Code of Virginia, if so certified by the State Water Control Board; and (iii) facilities for discharge to state waters of industrial wastes or other wastes, if certified by the State Water Control Board.

"Waterworks" means each system of structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or

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domestic use and the distribution thereof to the public, except distribution piping. Systems serving fewer than 400 persons shall not be considered to be a waterworks unless certified by the Department of Health to be such.

§ 1.2. Licensure steps.

A. Prior to completing application forms, persons seeking licensure should have a thorough knowledge of the Board for Waterworks and Wastewater Works Operators Regulations and Chapters 1, 2, 3, and 23 of Title 54.1 of the Code of Virginia.

B. A fully completed application, provided by the board, must be submitted by an applicant seeking consideration for licensure with appropriate fee(s) attached. Incomplete applications will be returned to the applicant. Applications must be received in the Department of Commerce 60 days prior to a scheduled examination in order to be eligible to sit for that examination.

C. Examination:

1. A board-approved examination shall be administered at least twice a year.

2. Applicants will be notified of authorization to sit for the examination and verification of the location, date and time at least 10 days prior to the examination.

3. Should the applicant be unable to take the scheduled examination, notice must be provided to the board prior to the date of the examination. Failure to notify the board may require reapplication.

4. Upon submission of an application for reexamination form provided by the board and payment of the reexamination fee, an applicant who is unsuccessful in passing an examination will be allowed to retake any examination(s) given within two years of the date of notification of initial unsuccessful examination results. After the two-year period has elapsed, an applicant will be required to submit a new application with fee in accordance with these regulations in order to take an examination. Applications for reexamination must be in the Department of Commerce at least 60 days prior to a scheduled examination in order to be eligible to sit for that examination.

D. All correspondence should be directed to:

Assistant Director
Board for Waterworks and Wastewater Works Operators
3600 West Broad Street
Richmond, Virginia 23230-4917
1 (804) 367-8554 or 1 (800) 552-3016

A CHECK OR MONEY ORDER TO COVER FEE(S) SHALL BE MADE PAYABLE TO THE TREASURER OF

VIRGINIA. DO NOT SEND CASH. FEES ARE NONREFUNDABLE.

§ 1.3. License and classification requirements.

License required. To serve as an operator of a waterworks or wastewater works, it shall be necessary to hold a valid license issued by the board of a classification equal to or greater than the classification of the waterworks or wastewater works and in the appropriate category.

§ ~~1.2.~~ § 1.4. License renewal required.

~~§ 1.2.1.~~ A. Licenses for waterworks operators shall expire on the last day of February of each odd-numbered year. Licenses for wastewater works operators shall expire on the last day of February of each even-numbered year. The Department of Commerce shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

~~§ 1.2.2.~~ B. Each licensee applying for renewal shall return the renewal notice and fee of ~~\$30.00~~ established in § 1.5 of these regulations to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the expired license may be submitted with the required fee.

~~§ 1.2.3.~~ C. If the operator fails to renew the license within 30 days after the expiration date on the license, a penalty fee of ~~\$30.00~~ as established in § 1.5 of these regulations shall be required, in addition to the renewal fee.

~~§ 1.2.4.~~ D. Any operator failing to renew within six months of the expiration date on the license must apply to have the license reinstated by submitting a reinstatement form and a renewal fee - ~~\$30.00~~ plus the ~~\$30.00~~ penalty fee. If the person has not been actively employed as an operator for a minimum of six months during the past three years, reexamination will be required. shall apply for a new license by examination in accordance with Part II of these regulations.

E. Limited waterworks operator licenses, issued under the authority of § 4.02.2 of the Rules and Regulations of the State Board for Certification of Operators of Water and Wastewater Works (effective March 1, 1977), expiring on February 28, 1993, will not be renewed. Limited wastewater works operator licenses, issued under the authority of § 4.02.2 of the Rules and Regulations of the State Board for Certification of Operators of Water and Wastewater Works (effective March 1, 1977), expiring on February 28, 1994, will not be renewed. A holder of a limited license shall be deemed to have met the experience and education requirements of these regulations and shall be eligible to sit for an examination upon application in the same category and in the same or lower classification as the limited license currently held.

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§ 1-3 § 1.5. Fees.

A. All Fees are nonrefundable and shall not be prorated

1.3.1. The application fee shall be \$50.00.

1.3.2. The reexam fee shall be \$25.00.

1. The following fees shall apply:

a. Application for licensure by examination or by reciprocity \$55.

b. Application for reexamination \$35.

c. Renewal of license \$35.

d. Penalty for failure to renew license within 30 days of expiration \$35.

§ 1.4. Waterworks.

1.4.1. Class I - Shall mean any works as follows:

1.4.1.1. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of 50,000 persons or more or having a rated capacity of 5.0 mgd or more. (§ 54-1.28)

1.4.2. Class II - Shall mean any works as follows:

1.4.2.1. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of at least 5,000 persons, but less than 50,000 persons, or having a rated capacity of at least 0.5 mgd, but less than 5.0 mgd; or (§ 54-1.28)

1.4.2.2. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, and disinfection, employing the high rate filtration process, and having a filter rate greater than 2.0 gpm/sq. ft. serving a population less than 50,000 persons, or having a rated capacity less than 5.0 mgd, and including all waterworks classified as Public Water Supplies not covered by a higher classification. (§ 54-1.28)

1.4.3. Class III - Shall mean any works as follows:

1.4.3.1. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of less than 5,000 or having a rated capacity of less than 0.5 mgd, and including all waterworks classified as Public Water Supplies not

covered by a higher classification; or (§ 54-1.28)

1.4.3.2. Waterworks employing processes including disinfection, corrosion control, iron and manganese removal, softening, rechlorination, and other approved methods of treatment serving 5,000 persons or more; or (§ 54-1.28)

1.4.3.3. Waterworks employing fluoridation which are not under a higher classification and classified as Public Water Supplies. (§ 54-1.28)

1.4.4. Class IV - Shall mean any works as follows:

1.4.4.1. Waterworks, employing disinfection, corrosion control, iron and manganese removal, softening, rechlorination, and other approved methods of treatment, or any combination thereof, except fluoridation, serving less than 5,000 persons and classified as Public Water Supplies. (§ 54-1.28)

§ 1.6. Waterworks.

A. Class IV shall mean any waterworks as follows:

1. Waterworks employing disinfection, corrosion control, iron and manganese removal, softening, rechlorination, and other approved methods of treatment, or any combination thereof, except fluoridation, serving less than 5,000 persons and classified by the Department of Health as public water supplies; or

2. Waterworks classified by the Department of Health as Class IV facilities.

B. Class III shall mean any waterworks as follows:

1. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of less than 5,000, or having a rated capacity of less than 0.5 mgd; or

2. Waterworks employing processes including disinfection, corrosion control, iron and manganese removal, softening, rechlorination, and other approved methods of treatment serving 5,000 persons or more; or

3. Waterworks employing fluoridation which are not under a higher classification and which are classified by the Department of Health as public water supplies; or

4. Waterworks classified by the Department of Health as Class III facilities.

C. Class II shall mean any waterworks as follows:

1. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of at least 5,000 persons, but less than 50,000 persons, or having a rated capacity of at least 0.5 mgd, but less than 5.0 mgd; or

2. Waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, employing the high rate filtration process, and having a filter rate greater than 2.0 gpm/sq. ft., serving a population less than 50,000 persons, or having a rated capacity less than 5.0 mgd; or

3. Waterworks classified by the Department of Health as Class II facilities.

D. Class I shall mean any waterworks employing processes including, but not limited to, chemical coagulation, sedimentation, filtration, disinfection, fluoridation, aeration, corrosion control, or any combination thereof, serving a population of 50,000 persons or more or having a rated capacity of 5.0 mgd or more.

§ 1.5. Wastewater works.

1.5.1. Class I - Shall mean any works as follows:

1.5.1.1. Wastewater works using biological treatment methods having a design hydraulic capacity greater than 5.0 mgd, or (§ 54-1.28)

1.5.1.2. Wastewater works using physical/chemical treatment methods having a design hydraulic capacity greater than 5.0 mgd; or (§54-1.28)

1.5.1.3. Wastewater works using combinations of biological and physical/chemical treatment methods, with a design hydraulic capacity greater than 2.5 mgd. (§ 54-1.28)

1.5.2. Class II - Shall mean any works as follows:

1.5.2.1. Wastewater works using biological treatment methods having a design hydraulic capacity greater than 0.5 mgd, but equal to or less than 5.0 mgd; or (§ 54-1.28)

1.5.2.2. Wastewater works using physical/chemical methods with a design hydraulic capacity greater than 0.5 mgd, but equal to or less than 5.0 mgd; or (§ 54-1.28)

1.5.2.3. Wastewater works using combinations of biological and physical/chemical treatment methods, with a design hydraulic capacity greater than 0.1 mgd, but equal to or less than 2.5 mgd; or (§ 54-1.28)

1.5.2.4. Wastewater works using no biological or

physical/chemical treatment methods, with a design hydraulic capacity greater than 1.0 mgd. (§ 54-1.28)

1.5.3. Class III - Shall mean any works as follows:

1.5.3.1. Wastewater works using biological treatment methods with a design hydraulic capacity greater than 0.4 mgd, but equal to or less than 0.5 mgd; or (§ 54-1.28)

1.5.3.2. Wastewater works using physical/chemical treatment methods with a design hydraulic capacity greater than 0.04 mgd, but equal to or less than 0.5 mgd; or (§ 54-1.28)

1.5.3.3. Wastewater works using combinations of biological and physical/chemical treatment methods with a design hydraulic capacity greater than 0.02 mgd, but equal to or less than 0.1 mgd, or (§ 54-1.28)

1.5.3.4. Wastewater works using no biological or physical/chemical treatment methods, with a design hydraulic capacity greater than 0.04 mgd, but equal to or less than 1.0 mgd; or (§ 54-1.28)

1.5.3.5. Raw sewage stabilization ponds, with a design hydraulic capacity greater than 0.04 mgd. (§ 54-1.28)

1.5.4. Class IV - Shall mean any works as follows:

1.5.4.1. Wastewater works using biological treatment methods with a design hydraulic capacity equal to or less than 0.04 mgd, when designated by the State Water Control Board as requiring a licensed operator; or (§ 54-1.28)

1.5.4.2. Wastewater works using physical/chemical treatment methods with design hydraulic capacity equal to or less than 0.04 mgd and designated by the State Water Control Board requiring a licensed operator; or (§ 54-1.28)

1.5.4.3. Wastewater works using combinations of biological and physical/chemical treatment methods with a design hydraulic capacity equal to or less than 0.02 mgd and designated by the State Water Control Board as requiring a licensed operator; or (§ 54-1.28)

1.5.4.4. Wastewater works using no biological or physical/chemical treatment methods, with a design hydraulic capacity equal to or less than 0.04 mgd, and designated by the State Water Control Board as requiring a licensed operator; or (§ 54-1.28)

1.5.4.5. Raw sewage stabilization ponds with a design hydraulic capacity of 0.04 or less and designated by the State Water Control Board as requiring a licensed operator. (§ 54-1.28)

§ 1.7. Wastewater works.

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A. Class IV shall mean any wastewater works as follows:

1. Raw sewage stabilization ponds with a design hydraulic capacity greater than 0.04 mgd but equal to or less than 1.0 mgd; or
2. Wastewater works classified by the State Water Control Board as Class IV wastewater works.

B. Class III shall mean any wastewater works as follows:

1. Wastewater works using biological treatment methods having a design hydraulic capacity greater than 0.04 mgd, but equal to or less than 0.5 mgd; or
2. Wastewater works using physical/chemical treatment methods having a design hydraulic capacity greater than 0.04 mgd, but equal to or less than 0.5 mgd; or
3. Wastewater works using combinations of biological and physical/chemical treatment methods having a design hydraulic capacity greater than 0.04 mgd, but equal to or less than 0.1 mgd; or
4. Raw sewage stabilization ponds, with a design hydraulic capacity greater than 1.0 mgd; or
5. Wastewater works that do not use biological or physical/chemical treatment methods but are classified by the State Water Control Board as Class III wastewater works.

C. Class II shall mean any wastewater works as follows:

1. Wastewater works using biological treatment methods having a design hydraulic capacity greater than 0.5 mgd, but equal to or less than 5.0 mgd; or
2. Wastewater works using physical/chemical treatment methods having a design hydraulic capacity greater than 0.5 mgd, but equal to or less than 5.0 mgd; or
3. Wastewater works using combinations of biological and physical/chemical treatment methods, having a design hydraulic capacity greater than 0.1 mgd, but equal to or less than 2.5 mgd.

D. Class I shall mean any wastewater works as follows:

1. Wastewater works using biological treatment methods having a design hydraulic capacity greater than 5.0 mgd; or
2. Wastewater works using physical/chemical treatment methods having a design hydraulic capacity greater than 5.0 mgd; or
3. Wastewater works using combinations of biological and physical/chemical treatment methods, having a design hydraulic capacity greater than 2.5 mgd.

E. Biological treatment methods as used in this section shall mean a fixed film or suspended growth biological treatment process, such as:

1. Activated sludge.
2. Trickling filter.
3. Aerated lagoon.
4. Rotating biological contactor.
5. Land application.
6. Biological nutrient removal process.

F. Physical/chemical treatment methods as used in this section shall mean a treatment process such as:

1. Chemical coagulation, flocculation and precipitation.
2. Filtration.
3. Carbon adsorption.
4. Breakpoint chlorination.
5. Demineralization (including but not limited to ion exchange, reverse osmosis, electrodialysis).

Section Two

PART II. ENTRY REQUIREMENTS .

§ 2.1. License Licensure required.

To serve as an operator of a water or wastewater works, it shall be necessary to hold a valid license. The board shall issue a Class IV, III, II, or I license only after an individual has met all education, experience and examination requirements as set forth in these regulations. Each license shall be in the appropriate category and classification and shall indicate the highest classification of works the holder is qualified to operate. (§ 54-1-28)

~~2.1.1.~~ § 2.2. License Licensure by endorsement reciprocity .

The board may endorse issue a license to any person holding a license or certificate in any state, territory, or possession of the United States, or in any foreign country , or a certificate issued by the Association of Board of Certification, provided the requirements and standards under which the license or certificate was issued are equivalent to those established by these rules and regulations. (§ 54-1-28)

2.1.2. License by Education, Experience and Examination.

2.1.2.1. Specific Requirements for a Class I license

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Applicants for licensing as a Class I operator in either category shall meet the following requirements and pass a Board approved examination: (§ 54-1.28)

2.1.2.1.1. A bachelor's degree in physical, biological or chemical science or engineering with five quarter hours in water and/or wastewater treatment engineering technology and two years of experience as an operator of treatment plants of Class II or higher; or (§ 54-1.28)

2.1.2.1.2. Graduation from high school (or GED), hold a class II license and at least four years of experience as an operator of treatment plants of Class II or higher; or (§ 54-1.28)

2.1.2.1.3. No education required, hold a Class II license and at least five years of experience as an operator of treatment plants of Class II or higher. (§ 54-1.28)

2.1.2.2. Specific Requirements for Class II license.

Applicants for licensing as a Class II operator in either category shall meet the following requirements and pass a Board-approved examination: (§ 54-1.28)

2.1.2.2.1. A bachelor's degree in physical, biological or chemical science or engineering with five quarter hours in water and/or wastewater treatment engineering technology and one year of experience as an operator of a treatment plant of Class III or higher; or (§ 54-1.28)

2.1.2.2.2. Graduation from high school (or GED), hold a Class III license and at least three years of experience as an operator of a treatment plant of Class III or higher; or (§ 54-1.28)

2.1.2.2.3. No education required, hold a Class III license and at least four years of experience as an operator of treatment plants of Class III or higher. (§ 54-1.28)

2.1.2.3. Specific Requirements for a Class III license.

Applicants for licensing as a Class III operator in either category shall meet the following requirements and pass a Board approved examination: (§ 54-1.28)

2.1.2.3.1. A bachelor's degree in physical, biological or chemical science or engineering with five quarter hours in water and/or wastewater treatment engineering technology and six months of experience as an operator of treatment plants of Class IV or higher; or (§ 54-1.28)

2.1.2.3.2. Graduation from high school (or GED) and one year of experience as an operator of treatment plants of Class IV or higher; or (§ 54-1.28)

2.1.2.3.3. No education required, hold a Class IV

license and a total of three years of experience as an operator of treatment plants of Class IV or higher. (§ 54-1.28)

2.1.2.4. Specific Requirements for a Class IV license.

Applicants for licensing as a Class IV operator in either category shall meet the following requirements and pass a Board approved examination:

2.1.2.4.1. A high school graduate (or GED) with six months of experience as an operator of Class IV treatment plants or higher; or (§ 54-1.28)

2.1.2.4.2. No education required, and at least one year of experience as an operator of Class IV treatment plants or higher. (§ 54-1.28)

§ 2.3. Licensure by education, experience, and examination.

A. Specific requirements for a Class IV license.

Applicants for licensure as a Class IV waterworks or wastewater works operator shall meet one of the following requirements and pass a board-approved examination:

1. Have (i) a high school diploma or GED and (ii) at least six months of experience as an operator-in-training of waterworks or wastewater works of Class IV or higher; or

2. Have (i) no high school diploma and (ii) at least one year of experience as an operator-in-training of waterworks or wastewater works of Class IV or higher.

B. Specific requirements for a Class III license.

Applicants for licensure as a Class III waterworks or wastewater works operator shall meet one of the following requirements and pass a board-approved examination:

1. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a² bachelor's degree in physical, biological or chemical science or engineering with three semester hours in water or wastewater treatment technology, or both, and (ii) at least one year of experience as an operator-in-training of waterworks or wastewater works of Class IV or higher; or

2. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a bachelor's degree in physical, biological or chemical science or engineering with three semester hours in either water or wastewater treatment technology, or both, (ii) a Class IV license, and (iii) at least six months of experience as an operator or operator-in-training of waterworks or wastewater works of Class IV or as an operator-in-training of waterworks or wastewater works of Class III, Class II, or Class I; or

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3. Have (i) a high school diploma or GED and (ii) at least two years of experience as an operator-in-training of waterworks or wastewater works of Class IV or higher; or

4. Have (i) a high school diploma or GED, (ii) a Class IV license, and (iii) at least 1-1/2 years of experience as an operator or operator-in-training of waterworks or wastewater works of Class IV or as an operator-in-training of waterworks or wastewater works of Class III, Class II, or Class I; or

5. Have (i) no high school diploma, (ii) a Class IV license, and (iii) at least three years of experience as an operator or operator-in-training of waterworks or wastewater works of Class IV or as an operator-in-training of waterworks or wastewater works of Class III, Class II, or Class I.

C. Specific requirements for Class II license.

Applicants for licensure as a Class II waterworks or wastewater works operator shall meet one of the following requirements and pass a board-approved examination:

1. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a bachelor's degree in physical, biological or chemical science or engineering with three semester hours in either water or wastewater treatment technology, or both, and (ii) at least 1-1/2 years of experience as an operator-in-training of waterworks or wastewater works of Class III or higher; or

2. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a bachelor's degree in physical, biological or chemical science or engineering with three semester hours in either water or wastewater treatment technology, or both, (ii) a Class III license, and (iii) at least six months of experience as an operator or operator-in-training of waterworks or wastewater works of Class III or as an operator-in-training of waterworks or wastewater works of Class II or Class I; or

3. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a bachelor's degree in physical, biological or chemical science or engineering with three semester hours in either water or wastewater treatment technology, or both, (ii) a Class IV license, and (iii) at least one year of experience as an operator-in-training of waterworks or wastewater works of Class III, Class II or Class I; or

4. Have (i) a high school diploma or GED, (ii) a Class III license, and (iii) at least two years of experience as an operator or operator-in-training of waterworks or wastewater works of Class III or as an operator-in-training of waterworks or wastewater works of Class II or Class I; or

5. Have (i) no high school diploma, (ii) a Class III license, and (iii) at least three years of experience as an operator or operator-in-training of waterworks or wastewater works of Class III or as an operator-in-training of waterworks or wastewater works of Class II or Class I.

D. Specific requirements for a Class I license.

Applicants for licensure as a Class I waterworks or wastewater works operator shall meet one of the following requirements and pass a board-approved examination:

1. Have (i) a bachelor's degree in civil, environmental or sanitary engineering, or a bachelor's degree in physical, biological or chemical science or engineering with three semester hours in either water or wastewater treatment technology, or both, (ii) a Class II license, and (iii) at least one year of experience as an operator or operator-in-training of waterworks or wastewater works of Class II or as an operator-in-training of waterworks or wastewater works of Class I; or

2. Have (i) a high school diploma or GED, (ii) a Class II license and (iii) at least two years of experience as an operator or operator-in-training of waterworks or wastewater works of Class II or as an operator-in-training of waterworks or wastewater works of Class I; or

3. Have (i) no high school diploma, (ii) a Class II license, and (iii) at least three years of experience as an operator or operator-in-training of waterworks or wastewater works of Class II or higher as an operator-in-training of waterworks or wastewater works of Class I.

2-1-2-5. § 2.4. Education.

An individual may be issued a license without holding the next lower class license only if the individual has obtained the required education. Education may be substituted for experience as follows:

2-1-2-5-1. A. Education or specialized training may not reduce the actual operating experience required for licensure to less than two years for Class I, to less than one year for Class II, or to less than six months for Class III or IV.

2-1-2-5-2. B. Education substituted for experience may not be used to meet the education requirement.

2-1-2-5-3. C. Specialized training.

Waterworks or wastewater works operator training courses, seminars, workshops, technical conferences, or similar specialized training, specifically approved by the board may be substituted for the required experience.

2.1.2.5.3.1. 1. Time calculations shall be based on the continuing education unit (CEU).

2.1.2.5.3.2. 2. Ten classroom hours shall equal one CEU (10 hours = 1.0 CEU).

2.1.2.5.3.3. 3. 10 CEUs may be substituted for six months of One CEU may be substituted for one month of operating experience.

2.1.2.5.3.4. Not more than 20 CEUs may be substituted for experience.

2.1.2.5.4. D. Formal education.

Formal education at a post-secondary level in physical, biological and or chemical science, engineering, engineering technology, or public health may be substituted for a part of the required experience.

2.1.2.5.4.1. 1. Calculations shall be based on quarter semester hours (one quarter hour = 2/3 of a semester hour).

2.1.2.5.4.2. 2. 10 quarter hours One semester hour may be substituted for six months one month of operating experience.

2.1.2.5.4.3. Not more than 36 quarter hours may be substituted for experience.

E. Specialized training and formal education used in qualifying for a lower class license shall not be used again to meet the additional requirements for a higher class license.

2.1.2.6. § 2.5. Experience.

Required work experience is based on full-time work. Full-time work is defined as not less than 1760 hours per year. Experience gained as an operator-in-training shall be certified on the application form by an operator holding a valid license of the proper category and and classification.

2.1.2.6.1. A. Partial credit will be given for actual hours of work experience if less than full-time.

2.1.2.6.2. B. Partial credit (not to exceed 50% of the total required experience) will be given for related experience. Water experience may not substitute for wastewater experience and wastewater experience may not substitute for water experience if experience has been used previously to obtain a license. At least 50% of the experience required for a license shall be obtained in the category of the license, with not less than six months of full-time employment (880 man-hours in the category of the license. Partial credit may be given for related experience in the other category at a rate of up to 50% of the actual experience gained in the other category.

C. Experience used in qualifying for a lower class

license shall not be used again to meet the additional requirements for a higher class license.

D. Experience limited to distribution and collection system operation and maintenance, laboratory work, plant maintenance, and other nonoperating duties shall not be counted as experience as an operator.

2.1.2.7. § 2.6. Examination.

A board-approved examination shall be administered at least twice a year.

2.1.2.7.1. A. An individual may take the examination prior to fulfilling the education and experience requirements ; , provided all requirements will be met within three months after the date the applicant will take the examination. The results of the examination and the A license shall not be issued until all applicable requirements have been met and satisfactorily verified.

2.1.2.7.2. An individual who fails the examination may retake the next examination by notifying the Board. If the examination is failed twice, the individual must obtain not less than 2.0 CEUs of additional education credits before Board approval will be given to take a future examination.

B. An individual who is unable to take an examination at the time scheduled shall notify the board prior to the date of the examination; such an individual shall be rescheduled for the next examination. Failure to notify the board may require the submittal of a new application and payment of fees, in accordance with §§ 1.5 and 2.7 A.

C. Upon submission of an application for reexamination form provided by the board and payment of the reexamination fee, an applicant who is unsuccessful in passing an examination will be allowed to retake any examination(s) given within two years of the date of notification of initial unsuccessful examination results. After the two-year period has elapsed, an applicant will be required to submit a new application with fee in accordance with these regulations in order to take an examination. Applications for reexamination must be received in the Department of Commerce at least 60 days prior to a scheduled examination in order to be eligible to sit for that examination.

§ 2.7. Application.

A. Any person seeking licensure by reciprocity or by education, experience, and examination shall submit a fully-completed application with the appropriate fee(s) attached. Incomplete applications will be returned to the applicant. Application for licensure by examination must be received in the Department of Commerce 60 days prior to a scheduled examination in order to be eligible to sit for that examination.

B. All applications of candidates will be reviewed by the

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Department of Commerce staff to determine eligibility for licensure and examination within 50 days of receipt at the offices of the Department of Commerce. Any applicant may appeal the initial review, in writing, to the board within 60 days of the staff's determination. No applicant will be approved for licensure unless he meets all of the requirements of these regulations.

C. Applicants who have been found ineligible to sit for an examination may request further consideration by submitting a letter to the board with the necessary evidence of additional qualifications, training, or experience. No additional fee will be required, provided all requirements for licensing are met within two years from the date of original application.

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Table 1. Summary of education and experience requirements for operator's license by class.

License Class	Education ¹	Current License	Minimum Total Years Experience Required	Experience must be at this class facility or higher (time in years)		
				Cl. IV	Cl. III	Cl. II
IV	BS degree	None	0.5	0.5		
	High School	None	0.5	0.5		
	None	None	1.0	1.0		
III	BS degree	None	1.0	1.0		
		IV	1.0	1.0		
	High School	None	2.0	2.0		
		IV	2.0	2.0		
	None	IV	4.0	4.0		
II	BS degree	None	1.5	---	1.5	
		IV	1.5	0.5	1.0	
		III	1.5	1.0	0.5	
	High School	III	4.0	2.0	2.0	
	None	III	7.0	4.0	3.0	
I	BS degree	II ²	2.5	---	1.5	1.0
		II ³	2.5	1.0	0.5	1.0
		II ⁴	2.5	0.5	1.0	1.0
	High School	II	6.0	2.0	2.0	2.0
	None	II	10.0	4.0	3.0	3.0

This table is provided for information only, and does not supersede the text of the regulations.

¹ BS degree = bachelor's degree in civil, environmental or sanitary engineering, or in physical, biological or chemical science or engineering, with at least 3 semester hours in water and/or wastewater treatment technology. All other bachelor's degrees will be considered the equivalent of high school education for the purpose of meeting the education requirement.

High school = high school diploma or GED or college degree other than BS degree defined above.

² First license was Class II.

³ First license was Class III.

⁴ First license was Class IV.

All experience must be at a waterworks or wastewater works of the appropriate category and of the class indicated. Experience gained at the waterworks or wastewater works of higher class than currently held license must be under direct supervision and direction of a properly licensed operator.

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Section Three

PART III. STANDARDS OF PRACTICE.

§ 3.1. Discipline.

A. The Board may deny renewal, suspend, or revoke a license if it finds that the licensed operator has not demonstrated reasonable care, judgment, or application of his knowledge and ability in the performance of his operating duties. (§ 54-1-28). The Board, in its discretion, may fine any licensee or suspend or revoke a license, either or both, if it finds that:

1. *The license was obtained or renewed through fraud or misrepresentation; or*
2. *The licensed operator has been found guilty by the board, or by a court of record, of any material misrepresentation in the course of performing his operating duties; or*
3. *The licensed operator has not demonstrated reasonable care, judgment or application of his knowledge and ability in the performance of his operating duties; or*
4. *The licensed operator violates or induces another person to violate any provisions of Chapters 1, 2, 3, and 23 of Title 54.1 of the Code of Virginia, or any provisions of these regulations.*

All previous rules of the Board for Certification of Water and Wastewater Works Operators are repealed.

B. The board, in its discretion, may refuse to grant or renew a license of any person for any of the reasons specified in subsection A of this section.

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.

BOARD OF DENTISTRY

Title of Regulation: VR 255-01-1. Virginia Board of Dentistry Regulations.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The adopted regulations set forth requirements for administering general anesthesia and conscious sedation; provisions to issue full-time faculty licenses; fee adjustments and new fees and provisions for reexamination in radiation safety. These regulations are the result of a comprehensive review of the regulations required under the board's Public Participation Guidelines.

Substantial changes made since the proposed regulation was published are (i) the proposed amendment pertaining to hand-over-mouth techniques was withdrawn, and (ii) renewal and initial licensure fees were reduced by \$5.00.

VR 255-01-1. Virginia Board of Dentistry Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Analgesia" means the diminution or elimination of pain in the conscious patient.

"Approved schools" means those dental schools, colleges, departments of universities or colleges or schools of dental

hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

"Competent instructor" means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

"Conscious sedation" means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under these regulations but shall not include an individual serving in purely a secretarial or clerical capacity.

"Dental hygiene student" means any person currently enrolled and attending an approved school/program of dental hygiene. No person shall be deemed to be a dental hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Dental student" means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Diagnosis" means an opinion of findings in an examination.

"Direction" means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

"General anesthesia" means a controlled state of

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unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

["*HOM techniques*" means *hand-over-mouth management techniques*.]

"*Local anesthesia*" means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

"*Monitoring of general anesthesia and conscious sedation*" includes the following: recording and reporting of blood pressure, pulse, respiration and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

"*Monitoring of nitrous oxide oxygen inhalation analgesia*" means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation and observing the patient's vital signs.

"*Nitrous oxide oxygen inhalation analgesia*" means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

"*Radiographs*" means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

"*Recognized governmental clinic*" means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.

["*Responsible adult*" means a *parent or guardian*.]

§ 1.2. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Dentistry will maintain a list of persons and organizations who will be mailed the following documents as they become available:

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

3. Final regulation adopted.

B. Being placed on list and deletion.

Any person wishing to be placed on the mailing list may have his or her name added by writing the board. In addition, the agency or board may, in its discretion, add to the list any person, organization, or publication whose inclusion it believes will further the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

C. Notice of intent.

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

D. Informational proceedings or public hearings for existing rules.

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

E. Petition of rulemaking.

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

F. Notice of formulation and adoption.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or when any regulation is adopted by the board, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

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

§ 1.3. License renewal and reinstatement.

A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31 of every ~~odd-numbered~~ year, renew their license to practice dentistry and pay a ~~biennial~~ *an annual* renewal fee of \$80 [~~\$70~~ \$65] except as otherwise provided in § 1.4 of these regulations.

B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this board shall, on or before March 31 of every ~~odd-numbered~~ year, renew their license to practice dental hygiene and pay a ~~biennial~~ *an annual* renewal fee of \$50 [~~\$30~~ \$25] except as otherwise provided in § 1.4 of these regulations.

C. Delinquent fees.

Any person who does not return the completed form and fee by March 31 of any ~~odd-numbered~~ year shall be required to pay an additional \$25 \$35 delinquent fee. The board shall renew a license when the renewal form is received by the following April 30, along with the completed form, the ~~biennial~~ *annual* registration fee, and the delinquent fee.

D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 of every ~~odd-number~~ year shall automatically expire and become invalid. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired for failure to comply with § [~~54-181.1~~ or § ~~54-200.16~~ 54.1-2400(4) and (5)] of the Code of Virginia, and who wishes to renew such license shall submit to the board a reinstatement form, the application fee, the delinquent fee, and renewal fee. An applicant for reinstatement shall be required to satisfactorily complete the board-approved examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrate that the lapse was due to factors beyond the applicant's control or was other than voluntary.

§ 1.4. Other fees.

A. Dental licensure application fees.

The application for a dental license shall be

accompanied by a check or money order for \$170 [~~\$225~~ \$220], which includes a \$80 \$155 application fee and a \$80 [~~\$70~~ \$65] initial licensure fee.

B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for \$120 [~~\$160~~ \$155], which includes a \$70 \$130 application fee and a \$50 [~~\$30~~ \$25] initial licensure fee.

C. Duplicate wall certificate.

Licenses desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

D. Duplicate license.

Licenses desiring duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$5 \$10. A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage.

E. Licensure certification.

Licenses requesting endorsement or certification by this board shall pay a fee of \$5 \$25 for each endorsement or certification.

F. Restricted license.

Restricted license issued in accordance with § [~~54-175.2~~ 54.1-2714] of the Code of Virginia shall be at a fee of \$100.

G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with § [~~54-175.1~~ 54.1-2725] of the Code of Virginia shall be at a fee of \$170 [~~\$225~~ \$220] and \$120 [~~\$160~~ \$155], respectively. The renewal fee shall be \$80 [~~\$70~~ \$65] and \$50 [~~\$30~~ \$25], respectively.

H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ [~~54-152(1)(a)~~, ~~54-152(2)(b)~~ and ~~54-152(2)(c)~~ 54.1-2715 and 54.1-2726] of the Code of Virginia shall be at a fee of \$170 [~~\$225~~ \$220] and \$120 [

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~~\$160~~ \$155], respectively. The renewal fee shall be \$80 [~~\$70~~ \$65] and \$50 [~~\$30~~ \$25], respectively.

I. Radiology safety examination.

Each examination administered in accordance with § 4.5(A)(11) of these regulations shall be at a fee of ~~\$15~~ \$25

J. Jurisprudence examination.

Each examination administered by the board outside the scheduled clinical examination site in accordance with §§ 2.2.A.3 and 2.2.B.3 shall be at a fee of \$25.

K. Full-time faculty license.

Full-time faculty license for dentists issued in accordance with § [~~54-175.3~~ 54.1-2714.1] of the Code of Virginia, shall be at a fee of [~~\$225~~ \$220]. The renewal fee shall be [~~\$70~~ \$65].

§ 1.5. Refunds.

No fee will be refunded or applied for any purpose other than the purpose for which the fee is submitted.

PART II.

ENTRY AND LICENSURE REQUIREMENTS.

§ 2.1. Education.

A. Dental licensure.

An applicant for dental licensure shall be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § [~~54-187~~ 54.1-2706] of the Code of Virginia.

B. Dental hygiene licensure.

An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § [~~54-200.18~~ 54.1-2728] of the Code of Virginia.

C. Applications.

All applications for any license or permit issued by the board shall include:

1. A final certified transcript of the grades from the college from which the applicant received the dental

degree, dental hygiene degree or certificate, or post-doctoral degree or certificate.

2. One recently made passport type photograph of the applicant. The photograph shall be securely pasted in the space provided on the application.

3. An original grade card issued by the Joint Commission on National Dental Examinations.

§ 2.2. Licensure examinations.

A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

2. For the purpose of § [~~54-175~~ 54.1-2713] of the Code of Virginia, all persons desiring to practice dentistry in the Commonwealth of Virginia will be required to satisfactorily pass the complete board-approved examinations in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § [~~54-173~~ 54.1-103] of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the board-approved examinations.

3. All applicants will be required to satisfactorily pass an examination on the Virginia dental laws and the regulations of the board.

B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. For the purpose of § [~~54-200.11~~ 54.1-2722] of the Code of Virginia, all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § [~~54-200.5~~ 54.1-103] of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous active clinical,

ethical and legal practice since passing the board-approved examinations.

3. All applicants will be required to pass an examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure.

A. Dental reciprocal licensure.

An applicant for dental reciprocal licensure shall:

1. Be a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, and

2. Be currently licensed and engaged in the active, legal and ethical practice of dentistry in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

B. Dental hygiene reciprocal licensure.

An applicant for dental hygiene reciprocal licensure shall:

1. Be a graduate of an accredited dental hygiene school recognized by the Commission on Dental Accreditation of the American Dental Association, and

2. Be currently licensed and engaged in the active, legal and ethical practice of dental hygiene in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

§ 2.4. Temporary permit and , teacher's license and full-time faculty license .

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by [~~paragraphs (1)(a) and (2)(b) and (c) of § 54-152 §§ 54.1-2715 and 54.1-2726~~] of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit renewals shall expire seven days after the release of grades of the next examination given.

C. A full-time faculty license shall be issued to any dentist who meets the entry requirements of § [~~54-175-1 54.1-2713~~] , who is certified by the Dean of a dental school in the Commonwealth and who is serving full-time on the faculty of a dental school or its affiliated clinics

intramurally in the Commonwealth. A full-time faculty license shall remain valid only while the license holder is serving full-time on the faculty of a dental school in the Commonwealth. When any such license holder ceases to continue serving full-time on the faculty of the dental school for which the license was issued, [the Dean of the employing dental school shall, within five working days, notify the board and the licensee shall] surrender the license, which shall be null and void upon termination of full-time employment. [The Dean of the dental school shall notify the board within five working days of such termination of full-time employment.]

C. D. A temporary permit issued pursuant to § [~~54-152 54.1-2715~~] and , a teacher's license issued pursuant to § [~~54-175-1(A) and (B) and § 54-175-2(A) 54.1-2713, 54.1-2714 and 54.1-2725~~] and full-time faculty license issued pursuant to § [~~54-175-3 54.1-2714.1~~] of the Code of Virginia may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

PART III.

GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION. GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

§ 3.1. Requirements to administer general anesthesia.

A. Educational requirements.

A dentist may employ or use general anesthesia on an outpatient basis by meeting one of the following educational criteria and by posting the educational certificate, in plain view of the patient, which verifies completion of the advanced training as required in paragraphs 1 or 2 of this subsection.

1. Has completed a minimum of one calendar year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published by the American Dental Association; or

2. Is board certified or board eligible in any dental specialty which incorporates into its curriculum the standards of teaching comparable to those set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry."

B. Self-certification requirements.

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Any licensed dentist who does not meet the requirements of subsection A.1 or 2 of § 3.1 and who has utilized general anesthesia on a regular and routine basis prior to January 1, 1989, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1989; and
2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue to administer general anesthesia. No Self-Certification forms shall be accepted by the board after July 1, 1989.

C. Exemptions.

A dentist who has not meet the requirements specified in subsections A or B of this section may treat patients under general anesthesia in his practice if a qualified anesthesiologist, or a dentist who fulfills the requirements specified in subsections A or B of this section is present and is responsible for the administration of the anesthetic. If a dentist fulfills requirements himself to use general anesthesia and conscious sedation, he may employ the services of a certified nurse anesthetist.

§ 3.2. Conscious sedation.

A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry", while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

C. Self-certification requirements.

Any licensed dentist who does not meet the requirements of subsections A or B of this section and who has utilized conscious sedation on a regular and routine basis prior to January 1, 1989, may continue to do so by:

1. Completing the Self-Certification Form provided and subject to approval by the board. Such form shall be filed with the board on or before July 1, 1989; and
2. Posting the nonrenewable certificate issued to the dentist upon approval by the board, which shall verify the board's authorization that the dentist may continue

to administer conscious sedation. No Self-Certification Forms shall be accepted by the board after July 1, 1989.

§ 3.3. General information.

A. Emergency equipment and techniques.

A dentist who administers general anesthesia and conscious sedation shall be proficient in handling emergencies and complications related to pain control procedures, including the maintenance of respiration and circulation, immediate establishment of an airway and cardiopulmonary resuscitation, and shall maintain the following emergency airway equipment in the dental facility:

1. Full face mask for children or adults, or both;
2. Oral and nasopharyngeal airways;
3. Endotracheal tubes for children or adults, or both, with appropriate connectors;
4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;
5. Source of delivery of oxygen under controlled pressure; and
6. Mechanical (hand) respiratory bag.

B. Posting requirements.

Any dentist who utilizes general anesthesia or conscious sedation shall post in each facility the certificate of education required under §§ 3.1.A and 3.2.B or the self-certification certificate issued by the board.

C. Other.

1. The team for general anesthesia shall consist of the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist.
2. Person in charge of the anesthesia must remain on the premises of the dental facility until the patient has regained consciousness and is discharged.

§ 3.4. Report of adverse occurrences reactions .

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or serious unusual incident morbidity that occurs in the licensee's dental facility or during the first 24 hours immediately following the patient's departure from the facility following and directly resulting from the administration of general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia.

PART IV. RECORD KEEPING AND REPORTING.

§ 4.1. Records.

A. Laboratory work orders.

Written work order forms and subwork order forms to employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § [~~54-147.2~~ 54.1-2719] of the Code of Virginia shall include as a minimum the following information:

1. Patient or case number, and date.
2. The signature, license number and address of the dentist.

B. Patient records.

A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;
5. Radiographs;
6. Fees and charges; and [and]
7. Name of dentist and dental hygienist providing service - [; and .]

[~~8. Updated informed written and signed consent form pursuant to paragraph 9 of § 4.2.]~~

§ 4.2. Reporting.

A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § [~~54-147(3)~~ 54.1-2712] of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

B. Current business addresses.

Each licensee shall furnish the board at all times with his current business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board within 30 days of such changes.

§ 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § [~~54-187~~ 54.1-2706] of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.
5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.
6. Certifying completion of a dental procedure that has not actually been completed.
7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.
8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subsection A, paragraph 11 of § 4.5 of these regulations.

[~~9. Using "HOM" techniques without an updated informed written and signed consent form by a responsible adult and without the option of the responsible adult to be present during this technique if he so chooses.]~~

§ 4.4. Advertising.

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A. Practice limitation.

Any dentist who has a limited practice and who is not a board-eligible or a certified specialist as recognized by the Commission on Dental Accreditation of the American Dental Association shall state in conjunction with the dentist's name that he is a general dentist providing only certain services, i.e., orthodontic services.

B. Fee disclosures.

Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts.

Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising.

A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded copies of the advertisement available to the board within five days following a request by the board.

E. Routine dental services.

The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § [~~54-187(7)~~ 54.1-2706(7)] of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subsection F, paragraph 3 of § 4.4 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral

lesions.

2. "Diagnosis." An opinion of findings in an examination.

3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

4. "Radiographs." Shall document type and quantity. (See definitions).

5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.

6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.

7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.

8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of § [~~54-187(7)~~ 54.1-2706(7)] of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.

2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.

3. Publishing an advertisement which fails to include the information and disclaimers required by § 4.4 of these regulations.

G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ [~~54-184 and 54-186~~ 54.1-2718 and 54.1-2720] of the Code of Virginia are complied with.

§ 4.5. Nondelegable duties.

A. Nondentists: The following duties shall not be delegated to a nondentist:

1. Diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.
7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § [54-140 54.1-2701] of the Code of Virginia and § 5.4.A.17 of these regulations.
8. Condensing and carving amalgam restorations.
9. Placing and contouring silicate cement and composite resin restorations.
10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.
11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or (ii) been certified by the American Society of Radiological Technicians or (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) on-the-job training and passed the board's examination in radiation safety and hygiene. *Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing (a) [; or] (b) or (c) of this provision.*
12. Taking impressions for any working model except as provided in subsection A, paragraph 2, of § 5.4 of these regulations.

PART V.
DIRECTION AND UTILIZATION OF DENTAL
HYGIENISTS AND DENTAL ASSISTANTS.

§ 5.1. Employment of dental hygienists.

No dentist shall direct more than two dental hygienists at one and the same time.

§ 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § [54-175.1(b) 54.1-2725] of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § [54-200.1 54.1-2722] of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

§ 5.3. Dental hygienists.

A. The following duties may be delegated to dental hygienists under direction:

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophy-jets and ultra sonic devices.
2. Taking of working impressions for construction of athletic and fluoride guards.
3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

§ 5.4. Dental hygienists and dental assistants.

A. Only the following duties may be delegated to dental hygienists and dental assistants under direction:

1. Application of topical medicinal agents, including topical fluoride or desensitizing agents (aerosol topical anesthesia excluded).
2. Acid etching in those instances where the procedure is reversible.
3. Application of sealants.
4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist.
5. [Placement and removal of *Placing and removing*] matrixes for restorations.

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6. [~~Placement and removal of~~ *Placing and removing*] rubber dam.

7. [~~Placement and removal of~~ *Placing and removing*] periodontal packs.

8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.

9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.

10. Taking nonworking impressions for diagnostic study models.

11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.

12. Placing and removing elastic orthodontic separators.

13. Checking for loose orthodontic bands.

14. Removing arch wires and ligature ties.

15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist, provided that no active pressure is created by the placement of such ligatures.

16. Selecting and prefitting of orthodontic bands for cementation by the dentist.

17. Monitoring of nitrous oxide oxygen inhalation analgesia.

18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of subsection A, paragraph 11, of § 4.5 of these regulations have been fulfilled.)

19. [~~Removal of~~ *Removing*] socket dressings.

20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.

21. [~~Removal of~~ *Removing*] sutures.

22. [~~Removal of~~ *Removing*] supragingival cement on crowns, bands, and restorations.

Any procedure not listed above is prohibited.

§ 5.5. What does not constitute practice.

A. Oral health education and preliminary dental

screenings in any setting are not considered the practice of dental hygiene and dentistry.

B. Recording a patient's pulse, blood pressure, temperature, and medical history.

VIRGINIA BOARD OF DENTISTRY
SELF CERTIFICATION
FOR
USE OF GENERAL ANESTHESIA
AND/OR CONSCIOUS SEDATION

FULL NAME: _____
LICENSE NUMBER: _____
BUSINESS ADDRESS: _____
TELEPHONE NUMBER: () _____
CONTROL SUBSTANCE PERMIT NUMBER: _____
DEA NUMBER: _____

I AM APPLYING TO CONTINUE TO THE USE OF

- GENERAL ANESTHESIA
- CONSCIOUS SEDATION

1. DATE YOU BEGAN ADMINISTERING GENERAL ANESTHESIA ON DENTAL PATIENTS _____
day month year
2. MOST RECENT DATE YOU USED GENERAL ANESTHESIA ON A DENTAL PATIENT _____
day month year
3. NUMBER OF DENTAL PATIENTS ON WHICH YOU USE GENERAL ANESTHESIA PER YEAR _____.
4. Have you ever had an incident involving morbidity or mortality as a result, directly or indirectly from your use of general anesthesia or a dental patient? _____
If yes, explain completely on a separate sheet.
5. DATE YOU BEGAN ADMINISTERING CONSCIOUS SEDATION ON DENTAL PATIENTS _____
day month year
6. MOST RECENT DATE YOU USED CONSCIOUS SEDATION ON A DENTAL PATIENT _____
day month year
7. NUMBER OF DENTAL PATIENTS ON WHICH YOU USE CONSCIOUS SEDATION PER YEAR _____.
8. Have you ever had an incident involving morbidity or mortality as a result, directly or indirectly from your use of conscious sedation on a dental patient? _____
If yes, explain completely on a separate sheet.

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DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0020. Classifications of Expenditures.

Statutory Authority: §§ 22.1-92 and 22.1-115 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The regulations are prescribed for use by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools. The classification of expenditures is being consolidated from 13 classifications to five.

VR 270-01-0020. Classifications of Expenditures.

The following major classification of expenditures is prescribed for use by local school boards when the division superintendent, with the approval of the school board, prepares the estimate of moneys needed for public schools.

Regular Day Schools

Administration

1. Instruction

Salaries

Other Instructional Costs

Attendance and Health Services

Pupil Transportation Services

School Food Services

Maintenance and Operation

Fixed Charges

Other Costs of Education

Summer Schools

Adult Education

Other Educational Programs

Capital Outlay

Debt Service

Refunds of Revenue (prior periods)

2. General Support

3. Noninstructional Operation

4. Other Uses of Funds

5. Facilities

Authority - Code of Virginia § 22.1-92

* * * * *

Title of Regulation: VR 270-02-0000. Teacher Certification Regulations.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia

Effective Date: February 1, 1989

REGISTRAR'S NOTICE: Due to its length, the proposed Teacher Certification Regulations filed by the State Board of Education are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of full text. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and at the Department of Education.

Summary:

The changes to the Virginia Certification Regulations were proposed in 1987 to update the document and to propose wording changes to certain endorsement areas. Due to the Restructuring of Teacher Education in 1987-88 only the proposed updating changes were approved.

Subsequent revisions that will reflect the Restructuring of Teacher Education will be proposed for adoption by the State Board of Education July 1, 1990.

The changes to update the regulations include the following:

§ 1.1 B, Additional Requirements for Endorsement

§ 1.4 G, Requirement of the National Teacher Examinations

§ 1.5 A, Definition of Provisional Certificate

§ 1.5 A, Requirement for Virginia Beginning Teacher Assistance Program

§ 1.5 B, Collegiate Professional Certificate

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: VR 380-03-01. College Scholarship Assistance Program Regulations.

Statutory Authority: §§ 23-38.45 through 23-38.50 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The new provisions of the need-based College Scholarship Program, as set forth in these regulations, make part-time students eligible for assistance, increase the maximum individual award from \$1,000 to \$2,000 per year, and revise the criteria for determining an applicant's eligibility for assistance under the program.

No substantial changes were made to the regulations. The changes that were made are minor and serve to clarify the language submitted in the draft regulations.

VR 380-03-01. College Scholarship Assistance Program Regulations.

§ 1. Definitions.

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

"Academic year" means the enrollment period which normally extends from late August to May or June.

"Accredited" means an undergraduate institution which holds either candidacy status or full membership in an accrediting association recognized by the United States Department of Education.

"Applicant" means any student who completed an approved application for need based aid and filed the application by the closing date established by the participating institution at which the student will enroll as an undergraduate degree-seeking student.

"Cost of attendance" means the sum of tuition, fees, room, board, books and supplies, and other education related expenses, as determined by an institution for purposes of calculating a student's financial need and awarding federal campus-based student aid funds.

"Council" means the State Council of Higher Education for Virginia.

"Domiciliary resident" means a student who is determined by the council, or by a participating state-supported institution, to [meet the definition of be] a domiciliary resident of Virginia [eligible to receive

in-state tuition benefits] as specified under § 23-7.4 of the Code of Virginia.

"Eligible applicant" means any applicant who qualifies as a domiciliary resident of Virginia, who is enrolled or plans to enroll at least half-time in an eligible course of study at the undergraduate level, who has not previously earned a baccalaureate degree, and who demonstrates exceptional financial need [except as hereinafter provided] , as determined by a participating institution in accordance with program regulations.

"Eligible course of study" means a curriculum of courses at or below the baccalaureate degree level which requires at least one academic year (30 semester hours or its equivalent) to complete. Courses of study which provide religious training or theological education are not eligible courses of study under the program.

"Eligible institution" means any accredited, public or private nonprofit degree-granting institution of higher education whose principal campuses are located in Virginia. Institutions whose primary purpose is to provide religious training or theological education are not eligible to participate in the program.

"Exceptional financial need" means that a student's total family contribution (TFC) is less than one-half of the student's total cost of attendance, as determined by the institution. [Normally,] only students meeting this definition may be considered for an award under the program. [Institutions will receive advance notification of any circumstances under which this requirement may be waived for individual students.]

"Full-time study" means enrollment for at least 12 semester hours of course work or its equivalent in any term in which CSAP award funds are to be received, as determined by the institution at the time of disbursement in each term of the academic year. The total hours counted will not include courses taken for audit but may include required developmental or remedial courses and other elective credit courses [which normally are not counted toward a degree at an institution].

"Need," [for purposes of determining CSAP eligibility,] means any positive difference between the student's cost of attendance and the amount determined by the institution to be available from the student's total family contribution (TFC), [including any available and other] financial aid [which the institution includes in the student's total financial aid package].

"Part-time study" means enrollment for six to eleven semester hours of course work or its equivalent in any term in which CSAP award funds are to be received, as determined by the institution at the time of disbursement in each term of the academic year. The total hours counted will not include courses taken for audit but may include required developmental or remedial courses and other elective credit courses which normally are not

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counted toward a degree at the institution.

"Participating institution" means any eligible institution which has been approved by the council to participate in the program.

"Program" means the College Scholarship Assistance Program (CSAP).

"Recipient" means an eligible applicant whose award nomination was approved by the council based on the institution's recommendation and certification that, at the time of disbursement, the student met satisfactory progress standards, was enrolled for at least half-time study in an eligible course of study, and demonstrated exceptional financial need [or was exempted by the institution from that requirement, as permitted by the council].

"Satisfactory progress" means a student who, for purposes of student financial aid eligibility, is making sufficient progress toward completion of an eligible course of study to continue to be eligible to receive federal student financial aid.

"Student" means an individual who is enrolled or is accepted for admission [to an eligible program] at a participating institution.

"Time of disbursement" means the date established by the institution for distributing award funds in each term, but not earlier than the first day the student incurs a tuition obligation that cannot be cancelled in full should the student withdraw from the institution. The institution may distribute the award funds to a student either directly by check or by crediting the student's account at the institution. If payment is by check and made directly to the student, it cannot be disbursed until the student has incurred a tuition obligation. An institution which credits student accounts may make a bookkeeping transaction to credit CSAP payments to the student's account for billing purposes upon initial registration. However, it cannot deposit funds to a student's account until the tuition obligation has been incurred.

"Total family contribution" (TFC) means the amount the student and his family is expected to contribute toward the cost of college attendance. A student's TFC will be determined by the institution using a nationally accepted method of needs analysis approved by the council. The institution may [exercise professional judgment to] adjust the student's TFC, as permitted under federal law, based on factors which affect the family's ability to pay.

"Undergraduate" means a student [seeking to complete who has not been awarded a baccalaureate degree and who has been admitted to] a course of study which terminates with the award of an associate's degree (two-year), a baccalaureate degree (four-year), or a certificate or diploma at less than the baccalaureate degree level.

§ 2. Application procedures; supplemental application for students enrolling part-time at participating private colleges; student eligibility.

A. Student application procedures.

In order to apply for assistance under the program, the student shall complete an approved application for federal need-based aid. Applications may be obtained from high schools or participating institutions. The [~~student shall mail the completed application, with fees if any, to the appropriate application processing organization~~ processed application must be available to the participating institution at which the student plans to enroll] on or before the date established by the [participating] institution [~~at which the student plans to enroll~~], or by March 15 of the academic year for which the student is seeking financial assistance, whichever is earlier.

It is the sole responsibility of the student to ensure that information provided on the application is complete and accurate, that the application is filed by the established due date and that total application processing fees, if any, are enclosed with the application at the same time of filing. A student's failure to resolve any pending problems with the processing of an application may preclude the student from being considered for assistance under the program.

B. Supplemental application requirements for students enrolling part-time at participating private nonprofit institutions.

In addition to filing an approved application for need-based aid, a part-time student at a private college who is being considered by the institution for a first-time award under the program shall also complete an information form which will be used by the council to determine the student's domiciliary residence. (Full-time students at participating private colleges provide this information as part of their application for assistance under Virginia's Tuition Assistance Grant Program and therefore do not need to complete a separate form.)

The completed information form shall be filed by the institution with the council not later than 30 days before the institution recommends the student to the council for an award.

C. Student eligibility criteria: Who is eligible?

Once having filed a completed application with a participating institution, a student applicant shall meet all of the eligibility criteria listed below in order to be considered for an award.

1. The [eligible] applicant shall be a bonafide domiciliary resident of Virginia who has resided in Virginia continuously for a period of at least 12 months immediately preceding the first day of classes of the first term of the award year in which

assistance under the program will be received. Residence criteria are specified in § 23-7.4 of the Code of Virginia.

2. The [eligible] applicant shall not have previously earned a baccalaureate degree and, [if attending a two-year college, will, in addition, not have previously received assistance under the program for more than three academic years of full-time study or its part-time equivalent in credit enrollment shall be making satisfactory progress as defined by the institution for purposes of determining eligibility for federal Title IV student aid funds]. If a student is in a dual degree program at a four-year college or university that results in the [simultaneous] awarding of both an undergraduate and a graduate or professional degree, the student [normally will be considered eligible for CSAP only for the first four years of full-time study or its part-time equivalent in credit hour enrollment. As permitted under federal law, the institution a student is attending may extend the four-year limit by one additional year if the institution determines that an undue hardship prevented the student from completing the requirements for the degree within the four years normally allowed. Such hardships include the death of a member of the student's immediate family, a disabling injury or illness of the student or other special circumstances. Any determination of undue hardship shall be supported with appropriate documentation shall be considered eligible for CSAP only for the undergraduate portion of the program].

3. The [eligible] applicant will not be in default on a federal student loan, owe a refund on a federal grant, or be ineligible on any other legal grounds to receive federal student aid funds which comprise a portion of the individual awards made under the program.

4. The [eligible] applicant [normally] will meet the criterion of exceptional need [, except as provided herein] (see § 1), and demonstrate a positive need for grant aid, as determined by the institution.

5. The [eligible] applicant shall meet the institution's Satisfactory Progress Standards and be enrolled [or plan to enroll] at least half-time [in the next term] in an eligible undergraduate course of study.

§ 3. Award criteria, selection of recipients, criteria for award renewal.

A. Award criteria: selection of recipients.

Because the number of eligible applicants will normally exceed the number that can be assisted with the CSAP funds allocated to an institution, the institutional aid officer's professional recommendation will determine which candidates receive CSAP awards as well as the specific amount of each individual's award.

In determining each student's need for additional grant aid, the institutional aid officer may consider the individual student's educational needs, family financial circumstances, the amount of other types of aid (loans, work-study) available to the student, and any unique circumstances affecting the student's ability to enroll and complete his studies.

B. Criteria for award renewal.

An institution shall ensure that only those financially needy eligible applicants who continue to meet the institution's Satisfactory Academic Progress Standards are recommended for renewal awards.

§ 4. Individual awards.

A. Minimum and maximum awards.

The maximum individual award for the academic year shall be \$2,000. The minimum individual award for the academic year shall be \$400.

Normally, individual awards under the program will cover an entire academic year, but prorated awards may be made for shorter periods to accommodate the needs of mid-year entrants, transfer students, students completing degree requirements early in the year, or students whose financial circumstances have changed significantly. Individual awards providing assistance for a single term of the academic year shall range from a minimum of \$200 to a maximum of \$1,000.

B. Determination of individual award amounts.

Individual awards are to be made for the academic year or a portion thereof and not for the summer term. Institutions shall ensure that the total amount recommended for an individual need-based award covering more than one term of the academic year may be divided into even dollar amounts for each term.

Institutions on a quarter system are exempted from this requirement where the individual award being recommended covers the entire academic year and is for either the minimum award of \$400 or the maximum award of \$2,000. Minimum and maximum awards for all three terms of the academic year at quarter institutions shall be disbursed according to the schedule below:

Individual Award	Amount Disbursed Term 1	Amount Disbursed Term 2	Amount Disbursed Term 3
\$400	\$133	\$133	\$134
\$2,000	\$666	\$666	\$667

C. Transfer of awards to other institutions.

Awards are not transferable among participating institutions. Upon transfer, recipients forfeit their awards.

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The amount to be returned to the council is determined according to the institution's tuition refund policy.

D. Use of funds.

Funds received by students may be used only for payment of charges which are approved by the council in the academic year during which funds are received. These charges include tuition, fees, room, board and other educational expenses which an enrolled student is obligated to pay for that academic year, as determined by the institution for purposes of calculating need and making awards under the federal campus-based student aid programs.

E. Preventing overawards.

Should additional aid or reports of income changes be received after the initial CSAP award has been included in a student's aid package, the student's package should be reviewed to ensure that total aid does not exceed need. Procedures followed will be identical to those required for adjusting awards under the federal campus-based financial aid programs. The institution shall be responsible for the recovery of any amount overawarded.

§ 5. Institutional participation: procedures for applying, conditions of participation.

A. Application to participate.

In order for students at an institution to receive assistance under the program, the institution shall be approved to participate. Eligible institutions not yet participating in the program may apply in writing to the council on or before January 31 of the calendar year which precedes the calendar year in which fall term grants would first be made available to students. For instance, in order to assist students beginning in fall 1990, an institution would have to apply for participation by January 31, 1989. Applications from Virginia institutions will be addressed to the Council's Financial Aid Coordinator and will include:

1. Estimates of the number of students who would be eligible to receive grants under CSAP in the first and second years of the institution's participation in the program;
2. A copy of the institution's "Fiscal Operations Report and Application to Participate in Federal Student Financial Aid Programs" (FISAP);
3. A copy of the most recent independent audit of financial aid programs [, as required under the federal Single Audit Act] ; and
4. Certifications from the institution's chief executive officer:

a. That the institution meets basic eligibility requirements; namely, that it is an accredited, public or private nonprofit, degree-granting institution of higher education whose principal campus is located in Virginia and whose primary purpose is not to provide religious training or theological education; and

b. That the institution will furnish whatever additional information the council may request in order to verify its institutional eligibility claim to the satisfaction of both the council and the Attorney General's office.

B. Conditions of participation: the institutional agreement.

To receive program funds, each institution approved for participation in the program shall file with the council an agreement signed by the institution's chief executive officer. A revised agreement will be required when new program regulations are promulgated. The conditions of program participation will be set forth in the agreement. The council may suspend an institution's participation in the program if the institution repeatedly fails to satisfy the terms and conditions of participation.

The agreement certifies that the institution will:

1. Assist the council in the evaluation of student eligibility, the selection of award recipients and the determination of individual award amounts, in accordance with the criteria set forth in these regulations;
2. Provide information which the council may require to ensure that CSAP recipients do not receive grant funds in excess of their actual financial need;
3. Certify that the recipients are enrolled for at least half-time study, are making satisfactory progress in eligible courses of study and, to the extent that federal funds comprise a part of the awards, meet all applicable criteria prescribed by federal laws and regulations for recipients of federal funds;
4. Secure from students and forward to the council completed forms or other such information regarding student applicants and award recipients which the council deems necessary for administration of the program;
5. Act, with the student's authorization, as his agent to receive and hold funds for use as student assistance under the program; and
6. Maintain individual recipient records and furnish the records, periodic reports, and other information about need-based aid applicants to the council, as required.

As part of the agreement, the chief executive officer also shall designate an individual at the institution to act as the institution's representative in all matters pertaining to the administration of the program. The institutional representative shall be responsible for annually submitting to the council student budgets and a copy of the institution's "Fiscal Operations Report and Application to Participate in Federal Student Financial Aid Programs" (FISAP) for that year. If there is a change in the representative, the chief executive officer shall designate another individual and notify the council promptly in writing of the change.

§ 6. Distribution of funds among participating institutions.

A. Basis of allocations.

Participating institutions will receive from the council on or before April 15 preceding the opening of the first academic year of each biennium a notice of the amount of CSAP funds projected to be available in each year of the biennium. Adjustments to [the second year] allocations will be announced on or before April [15] of the second year of the biennium if the amount of federal or state funds provided for the second year should change. Separate allocations will be calculated for full-time and part-time students and the amounts then totaled to determine each institution's total allocation.

The institutional allocations will be based on the aggregate need for grant funds as demonstrated by eligible full-time and part-time applicants enrolled at each participating institution and reported by the institution in the fall of the academic year which precedes the first year of each biennium.

The allocations will be for the two years of the biennium. Adjustments for the second year of a biennium will occur only if the funding level for the program is changed or if additional institutions are approved for participation beginning in the second year.

1. Calculation of an institution's aggregate student need [for grant funds].

The aggregate need [for grant funds] is the sum of the positive financial need of all eligible applicants enrolled for at least half-time study at a participating institution. For purposes of this calculation, an individual student's financial need is calculated as follows:

Need - Cost		Total		Total
of	minus	Family	minus	Grant
Attendance		Contribution		Aid
See (a)		See (b)		See (c)

a. Cost of attendance includes a nine-month standardized living allowance derived from the college board's independent student allowance, an allowance for books and supplies set each year by the council, and the calculated tuition and fees. The

latter amount is based on a student's credit hour enrollment, as reported for the individual student by the institution, and the in-state tuition and fee schedules for part-time and full-time in-state undergraduates that annually are reported to the council. The allowance for books is prorated based on the student's credit hour enrollment.

b. The total family contribution (TFC) amount used for purposes of determining allocations is an average calculated by the college board for all students in specific income ranges who applied for federal need-based aid at a Virginia college or university. The college board derives its average TFC figures using the same nationally accepted method of needs analysis as that participating institutions use to determine a student's need under the CSAP.

c. Total grant aid is the sum of all gift aid except merit-based scholarships, the reported portion of grants that was derived from endowment funds, and grants awarded under the CSAP.

2. Determining an institution's allocation.

The aggregate need of an individual institution, expressed as a percentage of the statewide aggregate need of all participating institutions, is used to determine the maximum amount of total available program funds that students at an individual institution may be awarded under the program in a specified year.

3. Funds for new participating institutions.

Eligible students at institutions approved to participate in the program beginning in a specific year will be assured equal access to the total available program funds based on their aggregate financial need. Equal access may result in the reduction of funds at other participating institutions if new funds are not provided for the additional students.

B. Mid-year reallocations of unused funds.

On or before March 15 of each year, participating institutions shall report to the council the amount of any funds which will not be used by the end of the academic year or the amount of additional funds above the level of the allocation which could be used if additional funds were available.

The council's estimate of unused funds will be substituted for the institution's where the institution fails to file a fund usage report by April 2. Based on the council's records, any uncommitted funds for the institution will be withdrawn and the institution notified that its allocation has been reduced.

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The council will notify institutions that request additional funds of the amount of any supplemental allocations on or before April 15 of the current academic year. Supplemental allocations will be based on the financial need of the students at institutions requesting additional funds, the amount of the funds requested and the amount of funds available for mid-year reallocation.

C. Reallocation of funds.

If, for lack of eligible students with sufficient need, an institution is unable to expand funds allocated to it in the current year, the council may reduce the institution's future allocation. The unused funds will be made available to eligible students at other participating institutions.

§ 7. The repayment of loans made prior to July 1, 1978.

Loans previously made under the program to eligible students attending participating public or private institutions will be repayable in money or by actions beneficial to or of service to the Commonwealth of Virginia.

A. General provisions.

1. Repayment schedule.

The repayment period extends over a period of years equal to twice the number of years for which College Scholarship Assistance loans were received. The repayment schedule normally will be a quarterly schedule.

2. Deferments.

The repayment period may be interrupted and deferred for a period not to exceed six years during which the borrower is pursuing a full-time course of undergraduate or graduate study in an accredited institution of higher education.

3. Interest charges.

Simple interest at 3.0% per annum will accrue on the unpaid balance of each loan from the date on which the recipient ceases to be a full-time undergraduate student in the institution, provided that no interest will accrue during periods when the recipient is pursuing full-time undergraduate or graduate studies in a regionally accredited institution of higher education.

4. Costs of collection for defaulted loans.

All costs of collection, including attorney's fees resulting from a recipient's failure to repay, will be borne by the student borrower.

5. Cancellation provisions for death or disability.

In the event that a student borrower dies or becomes permanently and totally disabled, as certified to the satisfaction of the council, the council may, with the written approval of the Governor, cancel any remaining indebtedness from that student.

6. Prepayment options.

The student borrower may at his option and without penalty prepay all or any part of the principal plus accrued interest at any time.

B. Loan cancellation options.

The borrower may repay loans made under the program by service rather than cash if he meets one or more of the five criteria below:

1. If the borrower resides and is domiciled in Virginia and is employed by the Commonwealth of Virginia or any of its subdivisions, including all state and local agencies and authorities, he may cancel one year's loan plus the accrued interest on that loan for each year of such residence and employment. For teachers and those similarly situated, employment for an academic year constitutes a full year.

2. If the borrower resides and is domiciled in Virginia and is employed by an organization or activity organized exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or prevention of cruelty to children or animals, and if no part of the net earnings of the organization or activity to the benefit of any private shareholder or individual and no substantial part of its activity is carrying on propaganda or otherwise attempting to influence legislation, and it does not participate in any political campaign on behalf of any candidate for public office, he may cancel one year's loan plus the accrued interest on that loan for each year of such residence and employment. For teachers and those similarly situated, employment for an academic year constitutes a full year.

3. If the borrower resides and is domiciled in Virginia and is gainfully employed in or out of state other than as enumerated in the preceding two criteria, he may cancel one year's loan plus the accrued interest on that loan for each 1-1/2 years of such residence and employment. For teachers and those similarly situated, employment for an academic year constitutes a full year.

4. If the borrower resides and is domiciled in Virginia, he may cancel one year's loan plus the accrued interest on that loan for each two years of such residence and domicile in Virginia.

5. If the borrower serves on active duty as a member of the armed services of the United States, he may

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cancel one year's loan plus the accrued interest on that loan for each year of such service.

When loans are cancelled by actions beneficial to, or of service to, the Commonwealth, the oldest unpaid loan (plus the interest which has accrued on the principal of that loan) will be cancelled first and the remaining loans will be cancelled in a like manner in the order in which they were received. Cancellation of more than one year's loan at one time by combining the cancellation provisions is not possible.

Loan cancellation options constitute a privilege afforded Virginia domiciliary residents. If the borrower leaves the Commonwealth of Virginia to reside elsewhere, except for the maximum period of six years of full-time undergraduate or graduate study as explained under § 7 A 2 of these regulations, the balance of the loan or loans will become due forthwith and repayable in money in accordance with the repayment schedule prepared by the council. Cancellation privileges will not be reinstated should the borrower subsequently return to reside in Virginia.

Title of Regulation: VR 380-03-02. Virginia Work-Study Program Regulations.

Statutory Authority: §§ 23-38.70 and 23-38.71 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The Virginia Work-Study Program Regulations set forth the general policies and procedures for administering the new program. The key provisions prescribe student eligibility, institutional eligibility and participation, employer eligibility, student employment practices and compensation, and the basis for allocating funds to participating institutions.

No substantial changes were made to these regulations. The changes that were made serve to clarify the language submitted in the draft regulations.

VR 380-03-02. Virginia Work-Study Program Regulations.

§ 1. Definitions.

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

"Academic year" means the enrollment period which normally extends from late August to May or June.

"Accredited" means an institution which holds either

candidacy status or full membership in an accrediting association recognized by the United States Department of Education.

"Applicant" means any student who completed an approved application for need-based aid and filed the application by the closing date established by the participating institution at which the student will enroll.

"Cost of attendance" means the sum of tuition, fees, room, board, books and supplies, and other education related expenses, as determined by an institution for purposes of calculating a student's financial need and awarding federal campus-based student aid funds.

"Council" means the State Council of Higher Education for Virginia.

"Domiciliary resident" means a student who is determined by the council or by a participating state-supported institution to meet the definition of a domiciliary resident of Virginia [eligible for in-state tuition rates,] as specified under § 23-7.4 of the Code of Virginia.

"Eligible course of study" means a curriculum of courses at least one academic year (30 semester hours or 900 clock hours) or its equivalent to complete. Courses of study which provide religious training or theological education are not eligible courses of study under the program.

"Eligible employer" means any public, private, nonprofit or private, for profit organization, except [an organization which is religious or political in nature, a political or religious organization] that is authorized to operate within the Commonwealth of Virginia. [The council, in consultation with the Attorney General's office, will resolve questions regarding the eligibility of prospective private nonprofit public service employers that are affiliated with organizations which are religious or political in nature.]

"Eligible postsecondary institution" means any accredited, degree-granting institution of higher education whose principal campuses are located in Virginia and any accredited business, trade, or technical school which is certified to operate in Virginia by the State Board of Education. Institutions whose primary purpose is to provide religious training or theological education and proprietary (for profit) postsecondary schools certified to operate in Virginia by agencies other than the Virginia State Board of Education are not eligible to participate in the program.

"Fiscal year" means the period extending from July 1 to June 30.

"Full-time study" means enrollment for at least 12 credit hours per semester or its equivalent at the undergraduate level or nine credit hours per semester or

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its equivalent at the graduate or first professional level. In a nondegree-granting private, for profit postsecondary school, a student shall be enrolled for at least 24 clock hours of instruction per week to be considered a full-time student. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses which normally are not counted toward a certificate, diploma or degree at the participating institution.

"Need" means any positive difference between a student's cost of attendance and the student's expected total family contribution (TFC), as determined by a participating institution using a nationally accepted method of needs analysis approved by the council.

"Off-campus student employment" means employment by a particular student with a public, private nonprofit, or private for profit organization other than the participating postsecondary education institution at which the student is enrolled. When an institution [or a third party public or private nonprofit agency (e.g., the Virginia Program)] agrees under contract with an eligible [off-campus] employer to act as the official employer solely for payroll purposes and the institution [or the third party agency] receives total reimbursement of the nonstate share of student wages and fringe benefits from the off-campus organization which is party to the contract, the student will be deemed to be employed off-campus.

"Participating institution" means any eligible postsecondary institution which is approved to receive state funds to match student wages under the program.

["Political organization" means any person or other entity whose primary purpose is to advocate the election of a candidate to public office.]

"Program" means the Virginia Work-Study Program (VWSP).

"Public service" means the providing of assistance that directly benefits or meets the special needs of a particular group of citizens, such as children and youth, the illiterate, the educationally disadvantaged, the aged and dying, the sick and injured, the handicapped, the indigent and homeless, the mentally retarded, and any other group expressly identified by the council as having critical needs. For purposes of student employment under the program, public service jobs will be limited to the fields of education, health, recreation, social services and human services and such other fields as may be expressly authorized by the council.

"Public service employer" means a public or private, nonprofit organization whose principal mission is to provide assistance (see definition of "public service") which principally benefits residents of Virginia. Religious or political organizations which otherwise meet this definition are not eligible employers under the program. [

(See definition of "eligible employer.")]

["Religious organization" means a church or any entity controlled by a church or whose primary purpose is sectarian.]

"Summer session" means the enrollment period or periods between academic years. A summer session normally extends from June through August.

"Total family contribution" (TFC) means the amount a student and his family is expected to contribute toward the cost of college attendance. A student's TFC will be determined by the institution using a method of needs analysis approved by the council. The institution may [exercise professional judgment to] adjust the student's TFC, as permitted under federal law, based on factors which affect the family's ability to pay.

§ 2. Institutional participation in the program: application procedures.

In order to receive state matching funds for student wages to be paid under the program in the next fiscal year, an eligible institution shall submit to the council by January [15] preceding the start of that fiscal year a proposed plan for participation which describes the [new] jobs to be developed for eligible students and the institution's plan for developing them in cooperation with eligible employers. [Proposals shall also list renewal jobs, if any, which require commitment of state funds in order to be continued.] Multiple campus institutions shall submit separate plans for each branch campus which is to be involved in the program. The council will establish a review panel to evaluate the institutions' proposals and to recommend the proposals to be funded.

A. Content of the proposed institutional plan for participation.

An institution's plan shall include the minimum information listed below. Certain information may be more relevant to some institutions than to others. The variety of information requested ensures that the diverse institutions expected to participate in the program are given ample opportunity to demonstrate the institutional strengths which may be important to the review panel in making funding recommendations.

1. A listing of jobs proposed for development in each of three possible job categories.

a. Priority I public service jobs.

This category of public service jobs will be limited to those which meet critical public service needs, as determined by the council and announced to the institutions no later than the date on which the council requests proposals from institutions for participation in the program in the following fiscal year. The tentative descriptions of proposed

on-campus and off-campus jobs, identified through preliminary contacts with prospective employers, will be listed separately in an institution's proposal. The prospective off-campus employers also should be identified.

b. Priority II public service jobs.

This category of public service jobs will include all public service jobs not expressly identified by the council under Priority I. The tentative descriptions of proposed on-campus and off-campus jobs will be listed separately in the institution's proposal. The prospective off-campus employers also should be identified.

c. Priority III nonpublic service off-campus jobs.

This category is limited to off-campus jobs with eligible employers whose principal mission is not to provide a public service. The tentative job titles and the names of prospective employers should be listed for each position.

2. The projected total earned compensation to be awarded for proposed new jobs by job category, excluding required fringe benefits, the cost of which shall not be borne by state funds allocated under the program.

3. A [budget] narrative detailing the procedures by which the institution, in cooperation with the employer, will develop the proposed jobs. Job development includes (i) specifying the duties to be performed, (ii) setting minimum job qualifications, (iii) screening eligible students to identify qualified candidates, (iv) selecting recipients and (v) assessing a recipient's job performance and monitoring cumulative earnings throughout the period of employment. The narrative also shall identify the organizations and offices within those organizations which will bear primary responsibility for each of the above job development tasks and how the state funds for job development, if awarded to the institution, will be used.

4. A detailed [budget] showing how the [development of] jobs in each of the three job categories will be [developed supported]. The budget will identify separately the amounts requested from the council and those amounts that will be provided from other funding sources available to the institution, including federal job location and development funds and institutional funds.

5. Proposals for the third year of participating and beyond shall include, in addition, the following indicators of an institution's past performance under the program:

a. The number of employers that agreed to renew

or expand the number of student jobs under the program (previous year to current year);

b. The number of off-campus public service-related jobs established in the current year compared with the number that was approved for funding by the council; and

c. The number of off-campus public service jobs established in the current year that were actually filled by students.

B. The evaluation of institutional proposals.

A major objective of the evaluation is to ensure that institutions whose proposals are recommended for funding will succeed in developing the proposed jobs. Institutions may address this objective in their proposals by presenting evidence of past success with off-campus student employment or by an exceptionally strong institutional plan that details the institution's planning efforts, expertness in administering previous work programs, and the staffing, funding and organizational procedures proposed for administering the Virginia Work-Study Program. The council will make an effort, whenever possible, to ensure the equitable distribution of student employment opportunities across the geographic regions of the Commonwealth and among the various types and levels of postsecondary educational institutions approved for participation.

1. The appointment of a proposal review panel.

A [~~nine-member~~] Virginia Work-Study Program review panel will be established to evaluate institutional proposals and make funding recommendations to the council. The panel will be comprised of two eligible public service employers, at least one of whom will represent a local school division; four institutional financial aid directors representing the public two-year colleges, the public four-year colleges, the private nonprofit colleges and the eligible proprietary (for profit) schools; an institutional director of Career Planning and Placement; and an institutional [~~director of Cooperative Education~~] student employment coordinator and any other individuals the council deems appropriate. The panel will be chaired by a council staff member designated by the director. The director of the Virginia program may serve as a consultant to the review panel.

No member of the panel employed by an eligible institution will participate in the evaluation of a proposal from that institution or be involved in making funding recommendations regarding that proposal. Panel members normally will not serve more than three years in succession.

2. Criteria for the evaluation of institutional proposals.

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The review panel's evaluation of institutional proposals for funds primarily will be based on the criteria below:

a. The proposal's emphasis on developing public service jobs, particularly those which meet the definition of Priority I Public Service Jobs.

b. The strength and clarity of the proposal as indicated, in part, by the extent of preplanning activities, including preliminary contacts with prospective employers, the inclusion of a realistic budget, and the provision for adequate professional and clerical level support.

c. When applicable, the past performance of the institution in meeting or exceeding student employment objectives set forth in previous proposals for participation. Beginning with an institution's proposal for a third year of participation in the program, the review panel's evaluation of the proposal increasingly will be based on the institution's performance in meeting its approved program objectives in the current year and in the preceding year. The performance criteria will include, but not be limited to:

(1) The number of employers that participated in the preceding year and agreed to renew or expand the number of student jobs for the current year;

(2) The number of off-campus public service-related jobs established in the current year compared with the number of such jobs that were approved by the council for development in the current year;

(3) The number of off-campus public service jobs actually filled in the current year compared with the number that were established.

[d. The total financial need of eligible students at the institution, where the institution's proposal meets the other criteria in this section, as determined by the review panel.]

§ 3. Distribution of funds among participating institutions.

A. Levels of funding: funding priorities.

Public service jobs under Priority I normally will receive higher priority for funding in awarding both job development and employer matching funds.

B. Determining institutional funding awards to match employer contributions.

Subject to the availability of funds:

1. The council will award state matching funds for off-campus Priority I and II jobs and on-campus Priority I jobs to meet 70% of the projected total

earned compensation for those jobs that are approved for funding.

2. The council will award state matching funds for approved on-campus Priority II jobs to meet 50% of the projected total earned compensation for those jobs that are approved for funding.

3. The council will award state matching funds for approved Priority III jobs to meet 50% of the projected total earned compensation for those jobs that are approved for funding.

C. Use of funds.

1. Efficient use of state matching funds.

As long as a student's total earned compensation will not be reduced, a participating institution may negotiate with a prospective off-campus employer to pay a higher employer contribution than normally would result if state matching funds were provided at the maximum level permitted under the program. State funds conserved under this approach may be used by the institution to fund additional student employment opportunities, but the council will be informed immediately of any funds used in this way. In exercising this prerogative, the institution also will adhere, wherever possible, to the priority of placing students in public service jobs.

2. Transfer of funds between job categories.

Institutions are expected to meet approved job development objectives. Uncontrollable circumstances such as increased student attrition may prevent the use of all available funds at an institution. Accordingly, an institution may transfer up to 10% of its allocation for off-campus employment under any one category of jobs to another category of off-campus jobs where the funds can be used. Any transfer of funds which exceeds 10% of the funds for that category, or the transfer of any funds from off-campus to on-campus jobs, requires council approval.

D. Reallocation of unused funds; penalties for failure to release unused funds for mid-year reallocation.

1. Procedures for fall term reallocation of funds.

Unused funds which result from an institution's failure to develop approved jobs shall, after consultation with the institution, be refunded by the institution and reallocated to institutions that request additional funds.

a. Fall term status report on job development.

Each participating institution shall file a status report on current year job placements by October 1

of the fiscal year. In the report, the institution will provide descriptions of all jobs developed and will identify separately, for each job category, the number of council approved jobs which the institution will not be able to develop and the number which it will be unable to fill with qualified students. The institution will report separately the total amount of state and employer matching funds awarded to eligible students under each job category. Any projected unused funds, as determined by the institution, will be refunded to the council and made available to other institutions for reallocation.

b. Requests for additional funds.

Institutions which meet their approved job development objectives and have awarded all of their state matching funds may request additional funds, should such funds become available.

2. Procedures for the mid-year reallocation of funds.

By March 14 of each fiscal year, a participating institution shall file with the council a report on fund usage. The report will specify the amount of state funds, if any, which the institution will not use by year's end and will authorize the release of those funds for reallocation to participating institutions that indicated, on the same report, a need for additional funds.

The reallocation of unused funds will be based on the same criteria as an original allocation. Participating institutions requesting reallocated funds will be notified of the amount of such funds by April 1.

3. Penalty for failure to expand funds.

An institution which returns a significant amount of unused funds at the end of the fiscal year, as determined by the council, may receive a reduced allocation in the following year.

§ 4. Student eligibility and selection of award recipients.

A. Eligibility criteria.

In order to be eligible for employment under this program a student will:

- 1. Be enrolled as a full-time undergraduate, graduate, or first professional student in an eligible course of study at a participating institution;*
- 2. Be a Virginia domiciliary resident [eligible for in-state tuition rates] as defined in § 23-7.4 of the Code of Virginia, as determined by a participating state-supported institution, or by the council in the case of a participating private nonprofit or for profit institution;*

3. Be maintaining satisfactory academic progress, as determined by the institution prior to job placement;

4. Be pursuing a degree in a field other than religious training or theological education;

5. Meet the employer's job requirements; and

6. Demonstrate sufficient financial need and be capable of benefitting from the work experience, as determined by the institution.

B. Criteria for determining financial need and individual awards.

An institution shall determine a student's financial need using a nationally accepted method of needs analysis approved by the council. An award under the program will be set by the institution so that the student's total financial aid, including the VWSP award, will not exceed the student's need.

C. Priorities in placing students.

1. Although this program assists financially needy students, the relative financial need of qualified students will be a secondary consideration when placing students in public service jobs under the program. Preference for the jobs may go to those students best qualified, as determined by the institutions and the prospective employers, to fill the public service jobs, especially when the jobs also complement the student's educational or career interests.

2. Students employed under the program may be placed in positions on-campus only:

a. If the on-campus job is determined by the institutional financial aid officer to meet the definition of a Priority I or Priority II public service job and if the job also provides student with tangible educational or career benefits; and

b. If state funds will not be used to supplant federal funds received under the College Work-Study Program funds.

§ 5. Restrictions on student placement and compensation.

A. Displacement of employees.

The employment of state work-study students shall not result in the displacement of employed workers or impair existing contracts for services. Accordingly, a student employed under the program will not be placed in a position which has been occupied by a permanent employee during the current or preceding fiscal year, as determined by the employer in consultation with the participating institution.

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B. Rate of compensation.

Any work-study position established under the program normally will receive compensation equal to the salary of a comparable position at a comparable level, as determined by the participating institution after consultation with the employer and any other appropriate sources of information. However, under no circumstances will a work-study student be compensated at a rate higher than the rate paid to permanent employees with comparable experience.

C. Employer share of student compensation.

The employer shall pay the difference in the student's total earned compensation as specified in § 5 C, plus the costs of any employee benefits, including all payments due as an employer's contribution under the state Workman's Compensation laws, federal Social Security laws, and other applicable laws.

D. Academic credit.

A student may receive academic credit for experience gained through the state work-study program, as determined by a participating institution in consultation with the employer.

E. Maximum hours worked.

A student whose total employment under this program exceeds 20 hours per week over the period of enrollment for which the student has received an award, or 40 hours per week during [~~vacation~~] periods [of nonenrollment or periods when classes are not in session] , will not be eligible to receive state matching funds for the hours which exceed these limits.

F. Concurrent employment.

A student employed under this program shall not be employed concurrently by the federal College Work-Study Program or any other institutional student employment program.

[G. Students employed under the programs shall not be involved, as part of their employment, in any activities which support the election of any candidate to public office.]

§ 6. Administration.

A. Responsibility of the council.

The council will establish funding priorities for public service jobs in fields where critical needs exist. The council is authorized to enter into agreements with eligible postsecondary institutions for the development of student jobs and the reimbursement of employers for the Commonwealth's share of student's compensation.

B. Responsibility of participating institutions.

Participating institutions, under agreement with the council, [~~will be authorized~~ may]:

1. [~~To~~] Enter into contracts with eligible employers for employment of students under the program. Such agreements [~~will~~ shall] be written to ensure employer compliance with the rules and regulations governing the program. [~~The council will provide a model contract form containing the minimum provisions required by law.~~]

2. [~~To~~] Assist in the determination of student eligibility and, in cooperation with eligible employers, to arrange for placement of students, ensuring that priority is given to placement in public service-related jobs, that the placements are consistent with the educational and career interests of the students, whenever possible, and that the students are sufficiently prepared to succeed in the positions in which they are placed.

3. [~~To~~] Arrange for payment of the state share of a student's compensation.

C. Employer responsibilities.

1. Before it may participate in the program, an eligible employer shall enter into contract with an eligible postsecondary institution, thereby certifying the employer's eligibility to participate and a willingness to comply with program requirements.

2. Certification of payment to students shall be made in accordance with accounting procedures established by the council and specified in the institutional agreement and the institution-employer contracts.

D. Advisory committee.

An advisory committee comprised of representatives of eligible postsecondary institutions and augmented by such other experts as the council deems necessary, will be designated by the council director to advise the council staff on matters pertaining to the administration of the program.

E. Reports.

The council will obtain from participating institutions reports which will include, but not be limited to, information describing the student and employer populations served, the awards received and the public services rendered through student employment under the program.

F. Agreement to participate.

As a requirement of participating in the state work-study program, each institution shall certify that it

meets the definition of eligible institution and acknowledge responsibility to administer the program according to prescribed rules and regulations and guidelines.

G. Program reviews.

The council periodically will review institutional administrative practices to determine institutional compliance with regulations and program guidelines. If a review determines that an institution, or an off-campus employer participating in the program under contract with the institution, has failed to comply with program regulations and guidelines, the council may suspend or terminate its future participation in the program. In all instances, the council will require an institution to recover and refund to the council any state funds which were expended improperly.

H. Appeals.

The procedures governing appeals under the program will be those specified under Virginia's Administrative Process Act.

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: VR 425-02-02. Ethylene Oxide Standard (1910.1047) - Virginia Occupational Safety and Health Standards for General Industry.

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

Effective Date: February 1, 1989.

Summary:

On April 6, 1988, Federal OSHA adopted an amendment to the Ethylene Oxide Standard, 1910.1047, which added an excursion limit (53 Fed. Reg. 11414). The Virginia Safety and Health Codes Board adopted this federal amendment on July 11, 1988.

The information collection requirements contained in the amendment were transmitted to OMB for review and clearance in accordance with the Paperwork Reduction Act of 1980. At the same time, extension of clearance for information collection requirements found in the existing standard was also requested.

On July 26, 1988, Federal OSHA adopted the present Amendment to the Ethylene Oxide Standard, Approval of Information Collection Requirements, Effective Date, 1910.1047 (53 Fed. Reg. 27959). The amendment states that all information collection requirements contained in 1910.1047, including the requirements in paragraphs (a)(2), objective data exclusion; (d), exposure monitoring; (f)(2), compliance program; (g)(3), respirator program; and (j), communication of EtO

hazards to employees; have received clearance from OMB. The OMB clearance expires May 31, 1991.

The amendment states that the information collection requirements contained in the Ethylene Oxide Standard, 1910.1047, including those concerning the excursion limit (1910.1047 (a)(2), (d), (f)(2), (g)(3), and (j)) have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980.

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

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Ethylene Oxide Standard (1910.1047) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the standard itself will not be printed in the Virginia Register of Regulations. Copies of this standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-02. Ethylene Oxide Standard (1910.1047) - Virginia Occupational Safety and Health Standards for General Industry.

§ 1910.1047 Ethylene oxide.

(m) ****

(1) ****


(ii) The requirements in this section which pertain only to or are triggered by the excursion limit shall become effective June 6, 1988, except for the excursion limit provisions in paragraphs (a)(2), (d), (f)(2), (g)(3) and (j) of this section which shall become effective August 25, 1988.

(2) ****

(iii) Compliance with the requirements in this section which pertain only to or are triggered by the excursion limit shall be by September 6, 1988, except for compliance with the excursion limit provisions of paragraphs (a)(2), (d), (f)(2), (g)(3), and (j) of this section, which shall be by October 6, 1988, and implementation of engineering controls specified for compliance with the excursion limit, which shall be by December 6, 1988.

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COMMONWEALTH of VIRGINIA

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December 13, 1988

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Richmond, Virginia 23241

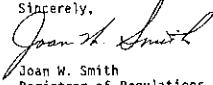
Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-02. Virginia Occupational Safety Health Standards
for Construction Industry
Ethylene Oxide Standard

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

Title of Regulations: VR 425-02-09. Asbestos Standard for General Industry (1910.1001).
VR 425-02-10. Asbestos Standard for the Construction Industry (1926.58).

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

Effective date: February 1, 1989.

Summary:

On September 14, 1988, Federal OSHA adopted an Amendment to the Asbestos Standards for General Industry and the Construction Industry, 29 CFR 1910.1001 and 29 CFR 1926.58 (53 Fed. Reg. 35610). The amendment adds an excursion limit of 1 f/cc average over a sampling period of 30 minutes.

The present Asbestos Standards for General Industry and the Construction Industry were adopted by Federal OSHA on June 17, 1986, and by the Virginia Safety and Health Codes Board on September 25, 1986 (51 Fed. Reg. 22612). At that time Federal OSHA determined not to issue an excursion limit based on similar reasoning and a similar approach they had taken in dealing with the issue of an excursion limit for their Ethylene Oxide Standard (see 53 Fed. Reg. 35610-35611 for explanation of reasoning).

"Subsequently, on July 25, 1986, the United States Court of Appeals for the District of Columbia reviewed the ethylene oxide (EtO) standard which OSHA had relied on in its decision to not issue an asbestos EL.... The Court held that the OSH Act compels the Agency to adopt a short term limit if the rulemaking records show that it would further reduce a significant health risk and is feasible to implement..." (53 Fed. Reg. 35610). After this ruling OSHA decided to reconsider its decision concerning the asbestos excursion limit and informed the Court (which was also reviewing the Asbestos Standards for General Industry and the Construction Industry at that time) of its intention (53 Fed. Reg. 35611).

"The Court issued its decision reviewing the asbestos standards in February 1988... and ordered 'that reconsideration be completed within 60 days of the issuance of the mandate in this case which issued on July 6, 1988.' OSHA has reviewed the asbestos rulemaking record...[and] finds that compliance with a short term excursion limit would further reduce a significant health risk remaining after the TWA limit of 0.2 f/cc was imposed. Secondly, the Agency finds that the lowest excursion limit which is feasible both to measure and to institute primarily through engineering and work practice controls is 1 fiber per cc measured over 30 minutes" (53 Fed. Reg. 35611).

The amendment "adopts an additional permissible

exposure limit of 1 f/cc excursion limit averaged over a sampling period of 30 minutes.... Other provisions of the revised standard are being amended to also require ancillary protective actions when the excursion limit is exceeded. For example, regulated areas must be established, and decontamination facilities be provided for employees whose exposure exceeds the EL. Employers must measure the exposure of employees to ascertain whether the EL is being exceeded" (53 Fed. Reg. 35620).

Since this amendment was adopted without public comment in accordance with § 9-6.14.4.1 C 4(c) of the Code of Virginia, the Department of Labor and Industry will receive, consider and respond to petitions by any interested person at anytime with respect to reconsideration or revision.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Asbestos Standard for General Industry (1910.1001) and the Asbestos Standard for the Construction Industry (1926.58) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason, the standards will not be printed in the *Virginia Register of Regulations*. Copies of standards are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-09. Asbestos Standard for General Industry (1910.1001).

VR 425-02-10. Asbestos Standard for the Construction Industry (1926.58).

The Virginia Occupational Safety and Health Codes Board adopted the Federal OSHA Asbestos Standard for General Industry as codified in 29 CFR 1910.1001 and the Asbestos Standard for the Construction Industry as codified in 29 CFR 1926.28, and published in the Federal Register, Vol. 53, No. 178, pp. 35625-35629, Wednesday, September 14, 1988. The amendments as adopted are not set out.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 3448
RICHMOND, VIRGINIA 23208
(804)796-3351

December 13, 1988

Mr. J. T. Jordan, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-09 and VR 425-02-10. Virginia Occupational Safety
Health Standards for General Industry
VR 425-02-09. Asbestos Standards for General Industry
VR 425-02-10. Asbestos Standards for Construction Industry

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14.4.1 C.4.(c) of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

Final Regulations

* * * * *

Title of Regulations: VR 425-02-26. Asbestos Standard for Nonasbestiform Tremolite, Anthophyllite and Actinolite (1910.1101).

VR 425-02-09. Asbestos Standard for General Industry (1910.1001).

VR 425-02-10. Asbestos Standard for Construction Industry (1926.58).

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

Effective Date: February 1, 1989.

Summary:

On July 20, 1988, Federal OSHA published a third extension of its partial administrative stay of the Asbestos Standards for General Industry and the Construction Industry, 29 CFR 1910.1001 and 1926.58, insofar as they apply to nonasbestiform tremolite, anthophyllite and actinolite (53 Fed. Reg. 27345).

The initial stay was adopted on October 17, 1986 (51 Fed. Reg. 37002), and expired on April 21, 1987. The second stay was adopted on April 30, 1987, and expired on July 21, 1988. This amendment will further extend the stay until July 21, 1989, and allow federal "OSHA to conduct supplemental rulemaking limited to the issue of whether non-asbestiform tremolite, anthophyllite and actinolite should continue to be regulated in the same standard as asbestos, or should be treated in some other way. [Federal] OSHA also is making minor conforming amendments to notes to the affected standards" (53 Fed. Reg. 27345).

The Virginia Safety and Health Codes Board adopted the second stay at a meeting on June 29, 1987. The initial stay was complied with by the department under a now revised administrative regulation scheme that did not require board adoption.

Section 1910.1101 (the 1972 Asbestos Standard) still applies to the nonasbestiform types for the duration of the stay.

Federal OSHA believes, based on its current priorities and the estimates of agency staff and contractors, that the extension announced in this amendment realistically reflects the time needed to conclude the supplemental rulemaking on this regulation (53 Fed. Reg. 27346).

The amendment extends the partial administrative stay of the Asbestos Standards for General Industry and the Construction Industry insofar as they apply to nonasbestiform tremolite, anthophyllite and actinolite. This amendment extends the stay until July 21, 1989. OSHA is also making minor conforming amendments to notes in the affected standards. Section 1910.1101 (the 1972 Asbestos Standard) still

applies to the nonasbestiform types for the duration of the stay.

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

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Asbestos Standard for Nonasbestiform Tremolite, Anthophyllite and Actinolite (1910.1101), the Asbestos Standard for General Industry (1910.1001), and the Asbestos Standard for Construction Industry (1926.58) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason, the standards will not be printed in the *Virginia Register of Regulations*. Copies of the standards are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-26. Asbestos Standard for Nonasbestiform Tremolite, Anthophyllite and Actinolite (1910.1101).

VR 425-02-09. Asbestos Standard for General Industry (1910.1001).

VR 425-02-10. Asbestos Standard for Construction Industry (1926.58).

§ 1910.1001 [Amended]

2. Section 1910.1001 is hereby amended by revising the note after Appendix II to § 1910.1001 to read as follows:

Note: Pursuant to an administrative stay effective July 21, 1988, published on October 17, 1988, (51 FR 37002) extended to July 21, 1988, (52 FR 15722), and to July 21, 1988 (at 53 FR July 20, 1988) enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

3. Section 1910.1101 is hereby amended by revising the note preceding § 1910.1101(a) to read as follows:

§ 1910.1101 Asbestos.

Note: This section applies in lieu of the revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite (29 CFR 1910.1001; 29 CFR 1926.58), during the period and to the extent that the revised standards have been partially stayed. (See 51 FR 37002, Oct. 17, 1988, 52 FR 15722, Apr. 30, 1987, and 53 FR, July 20, 1988, for a description of the stay).

Part 1926 of the Code of Federal Regulations is hereby

amended as follows:

* * * * *

PART 1926-[AMENDED]

Subpart D-[Amended]

4. The authority citation for Subpart D of Part 1928 continues to read as follows:

Authority: Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970, 29 U.S.C. 053, 055, 057; sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333, and Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (40 FR 35736), as applicable. Sections 1926.55(c) and 1926.58 also issued under 29 CFR Part 1911.

§ 1926.58 [Amended]

5. Section 1926.58 is hereby amended by revising the note after Appendix I to § 1926.58 to read as follows:

Note: Pursuant to an administrative stay effective July 21, 1988, published October 17, 1986 (51 FR 37002), extended to July 21, 1988 (at 52 FR 15722, Apr. 30, 1987) and to July 21, 1988 (at 53 FR, July 20, 1988) enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

Title of Regulation: VR 425-02-32. Servicing of Single Piece and Multi-Piece Rim Wheels (1910.177) - Virginia Occupational Safety and Health Standards for General Industry.

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

Effective Date: February 1, 1989.

Summary:

On September 8, 1988, Federal OSHA published in the Federal Register an Amendment Concerning Servicing of Single Piece and Multi-Piece Rim Wheels, 1910.177, (53 Fed. Reg. 34736). The amendment references revised charts which provide information for employers and employees who service single piece and multi-piece rim wheels.

Federal OSHA recently revised the above-referenced charts to provide employers and employees with a more up-to-date listing of the acceptable combinations of multi-piece rim wheel components, and to identify wheel components which are no longer being manufactured. Information pertaining to the safe servicing of single piece rim wheels is included in the charts along with information on the requirements of 1910.177 (53 Fed. Reg. 34736).


[Note: "The substantive requirement for charts or rim manuals to be available in the servicing workplace, which is found in paragraph (d)(5) of [section] 1910.177, is not being changed" (53 Fed. Reg. 34736).]

The amendment adds a reference in the standard indicating the availability of revised charts on rim wheel servicing. In addition, the current charts, which were prepared by the National Highway Traffic Safety Administration (NHTSA), will continue to be acceptable, as well as rim wheel manuals and other publications.

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

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Servicing of Single Piece and Multi-Piece Rim Wheels (1910.177) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the standard itself will not be printed in the Virginia Register of Regulations. Copies of this standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.


COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
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POST OFFICE BOX 3-40
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December 13, 1988

JOAN W. SMITH
REGISTRAR OF REGULATIONS

Mr. J. T. Jordan, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

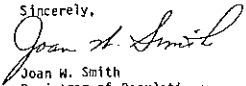
Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-09 and VR 425-02-10. Virginia Occupational Safety Health Standards for General Industry
VR 425-02-09. Asbestos Standards for General Industry
VR 425-02-10. Asbestos Standards for Construction Industry

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

Final Regulations

VR 425-02-32. Servicing of Single Piece and Multi-Piece Rim Wheels (1910.177) - Virginia Occupational Safety and Health Standards for General Industry.

§ 1910.177. Servicing multi-piece and single piece rim wheels.

* * * * *

(b) *Definitions.* * * *

"Charts" means the U.S. Department of Labor, Occupational Safety and Health Administration publications entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-piece Rim Matching Chart," the National Highway Traffic Safety Administration (NHTSA) publications entitled "Demounting and Mounting Procedures Truck/Bus Tires" and "Multi-piece Rim Matching Chart," or any other poster which contains at least the same instructions, safety precautions and other information contained in the charts that is applicable to the types of wheels being serviced.

* * * * *

(d) *Tire servicing equipment.* * * *

(5) Current charts or rim manuals containing instructions for the type of wheels being serviced shall be available in the service area.


* * * * *

Appendix B—Ordering Information for the OSHA Charts

OSHA has printed two charts entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-piece Rim Matching Chart," as part of a continuing campaign to reduce accidents among employees who service large vehicle rim wheels.

Reprints of the charts are available through the Occupational Safety and Health Administration (OSHA) Area and Regional Offices. The address and telephone number of the nearest OSHA office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Individuals, establishments and other organizations desiring single or multiple copies of these charts may order them from the OSHA Publications Office, U.S. Department of Labor, Room N-3101, Washington, DC 20210, Telephone (202)523-9667.


COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS **VIRGINIA CODE COMMISSION**
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 345
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(804) 786-3591

December 13, 1988

Mr. J. T. Jordan, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

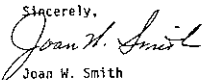
Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-32. Virginia Occupational Safety Health Standards for Construction Industry Servicing of Single Piece and Multi-Piece Rim Wheels

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

* * * * *

Title of Regulation: VR 425-02-35. Formaldehyde Standard (1910.1048) - Virginia Occupational Safety and Health Standards for General Industry.

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

Effective Date: February 1, 1989.

Summary:

On September 1, 1988, Federal OSHA published its Amendment to the Formaldehyde Standard, 29 CFR 1910.1048 (53 Fed. Reg. 33807). The amendment defers the effective date of 1910.1048 for all laboratories except for those classified as anatomy, histology, or pathology laboratories.

The Formaldehyde Standard, 1910.1048, was revised by Federal OSHA on December 4, 1987 (52 Fed. Reg. 46168), and also adopted by the Virginia Safety and Health Codes Board on March 7, 1988. "That standard, among other things, divided all laboratories into two groups: (a) Anatomy, histology, and pathology laboratories, and (b) all other laboratories ('other laboratories')" (53 Fed. Reg. 33808). All of the revised standard applied to anatomy, histology, and pathology laboratories, while only the revised permissible exposure levels applied to other laboratories. "The effective date of the remaining provisions of the Formaldehyde Standard was deferred for these other laboratories until September 1, 1988" (53 Fed. Reg. 33808).

"OSHA deferred this decision, pending the completion of the generic Toxic Substances in Laboratories Standard, since it might be more appropriate to cover the use of formaldehyde in these other laboratories under the generic rule for laboratories than under the substance-specific Formaldehyde Standard.... The Toxic Substances in Laboratories Standard has not yet been finalized. OSHA projects that the final rule may not be issued until January 1, 1989" (53 Fed. Reg. 33808).

The amendment defers the effective date of the Formaldehyde Standard, 1910.1048, for all laboratories except for those classified as anatomy, histology, or pathology laboratories until January 25, 1989.


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

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Formaldehyde Standard (1910.1048) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the standard itself will not be printed in the *Virginia Register of Regulations*. Copies of this standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-35. Formaldehyde Standard (1910.1048).

The Virginia Occupational Safety and Health Codes Board adopted the Federal OSHA Amendment to the Formaldehyde Standard as codified in 29 CFR 1910.1048, and published in the Federal Register, Vol. 53, No. 170, Thursday, September 1, 1988, pp. 33807-33808. The amendment as adopted is not set out.



COMMONWEALTH of VIRGINIA

JOAN W SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 240
RICHMOND, VIRGINIA 23208
(804) 786-3331

December 13, 1988

Mr. J. T. Jordan, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Attention: Margaret T. Gravett, Administrative Staff Specialist

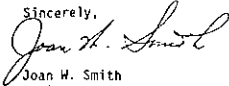
Re: VR 425-02-35. Virginia Occupational Safety Health Standards for General Industry Formaldehyde Standard

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,



Joan W. Smith
Registrar of Regulations

JWS:s11

Final Regulations

* * * * *

Title of Regulation: VR 425-02-63, Crane or Derrick Suspended Personnel Platforms (1926.550) - Virginia Occupational Safety and Health Standards for Construction Industry.

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

Effective Date: February 1, 1989.

Summary:

On September 8, 1988, Federal OSHA published in the Federal Register an Amendment Concerning Crane or Derrick Suspended Personnel Platforms, 1926.550(g), (53 Fed. Reg. 29116). The amendment adds a new paragraph (g) to 1926.550 to "prohibit the use of cranes or derricks to hoist personnel except in the situation where no safe alternative is possible, and as long as the requirements for such hoisting set out in paragraph (g) are satisfied." (53 Fed. Reg. 29116).

"Since 1975, OSHA has issued four interpretations which provided for the use of crane suspended work platforms.... Despite the issuance of these guidelines, there have been persistent questions about the required equipment and procedures, and a rising toll of fatalities and injuries among hoisted employees. In particular, OSHA is concerned that those guidelines, since they are generally available only to compliance officers, are not known to employers who might be hoisting personnel. Therefore, employees might learn about the approved procedures only after an inspection or accident investigation has taken place. OSHA determined that these administrative interpretations... have not provided adequate guidance for employers or protection for workers. OSHA initiated this rulemaking action to establish clearly the conditions under which employees on personnel platforms may be hoisted by cranes and derricks, and to insure that this information is readily available to employers." (Fed. Reg. 29116-29117).

The amendment adds a new paragraph (g) to § 1926.550 to prohibit the use of cranes or derricks to hoist personnel except where no safe alternative is possible and as long as the requirements for such hoisting set out in paragraph (g) are satisfied. In addition, the amendment specifies safe operating procedures and special safety devices for cranes.

The amendment will have an impact on employees working on crane or derrick suspended personnel platforms. Employees will have to undergo training on safe operating procedures and safe work practices. Employees will also participate in a prelift meeting to review safety requirements before the trial lift at each location and for new employees.

Federal Regulation 29 CFR 1953.23(a)(2) requires

Virginia to adopt within six months changes to federal standards in verbatim or to promulgate equivalent changes that are as effective as the Federal change. The Virginia Code reiterates this requirement in § 40.1-22(5).


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

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Crane or Derrick Suspended Personnel Platforms Standard (1926.550) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the standard itself will not be printed in the Virginia Register of Regulations. Copies of this standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-63, Crane or Derrick Suspended Personnel Platforms (1926.550) - Virginia Occupational Safety and Health Standards for Construction Industry.

The Virginia Occupational Safety and Health Codes Board adopted the Federal OSHA Cranes or Derrick Suspended Personnel Platform Standard as codified in 29 CFR 1926.550(g) and published in the Federal Register, Vol. 53, No. 148, pp. 29139-29141, Tuesday, August 2, 1988. The amendments as adopted are not set out.


COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 348
RICHMOND, VIRGINIA 23208
(804) 786-3591

December 13, 1988

Mr. J. T. Jordan, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

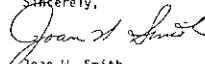
Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-63, Virginia Occupational Safety Health Standards for Construction Industry
Crane or Derrick Suspended Personnel Platforms

Dear Mr. Jordan:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c), of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

MARINE RESOURCES COMMISSION

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

Title of Regulation: VR 450-01-8811. A Change in the Oyster Cull Size for Oysters Harvested from Little Carters Rock, Rappahannock River.

Statutory Authority: §§ 28.1-23 and 28.1-25 of the Code of Virginia.

Effective Date: December 7, 1988

Preamble:

The following order of the Virginia Marine Resources Commission modifies VR 450-01-0035; thereby, changing the minimum size from 3 inches to 2-1/2 inches for oysters harvested from Little Carters Rock in the Upper Rappahannock River area.

VR 450-01-8811. A Change in the Oyster Cull Size for Oysters Harvested from Little Carters Rock, Rappahannock River.

§ 1. Authority, other regulations, and effective date.

A. This order is promulgated pursuant to authority contained in §§ 28.1-23 and 28.1-85 of the Code of Virginia.

B. Other regulations.

This order modifies VR 450-01-0035 adopted March 9, 1987, which established the three-inch cull size for all clean cull areas. No other part of the regulation shall be affected, except as specified in this order.

C. The effective date of this order is December 7, 1988.

§ 2. Purpose.

This order is promulgated in response to a request from the oyster industry that the minimum size be changed from 3 inches to 2-1/2 inches for oysters harvested from Little Carters Rock, Rappahannock River. Past harvesting of oysters from this oyster rock has shown a definite characteristic of oysters taken from this area which is that they only grow-out to 2-1/2 inches. This action is also vital and timely because of the high death rate in other areas of the Commonwealth due to the oyster diseases, MSX and Dermo, which has caused a shortage in the supply of market size oysters.

§ 3. Size limit.

The minimum size limit for oysters harvested from

Little Carters Rock, Rappahannock River shall be 2-1/2 inches.

§ 4. Area description.

This order affects the area known as Little Carters Rock in the Upper Rappahannock River area.

§ 5. Penalty.

In accordance with § 28.1-23 of the Code of Virginia, any person who violates any regulation adopted and promulgated by the Commission shall be guilty of a Class 1 misdemeanor.

BOARD OF MEDICINE

Title of Regulation: VR 465-05-1. Physician Assistants.

Statutory Authority: §§ 54.1-2400, 54.1-2952 and 54.1-2953 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The board is repealing existing regulations and adopting new regulations governing the practice of physician assistants. These regulations protect the health, safety and welfare of the citizens of the Commonwealth by establishing requirements for license, license fees, and renewal of license.

After consideration of comments, amendments relating to medical care services as prescribed in the protocol of the physician assistant were incorporated in § 4.1 B 1, and § 4.1 E 3 was amended to more clearly describe the patient care an assistant may render under the supervising physician.

VR 465-05-1. Physician Assistants.

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:

"Alternate supervising physician" means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician. Such alternating supervising physician shall be a physician licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.

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"Assistant to a Doctor of Medicine, Osteopathy, or Podiatry," or "Physician's Assistant," means an individual who is qualified as an auxiliary paramedical person by academic and clinical training and is functioning in a dependent-employee relationship with a doctor of medicine, osteopathy, or podiatry licensed by the board.

"Board" means the Virginia [~~State~~] Board of Medicine.

"Committee" means the Advisory Committee on Physician's Assistants appointed by the president of the board to advise the board on matters relating to physician's assistants. The committee is composed of four members of the board, one supervising physician, and two physician's assistants.

"Group practice" means the practice of a group of two or more doctors of medicine, osteopathy, or podiatry licensed by the board who practice as a partnership or professional corporation.

"Institution" means a hospital, nursing home or other health care facility, community health center, public health center, industrial medicine or corporation clinic, a medical service facility, student health center, or other setting approved by the board.

"NCCPA" means the National Commission on Certification of Physician Assistants.

"Protocol" means a set of directions developed by the supervising physician that defines the supervisory relationship between the physician assistant and the physician and the circumstances under which the physician will see and evaluate the patient.

"Supervising physician" means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.

"Substitute supervising physician" means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has accepted responsibility for the supervision of the service that a physician's assistant renders in the absence of such assistant's supervising physician.

§ 1.2. Applicability.

These regulations apply to physician's assistants only, as defined in § 1.1.

§ 1.3. A separate board regulation, VR 465-01-1, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

PART II.

REQUIREMENTS FOR PRACTICE AS A PHYSICIAN'S ASSISTANT.

§ 2.1. Requirements, general.

A. No person shall practice as a physician's assistant in the Commonwealth of Virginia except as provided in these regulations.

B. All services rendered by a physician's assistant shall be performed only under the supervision of a doctor of medicine, osteopathy, or podiatry licensed by this board to practice in the Commonwealth of Virginia.

§ 2.2. Certification, entry requirements and application.

A. A certificate to practice as a physician's assistant shall be obtained from the board before such assistant begins to practice with a supervising doctor of medicine, osteopathy, or podiatry.

B. Entry requirements. An applicant for certification shall:

1. Possess the educational qualifications prescribed in § 2.3 of these regulations; and
2. Meet the requirements for examination prescribed in §§ 3.1 through 3.3 of these regulations.

C. Application for board approval of a physician's assistant shall be submitted to the board by the supervising physician under whom the assistant will work, and who will assume the responsibility for the assistant's performance.

D. The application shall:

1. Be made on forms supplied by the board and completed in every detail;
2. Spell out the roles and functions of the assistant with a protocol acceptable to the board [;] and [any such protocols shall take into account such factors as the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician's availability in ensuring direct physician involvement at an early stage and regularly thereafter.]
3. Provide that, if for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application:
 - a. Such assistant and the employing practitioner shall so inform the board and the assistant's approval shall terminate.
 - b. A new application shall be submitted to the board and approved by the board in order for the

assistant either to be reemployed by the same practitioner or to accept new employment with another supervising physician.

E. The application fee prescribed in § 5.1 of these regulations shall be paid at the time the application is filed.

§ 2.3. Educational requirements.

An applicant for certification shall:

1. Have successfully completed a prescribed curriculum of academic study in a school or institution accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association and accredited by the American Academy of Physician Assistants; and

2. Present documented evidence of eligibility for the NCCPA examination or completed certification requirements.

PART III. EXAMINATION.

§ 3.1. The proficiency examination of the NCCPA constitutes the board examination required of all applicants for certification.

§ 3.2. Provisional registration.

An applicant who has met the requirements of the board at the time his initial application is submitted may be granted provisional registration by the board if he meets the provisions of § [54-281.7 54.1-2950] of the Code of Virginia and § 2.3 of these regulations. Such provisional registration shall be subject to the following conditions:

A. The provisional registration shall be valid until the applicant takes the next subsequent NCCPA examination and its results are reported, but this period of validity shall not exceed 30 days following the reporting of the examination scores.

B. An applicant who fails the examination may be granted individual consideration by the board and granted an extension of the provisional registration upon evidence that he is eligible for admission to the next scheduled board examination.

§ 3.3. Examination.

A. Every applicant shall take the NCCPA examination at the time scheduled by the NCCPA.

B. An applicant who fails the examination three consecutive times shall surrender his certificate to practice until proof has been provided to the board that the standards of NCCPA have been met.

§ 3.4. Renewal of certificate.

A. Every certified physician's assistant intending to continue his practice shall annually on or before July 1:

1. Register with the board for renewal of his certificate;

2. Present documented evidence of compliance with continuing medical education standards established by the NCCPA; and

3. Pay the prescribed renewal fee at the time he files for renewal.

B. Any physician's assistant who allows his NCCPA certification to lapse shall be considered not certified by the board. Any such assistant who proposes to resume his practice shall make a new application for certification.

PART IV. INDIVIDUAL RESPONSIBILITIES.

§ 4.1. Individual responsibilities.

A supervising physician and the physician's assistants working with him shall observe the following division of responsibilities in the care of patients:

A. The supervising physician shall:

1. See and evaluate any patient who presents with the same complaint twice in a single episode of care and has failed to improve significantly. Such physician involvement shall occur not less frequently than every fourth visit for a continuing illness.

[2. The board expressly reserves the right to approve a protocol which differs from the scope of practice guidelines listed above upon application of a supervising physician and for cause.

3. Any such protocols shall take into account such factors as the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician's availability in ensuring direct physician involvement at an early stage and regularly thereafter.]

[4. 2.] Review the record of services rendered the patient by the physician's assistant and sign such records within 24 hours after any such care was rendered by the assistant.

B. the physician's assistant shall not render independent health care. Such assistant:

1. Shall perform only those medical care services that are within the scope of the practice and proficiency of the supervising physician [as prescribed in the physician's assistants protocol].

Final Regulations

2. Shall not sign prescriptions.

3. Shall, during the course of performing his duties, wear identification showing clearly that he is a physician's assistant.

C. If the assistant is to perform duties away from the supervising physician, such supervising physician shall obtain board approval in advance for any such arrangement and shall establish written policies to protect the patient.

D. If, due to illness, vacation, or unexpected absence, the supervising physician is unable to supervise personally the activities of his assistant, such supervising physician may temporarily delegate the responsibility to another doctor of medicine, osteopathy, or podiatry. The employing supervising physician so delegating his responsibility shall report such arrangement for coverage, with the reason therefor, to the board office in writing, subject to the following provisions:

1. For planned absence, such notification shall be received at the board office at least one month prior to the supervising physician's absence.

2. For sudden illness or other unexpected absence, the board office shall be notified as promptly as possible, but in no event later than one week.

3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

E. With respect to assistants employed by institutions, the following additional regulations shall apply:

1. No assistant may render care to a patient unless the physician responsible for that patient has signed an application to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the application for an assistant employed by an institution.

2. Any such application as described in subdivision 1 above shall delineate the duties which said physician authorizes the assistant to perform.

3. The assistant shall [~~within an hour, but~~] as soon as circumstances may dictate [~~but, within an hour,~~] report to the supervising physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.

4. No physician assistant shall perform the initial evaluation, or institute treatment of a patient who [~~has been admitted to a critical care unit or emergency room~~] presents to the emergency room or is admitted to the hospital for a life threatening illness or injury [~~]. In noncritical care areas, the physician assistant may perform the initial evaluation in an inpatient setting provided the supervising~~]

physician evaluates the patient within eight hours of the physician assistant's initial evaluation.

PART V. FEES.

§ 5.1. The following fees are required:

A. The application fee, payable at the time application is filed, shall be \$100.

B. The annual fee for renewal of registration, payable on or before July 1, shall be \$40.

C. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.

INSTRUCTIONS FOR COMPLETING PHYSICIAN ASSISTANT APPLICATION

Completed application must be returned to this office along with the statutory fee of \$100.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED.

Information required to complete your application:

1. Resume of assistant's duties as prescribed by the supervising physician - signed by the supervising physician.
2. Proof from the NCCPA that you are currently certified. NOTE: YOU WILL NOT BE ELIGIBLE FOR CERTIFICATION IN THE STATE OF VIRGINIA IF THIS CERTIFICATE HAS EXPIRED.
3. Grades must be requested from the NCCPA, Inc., 2845 Henderson Mill Rd., NE, Atlanta, Georgia 30341, Telephone (404) 493-9100. They must be mailed directly from the NCCPA to the Board office.
4. If you are not NCCPA certified, we must have a letter submitted directly from the NCCPA stating that you are eligible for and are scheduled to sit for the next examination.
5. Official college transcript from your Physician's Assistant program must be mailed directly to the Board office.
6. The enclosed state questionnaire must be forwarded to those states in which you have been certified or registered. Your application will not be complete until all of these forms are returned to this office. (This form may be copied if you need more than one.)
7. Certificate of Physician Assistant Education must be completed by your Physician's Assistant College. The entire application must be forwarded to the college; they in turn will forward it to the Board. The original application form must be returned to the Board office. COPIES WILL NOT BE ACCEPTED.

NOTE: COMPLETED APPLICATIONS ARE REVIEWED BY THE ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS. THE COMMITTEE MAY REQUEST ADDITIONAL INFORMATION OR CLARIFICATION OF INFORMATION SUBMITTED ON THE APPLICATION. PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

HRB-30-056
Rev. 6-86

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH REGULATORY BOARDS
BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
RICHMOND, VA 23229-5005

**APPLICATION FOR CERTIFICATION
AS A
PHYSICIAN'S ASSISTANT**

SECURELY PASTE
A PASSPORT-TYPE
PHOTOGRAPH NOT LESS THAN
2 X 2½" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR CERTIFICATION AS A PHYSICIAN'S ASSISTANT IN THE COMMONWEALTH OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENERATION)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH) MO DAY YR	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE) MO DAY YR	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	

APPLICANTS DO NOT USE SPACES BELOW THIS LINE—FOR OFFICE USE ONLY

APPROVED BY: _____

(CLASS)	(PENDING NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(CERTIFICATE NO.)	(EXPIRATION DATE)	(DATE ISSUED)				
(ADDRESS CHANGE)						
(STREET)	(CITY)	(STATE)	(ZIP CODE)			

*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!

*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

2. List in chronological order all professional activities since graduation from PA training program, including post-graduate training and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time.

FROM	TO	Location (complete address)/Supervisor	Position Held
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions are answered YES, explain and substantiate with available documentation. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

- 3. PA Program Attended: _____
(name and date of graduation)
- 4. NCCPA# _____ Expiration date _____ (Attach a copy of NCCPA certificate or proof of eligibility for certification)
- 5. List the state(s) in which you have been or are certified or licensed as a PA. _____

- 6. Have you ever been denied certification or licensure in any state?
 - (a) Has any state ever denied, suspended, or revoked your certification or licensure? Yes No
 - (b) Has your license or certification to practice ever been limited in any way either by a licensing agency, supervising physician; or hospital in which you have been allowed to practice? Yes No
- 7. Have you ever been convicted of a violation and/or pled nolo contendere to any federal, state, or local statute relating to a felony or misdemeanor (excluding traffic violations)? Yes No
- 8. Have you ever been convicted of a violation of any state or federal controlled substance law? Yes No
- 9. Have you ever received treatment for/or been hospitalized for a nervous emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis.
 - (a) Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No
 - (b) Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Please provide details. Yes No
- 10. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a physician as a habitual chronic abuser? Yes No
- 11. Have you read carefully and do you understand the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine? Yes No
- 12. Work Setting: (check appropriate area)
 Out patient setting
 Hospital (if employer, complete hospital information section)
 Nursing Home
 Other (specify in complete detail)

13. Physician Practice Information

Supervising Physicians Name _____

Specialty _____ VA License # _____

Name of Practice _____

Address of Practice _____
(street) (city) (zip)

Type of Practice (family practice, surgery, etc.) _____

Do you have primary responsibility for the supervision of other physicians assistants? If yes, please list name(s) below Yes No

Name and address of all physicians who will serve as supervising physicians (if more than three, provide information on a separate sheet)

Name #1 _____

Office Address: _____

Specialty: _____ VA License # _____

Name #2 _____

Office Address: _____

Specialty: _____ VA License # _____

Name #3 _____

Office Address: _____

Specialty: _____ VA License # _____

14. Will PA perform medical acts when the supervising physician is not in the office/medical facility? If yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper. Yes No

If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

15. Hospital Employed Physician's Assistant

Name of Hospital: _____

Address of Hospital: _____
(street) (city) (zip)

In what department will the PA assist the Supervising Physician or Alternate Supervising Physician:

Explain on a separate sheet of paper, the guidelines established by the hospital to ensure proper supervision of the PA in the hospital setting.

Are there other features pertaining to the hospital function of the PA which should be called to the Board's attention? if so, describe on a separate sheet.

16. Summary

Each of the undersigned has read this application and certifies that the information therein is correct to the best of his/her knowledge and belief. Each further certifies that he/she has read carefully and understands the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine. Such regulations will be fully complied with by the undersigned, and each undersigned physician accepts the responsibility of the applicant's conduct as an assistant to the physician.

DATE: _____
Supervising Physician _____, M.D.

DATE: _____
Alternate Supervising Physician _____, M.D.

DATE: _____
Alternate Supervising Physician _____, M.D.

DATE: _____
Alternate Supervising Physician _____, M.D.

DATE: _____
Alternate Supervising Physician _____, M.D.

DATE: _____
Hospital Administrator (if applicable) _____, M.D.

17. Release of Information

I hereby authorize all past and present hospitals, institutions, or organizations, my references, personal physicians, employers, business and professional associates and all government agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have read carefully the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my certificate to practice as a Physician's Assistant in the Commonwealth of Virginia.

Date _____ Signature of Applicant _____

CERTIFICATE OF PHYSICIAN'S ASSISTANT EDUCATION

It is hereby certified that _____ matriculated in _____ at _____ date _____ attended _____ courses of lectures of _____ months each, and received a diploma from _____ conferring the degree of _____ date _____

SCHOOL SEAL _____ (President, Secretary or Dean)

Dear Sirs:

The person listed below is applying for certification as a Physician's Assistant in the state of Virginia. The state board of medicine requires that this form be completed by each jurisdiction in which he/she holds or has held licenses. Please complete the form and return it to the address below. THANK YOU.

NAME _____

LICENSE # _____

COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS BOARD OF MEDICINE 1601 ROLLING HILLS DR. RICHMOND, VA 23229-5005

State of _____

Name of Licensee _____

Graduate of _____

License No. _____ Issued effective _____

By reciprocity/endorsement _____ by examination _____

License is current _____ Lapsed _____

Has the applicant's license ever been suspended or revoked? _____

If so, for what reason? _____

Derogatory information, if any _____

Comments, if any _____

Signed _____

Title _____

(BOARD SEAL)

State Board _____

HRB-30-055
04/01/88

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

**PHYSICIAN ASSISTANT -- Category I
APPLICATION FOR ANNUAL RENEWAL**

INSTRUCTIONS:

- a. Answer all questions as completely as possible. Use separate sheet for questions #6 and #8 if necessary.
- b. Submit the \$25.00 renewal fee. A late fee of \$10.00 will be assessed after June 30, 1988.
- c. Submit proof of a current NCCPA certificate.
- d. Return enclosed renewal card.
- e. Make sure application is signed by the supervising physician and the assistant.

PLEASE PRINT OR TYPE

- 1. Assistant's Name _____
- 2. Virginia Certificate Number _____
- 3. NCCPA Number _____ Expiration Date _____
- 4. Supervising Physician's Name _____
- 5. Professional Address of Supervising Physician _____
- 6. Professional Telephone Number _____
- 7. Resume of Assistant's Duties (THESE DUTIES AND WORK LOCATIONS MUST BE LISTED EXPLICITLY IN DETAIL) If same as last year, please designate "Same"

- 8. Will P.A. perform medical acts when the supervising physician is not in the office/ medical facility. If yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper.

YES NO

9. If any duties are to be performed AWAY from the supervising physician, PLEASE LIST WORK LOCATIONS AND EXPLAIN.

This is to certify that I am fully responsible for any and all duties performed by this Physician Assistant.

Signature of Supervising Physician _____

Signature of Assistant _____

If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

TO BE COMPLETED BY BOARD OFFICE

Approved by _____ Date _____

NOTE: THE ORIGINAL APPLICATION FORM MUST BE RETURNED TO THE BOARD OFFICE. COPIES WILL NOT BE ACCEPTABLE.

Final Regulations

* * * * *

Title of Regulation: VR 465-06-1. Correctional Health Assistants.

Statutory Authority: §§ 54.1-2400, 54.1-2952 and 54.1-2953 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

The board is repealing existing regulations and adopting new regulations governing the practice of correctional health assistants. These regulations protect the health, safety, and welfare of the citizens of the Commonwealth by establishing requirements for license, fees for license, and renewal of license.

After consideration of the comments, §§ 2.1 and 2.2 were amended to establish clear and concise experience and training requirements. Section 3.1 was amended to clarify educational requirements to be registered as a correctional health assistant.

VR 465-06-1. Correctional Health Assistants.

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:

"Board" means the Virginia [State] Board of Medicine.

"Chief physician" means the chief physician of the Virginia Department of Corrections, who reviews the applications of persons applying to become correctional health assistants and makes recommendations to the Board of Medicine as to their acceptability for registration by the board.

"Correctional health assistant" means an auxiliary paramedical person employed by a [~~correctional institution operated by the Virginia Department of Corrections~~ state or local correctional institution] and working in a dependent relationship to the institutional physician.

"Committee" means the [~~Physician's Assistant Advisory Committee~~ Correctional Health Assistant Advisory Committee] appointed by the president of the board to advise the board on matters relating to correctional health assistants. [The committee is composed of two members of the board, one local and one supervising physician, and two correctional health assistants.]

"Institution" means a state prison [; or] local [~~or~~ /]

regional jail [; or other correctional institution operated by the Virginia Department of Corrections].

"Supervising physician" means a doctor of medicine [/osteopathy] licensed by the board [who is employed by the Virginia Department of Corrections and] who has accepted responsibility for the supervision of the [~~service that a~~] correctional health assistant [renders in a ~~correctional institution operated by that department~~].

§ 1.2. Applicability.

A. These regulations apply only to correctional health assistants employed in Virginia correctional institutions.

B. The individuals registered by the board with this title will be registered as correctional health assistants only while employed in a correctional [facility operated by the Department of Corrections; a prison or jail institution]. These regulations will be used by the board in registering individuals under this title.

§ 1.3. A separate board regulation entitled VR 465-01-1, Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

PART II. EXPERIENCE AND TRAINING REQUIREMENTS.

§ 2.1. General.

A. No person shall practice as a correctional health assistant in the Commonwealth of Virginia except as provided in these regulations and when registered by this board.

B. Every applicant for board registration under these regulations shall:

1. Meet the experience requirements of § 2.2; and
2. [~~Be recommended by Virginia Department of Corrections physicians as prescribed in § 4.1.~~ Meet the educational requirement of § 3.1; and
3. Be recommended by Virginia Department of Corrections Chief Physician as prescribed in § 4.1.]

§ 2.2. Experience required.

Every applicant shall demonstrate [~~three years one year~~] of responsible work experience in a medical organization or facility. Such experience may include:

[~~A.~~] Experience in providing general patient care to demonstrate the individual's ability to render emergency care and treatment. Such experience shall include all of the following functions:

1. Taking and charting the patient's temperature, pulse, respiration, and blood pressure.
2. [*Correctly*] Recognizing and reporting illnesses and disorders, including abnormal behavior.
3. Administering emergency as well as prescribed care and treatment.

[*B. Experience under professional supervision in any one of the following specialties, which may be substituted for six months of required work experience.*

1. Medical laboratory - performance of urinalyses, blood counts, staining and examining of smears for bacteria, and administering of electrocardiograms.

2. Medical radiology (x-ray) - operation of x-ray equipment, including the positioning of patients, taking x-rays, and developing films.

C. Successful completion of certain courses of study which may be substituted for work experience but only as specifically set forth in § 3.1.]

PART III. EDUCATIONAL SUBSTITUTIONS FOR WORK EXPERIENCE.

§ 3.1. Educational qualifications.

[*Subject to the time limit specified in each instance in this section, an applicant for registration may substitute completed studies in one or more of the following courses for work experience in partial fulfillment of the experience requirements of § 2.2.*

A. Successful completion of studies in an approved school in x-ray or in medical laboratory may be substituted for work experience on a month-for-month basis, but not for more than one year of required work experience.

B. Successful completion of prescribed courses of study in the armed services or the maritime service in x-ray or in medical laboratory may be substituted for work experience on a month-for-month basis, but not for more than six months of required work experience.

C. Medical laboratory experience. Successful completion at an accredited college or university of at least 18 semester hours in chemistry or biological sciences, including courses in bacteriology and biology, may be substituted for work experience on a month-for-month basis, but not for more than one year of the work experience required.

A. Every applicant must have a high school diploma or equivalent and one of the following:

1. Current Emergency Medical Technician (EMT)

- license with recommendation of the training officer; or
2. Service as a military corpsman with at least two years experience;
3. Have been licensed as a Licensed Practical Nurse;
4. Have been licensed as a physician assistant.]

PART IV. CONDITIONS OF REGISTRATION.

§ 4.1. Advance interview; recommendations; condition of employment.

A. Before an individual submits an application for board registration, the supervising physician at the correctional facility to which the individual applies for employment shall interview him to determine his qualifications and potential acceptability for registration as a correctional health assistant. The interviewing physician shall then forward the application and his recommendation to the chief physician of the Department of Corrections for final review and consideration.

B. Should the chief physician consider the applicant to be qualified for employment, he shall submit the application, together with his and the interviewing physician's recommendation regarding the acceptability of the applicant, to the executive director of [~~this the~~] board for processing of the application.

C. Condition of employment. Individuals registered as correctional health assistants will be registered as such only while employed by [~~the Department of Corrections a correctional institution~~]. Should the individual leave the employment [~~of the department~~], his registration will become null and void.

PART V. DUTIES.

§ 5.1. Duties of registrants.

The correctional health assistant may carry out the following duties, with a minimum of supervision while assisting the institutional physician in accomplishing a wide variety of medical procedures:

A. Registrants may participate in conducting daily sick call for inmates within the Virginia penal system. During such sick calls, the registrants may interview inmates, determine an inmate's primary medical complaint, record symptoms of the inmate's complaint and his vital signs, request appropriate laboratory procedures when necessary, and suggest treatment for routine and common illnesses. The registrants may also assist the physician in performing diagnosis and treatment of inmates.

B. Registrants may provide emergency medical care to inmates. Registrants are subject to emergency callbacks to

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the institution after normal duty hours or on weekends to provide emergency medical care in the absence of the institutional physician(s) until such time as the institutional physician(s) can arrive or the inmate is transported to a hospital or other appropriate medical facility.

C. Registrants may serve as operating room technicians under the supervision of a physician, and may provide preoperative and postoperative inmate care.

D. In the penal medical setting, registrants may provide care to inmates to include charting of inmate temperatures, pulses, and respiration, and administration of treatment and medication prescribed by the attending physician. Registrants may monitor unusual behavioral changes, insuring the safety of the inmate.

E. Registrants may make periodic rounds of receiving units, confinement cells, and cell blocks within the penal system for the purpose of receiving inmate medical complaints. Registrants may administer drugs prescribed by physicians and assist in the transfer of inmates to hospitals or other medical facilities. Registrants may make ward rounds to observe the condition of inmate patients, review inmate patient charts, and render appropriate patient care to inmates confined in such wards. Registrants may also accompany physicians on ward rounds and record new directives from the physicians.

F. Registrants may make appropriate entries in inmate medical records for inpatient and outpatient medical treatment.

G. Registrants shall provide security for all drugs under procedures set forth by the pharmacist in charge of the Department of Corrections pharmacy and pursuant to [Pharmacy Board Board of Pharmacy] regulations.

H. Registrants may perform such other assigned duties under the direct supervision of the institutional physician(s) as deemed appropriate by such physician(s) and as approved by the Board of Medicine.

PART VI. FEES.

§ 6.1. The following fees are required:

A. The application fee, payable at the time the application is filed, shall be \$50.

B. The annual fee for renewal of registration, payable on or before July 1, shall be \$10.

C. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.

SBM-901-10
Rev. 04/11/88



COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine
1501 Hollings Hills Drive
Richmond, Virginia 23229-5005

**CORRECTIONAL HEALTH ASSISTANT
DEPARTMENT OF CORRECTIONS - PENAL INSTITUTIONS ONLY**

**APPLICATION FOR EMPLOYMENT \$50.00. PLEASE COMPLETE AND RETURN WITH
APPROPRIATE FEE, ALL SIGNATURES AND APPROPRIATE DOCUMENTATION.**

1. Assistant's Name _____

2. Address _____

**Questions 3-5: Proof of education and training experience must be documented, either by photostatic copies of certificates and/or letters of certification. Submit this documentation with application and fee.

3. Education _____

4. Other Degrees _____

Certificates _____ Dates Issued _____

5. Assistant's Training _____

6. Name of Penal Institution _____

7. Complete Address of Penal Institution _____

Telephone Number of Correctional Institution _____

8. Expected Date of Employment _____

9. (SUPERVISING) Physician _____

Virginia Medical License # _____

10. Resume of Assistant's Duties (THESE DUTIES MUST BE LISTED EXPLICITLY IN DETAIL)

This is to certify that I have thoroughly investigated this person's training and background experience and realize that I am fully responsible for any duties performed by this assistant.

Signature of Supervising Physician _____

Signature of Assistant _____

Approved _____

Chief Physician/Department of Corrections

TO BE COMPLETED BY THE STATE BOARD OF MEDICINE

APPROVED BY _____ DATE _____

CERTIFICATE NUMBER _____ DATE ISSUED & MAILED _____

NOTE: The original application form must be returned to this office. Copies will not be acceptable. Application forms are available upon request. A letter of recommendation from the interviewing physician must be submitted to the Medical Director of the Department of Corrections, to be forwarded to the State Board of Medicine.

(Class)	(License No.)	(Suffix)	(SCH. Code)	(Fee)	(How Reg)
(Base State)	(Expiration Date)	(Date Issued)			

HRB-30-055
Rev. 4-11-88

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH REGULATORY BOARDS
BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
SURRY BUILDING, SECOND FLOOR
RICHMOND, VIRGINIA 23229-5005

CORRECTIONAL HEALTH ASSISTANTS
APPLICATION FOR ANNUAL RENEWAL

INSTRUCTIONS:

- a. Answer all questions as completely as possible.
- b. Submit the \$10.00 renewal fee. A late fee of \$10.00 will be assessed after June 30, 1988.
- c. Return enclosed renewal card.
- d. Make sure application is signed by the supervising physician and the assistant.

PLEASE PRINT OR TYPE

- 1. Assistant's Name _____
- 2. Virginia Certificate Number _____
- 3. Supervising Physician's Name _____
- 4. Name of Correctional Institution and Complete Address _____

- 5. Telephone Number of Correctional Institution () _____
- 6. Resume of Assistant's Duties (THESE DUTIES MUST BE EXPLICITLY IN DETAIL) If same as last year, please designate "Same"

This is to certify that I am fully responsible for any and all duties performed by this Assistant.

Signature of Supervising Physician _____
Signature of Assistant _____

If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

TO BE COMPLETED BY BOARD OFFICE

Approved by _____ Date _____

Note: THE ORIGINAL APPLICATION FORM MUST BE RETURNED TO THE BOARD OFFICE. COPIES WILL NOT BE ACCEPTABLE.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-01-10. Job Training Partnership Act (JTPA), [Title II, Part A,] Income Disregards in the Aid to Dependent Children (ADC) Program.

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

Effective Date: April 1, 1989

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 operation of public assistance programs in Virginia. The regulation will disregard the earned income of an eligible child derived through participation in the Job Training Partnership Act (JTPA), Title IV, Part A, program for six months per calendar year and the unearned income of an eligible child derived through participation in the Job Training Partnership Act (JTPA), Title IV, Part A, program indefinitely.

The regulation is consistent with the employment services goals of the Department of Social Services. Also, it will serve as an incentive for children to participate in the Job Training Partnership Act (JTPA), Title IV, Part A program in that it will have the least effect on the amount of the family's monthly assistance payments allowable under federal regulations.

A change to the title of the regulation was made to more accurately reflect that the income disregards contained in this regulation are based upon several titles and parts of JTPA, and are not limited to Title II, Part A, as the title previously indicated.

Another revision, was the addition of definitions of earned and unearned income. The definitions were added to clarify the types of income that may be received by children participating in JTPA, Title IV, Part A, programs and how that income will affect the amount of the monthly ADC check paid on behalf of the child and his family.

VR 615-01-10. Job Training Partnership Act (JTPA), [Title II, Part A,] Income Disregards 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 dependent such person's eligible children.

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

"Board" means the State Board of Social Services.

"Determination of eligibility" means the screening procedure to determine the need for assistance and the amount of the monthly assistance payment. This includes the 185% screen, determination of need, and grant computation.

"Disregard" means that income which is not considered when determining eligibility for the Aid to Dependent Children (ADC) Program.

["Earned income" means income from wages, salary, commissions, or profit from activities in which an individual is engaged as self-employed. On-the-job training, tryout employment, and work experience are types of programs from which earnings are received by Job Training Partnership Act (JTPA) participants.]

"Dependent Eligible child" means a child who has not attained the age of 18 years, or if 18 and in school, is expected to graduate by his 19th birthday. The child must be living with a relative, and deprived of support, care, and guidance of at least one parent by reason of death, disability, or continued absence.

["Unearned income" means income that is not earned. Types of unearned income received by participants in Job Training Partnership Act (JTPA) programs include stipends paid to enrollees in classroom training and remedial education programs.]

PART II. DISREGARDED INCOME OF DEPENDENT ELIGIBLE CHILDREN.

§ 2.1. As specified below, certain earned income of members of the assistance unit shall be disregarded in the determination of eligibility. This income shall also be disregarded in determining the need for assistance of any other individual in another assistance unit. In addition, income disregarded under the provisions of other federal assistance programs shall not be counted as income to the assistance unit. With the exception of items numbered 1 and 2, the items listed below are not disregarded during the 185% screen. Income disregards are to be applied to gross earned income in the following order:

- 1. Earned income of any eligible child derived from employment under Title II, Parts A (Adult and Youth Programs) and B (Summer Youth Employment

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Programs) and Title IV, Parts A (Indian and Native American Employment and Training Programs, and Migrant and Seasonal Farmworker Programs) and B (Job Corps Program) of the Job Training Partnership Act (JTPA) and Job Corps shall be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Title II, Part B, programs include all projects known as Summer Youth Employment Programs.

a. Full-Time Students - Subsequent to these six months, Title II, Parts A and B and Title IV, Parts A and B, JTPA Job Corps earnings are to be counted in the 185% screen and determination of need but shall continue to be disregarded in the grant computation.

b. All Other Eligible Children - Subsequent to these six months, Title II, Parts A and B, and Title IV, Parts A and B, JTPA Job Corps earnings are to be counted in the 185% screen, determination of need and grant computation.

2. Other earned income of any eligible child who is a full-time student shall be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Subsequent to these six months, such earnings will only be disregarded in the grant computation.

3. Earned income of any eligible child who is a part-time student, not employed full-time, shall be disregarded.

Certain unearned income of a member of the assistance unit, a parent not included in the assistance unit, or anyone whose income is used in determining eligibility or the amount of assistance shall be disregarded. Any unearned income received by an eligible child under Title II, Parts A and B, and Title IV, Parts A and B, of the Job Training Partnership Act (JTPA) is to be disregarded.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-01-00. Impounding Structure Regulations.

Statutory Authority: § 10.1-605 of the Code of Virginia.

Effective Date: February 1, 1989

Summary:

This regulation is promulgated by the Virginia Soil and Water Conservation Board in accordance with the provisions of § 10.1-604 et seq. of the Code of

Virginia. The existing regulation of the State Water Control Board is being repealed. The regulation provides for the proper and safe design construction, operation and maintenance of impounding structures to protect public safety.

Impounding structures which are regulated include all dams which are 25 feet or more in height and 50 acre-feet or more in capacity, except (i) dams licensed by the State Corporation Commission; (ii) dams owned or licensed by the United States Government; (iii) dams operated primarily for agricultural purposes less than 25 feet in height or 100 acre-feet in capacity; (iv) water or silt retaining dams approved pursuant to § 45.1-222 of the Code of Virginia; or (v) canal locks. Impounding structures are classified in one of four categories based upon their hazard potential; Class I the highest hazard potential; Class IV the lowest.

Construction of a new dam or alteration of an existing dam requires a permit.

Operation and maintenance certificates are required for Class I, II and III dams. The permit term is six years and updated periodically during this term depending upon its classification. Class IV dams do not require a certificate but do require that an inventory report be prepared by the owner.

Existing dams may be issued a conditional operation and maintenance certificate while its deficiencies are being corrected. The board may issue an operation and maintenance certificate for existing dams not satisfying current new construction criteria provided that the applicant proves that the structure does not pose an unreasonable hazard to life and property and that the applicant satisfies all special requirements imposed by the board.

Both permits and certificates can be transferred with change of ownership.

VR 625-01-00. Impounding Structure Regulations.

PART I. GENERAL.

§ 1.1. Authority.

This regulation is promulgated by the Virginia Soil and Water Conservation Board in accordance with the provisions of the Dam Safety Act, Article 2, Chapter 6, Title 10.1 (§ 10.1-604 et seq.), of the Code of Virginia.

§ 1.2. General provisions.

A. This regulation provides for the proper and safe design, construction, operation and maintenance of impounding structures to protect public safety. This regulation shall not be construed or interpreted to relieve the owner or operator of any impoundment or

impounding structure of any legal duties, obligations or liabilities incident to ownership, design, construction, operation or maintenance.

B. Approval by the board of proposals for an impounding structure shall in no manner be construed or interpreted as approval to capture or store waters. For information concerning approval to capture or store waters, see Chapter 8 (§ 62.1-107) of Title 62.1 of the Code of Virginia, and other provisions of law as may be applicable.

C. In promulgating this regulation, the board recognizes that no impounding structure can ever be completely "fail-safe," because of incomplete understanding of or uncertainties associated with natural (earthquakes and floods) and manmade (sabotage) destructive forces; with material behavior and response to those forces; and with quality control during construction.

D. Any engineering analysis required by this regulation such as plans, specifications, hydrology, hydraulics and inspections shall be conducted by and bear the seal of a professional engineer licensed to practice in Virginia.

E. The official forms as called for by this regulation are available from the director.

§ 1.3. Definitions.

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

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (one foot of depth over one acre of area).

"Agricultural purpose dams" means dams which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet and certified by the owner on official forms as constructed, maintained or operated primarily for agricultural purposes.

"Alteration permit" means a permit required for changes to an impounding structure that could alter or affect its structural integrity. Alterations requiring a permit include, but are not limited to: changing the height, increasing the normal pool or principal spillway elevation, changing the elevation or physical dimensions of the emergency spillway or removing the impounding structure.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional operation and maintenance certificate" means a certificate required for impounding structures with deficiencies.

"Construction permit" means a permit required for the

construction of a new impounding structure.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Design freeboard" means the vertical distance between the maximum elevation of the design flood and the top of the impounding structure.

"Director" means the Director of the Department of Conservation and Historic Resources or his designee.

"Height" means the structural height of an impounding structure. If the impounding structure spans a stream or watercourse, height means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the impounding structure to the top of the impounding structure. If the impounding structure does not span a stream or watercourse, height means the vertical distance from the lowest elevation of the outside limit of the barrier to the top of the impounding structure.

"Impounding structure" means a manmade device, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials. The term "impounding structure" includes all dams which are equal to or greater than 25 feet in height and which create a maximum impoundment equal to or greater than 50 acre-feet, except (i) dams licensed by the State Corporation Commission that are subject to a dam safety inspection program; (ii) dams owned or licensed by the United States government; (iii) dams constructed, maintained or operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet; (iv) water or silt retaining dams approved pursuant to § 45.1-222 of the Code of Virginia; or (v) obstructions in a canal used to raise or lower water levels.

"Impoundment" means a body of water or other materials the storage of which is caused by any impounding structure.

"Inundation zone" means an area that could be inundated as a result of impounding structure failure and that would not otherwise be inundated to that elevation.

"Life of the impounding structure" and "life of the project" mean that period of time for which the impounding structure is designed and planned to perform effectively, including the time required to remove the structure when it is no longer capable of functioning as planned and designed.

"Maximum impounding capacity" means the volume in acre-feet that is capable of being impounded at the top of the impounding structure.

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“Normal impounding capacity” means the volume in acre-feet that is capable of being impounded at the elevation of the crest of the lowest ungated outlet from the impoundment.

“Operation and maintenance certificate” means a certificate required for the operation and maintenance of all impounding structures.

“Owner” means the owner of the land on which an impounding structure is situated, the holder of an easement permitting the construction of an impounding structure and any person or entity agreeing to maintain an impounding structure. The term “owner” includes the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities. Also included are any public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this Commonwealth or any other state or country, as well as any person or group of persons acting individually or as a group.

“Top of the impounding structure” means the lowest point of the nonoverflow section of the impounding structure.

“Watercourse” means a natural channel having a well-defined bed and banks and in which water flows when it normally does flow.

§ 1.4. Classes of impounding structures.

A. Impounding structures shall be classified in one of four categories according to size and hazard potential, as defined in subsection B of this section and Table 1. Size classification shall be determined either by maximum impounding capacity or height, whichever gives the larger size classification.

B. For the purpose of this regulation, hazards pertain to potential loss of human life or property damage downstream from the impounding structure in event of failure or faulty operation of the impounding structure or appurtenant facilities.

1. Impounding structures in the Class I hazard potential category are located where failure will cause probable loss of life or serious damage to occupied building(s), industrial or commercial facilities, important public utilities, main highway(s) or railroad(s).

2. Impounding structures in the Class II hazard potential category are located where failure could cause possible loss of life or damage to occupied building(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important public utilities.

3. Impounding structures in Class III hazard potential category are located where failure may cause minimal property damage to others. No loss of life is expected.

4. Impounding structures in Class IV hazard potential category are located where the failure of the impounding structure would cause no property damage to others. No loss of life is expected.

5. Such size and hazard potential classifications shall be proposed by the owner and shall be subject to approval by the director. Present and projected development of the inundation zones downstream from the impounding structure shall be considered in determining the classification.

6. Impounding structures shall be subject to reclassification as necessary.

§ 1.5. Performance standards required for impounding structures.

Impounding structures shall be constructed, operated and maintained such that they perform in accordance with their design and purpose throughout the life of the project. For new impounding structures, the spillway(s) capacity shall perform at a minimum to safely pass the appropriate spillway design flood as determined in Table 1.

IMPOUNDING STRUCTURE REGULATIONS

TABLE 1

Class	Hazard Potential of If Impounding Dam Structure Fails	SIZE CLASSIFICATION		Spillway Design Flood(SDF) ^b
		Maximum Capacity(Ac-Ft) ^a	Height (ft) ^a	
I	Probable Loss of Life; Excessive Economic Loss	Large > 50,000	> 100	PHF ^c
		Medium > 1,000 & < 50,000	> 40 & < 100	PHF
		Small > 50 & < 1,000	> 25 & < 40	1/2 PHF to PHF
II	Possible Loss of Life; Appreciable Economic Loss	Large > 50,000	> 100	PHF
		Medium > 1,000 & < 50,000	> 40 & < 100	1/2 PHF to PHF
		Small > 50 & < 1,000	> 25 & < 40	100-YR to 1/2 PHF
III	No Loss of Life Expected; Minimal Economic Loss	Large > 50,000	> 100	1/2 PHF to PHF
		Medium > 1,000 & < 50,000	> 40 & < 100	100-YR to 1/2 PHF
		Small > 50 & < 1,000	> 25 & < 40	50-YR ^d to 100-YR ^e
IV	No Loss of Life Expected; No Economic Loss to Others	> 50 (non-agricultural)	> 25 (both)	50-YR to 100-YR
		> 100 (agricultural)		

a. The factor determining the largest size classification shall govern.

b. The spillway design flood (SDF) represents the largest flood that need be considered in the evaluation of the performance for a given project. The impounding structure shall perform so as to safely pass the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected. The establishment in this regulation of rigid design flood criteria or standards is not intended. Safety must be evaluated in the light of peculiarities and local conditions for each impounding structure and in recognition of the many factors involved, some of which may not be precisely known. Such can only be done by competent, experienced engineering

judgment, which the values in Table 1 are intended to supplement, not supplant.

c. *PMF: Probable maximum flood. This means the flood that might be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from the current probable maximum precipitation (PMP) available from the National Weather Service, NOAA. In some cases local topography or meteorological conditions will cause changes from the generalized PMP values; therefore, [it] is advisable to contact local, state or federal agencies to obtain the prevailing practice in specific cases.*

d. *50-Yr: 50-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 50 years. It may also be expressed as an exceedence probability with a 2.0% chance of being equaled or exceeded in any given year.*

e. *100-Yr: 100-year flood. This means the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1.0% chance of being equaled or exceeded in any given year.*

PART II. PERMIT REQUIREMENTS.

§ 2.1. Required permits.

A. *No person or entity shall construct or begin to construct an impounding structure until the board has issued a construction permit.*

B. *No person or entity shall alter or begin to alter an existing impounding structure in a manner which would potentially affect its structural integrity until the board has issued an alteration permit, or in the case of an emergency, authorization obtained from the director. The permit requirement may be waived if the director determines that the alteration of improvement will not substantially alter or affect the structural integrity of the impounding structure. Alteration does not mean normal operation and maintenance.*

C. *When the board receives an application for any permit to construct or alter an impounding structure, the director shall inform the government of any jurisdiction which might be affected by the permit application.*

D. *In evaluating construction and alteration permit applications the director shall use the most current design criteria and standards referenced in § 5.9 of these regulations.*

§ 2.2. Construction permits.

A. *Prior to preparing the complete design report for a construction permit, applicants are encouraged to seek approval of the project concept from the director. For this purpose the applicant should submit a general description of items 1 through 4 of subsection B and items 1 and 2 below:*

1. *Proposed design criteria and a description of the size, ground cover conditions, extent of development of the watershed and the geologic and the geotechnical engineering assumptions used to determine the foundations and materials to be used.*

2. *Preliminary drawings of a general nature, including cross sections, plans and profiles of the impounding structure, proposed pool levels and types of spillway(s).*

B. *An applicant for a construction permit shall submit a design report on official forms. The design report shall be prepared in accordance with § 5.1 of these regulations and shall include the following information:*

1. *A description of the impounding structure and appurtenances and a proposed classification conforming with this regulation. The description shall include a statement of the purposes for which the impoundment and impounding structure are to be used.*

2. *A description of properties located in the inundation zone downstream from the site of the proposed impounding structure, including the location and number of residential structures, buildings, roads, utilities and other property that would be endangered should the impounding structure fail.*

3. *A statement from the governing body of the local political subdivision or other evidence confirming that body is aware of the proposal to build an impounding structure and of the land use classifications applicable to the inundation zone.*

4. *Maps showing the location of the proposed impounding structure that include: the county or city in which the proposed impounding structure would be located, the location of roads, access to the site and the outline of the impoundment. Existing aerial photographs or existing topographic maps may be used for this purpose.*

5. *A report of the geotechnical investigations of the foundation soils or bedrock and of the materials to be used to construct the impounding structure.*

6. *Design assumptions and analyses sufficient to indicate that the impounding structure will be stable during its construction and during the life of the impounding structure under all conditions of reservoir operations, including rapid filling and rapid drawdown of the impoundment.*

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7. Evaluation of the stability of the reservoir rim area in order to safeguard against reservoir rim slides of such magnitude as to create waves capable of overtopping the impounding structure and confirmation of rim stability during seismic activity.

8. Design assumptions and analyses sufficient to indicate that seepage in, around, through or under the impounding structure, foundation and abutments will be reasonably and practically controlled so that internal or external forces or results thereof will not endanger the stability of the impounding structure.

9. Calculations and assumptions relative to design of the spillway(s). Spillway capacity shall conform to the criteria of Table 1.

10. Provisions to ensure that the impounding structure and appurtenances will be protected against deterioration or erosion due to freezing and thawing, wind and rain or any combination thereof.

11. Other pertinent design data, assumptions and analyses commensurate with the nature of the particular impounding structure and specific site conditions, including when required by the director, a plan and profile of the inundation zones.

12. Erosion and sediment control plans to minimize soil erosion and sedimentation during all phases of construction, operation and maintenance. Projects shall be in compliance with local erosion and sediment control ordinances.

13. A description of the techniques to be used to divert stream flow during construction so as to prevent hazard to life, health and property.

14. A plan of quality control testing to confirm that construction materials and methods meet the design requirements set forth in the specifications.

15. A proposed schedule indicating construction sequence and time to completion.

16. Plans and specifications as required by § 5.8 of these regulations.

17. An emergency action plan on official forms and evidence that a copy of such plan has been filed with the local and state Department of Emergency Services. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

18. A proposed impoundment and impounding structure operation and maintenance plan on official forms certified by a professional engineer. This plan shall include a safety inspection schedule and shall

place particular emphasis on operating and maintaining the impounding structure in keeping with the project design, so as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life.

C. The director or the applicant may request a conference to facilitate review of the applicant's proposal.

D. The owner shall certify in writing that the operation and maintenance plan as approved by the board will be adhered to during the life of the project except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property. At such time, the owner's engineer and the director shall be notified.

E. If the submission is not acceptable, the director shall inform the applicant within 60 days and shall explain what changes are required for an acceptable submission.

F. Within 120 days of receipt of an acceptable design report the board shall act on the application.

G. Prior to and during construction the owner shall notify the director of any proposed changes from the approved design, plans, specifications, or operation and maintenance plan. Approval shall be obtained from the director prior to the construction or installation of any changes that will affect the stability of the impounding structure.

H. The construction permit shall be valid for the construction schedule specified in the approved design report. The construction schedule may be amended by the director for good cause at the request of the applicant.

I. Construction must commence within two years after the permit is issued. If construction does not commence within two years after the permit is issued, the permit shall expire, except that the applicant may petition the board for extension of the two-year period and the board may extend such period for good cause.

J. The director may revoke a construction permit if any of the permit terms are violated, or if construction is conducted in a manner hazardous to downstream life or property. The director may order the owner to eliminate such hazardous conditions within a period of time limited by the order. Such corrective measures shall be at the owner's expense. The applicant may petition the board to reissue the permit with such modifications as the board determines to be necessary.

K. The owner's professional engineer shall advise the director when the impounding structure may safely impound water. The director shall acknowledge this statement within 10 days after which the impoundment may be filled under the engineer's supervision. The director's acknowledgement shall act as a temporary

operation and maintenance certificate until an operation and maintenance certificate has been applied for and issued in accordance with § 3.2 of these regulations.

§ 2.3. Alterations permits.

A. Application for a permit to alter an impounding structure in ways which would potentially affect its structural integrity shall be made on official forms. The application shall clearly describe the proposed work with appropriately detailed plans and specifications.

B. Alterations which would potentially affect the structural integrity of an impounding structure include but are not limited to changing its height, increasing the normal pool or principal spillway elevation, changing the elevation or physical dimensions of the emergency spillway or removing the impounding structure.

C. Where feasible an application for an alteration permit shall also include plans and specifications for a device to allow for draining the impoundment if such does not exist.

D. If the submission is not acceptable, the director shall inform the applicant within 60 days and shall explain what changes are required for an acceptable submission.

E. Within 120 days of receipt of an acceptable application, the board shall act on the application.

§ 2.4. Transfer of permits.

Prior to the transfer of ownership of a permitted impounding structure the permittee shall notify the director in writing and the new owner shall file a transfer application on official forms. The new owner shall amend the existing permit application as necessary and shall certify to the director that he is aware of and will comply with all of the requirements and conditions of the permit.

PART III. CERTIFICATE REQUIREMENTS.

§ 3.1. Operation and maintenance certificates.

A. A Class I Operation and Maintenance Certificate is required for a Class I Hazard potential impounding structure. The certificate shall be for a term of six years. It shall be updated based upon the filing of a new reinspection report certified by a professional engineer every two years.

B. A Class II Operation and Maintenance Certificate is required for a Class II Hazard potential impounding structure. The certificate shall be for a term of six years. It shall be updated based upon the filing of a new reinspection report certified by a professional engineer every three years.

C. A Class III Operation and Maintenance Certificate is

required for a Class III Hazard potential impounding structure. The certificate shall be for a term of six years.

D. The owner of a Class I, II or III impounding structure shall provide the director an annual owner's inspection report on official forms in years when no professional reinspection is required and may be done by the owner or his representative.

E. If an Operation and Maintenance Certificate is not updated as required, the board shall take appropriate enforcement action.

F. The owner of a Class I, II or III impounding structure shall apply for the renewal of the six year operation and maintenance certificate 90 days prior to its expiration in accordance with § 3.3 of these regulations.

G. A Class IV impounding structure will not require an operation and maintenance certificate. An inventory report is to be prepared as provided in § 3.3 B and filed by the owner on a six-year interval, and an owners inspection report filed annually.

H. The owner of any impounding structure, regardless of its hazard classification, shall notify the board immediately of any change in either cultural features downstream from the impounding structure or of any change in the use of the area downstream that would present hazard to life or property in the event of failure.

§ 3.2. Operation and maintenance certificate for newly constructed impounding structures.

A. Within 180 days after completion of the construction of an impounding structure, the owner shall submit:

1. A complete set of as-built drawings certified by a professional engineer and an as-built report on official forms.

2. A copy of a certificate from the professional engineer who has inspected the impounding structure during construction certifying that, to the best of his judgment, knowledge and belief, the impounding structure and its appurtenances were constructed in conformance with the plans, specifications, drawings and other requirements approved by the board.

3. A copy of the operation and maintenance plan and emergency action plan submitted with the design report including any changes required by the director.

B. If the director finds that the operation and maintenance plan or emergency action plan is deficient, he shall return it to the owner within 60 days with suggestions for revision.

C. Within 60 days of receipt of the items listed in subsection A above, if the board finds that adequate provision has been made for the safe operation and

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maintenance of the impounding structure, the board shall issue an operation and maintenance certificate.

§ 3.3. Operation and maintenance certificates for existing impounding structures.

A. Any owner of an impounding structure other than a Class IV impounding structure which has already filed an inventory report that does not have an operation and maintenance certificate or any owner renewing an operation and maintenance certificate shall file an application with the board.

B. The application for an operation and maintenance certificate shall be on official forms and shall include:

1. A reinspection report for Class I and II impounding structures. The reinspection report shall include an update of conditions of the impounding structure based on a Phase I or Phase II inspection as established by the U.S. Army Corps of Engineers, a previous reinspection report or an as-built report.

2. An inventory report for Class III impounding structures. The inventory report shall include:

a. The name and location of the impounding structure and the name of the owner.

b. The description and dimensions of the impounding structure, the spillways, the reservoir and the drainage area.

c. The history of the impounding structure which shall include the design, construction, repairs, inspections and whether the structure has been overtopped.

d. Observations of the condition of the impounding structure, reservoir, and upstream and downstream areas.

e. Any changes in the impounding structure, reservoir, and upstream and downstream areas.

f. Recommendations for remedial work.

3. An impoundment and impounding structure operation and maintenance plan certified by a professional engineer. This plan shall place particular emphasis on operating and maintaining the impounding structure in keeping with the project design in such manner as to maintain its structural integrity and safety during both normal and abnormal conditions which may reasonably be expected to occur during its planned life. The Phase I Inspection Report should be sufficient to serve as the basis for the operation and maintenance plan for a Class I and Class II impounding structure. For a Class III impounding structure, the operation and maintenance plan shall be based on the data provided in the

inventory report.

4. An emergency action plan and evidence that a copy of such plan has been filed with the local and state Department of Emergency Services. The plan shall include a method of providing notification and warning to persons downstream, other affected persons or property owners and local authorities in the event of a flood hazard or the impending failure of the impounding structure.

C. The owner shall certify in writing that the operation and maintenance plan approved by the board will be adhered to during the life of the project except in cases of emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time the owner's engineer and the director shall be notified.

D. If the director finds that the operation and maintenance plan or emergency action plan is deficient, he shall return it to the owner within 60 days with suggestions for revision.

E. Within 60 days of receipt of an acceptable application if the board finds that adequate provision has been made for the safe operation and maintenance of the impounding structure, the board shall issue an operation and maintenance certificate.

§ 3.4. Existing impounding structures constructed prior to July 1, 1982.

A. Many existing impoundment structures were designed and constructed prior to the enactment of the Dam Safety Act, and may not satisfy current criteria for new construction. The board may issue an operation and maintenance certificate for such structures provided that:

1. Operation and maintenance is determined by the director to be satisfactory and up to date;

2. Annual owner's inspection reports have been filed with and are considered satisfactory by the director;

3. The applicant proves in accordance with the current design procedures and references of § 5.9 to the satisfaction of the board that the impounding structure as designed, constructed, operated and maintained does not pose an unreasonable hazard to life and property; and

4. The owner satisfies all special requirements imposed by the board.

B. When appropriate with existing impounding structures only, the spillway design flood requirement may be reduced by the board to the spillway discharge at which dam failure will not significantly increase the downstream hazard existing just prior to dam failure provided that the conditions of § 3.4 A of these regulations have been met.

§ 3.5. Existing impounding structures constructed after July 1, 1982.

The board may issue an operation and maintenance certificate for an impounding structure having a construction permit issued after July 1, 1982, and shall not require upgrading to meet new more stringent criteria unless the board determines that the new criteria must be applied to prevent an unreasonable hazard to life or property.

§ 3.6. Conditional operation and maintenance certificate.

A. During the review of any operation and maintenance application should the director determine that the impounding structure has deficiencies of a nonimminent danger category, the director may recommend that the board issue a conditional operation and maintenance certificate.

B. The conditional operation and maintenance certificate for Class I, II and III impounding structures shall be for a maximum term of two years. This certificate will allow the owner to continue normal operation and maintenance of the impounding structure, and shall require that the owner correct the deficiencies on a schedule determined by the director.

C. A conditional certificate may be renewed in accordance with the procedures of § 3.3 provided that annual owner inspection reports are on file, and the board determines that the owner is proceeding with the necessary corrective actions.

D. Once the deficiencies are corrected, the board shall issue an operation and maintenance certificate based upon any required revisions to the original application.

§ 3.7. Additional operation and maintenance requirements.

A. The owner of an impounding structure shall not, through action or inaction, cause or allow such structure to impound water following receipt of a written report from the owner's engineer that the impounding structure will not safely impound water.

§ 3.8. Transfer of certificates.

Prior to the transfer of ownership of an impounding structure the certificate holder shall notify the director in writing and the new owner shall file a transfer application on official forms. The new owner may elect to continue the current operation and maintenance certificate for the remaining term or he may apply for a new certificate in accordance with § 3.3. If the owner elects to continue the existing certificate he shall amend the existing certificate application as necessary and shall certify to the director that he is aware of and will comply with all of the requirements and conditions of the certificate.

PART IV. PROCEDURES.

§ 4.1. Inspections.

The director may make inspections during construction, alteration or operation and maintenance as deemed necessary to ensure that the impounding structure is being constructed, altered or operated and maintained in compliance with the permit or certificate issued by the board. The director shall provide the owner a copy of the findings of these inspections. This inspection does not relieve the owner from the responsibility of providing adequate inspection during construction or operation and maintenance. Periodic inspections during construction or alteration shall be conducted under the supervision of a professional engineer who shall propose the frequency and nature of the inspections subject to approval by the director. Periodic inspections during operation and maintenance shall be conducted under the supervision of a professional engineer at an interval not greater than that required to update the operation and maintenance certificate. At a minimum, an annual owner's inspection shall be conducted when a professional inspection is not required. Every owner shall provide for an inspection by a professional engineer after overtopping of the impounding structure. A copy of the findings of each inspection with the engineer's recommendations shall be filed with the board within a reasonable period of time not to exceed 30 days subsequent to completion of the inspection.

§ 4.2. Right to hearing.

Any owner aggrieved by an action taken by the director or by the board without hearing, or by inaction of the director or the board, under the provisions of this regulation, may demand in writing a formal hearing.

§ 4.3. Enforcement.

Any owner refusing to obey any order of the board or the director pursuant to this regulation may be compelled to obey and comply with such provisions by injunction or other appropriate remedy obtained in a court proceeding. Such proceeding shall be instituted by the board or in the case of an emergency, by the director in the court which granted approval to the owner to impound waters or, if such approval has not been granted, the proceeding shall be instituted in any appropriate court.

§ 4.4. Consulting boards.

A. When the board needs to satisfy questions of safety regarding plans and specifications, construction or operation and maintenance, or when requested by the owner, the board may appoint a consulting board to report to it with respect to those questions of the safety of an impounding structure. Such a board shall consist of two or more consultants, none of whom have been associated with the impounding structure.

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B. The costs and expenses incurred by the consulting board, if appointed at the request of an owner, shall be paid by the owner.

C. The costs and expenses incurred by the consulting board, if initiated by the board, shall be paid by the board.

§ 4.5. Unsafe conditions.

A. No owner shall have the right to maintain an impounding structure which unreasonably threatens the life or property of another person. The owner of any impounding structure found to have deficiencies which could threaten life or property if uncorrected shall take the corrective actions needed to remove such deficiencies within a reasonable period of time.

B. Imminent danger.

When the director finds that an impounding structure is unsafe and constitutes an imminent danger to life or property, he shall immediately notify the state Department of Emergency Services and confer with the owner. The owner of an impounding structure found to constitute an imminent danger to life or property shall take immediate corrective action to remove the imminent danger as required by § 10.1-608 of the Code of Virginia.

C. Nonimminent danger.

The owner of an impounding structure who has been issued a report by the director containing findings and recommendations for the correction of deficiencies which threaten life or property if not corrected, shall undertake to implement the recommendations for correction of deficiencies according to a schedule of implementation contained in that report as required by § 10.1-609 of the Code of Virginia.

§ 4.6. Complaints.

A. Upon receipt of a complaint alleging that the person or property of the complainant is endangered by the construction, maintenance or operation of impounding structure, the director shall cause an inspection of the structure, unless the data, records and inspection reports on file with the board are found adequate to determine if the complaint is valid.

B. If the director finds that an unsafe condition exists, the director shall proceed under the provisions of §§ 10.1-608 and 10.1-609 of the Code of Virginia to render the extant condition safe.

PART V. DESIGN REQUIREMENTS.

§ 5.1. Design of structures.

A. The owner shall complete all necessary investigations

prior to submitting the design report. The scope and degree of precision required is a matter of engineering judgment based on the complexities of the site and the hazard potential classification of the proposed structure.

B. Surveys shall be made with sufficient accuracy to locate the proposed construction site and to define the total volume of storage in the impoundment. Locations of center lines and other horizontal and vertical controls shall be shown on a map of the site. The area downstream and upstream from the proposed impounding structure shall be investigated in order to delineate the areas and extent of potential damage in case of failure or backwater due to flooding.

C. The drainage area shall be determined. Present, projected and potential future land-use conditions shall be considered in determining the runoff characteristics of the drainage area. The most severe of these conditions shall be included in the design calculations which shall be submitted as part of the design report.

D. The geotechnical engineering investigation shall consist of borings, test pits and other subsurface explorations necessary to adequately define the existing conditions. The investigations shall be performed so as to define the soil, rock and ground water conditions.

E. All construction materials shall be adequately selected so as to ensure that their properties meet design criteria. If on-site materials are to be utilized, they shall be located and determined to be adequate in quantity and quality.

§ 5.2. Design flood.

The minimum design flood to be utilized in impounding structure evaluation, design, construction, operation and maintenance shall be commensurate with the size and hazard potential of the particular impounding structure as determined in § 1.5 and Table 1. Competent, experienced, professional engineering judgment shall be used in applying those design and evaluation procedures referenced in § 5.9 of these regulations.

§ 5.3. Emergency spillway design.

A. Every impounding structure shall have a spillway system with adequate capacity to discharge the design flood without endangering the safety of the impounding structure.

B. An emergency spillway shall be required.

C. Vegetated earth or unlined emergency spillway may be approved when the applicant demonstrates that it will pass the spillway design flood without jeopardizing the safety of the impounding structure.

D. Lined emergency spillways shall include design criteria calculations, plans and specifications for open

channel, drop, ogee and chute spillways that include crest structures, walls, panel lining and miscellaneous details. All joints shall be reasonably water-tight and placed on a foundation capable of sustaining applied loads without undue deformation. Provision shall be made for handling leakage from the channel or under seepage from the foundation which might adversely affect the structural integrity and structural stability of the impounding structure.

§ 5.4. Principal spillways and outlet works.

A. It will be assumed that principal spillways and regulating outlets provided for special functions will operate to normal design discharge capabilities during the spillway design flood, provided appropriate analyses show:

1. That control gates and structures are suitably designed to operate reliably under maximum heads for durations likely to be involved and risks of blockage by debris are minimal;
2. That access roads and passages to gate regulating controls would be safely passable by operating personnel under spillway design flood conditions; and
3. That there are no other substantial reasons for concluding that outlets would not operate safely to fill design capacity during the spillway design flood.

B. If there are reasons to doubt that any of the above basic requirements might not be adequately met under spillway design flood conditions, the "dependable" discharge capabilities of regulating outlets shall be assumed to be less than 100% of design capabilities, generally as outlined in the following subsections C through G of this section.

C. Any limitations in safe operating heads, maximum velocities to be permitted through structures or approach channels, or other design limitations shall be observed in establishing "dependable" discharge rating curves to be used in routing the spillway design flood hydrograph through the reservoir.

D. If intakes to regulating outlets are likely to be exposed to dangerous quantities of floating drift, sediment depositions or ice hazards prior to or during major floods, the dependable discharge capability during the spillway design flood shall be assumed to be zero.

E. If access roads or structural passages to operating towers or controls are likely to be flooded or otherwise unusable during the spillway design flood, the dependable discharge capability of regulating outlets will be assumed to be zero for those period of time during which such conditions might exist.

F. Any deficiencies in discharge performance likely to result from delays in the operation of gates before attendants could be reasonably expected to reach the

control for in estimating "dependable" discharge capabilities to be assumed in routing the spillway design flood through reservoir. Reports on design studies shall indicate the allowances made for possible delays in initiating gate operations. Normally, for projects located in small basins, where critical spillway design flood inflows may occur within several hours after intense precipitation, outflows through any regulating outlets that must be opened after the flood begins shall be assumed to be zero for an appropriate period of time subsequent to the beginning of intense rainfall.

G. All gates, valves, conduits and concrete channel outlets shall be designed and constructed to prevent significant erosion or damage to the impounding structure or to the downstream outlet or channel.

§ 5.5. Drain requirements.

All new impounding structures regardless of their hazard potential classification, shall include a device to permit draining of the impoundment within a reasonable period of time as determined by the owner's professional engineer, subject to approval by the director.

§ 5.6. Life of the impounding structure.

Components of the impounding structure, the impoundment, the outlet works, drain system and appurtenances shall be durable in keeping with the design and planned life of the impounding structure.

§ 5.7. Additional design requirements.

A. Flood routings shall start at or above the elevation of the crest of the lowest ungated outlet.

B. All elements of the impounding structure and impoundments shall conform to sound engineering practice. Safety factors, design standards and design references that are used shall be included with the design report.

C. Inspection devices may be required by the director for use by inspectors, owners or the director in conducting inspections in the interest of structural integrity during and after completion of construction and during the life of the impounding structure.

§ 5.8. Plans and specifications.

The plans and specifications for a proposed impounding structure shall consist of a detailed engineering design report that includes engineering drawings and specifications, with the following as a minimum:

1. The name of the project; the name of the owner; classification of the impounding structure as set forth in this regulation; designated access to the project and the location with respect to highways, roads, streams and existing impounding structures and

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impoundments that would affect or be affected by the proposed impounding structure.

2. Cross-sections, profiles, logs of test borings, laboratory and in situ test data, drawings of principal and emergency spillways and other additional drawings in sufficient detail to indicate clearly the extent and complexity of the work to be performed.

3. The technical provisions, as may be required to describe the methods of the construction and construction quality control for the project.

4. Special provisions, as may be required to describe technical provisions needed to ensure that the impounding structure is constructed according to the approved plans and specifications.

§ 5.9. Acceptable design procedures and references.

The following are acceptable as design procedures and references:

1. The design procedures, manuals and criteria used by the United States Army Corps of Engineers.

2. The design procedures, manuals and criteria used by the United States Department of Agriculture, Soil Conservation Service.

3. The design procedures, manuals and criteria used by the United States Department of Interior, Bureau of Reclamation.

4. The design procedures, manuals and criteria used by the United States Department of Commerce, National Weather Service.

5. Other design procedures, manuals and criteria that are accepted as current, sound engineering practices, as approved by the director prior to the design of the impounding structure.

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
 Division of Soil & Water Conservation
 203 Governor Street, Suite 206
 Richmond, Virginia 23219-2094

DESIGN REPORT FOR THE CONSTRUCTION/ALTERATION OF IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 5, Virginia Soil & Water Conservation Board

1. Project Information:

- a. Proposed Construction _____ Alteration _____
- b. Name of Impounding Structure _____
- c. Inventory Number _____ (Leave blank if new Construction)
- d. Name of Reservoir _____
- e. Purpose of Reservoir _____

2. Impounding Structure Classification:

- a. Size Classification From Table I Impounding Structure Regulations
 Large Medium Small (Circle One)
- b. Hazard Potential Classification From Table I Impounding Structure Regulations
 Class I Class II Class III (Circle One)

3. Location of Impounding Structure:

- a. City/County _____ Magisterial District _____
- b. Located _____ feet/miles upstream/downstream of Highway Number _____
- c. Name of River or Stream _____
- d. Latitude _____ Longitude _____

4. Ownership:

- a. Owner's Name _____
- b. Mailing Address _____
- c. Telephone (____) _____

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 199-072; (2/2/89)

5. Owner's Engineer:

- a. Design Firm/Design Engineer _____
- b. Virginia Number _____
- c. Mailing Address _____
- d. Telephone(____) _____

6. Impounding Structure Data

- a. Type of material _____ earth _____ concrete _____ masonry _____ other _____

Note: All elevations NGVD unless noted
 For new construction complete only the design configuration column
 For alteration complete both the existing and design configuration column

	Existing Configuration	Design Configuration	Elev. Feet
b. Top of Dam	_____	_____	_____
c. Downstream Toe (Lowest)	_____	_____	_____
d. Height of Dam	_____	_____	_____
e. Crest Length (Exclusive of Spillway)	_____	_____	_____
f. Crest Width	_____	_____	_____
g. Upstream Slope	H: _____ V: _____	H: _____ V: _____	_____
h. Downstream Slope	H: _____ V: _____	H: _____ V: _____	_____

7. Reservoir Data:

	Existing Configuration	Design Configuration	Acres-Feet
a. Maximum Capacity	_____	_____	_____
b. Maximum Pool	_____	_____	_____
c. Maximum Pool Surface Area	_____	_____	_____
d. Normal Capacity	_____	_____	_____
e. Normal Pool	_____	_____	_____
f. Normal Pool Surface Area	_____	_____	_____
g. Freeboard (Normal Pool to Top)	_____	_____	_____

8. Spillway Data:

	Type	Construction Material	Design Configuration
a. Low Level Drain	_____	_____	_____
b. Principal Spillway	_____	_____	_____
c. Emergency Spillway	_____	_____	_____

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	Existing Configuration	Design Configuration	
d. Low Level Drain (low inlet)	_____	_____	Elev.
e. Principal Spillway (high inlet)	_____	_____	Elev.
f. Emergency Spillway (crest)	_____	_____	Elev.

9. Watershed Data:

- a. Drainage area _____ acres/Sq. Miles.
- b. Type and extent of Watershed Development _____
- c. Time of Concentration _____ Method _____
- d. Spillway Design Flood used (check and state source)
 - _____ PMF, source _____
 - _____ 1/2 PMF, source _____
 - _____ 100 Year, source _____
 - _____ 50 Year, source _____
 - _____ Other, source _____
- e. Design inflow hydrograph: Volume _____ acre-feet; Peak inflow _____ C.F.S.;
Rainfall duration of design inflow hydrograph _____ hours
- f. Freeboard during passage of spillway design flood _____ feet.

10. Additional Information:

Provide as attachments to the Design Report the following information. Note for alteration permits the detail of this information is to be in accordance with the scope of the proposed alteration:

- a. A description of properties located in the inundation zone downstream from the site of the impounding structure, including the location and number of residential structures, buildings, roads, utilities and other property that would be endangered should the impounding structure fail.
- b. A statement from the governing body of the local political subdivision or other evidence confirming that body is aware of the proposal to build or alter an impounding structure and of the land use classifications applicable to the inundation zone.
- c. Maps showing the location of the impounding structure that include: the county or city in which the impounding structure is located, the location of roads, access to the site and the outline of the impoundment.
- d. A report of the geotechnical investigations of the foundation soils or bedrock and of the materials to be used to construct the impounding structure.

- e. Design assumptions and analyses sufficient to indicate that the impounding structure will be stable during its construction and during the life of the impounding structure under all conditions of reservoir operations, including rapid filling and rapid drawdown of the impoundment.
- f. Confirmation of the stability of the reservoir rim area in order to safeguard against reservoir rim slides of such magnitude as to create waves capable of overtopping the impounding structure and confirmation of rim stability during seismic activity.
- g. Design assumptions and analyses sufficient to indicate that seepage in, around, through, or under the impounding structure, foundation, and abutments will be reasonably and practically controlled so that internal or external forces or results thereof will not endanger the stability of the impounding structure.
- h. Calculations and assumptions relative to design of the spillway(s).
- i. A description of provisions to ensure that the impounding structure and appurtenances will be protected against deterioration or erosion due to freezing and thawing, wind and rain, or any combination thereof.
- j. List and provide any other pertinent design data, assumptions, and analyses commensurate with the nature of the impounding structure and specific site conditions: _____
- k. A proposed schedule indicating construction sequence and time to completion.
- l. A proposed impoundment and impounding structure operating schedule.
- m. A proposed impoundment and impounding structure maintenance schedule.
- n. A proposed inspection schedule to be utilized in making periodic safety inspections during the life of the project.

OPERATION AND MAINTENANCE PLANS AND SCHEDULES
CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this form and the attachments to this form have been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this _____ day of _____, 19____
Professional Engineer

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

EMERGENCY ACTION PLAN FOR
CLASS I, CLASS II AND CLASS III
IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

- 1. Name of Impounding Structures:
Inventory Number Other Name (if any):
2. Hazard Potential Classification from Table I, Impounding Structure Regulations
Class I Class II Class III (Circle One)
3. Name of Owner:
Address:
Telephone: (Business) (Residential)
4. Name of Dam Operator:
Address:
Telephone: (Business) (Residential)
Name of Alternate Operator
5. Name of Rainfall or Staff Gauge Observer for Dam:
Address:
Telephone: (Business) (Residential)
Name of Alternate Observer
6. 24-Hour Dispatch Center Nearest Dam - Police/Fire/Sheriff's Department:
Address:
Telephone: (Business) (Residential)

7. Name of City/County Emergency Services Coordinator:
Address:
Telephone: (Business) (Residential)

8. Name, address and telephone number of all occupied dwellings that would be affected in the event of a dam failure:
Name Address Telephone Number

9. Name, address and telephone number of all owners of property, land and unoccupied buildings that would be affected in the event of a dam failure:
Name Address Telephone Number

10. Name, address and telephone number of owners of all commercial or recreational establishments that would be affected in the event of dam failure:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. If there are public roads downstream from the impounding structure, identify by highway number and distance below dam:

Route # _____ Miles; Route # _____ Miles; Route # _____ Miles

Provide name of resident engineer, Virginia Department of Transportation, (or City/County engineer): _____

Address: _____

Telephone: (Business) () _____ (Residential) () _____

12. Total depth of emergency spillway available before crest of dam is overtopped: _____ feet

13. Definitions:

Stage I Condition — A flood watch, or heavy continuous rain or excessive flow of water from ice or snow melt.

Stage II Condition — A flood warning; or emergency spillway activated or dam overtopping/breach may be possible.

Stage III Condition — Emergency spillway activated, dam overtopping or imminent failure is probable.

NOTE: Items 14 and 15 should be provided from the Operation and Maintenance Application (Form 199-073).

14. Amount of rainfall and/or depth of flow in the emergency spillway that will initiate a:

Stage II Condition	_____ inches per 6 hours	_____ depth of flow
	_____ inches per 12 hours;	
	_____ inches per 24 hours	
Stage III Condition	_____ inches per 6 hours	_____ depth of flow
	_____ inches per 12 hours;	
	_____ inches per 24 hours	

15. Frequency of observations by rainfall/staff gauge observer during a:

Stage I Condition _____ Stage II _____ Stage III _____

16. Surveillance and Notification

- a. The dam owner/operator is responsible for notifying local government of any problem or potential problem at the dam site.
- b. The dam owner/operator will initiate dam surveillance under Stage I conditions.
- c. The dam owner/operator will notify the 24-hour dispatch center and the Emergency Services Coordinator when Stage II conditions are met in order to alert them to review actions that may be required for the safety and protection of people and property in the event of dam overtopping or dam failure.
- d. The dam owner/operator will notify the 24-hour dispatch center and the Emergency Services Coordinator to initiate warning of residents when Stage III conditions or imminent dam failure are probable.
- e. 24-hour dispatch center should prepare standard operating procedures to implement dam overtopping/failure evacuation plans.

17. Evacuation Procedures:

a. Once local government has been notified of a condition requiring evacuation, the dam owner/operator and local government are mutually responsible for effecting evacuation.

(1) The dam owner/operator will: _____

(2) Local government will: _____

b. Methods for notification and warning to evacuate include:

- (1) Telephone
- (2) Police/fire/sheriff radio dispatch vehicles with loudspeakers, bullhorns, etc.
- (3) Personal runners for door-to-door alerting.
- (4) Radio/television broadcasts for area involved.

Certification by Owner/Operator

I certify that procedures for implementation of this plan have been coordinated with _____ (city/county) and the local Emergency Services Coordinator. Also, that a copy of this Form DS-2EAP has been filed with the State Department of Emergency Services; that this plan shall be adhered to during the life of the project; and that the information contained herein is current and correct to the best of my knowledge.

_____ this _____ day of _____ 19____
Owner/Operator

Certification by Local Government

I certify that procedures for the warning and evacuation of _____ (city/county) residents as required in the event of actual or impending failure of the _____ (name of dam) have been coordinated with the dam owner/operator.

City/County Official

Mail to: Virginia Dept. of Emergency Services
310 Turner Road
Richmond, Virginia 23225-6491

Dept. of Conservation & Historic Resources
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

DCHR/DSWC; DS-2EAP
199-073; (2/2/89)

EMERGENCY ACTION PLAN
WORK/DATA SHEET

1. Name of Impounding Structure: _____
2. Inventory #: _____ Other Name (if any): _____
3. Total Height: _____ feet (Measured vertically from top of structure to streambed at downstream toe).
4. Total Impoundment Capacity at top of structure: _____ acre-feet.
5. Size Classification (Circle one): Large Medium Small
6. Hazard Classification (Circle one): Class I Class II Class III
7. Spillway Design Flood (Circle one): PMF 1/2 PMF 100-Yr 50-Yr.
8. Downstream Inundation Area determined by (Mark one):
 _____ (1) Judgment
 _____ (2) Imperial Formulas
 Type used - _____
 _____ (3) Computer Programs
 Type used - _____
9. Critical Conditions used for structure failure (Mark one):
 _____ (1) Failure due to overtopping using -
 _____ PMF
 _____ % PMF
 _____ 100-Yr.
 _____ (2) Failure not due to flooding
 Describe: _____

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DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
 Division of Soil & Water Conservation
 203 Governor Street, Suite 206
 Richmond, Virginia 23219-2094

OPERATION AND MAINTENANCE APPLICATION
 CLASS I, II AND III IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

1. Name of Impounding Structure: _____
 Inventory Number _____ Other Name (if any): _____
2. Hazard Potential Classification from Table I, Impounding Structure Regulations:

Class I	Class II	Class III (Circle One)
---------	----------	------------------------
3. Name of Owner: _____
 Address: _____
 Telephone: (Business) () _____ (Residential) () _____
4. Operating Plan and Schedule.
 Provide a narrative for each item:
 - a. Operation of control gates and spillways.
 - b. Operation of Reservoir Drain (not to exceed 1/2-foot drawdown per day on embankment dams).
5. Maintenance Plan and Schedule.
 Provide a narrative for each item:
 - a. Embankment dams:
 - (1) embankment
 - (2) principal spillway
 - (3) emergency spillway
 - (4) low level outlet
 - (5) reservoir area
 - (6) downstream channel
 - (7) other

- b. Concrete dams (includes masonry and others):
 - (1) upstream face
 - (2) downstream face
 - (3) crest
 - (4) galleries
 - (5) tunnels, etc.
 - (6) abutments
 - (7) spillways
 - (8) gates and outlets
 - (9) other
6. Inspection schedule (attach schedule and checklist):
 - (1) operator inspection (daily, weekly, etc.)
 - (2) maintenance inspection (monthly, quarterly, semi-annual, annual)
 - (3) Technical safety reinspection by a professional engineer. (Required for certificate update: Class I dams every two years, Class II dams every three years. All dams inspected after overtopping).
7. Emergency Action Plan schedule.
 Provide the information that initiates the Emergency Action Plan:
 - a. rainfall amounts and/or
 - b. spillway flows
 - c. frequency of observation
8. For a newly constructed impounding structure provide certification from a Professional Engineer who has inspected the impounding structure during construction that to the best of the engineer's judgement, knowledge, and belief the impounding structure and all appurtenances have been constructed in conformance with the plans, specifications and drawings submitted to the Department of Conservation and Historic Resources.

- DCHR/DSWC; DS-2
 199-074; (2/2/89)

OPERATION AND MAINTENANCE PERMIT APPLICATION

OPERATION AND MAINTENANCE SCHEDULES
CERTIFICATION BY OWNER

I hereby certify that the operation and maintenance plans and schedules provided herewith will be adhered to during the life of the project except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time my engineer and the Department of Conservation and Historic Resources shall be notified.

_____ this _____ day of _____, 19____
Owner

CERTIFICATION BY THE OWNER'S ENGINEER

I hereby certify that the information provided in this Form DS-2 has been examined by me and found in my professional judgment to be appropriate to operation and maintenance considerations for this dam.

Signed _____ Virginia Number _____ this _____ day of _____, 19____
Professional Engineer

Remarks: _____

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

AS-BUILT REPORT FOR CLASS I, II, AND III IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

1. Project Information:
 - a. Name of Impounding Structure _____
 - b. Inventory Number _____ Other Name (if any) _____
 - c. Name of Reservoir _____
2. Location of Impounding Structure:
 - a. City/County _____ Magisterial District _____
 - b. Located _____ feet/miles upstream/downstream of Highway Number _____
 - c. Name of River or Stream _____
 - d. Latitude _____ Longitude _____
3. Ownership:
 - a. Owner's Name _____
 - b. Mailing Address _____

 - c. Telephone (____) _____
4. Construction/Alteration Design Report:
 - a. Design Report Prepared by _____
 - b. Design Report Date _____
 - c. Construction/Alteration Permit Number _____ Date Issued _____

The following As-Built Report is to provide the necessary information of a Phase I Inspection Report. This information is to supplement that of the Phase I Report, if one exists, or to serve as the Phase I Report for future reinspection:

5. Phase I Inspection Report (if applicable):
 - a. Phase I Inspection Report Prepared By _____
 - b. Phase I Inspection Report date: _____
6. Section 1 - Project Information: Provide a narrative describing the impounding structure:
 - a. 1.2.1 Description of dam and appurtenances; Embankment Length _____
 height _____; top elevation _____; top width _____
 sideslopes upstream _____; downstream _____;
 principal spillway (size & type) _____; emergency spillway
 elevation _____; width of spillway _____
 - b. 1.2.2 Location _____
 - c. 1.2.3 Size classification: Height _____ ft. Maximum Capacity _____ Ac-Ft
 Size Classification Small Medium Large (Circle One)
 - d. 1.2.4 Hazard classification: Downstream conditions: _____

 Hazard Classification Class I Class II Class III (Circle One)
 - e. 1.2.5 Ownership: _____
 - f. 1.2.6 Purpose of dam, describe: _____

- g. 1.2.7 Design and construction history: _____
- h. 1.2.8 Normal operating procedures: _____
- i. 1.3.1 Drainage area: _____
- j. 1.3.2 Discharge at dam site:
 Low Level Outlet: _____
 Principal Spillway: _____
 Emergency Spillway: _____
- k. 1.3.3 Dam and reservoir data, describe:
 Table I.1 _____
7. Section 2 - Engineering Data: Provide a narrative describing the engineering data:
 - a. 2.1 Designed by: _____
 - b. 2.2 Constructed by: _____
 Date of Construction: _____
 - c. 2.3 Evaluation of Design and Construction _____
8. Section 3 - Visual Inspection: Provide a Description of the final As-Built Inspection:
 - a. Inspection date _____
 - b. Inspection by _____

- c. General observations _____

- d. Dam _____

- e. Principal Spillway: _____

- f. Emergency Spillway: _____

- g. Low Level Outlet: _____

- h. Other Appurtenances: _____

- i. Reservoir Area: _____

- j. Downstream Channel/Area: _____

- k. Instrumentation: _____

- l. Evaluation: _____

- 9. Section 4 - Operational Procedures: Provide a narrative describing the impounding structure procedures:
 - a. 4.1 Operation: _____

 - b. 4.2 Maintenance: _____

 - c. 4.3 Emergency Action Plans: _____

 - d. 4.4 Evaluation: _____

- 10. Section 5 - Hydraulic/Hydrologic Data: Provide a narrative describing hydraulic/hydrologic data:
 - a. 5.1 Design: _____

 - b. 5.2 Hydrologic records: _____

 - c. 5.3 Flood experience: _____

 - d. 5.4 Flood potential: _____

- e. 5.5 Reservoir regulation:

- f. 5.6 Overtopping potential:

- g. 5.7 Reservoir emptying potential:

- h. 5.8 Evaluation:

11. Section 6 - Dam Stability: Provide a narrative describing impounding structure stability:

- a. 6.1 Foundation/abutments:

- b. 6.2.1 Embankment materials:

- c. 6.2.2 Embankment stability:

- d. 6.3 Evaluation:

12. Section 7 - Assessment/Remedial Measures: Provide a narrative describing the as-built condition of the impounding structure:

- a. 7.1 Dam assessments:

- b. 7.2 Recommended remedial measures:

CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this As-Built Report has been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this ____ day of _____, 19____
Professional Engineer

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

REINSPECTION REPORT FOR CLASS I AND CLASS II IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 3, Virginia Soil and Water Conservation Board

1. Project Information:

- a. Name of Impounding Structure _____
- b. Inventory Number _____ Other Name (if any) _____
- c. Name of Reservoir _____
- d. Purpose of Reservoir _____

2. Location of Impounding Structure:

- a. City/County _____ Magisterial District _____
- b. Located _____ feet/miles upstream/downstream of Highway Number _____
- c. Name of River or Stream _____
- d. Latitude _____ Longitude _____

3. Ownership:

- a. Owner's Name _____
- b. Mailing Address _____
- c. Telephone (____) _____

4. Owner's Engineers:

- a. Engineering Firm/Engineer _____
- b. Virginia Number _____
- c. Mailing Address _____
- d. Telephone(____) _____

5. Phase I Inspection Report:

- a. Phase I Inspection Report Prepared By _____
- b. Phase I Inspection Report date: _____

6. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section One - Project Information:

- a. 1.2.1 Description of dam and appurtenances, changes _____ no _____ yes
If yes, described: _____

- b. 1.2.2 Location, change _____ no _____ yes. If yes, describe:

- c. 1.2.3 Size classification, change _____ no _____ . If yes, describe:

- d. 1.2.4 Hazard classification, change _____ no _____ yes. If yes, describe:

- e. 1.2.5 Ownership, change _____ no _____ yes. If yes, describe:

- f. 1.2.6 Purpose of dam, change _____ no _____ yes. If yes, describe:

- g. 1.2.7 Design and construction history, changes _____ no _____ yes. If yes, describe:

h. 1.2.8 Normal operating procedures, changes _____ no _____ yes. If yes, describe:

i. 1.3.1 Drainage area; change _____ no _____ yes. If yes, describe:

j. 1.3.2 Discharge at dam site; changes _____ no _____ yes. If yes, describe:

k. 1.3.3 Dam and reservoir data, changes _____ no _____ yes. If yes, describe:

7. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section Two - Engineering Data:

a. 2.1 Design, change _____ no _____ yes. If yes, describe:

b. 2.2 Construction, change _____ no _____ yes. If yes, describe:

c. 2.3 Evaluation, change _____ no _____ yes. If yes, describe:

8. Provide reinspection observations of the impounding structure and appurtenances; Phase I Inspection Report, Section 3 - Visual Inspection.

a. Reinspection date _____

b. Reinspection by _____

c. General observations _____

d. Dam _____

e. Principal Spillway: _____

f. Emergency Spillway: _____

g. Low Level Outlet: _____

h. Other Appurtenances: _____

i. Reservoir Area: _____

j. Downstream Channel/Area: _____

k. Instrumentation: _____

l. Evaluation/Recommendations: _____

9. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 4 - Operational Procedures:

a. 4.1 Procedures, changes _____ no _____ yes. If yes, describe:

- b. 4.2 Maintenance, changes _____ no _____ yes. If yes, describe:

- c. 4.3 Warning system, changes _____ no _____ yes. If yes, describe:

- d. 4.4 Evaluation, changes _____ no _____ yes. If yes, describe:

10. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 5 - Hydraulic/Hydrologic Data:

- a. 5.1 Design, change _____ no _____ yes. If yes, describe:

- b. 5.2 Hyrdologic records, change _____ no _____ yes. If yes, describe:

- c. 5.3 Flood experience, change _____ no _____ yes. If yes, describe:

- d. 5.4 Flood potential, change _____ no _____ yes. If yes, describe:

- e. 5.5 Reservoir regulation, change _____ no _____ yes. If yes, describe:

- f. 5.6 Overtopping potential, changes _____ no _____ yes. If yes, describe:

- g. 5.7 Reservoir emptying potential, change _____ no _____ yes. If yes, describe:

- h. 5.8 Evaluation, change _____ no _____ yes. If yes, describe:

11. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 6 - Dam Stability:

- a. 6.1 Foundation abutments, change _____ no _____ yes. If yes, describe:

- b. 6.2.1 Embankment materials, change _____ no _____ yes. If yes, describe:

- c. 6.2.2 Embankment stability, change _____ no _____ yes. If yes, describe:

- d. 6.3 Evaluation, change _____ no _____ yes. If yes, describe:

12. Provide a narrative describing any changes in the impounding structure from the Phase I Inspection Report, Section 7 - Assessment/Remedial Measures:

- a. 7.1 Dam assessment, change _____ no _____ yes. If yes, describe:

- b. 7.2 Recommended remedial measures, change _____ no _____ yes. If yes, describe:

13. If this Reinspection Report is being prepared in order to update an existing operation and maintenance certificate, describe any changes in:

a. Emergency Action Plan; change _____ no _____ yes. If yes, describe:

b. Operation and Maintenance Plan; change _____ no _____ yes. If yes, describe:

CERTIFICATION BY OWNER'S ENGINEER

I hereby certify that the information provided in this Reinspection Report has been examined by me and found to be true and correct in my professional judgment.

Signed _____ Virginia Number _____ this _____ day of _____, 19 _____
Professional Engineer

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

INVENTORY REPORT FOR CLASS III AND CLASS IV IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 3, Virginia Soil and Water Conservation Board

1. Project Information:

a. Name of Impounding Structure _____

b. Inventory Number _____ Other Name (if any) _____

c. Name of Reservoir _____

d. Purpose of Reservoir _____

2. Location of Impounding Structure:

a. City/County _____ Magisterial District _____

b. Located _____ feet/miles upstream/downstream of Highway Number _____

c. Name of River or Stream _____

d. Latitude _____ Longitude _____

3. Ownership:

a. Owner's Name _____

b. Mailing Address _____

c. Telephone (____) _____

4. Owner's Engineer:

a. Engineering Firm/Engineer _____

b. Virginia Number _____

c. Mailing Address _____

d. Telephone (____) _____

5. Impounding Structure Data (All elevations NGVD unless noted):

a. Type of Material earth concrete masonry other

Design Configuration

- b. Top of Dam _____ Elev. (if known)
- c. Downstream Toe (Lowest) _____ Elev. (if known)
- d. Height of Dam _____ Feet
- e. Crest Length (Exclusive of Spillway) _____ Feet
- f. Crest Width _____ Feet
- g. Upstream Slope _____ H: _____ V
- h. Downstream Slope _____ H: _____ V

6. Reservoir Data

Design Configuration

- a. Maximum Capacity _____ Acre-feet
- b. Maximum Pool _____ Elev. (if known)
- c. Maximum Pool Surface Area _____ Acres
- d. Normal Capacity _____ Acre-feet
- e. Normal Pool _____ Elev. (if known)
- f. Normal Pool Surface Area _____ Acres
- g. Freeboard (Normal Pool to Top) _____ Feet
- h. Freeboard (Normal Pool to Emergency) _____ Feet

7. Spillway Data

	Type	Construction Material	Maximum Capacity
a. Low Level Drain	_____	_____	_____
b. Principal Spillway	_____	_____	_____
c. Emergency Spillway	_____	_____	_____

Design Configuration

- d. Low Level Drain _____ Elev. (if known)
- e. Principal Spillway _____ Elev. (if known)
- f. Emergency Spillway _____ Elev. (if known)

g. Briefly describe the low level drain and principal spillway to include dimensions, materials of construction, trash guards, location in reservoir and through dam, and orientation of intake and discharge to dam if looking downstream:

h. Describe the emergency spillway to include dimensions, whether the spillway is an earth channel or other construction, spillway surface protection, and orientation to dam if looking downstream:

8. Watershed Data (Class III only):

a. Drainage Area _____ Acres/Sq. Miles

b. Type and Extent of Watershed Development _____

c. Time of Concentration _____ Method _____

d. Spillway Design Flood used (mark appropriate box)

- _____ PMF, source _____
- _____ 1/2 PMF, source _____
- _____ 100 Year, source _____
- _____ 50 Year, source _____
- _____ Other, source _____

e. Design inflow hydrograph: Volume _____ acre-feet; Peak inflow _____ C.F.S.;
Rainfall duration of design inflow hydrograph _____ hours

f. Freeboard during passage of spillway design flood _____ feet.

9. Impounding Structure History

a. Date construction completed _____

b. Design by _____ Date: _____

c. Built by _____ Date: _____

d. Inspection dates _____

e. Inspections by _____

f. Description of repairs _____

g. Has the impounding structure ever been overtopped? _____ Yes _____ No

10. Impounding Structure Assessment:

a. Provide brief descriptions for each item:

i. Condition of the impounding structure _____

ii. Condition of the reservoir _____

iii. Condition of the upstream area _____

iv. Condition of the downstream area _____

b. Provide a narrative describing any recent changes in the impounding structure, reservoir, upstream area, and downstream area:

c. Recommendations for remedial measures:

11. Provide a sketch of the impounding structure on Page 5.

CERTIFICATION BY OWNER'S ENGINEER (Class III only)

I hereby certify that the information provided in this Inventory Report has been examined by me and found to be true and correct in my professional judgment.

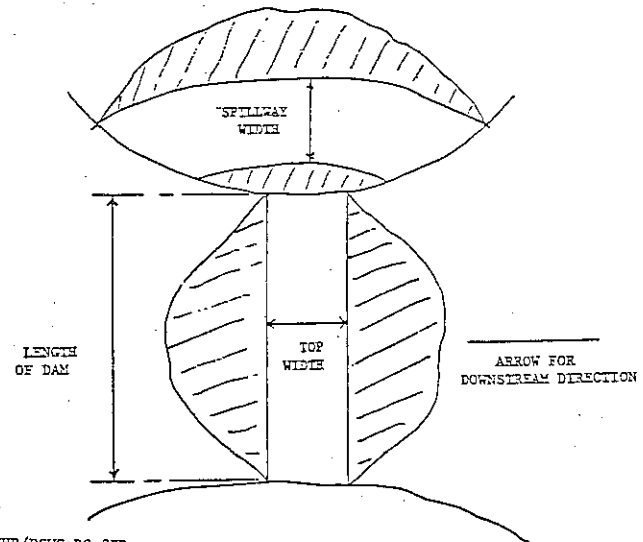
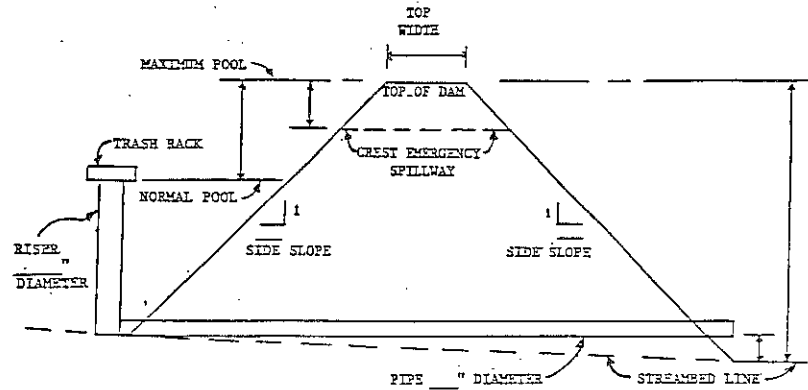
Signed _____ Virginia Number _____ this _____ day of _____, 19____
Professional Engineer

CERTIFICATION BY OWNER (Class IV Only)

I hereby certify that the information provided in this Inventory Report is true and correct.

Signed _____ this _____ day of _____, 19____
Owner

DCHR/DSWC; DS-2IR
199-077; (2/2/89)



DCHR/DSWC; DS-2IR
199-007; (2/2/89)

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
 Division of Soil & Water Conservation
 203 Governor Street, Suite 206
 Richmond, Virginia 23219-2094

OWNER'S ANNUAL INSPECTION FORM

Name of Dam _____ Inventory Number _____
 Name of Reservoir _____ County _____
 Owner's Name _____ Hazard Class I, II, III or IV _____
 Address _____ Inspected By _____
 _____ Date _____
 Telephone () _____

DIRECTIONS: MARK "X" IN YES, NO OR NA COLUMN.

ITEM	YES	NO	NA	REMARKS
1. GENERAL CONDITIONS				
A. ALTERATIONS TO DAM?				
B. DEVELOPMENT IN DOWNSTREAM FLOOD PLAIN?				
C. GRASS COVER ADEQUATE?				
D. SETTLEMENTS, MISALIGNMENT OR CRACKS?				
E. RECENT HIGH WATER MARKS?				
2. UPSTREAM SLOPE				
A. EROSION?				
B. TREES?				
C. RODENT HOLES?				
D. CRACKS, SETTLEMENT OR BULGES?				
E. ARETHURS AND SOUND STOPPED?				
3. INTAKE STRUCTURE				WATER SURFACE EL.
CONCRETE _____ METAL _____				
A. SPALLING, CRACKING, SCALING?				
B. EXPOSED REINFORCEMENT?				
C. CORROSION PRESENT?				
D. CRATING ADEQUATE?				
E. LEAKAGE?				
F. TRASH BASK ADEQUATE?				
G. OBSTACLES TO INLET?				
H. DRAWDOWN OPERATIVE? CLOSED _____ OPEN _____				
4. SPURDAM CONTACTS				
A. EROSION, CRACKS OR SLIDES?				
B. SEEPAGE?				EST. RPM _____
5. EMERGENCY SPILLWAY				
A. OBSTRUCTIONS?				
B. EROSION?				
C. RODENT HOLES?				
6. DOWNSTREAM SLOPE				
A. EROSION?				
B. TREES?				
C. RODENT HOLES?				

OWNER'S ANNUAL INSPECTION FORM

INVENTORY NUMBER _____

ITEM	YES	NO	NA	REMARKS
D. CRACKS, SETTLEMENTS OR BULGES?				
E. DRAINS OR WEIRS FLOWING?				EST. RPM _____
F. SEEPAGE OR SOILS?				EST. RPM _____
7. CONDUIT AND OUTLET				TAIL WATER EL. AND FLOW
CONCRETE _____ METAL _____				
A. SPALLING, CRACKING, SCALING?				
B. EXPOSED REINFORCEMENT?				
C. JOINTS DISPLACED OR OFFSET?				
D. JOINT MATERIAL LOST?				
E. LEAKAGE?				
F. EARTH EROSION?				
G. CONDUIT MISALIGNED?				
H. OUTLET CHANNEL OBSTRUCTED?				
8. STILLING BASIN				
A. SPALLING, CRACKING, SCALING?				
B. EXPOSED REINFORCEMENT?				
C. JOINTS DISPLACED OR OFFSET?				
D. JOINT MATERIAL LOST?				
E. JOINTS LEAK?				
F. BACK SEDIMENT?				
G. DISSIPATORS REEQUIPATING?				
H. DISSIPATORS CLEAN OF DEBRIS?				
9. CONCRETE SPILLWAY				
A. SPALLING, CRACKING, SCALING?				
B. EXPOSED REINFORCEMENT?				
C. JOINTS DISPLACED OR OFFSET?				
D. JOINT MATERIAL LOST?				
E. LEAKAGE?				
F. DISSIPATORS REEQUIPATING?				
G. DISSIPATORS CLEAN OF DEBRIS?				
H. EARTH EROSION?				
I. OUTLET CHANNEL EROSION?				
10. GATES				
A. ELONGATES BROKEN, BENT?				
B. ELONGATES BROKEN OR BUSTED?				
C. ELONGATES OPERATIONAL?				
11. RESERVOIR				
A. DEVELOPMENT?				
B. SLIDES OR EROSION ON BANKS?				
C. RESERVOIR MANAGED?				
12. INSTRUMENTS				
A. IS STRUCTURE INSTRUMENTED?				
B. MONITORING OPERATIONAL?				
13. DAM SHOULD BE INSPECTED BY ENGINEER				
14. REEVALUATE HAZARD CLASSIFICATION				
15. REMARKS				

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
Division of Soil & Water Conservation
203 Governor Street, Suite 206
Richmond, Virginia 23219-2094

TRANSFER APPLICATION FOR IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapters 2 and 3, Virginia Soil and Water Conservation Board

1. Project Information:

- a. Name of Impounding Structure
b. Inventory Number Other Name (if any)
c. Name of Reservoir
d. Classification: Class I Class II Class III (Circle One)

2. Location of Impounding Structure:

- a. City/County Magisterial District
b. Located feet/miles upstream/downstream of Highway Number
c. Name of River or Stream
d. If known, Latitude Longitude

3. Transfer Information:

- a. Type of transfer; Construction Permit, Alteration Permit, Operation and Maintenance Certificate (check which)
b. Permit/Certificate Number
c. Effective Date of Permit/Certificate
d. Expiration Date of Permit/Certificate

4. Seller Information:

- a. Seller's Name
b. Mailing Address
c. Telephone

4. Buyer Information:

- a. Buyer's Name
b. Mailing Address
c. Telephone

TRANSFER STATEMENT

I, Seller, request to transfer the above referenced permit/certificate Number which was effective Date and expires Date to Buyer

I, Buyer, have reviewed and I am aware of all terms and conditions of the permit/certificate Number and will comply with all said terms and conditions.

Signed on this day, 19 (Seller)

Signed on this day, 19 (Buyer)

OWNER'S STATEMENT

I, Buyer, request that the required forms on file for the above referenced permit/certificate be revised to indicate the new ownership. I specifically request that the Emergency Action Plan Form 199-073; DS-2EAP be amended as follows:

Emergency Action Plan; Items #3, 4, & 5.

- 3. Name of Owner:
Address:
Telephone: (Business) (Residential)

4. Name of Dam Operator _____
 Address: _____
 Telephone: (Business) () _____ (Residential) () _____
 Name of Alternate Operator _____
5. Name of Rainfall or Staff Gauge Observer for Dam: _____
 Address: _____
 Telephone: (Business) () _____ (Residential) () _____
 Name of Alternate Observer _____

I certify that the () city/county, the local Emergency Services Coordinator and the State Department of Emergency Services have been advised of this change in ownership.

I further certify that the emergency action and the operation and maintenance plans and schedules on file will be adhered to during the life of the permit except in cases of unanticipated emergency requiring departure therefrom in order to mitigate hazard to life and property, at which time my engineer and the Department of Conservation and Historic Resources shall be notified.

Signed _____ this _____ day of _____, 19 _____
 Owner

DAM SAFETY PROGRAM

DEPARTMENT OF CONSERVATION & HISTORIC RESOURCES
 Division of Soil & Water Conservation
 203 Governor Street, Suite 206
 Richmond, Virginia 23219-2094

AGRICULTURAL CERTIFICATION FOR IMPOUNDING STRUCTURES

Reference: Impounding Structure Regulations, Chapter 1, Virginia Soil and Water Conservation Board

1. Project Information:
 - a. Name of Impounding Structure _____
 - b. Inventory Number _____ Other Name (if any) _____
 - c. Name of Reservoir _____
2. Location of Impounding Structure:
 - a. City/County _____ Magisterial District _____
 - b. Located _____ feet/miles upstream/downstream of Highway Number _____
 - c. Name of River or Stream _____
 - d. If known, Latitude _____ Longitude _____
3. Ownerships:
 - a. Owner's Name _____
 - b. Mailing Address _____
 - c. Telephone () _____
4. Impoundment Information:
 - a. Impounding structure height _____ feet (measured vertically from top of structure to the streambed at the downstream toe of the dam).
 - b. Maximum impounding capacity _____ acre-feet (that volume in acre-feet that is capable of being impounded at the top of the impounding structure).

OWNER'S CERTIFICATION

I hereby certify that this impounding structure meets the requirements of Chapter 1 of the Impounding Structure Regulations as a dam constructed, maintained or operated primarily for agricultural purposes and that it is exempt from regulation.

Signed _____ this _____ day of _____, 19 _____
 Owner

Final Regulations

DEPARTMENT OF TAXATION

Title of Regulations: Virginia Declaration of Estimated Income Tax by Individuals.

VR 630-2-490.1. Definitions.

VR 630-2-490.2. Declarations of Estimated Tax.

VR 630-2-492. Failure by Individual to Pay Estimated Tax.

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

Effective Date: February 1, 1989

Summary:

These final regulations are identical to the proposed regulations and are substantively similar to the emergency regulations adopted December 26, 1987. These regulations set the filing threshold for filing a declaration of estimated income tax at any amount of estimated tax greater than \$150 and provide guidance as to when the addition to tax for the underpayment of estimated income tax specified under § 58.1-492 of the Code of Virginia is applicable.

VR 630-2-490.1. Definitions.

§ 630-2-490.1 VR 630-2-490.1 Definitions.

For the purpose of these regulations and unless otherwise required by the context, the following words and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise:

"Taxable year" means an individual's taxable year for federal income tax purposes.

"Commissioner" means the Tax Commissioner.

"Estimated tax" means the amount which an individual reasonably estimates to be the income tax due for the taxable year, less the amount estimated to be the sum of any credits allowable against the tax (including, but not limited to, amounts withheld under § 58.1-460 et. seq. of the Code of Virginia).

"Taxable income" means an individual's federal adjusted gross income for the taxable year with the additions, subtractions, deductions and other modifications and adjustments set forth in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia and regulations promulgated thereunder.

"Taxable year" means an individual's taxable year for federal income tax purposes.

"Virginia adjusted gross income" means federal adjusted gross income (FAGI) for the taxable year plus the addition additions set forth in Va. Code § 58.1-322B subsection B of § 58.1-322 of the Code of Virginia, and

less the subtractions set forth in Va. Code § 58.1-322C and the additional \$400 deduction for taxpayers over 65 years of age subsection C of § 58.1-322 of the Code of Virginia and the additional deduction set forth under subdivision 2(b) of subsection D of § 58.1-322 of the Code of Virginia

"Estimated tax" means the amount which an individual estimates to be the income tax due for the taxable year, less the amount estimated to be the sum of any credits allowable against the tax.

"Commissioner" means the State Tax Commissioner.

VR 630-2-490.2. Declarations of Estimated Tax.

§ 630-2-490.2 VR 630-2-490.2. Declarations of estimated tax.

A. § 1. Requirement of declaration.

1. A. Every resident and nonresident individual shall make a declaration of his estimated tax for every taxable year, if his Virginia adjusted gross income, other than from wages on which tax is withheld under Va. Code § 58.1-460 et. seq. and Virginia Income Tax Withholding Regulations, § 630-6-460 et seq. (the "Withholding Requirements"), can reasonably be expected to exceed \$400 plus the sum of the personal exemptions to which he is entitled. In other words, a declaration is required if (i) the amount of Virginia adjusted gross income from which no tax is withheld is greater than (ii) the sum of \$400 and the personal exemptions to which the taxpayer is entitled. *estimated tax, as defined in VR 630-2-490.1, is greater than \$150.* This requirement of declaration is in effect throughout the entire taxable year.

2. B. A taxpayer is not required to file a declaration if:

1. His estimated tax is \$150 or less; or

a. 2. He is single and his expected Virginia adjusted gross income is less than ~~\$3,000~~ \$5,000; or

b. 3. He is married and the combined expected Virginia adjusted gross income of the couple is less than ~~\$3,000~~ \$8,000; or

e 4. He is not required to file a Virginia income tax return pursuant to the provisions of Va. Code § 58.1-342 § 58.1-342 of the Code of Virginia.

EXAMPLE 1: Taxpayer A is employed to render domestic service in the local chapter of a college fraternity. The wages he receives are not subject to withholding - Va. Code § 58.2-460 2 under subdivision 2 of § 58.1-460 of the Code of Virginia. His only other income consists of interest and dividend payments. His total Virginia adjusted gross income for his the taxable year is expected to exceed \$10,000 *be less than \$5,000*. Because his estimated Virginia adjusted gross income exceeds \$400 plus his one

Virginia personal exemption (\$600), he must file a declaration *will be less than the minimum amount specified under § 58.1-321 of the Code of Virginia subjecting him to taxation, he is not required to file a declaration.*

EXAMPLE 2: Assume that Taxpayer A, in addition to his income above, also works in the local grocery store and taxes are withheld from his wages. However, as in Example 1, his Virginia adjusted gross income on which taxes are not withheld (from domestic service, interest and dividends) is expected to exceed \$10,000 for the taxable year, which is greater than \$400 plus his one personal exemption of \$600. Therefore, he must file a declaration. His total Virginia adjusted gross income from both jobs exceeds \$5,000 for the year. Therefore, he is subject to taxation and is required to file a return. If his estimated tax for the year exceeds his withholding and any other credits by more than \$150, he must file a declaration of estimated tax.

B. § 2. Contents of declaration.

In the declaration required under subsection A § 1 the individual shall state:

1. The amount which he estimates as the amount of individual income tax for which he will be liable for the taxable year;
2. The amount, if any, which he estimates will be withheld from wages for the taxable year under the *Withholding Requirements as required by § 58.1-460 et seq. of the Code of Virginia* ;
3. The excess of the amount estimated under *paragraph subdivision 1 of this subsection section* over the amount estimated under *paragraph subdivision 2 of this subsection section* shall be considered the estimated tax for the taxable year to be paid by the individual as hereinafter provided; and
4. Such other information as may be required by the Commissioner. Form 760ES is currently in use for this purpose.

C. § 3. Joint declaration by husband and wife.

A husband and wife may file a joint declaration, in which case the liability with respect to the estimated tax shall be joint and several. A joint declaration may not be made: (i) if either the husband or the wife is a nonresident of Virginia unless both are required to file an individual income tax return, (ii) if they are separated under a decree of divorce or of separate maintenance, or (iii) if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them as they mutually

agree.

D. § 4. Time for filing declaration.

A declaration of estimated tax of an individual other than a farmer or ~~fisherperson~~ fisherman shall be filed on or before May 1 of the taxable year, except that if the requirements of subsection A § 1 are met for the first time:

1. After April 15 and before June 2 of the taxable year, the declaration shall be filed on or before June 15, or
2. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15, or
3. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding year.

E. § 5. Declaration of estimated tax by a farmer or fisherperson fisherman .

If at least two-thirds of a self-employed individual's total estimated gross income for the taxable year is from farming (including oyster farming) or fishing, the declaration of estimated tax may be filed at any time on or before January 15 of the succeeding year, instead of the time otherwise prescribed. However, if the income tax return for the taxable year is filed on or before March 1 of the succeeding year and the total tax is paid at that time, the return will be considered a timely declaration and payment of the January 15 installment under the provisions of subsection H § 7 below.

A person farming or fishing for a living whose services are legally subject to the will and control of an employer, whether paid by salary or commission, or in cash, fish or produce, is an employee and not a self-employed person. If there is no withholding the employee is subject to the same estimated tax requirements *set forth in § 4 as any other employee* .

F. Declaration of estimated tax of forty dollars or less.

A declaration of estimated tax of an individual having a total estimated tax for the taxable year of \$40 or less may be filed at any time on or before January 15 of the succeeding year, but the entire amount of estimated tax must be paid at the time of filing. However, if the income tax return for such taxable year is filed on or before March 1 of the succeeding year and the total tax is paid at that time, the return will be considered a timely declaration and payment of the January 15 installment under the provisions of subsection H below.

G. § 6. Amendments of declaration.

An individual may amend a declaration at any time

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throughout the year by increasing or decreasing the amount of installment payment noted on the payment-voucher form accompanying the payment.

H. § 7. Return as declaration or payment.

If on or before March 1 of the succeeding taxable year an individual files his return for the taxable year for which the declaration is required, and pays ~~therewith the~~ full amount of the tax shown to be due on the return:

1. Such return shall be considered as his declaration if no declaration was required to be filed during the taxable year, but is otherwise required to be filed on or before January 15.
2. Such return and payment shall be considered as the last installment of estimated tax which would otherwise have been payable on or before January 15.

Filing a return on or before March 1 of the succeeding taxable year or filing a declaration or payment of the last installment on January 15 will not relieve a taxpayer of liability for ~~additions the addition~~ to tax for the underpayment of any of the installments of estimated tax that were due on May 1, June 15 or September 15 of the taxable year.

EXAMPLE 1: Taxpayer A discovers on September 15, ~~1983 1988~~, that his expected Virginia ~~adjusted gross income estimated tax for calendar year 1983, other than from his taxes, will exceed \$400 plus his personal exemptions 1988 will exceed \$150~~. Taxpayer is required to file his declaration by January 15, ~~1984 1989~~, but by filing his ~~1983 1988~~ income tax return on or before March 1, ~~1984 1989~~, and paying in full his tax liability shown on the return, Taxaper is deemed to have timely filed the declaration required by Va. Regs. § 630-2-490-2D(3) subdivision 3 of § 4.

EXAMPLE 2: Taxpayer A makes the same discovery but on September 1, ~~1983 1988~~. He must file his declaration on or before September 15, ~~1983 1989~~. His second installment would be due January 15, ~~1984 1989~~. (See Va. Regs. § 630-2-491A.3. VR 630-2-491 A 3). However, because he files his ~~1983 1988~~ return on February 28, ~~1984 1989~~, accompanied by payment in full of his ~~1983 1988~~ liability, he is deemed to have timely made the filing/payment of his second installment.

I. § 8. Fiscal year.

This ~~section~~ regulation shall also apply to a taxable year other than a calendar year by ~~substituting the corresponding fiscal year months~~. In the case of a fiscal year: the 15th day of the fourth month shall be substituted for May 1; the 15th day of the sixth month shall be substituted for June 15; the 15th day of the ninth month shall be substituted for September 15 and the 15th day of the first month of the succeeding taxable year

shall be substituted for January 15.

EXAMPLE: Taxpayer F is a fiscal year taxpayer whose taxable year ends on June 30. His income tax return is due on October 15 (15th day of the fourth month following the close of his taxable year). His estimated payments are due on October 15, December 15, March 15 and July 15 of the succeeding taxable year.

J. § 9. Short taxable year.

A separate declaration must be filed where a return is required for a period of less than 12 months, unless the short period is less than four months or the requirements to file are first met after the first day of the last month in the short taxable year. In the case of a decedent, no declaration need be filed after the date of death. The decedent's estate, however, may be liable to file a declaration of estimated tax (See VR 630-5-490).

For the purpose of determining whether a declaration must be filed for a short taxable period which results from a change in annual accounting period, ~~taxable income the tax~~ for the short period shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing the result by the number of months in the short period.

K. § 10. Declaration for individual under a disability.

The declaration of estimated tax for an individual who is unable to make a declaration by reason of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

VR 630-2-492. Failure by Individual to Pay Estimated Tax.

§ 630-2-492 VR 630-2-492 . Failure by individual to pay estimated tax.

A. § 1. Additions to the tax.

In the case of any underpayment of estimated tax by an individual, except as provided in ~~subsection D § 4~~, there shall be added to the individual income tax for the taxable year an amount determined at the rate established for interest, under Va. Code § 58.1-15 § 58.1-15 of the Code of Virginia upon the amount of the underpayment (determined under ~~subsection B § 2~~), for the period of the underpayment (determined under ~~subsection C § 3~~). The amount of such addition to the tax shall be reported and paid at the time of filing the individual income tax return for the taxable year.

B. § 2. Amount of underpayment.

For purpose of subsection A § 1, the amount of the underpayment shall be the excess of:

1. The amount of the installment which would be required to be paid if the estimated tax were equal to 80% 90% (66-2/3% in the case of a self-employed farmer or fisherperson fisherman referred to in Va. Regs. § 630-2-400.2E § 5 of VR 630-2-490.2) of the tax shown on the individual income tax return for the taxable year, or if no return was filed, 80% 90% (66-2/3% in the case of self-employed farmers or fisherpersons fishermen referred to in Va. Regs. § 630-2-400.2E § 5 of VR 630-2-490.2) of the tax for such year, over

2. The amount, if any, of the installment paid on or before the last date prescribed for such payment.

D. § 3. Period of underpayment.

The period of the underpayment shall run from the date the installment was required to be paid to the earlier of the following dates:

1. May 1, if a calendar year, or the 15th day of the fourth month following the close of the taxable year, if a fiscal year; or

2. With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph subdivision, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection B-1 subdivision 1 of § 2 for such installment date.

EXAMPLE 1: Taxpayer C filed her return for taxable year 1983 on May 1, 1984 showing a tax liability of \$10,000. She had paid \$1,500 of estimated tax on each of May 1, June 15 and September 15, 1983 and January 15, 1984, and had made no other payments before the return was filed. Because each \$1,500 payment was less than 80% of \$2,500 (one quarter of the tax shown as due on the return), addition to tax is applicable to each underpayment on each installment date, computed as follows (and assuming an annual interest rate of 12%):

Amount of each underpayment installment:	
80% of \$2,500 -	\$2,000
minus less installment paid	<u>1,500</u>
	\$ 500
1st installment period: 5/1/83 to 5/1/84 \$60.00	
	(12% of \$500)
2nd installment period: 6/15/83 to 5/1/84 52.50	
	(10.5% of \$500)
3rd installment period: 9/15/83 to 5/1/84 37.50	
	(7.5% of \$500)
4th installment period: 1/15/84 to 5/1/84 17.50	
	(3.5% of \$500)
	Total addition to tax \$167.50

EXAMPLE 1: Taxpayer C filed her return for taxable year 1988 on May 1, 1989, showing a tax liability of \$10,000. She had previously paid \$1,500 of estimated tax on each of May 1, June 15 and September 15, 1988, and January 15, 1989, and made no other payments before the return was filed. Because each \$1,500 payment was less than 90% of \$2,500 (one-quarter of the tax shown as due on the return), the addition to the tax applies to each underpayment on each installment date, computed as follows (and assuming an annual interest rate of 12%):

Amount of each underpayment installment:	
90% of \$2,500 =	\$2,250
less installment paid	<u>1,500</u>
	\$ 750
1st installment-period: 5/1/88 to 5/1/89 \$ 90	
	(12% X 365/365 X \$750)
2nd installment-period: 6/15/88 to 5/1/89 \$ 78.75	
	(12% X 320/365 X \$750)
3rd installment-period: 9/15/88 to 5/1/89 \$ 56.25	
	(12% X 228/365 X \$750)
4th installment-period: 1/15/89 to 5/1/89 \$ 26.25	
	(12% X 106/365 X \$750)
	Total addition to tax \$ 251.25

EXAMPLE 2: Taxpayer had a total tax liability of \$5,000, 80% 90% (or \$4,000 \$4,500) of which would be due in quarterly installments of \$1,000 \$1,125 each. He made payments as follows: \$200 on May 1, \$800 on June 15, \$2,500 \$3,000 on September 15 and \$0 by on January 15. The \$1,500 \$1,875 overpayment from September 15 would be applied to the other quarterly underpayments in the following order and amounts: \$800 \$925 to May 1, \$100 \$325 to June 15, and \$500 \$625 to January 15.

D. § 4. Exception.

A. Notwithstanding the provisions of the preceding subsections A, B and C sections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser: the amount which would be required to be paid on or before such date if the estimated tax were any of the following:

1. The amount which would have been required to be paid on or before such date if estimated tax were whichever of the following is the least:

a. 1. The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

b. 2. An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions for the taxable year, but otherwise on the

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basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

e. 3. An amount equal to 80% 90% (66-2/3% in the case of self-employed farmers or fisherpersons fishermen referred to in Va. Regs. § 630-2-490.2E § 5 of VR 630-2-490.2) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this paragraph subdivision the taxable income shall be placed on an annualized basis by:

(i) a. Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) b. Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) c. Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

2. 4. An amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. The periods involved, for a calendar year taxpayer, are January 1 to April 30, January 1 to May 31, and January 1 to August 31. Virginia taxable income for the applicable period is computed as follows: there is subtracted from the federal adjusted gross income for the 4, 5 or 8 month four, five or eight month period, as applicable, (i) the Virginia subtractions specified in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia , (ii) the greater of itemized deductions or standard deduction, (iii) child and dependent care deduction, and (iv) the dollar amount of exemptions claimed on the return; and there is added to federal adjusted gross income the Virginia additions specified in Va. Code § 58.1-322 § 58.1-322 of the Code of Virginia . Virginia income tax is calculated on the resulting Virginia taxable income. If the estimated tax installment relating to the period is at least 90% of such tax, no addition to tax is required.

3. B. Examples.

a. 1. Taxpayer E filed a return for calendar year 1982 1987 showing a tax liability of \$4,750. For calendar year 1983 1988 E made timely estimated tax payments which, together with withholding payments, totalled

\$4,750. E's return for calendar year 1983 1988 revealed a total tax liability of \$6,000, which was underpaid by \$1,250 or more than 20% 10% . However, because E's withholding and timely estimated tax payments for calendar year 1983 at least equalled the tax shown on his 1982 return, the exception in Va. Regs. § 630-2-492D-1.a applies and no addition to the tax will be imposed. Since the total amount of estimated tax paid by each installment date equalled the amount that would have been required to be paid on or before each of such dates if the estimated tax were the tax shown on the return for the preceding year, the exception in § 4 A.1 applies and no addition to the tax will be imposed.

b. 2. Assume the same facts as in Example a 1 except that Taxpayer E adopted a daughter and son on January 1, 1983 1988, and made estimated tax payments in calendar year 1983 1988 totalling \$4,700. The exception of Va. Regs. § 630-2-492D-1.a under § 4 A.1 does not apply because the 1983 1988 estimated tax payments are less than the tax shown on his 1982 1987 return. However, Va. Regs. § 630-2-492D-1.b § 4 A.2 permits E to recalculate his 1982 1987 tax liability using his two additional \$600 \$700 exemptions. Assuming that E has reached the 5.75% tax bracket, the \$1,200 \$1,400 would yield tax savings of \$60 \$80.50 (5.75% of \$1,200 \$1,400). The \$60 \$80.50 tax savings would reduce his recomputed 1982 1987 tax liability to \$4,681 \$4,669.50 . Because the total amount of estimated tax paid by each installment date exceeds the amount which would have had to be paid on or before each of such dates if the estimated tax were \$4,681 \$4,669.50 , no addition to the tax will be imposed.

e. 3. Taxpayer F's 1982 1987 return revealed a total tax liability of \$830 \$311 , but she qualified for an age credit in the amount of \$830 \$311 so that no tax was due for 1982 1987 . She had one exemption for both 1982 and 1983 1987 and 1988 , and \$100 \$200 in withholding and estimated tax payments were made for calendar year 1983 1988 . Her 1983 1988 tax liability was \$1,000. The exception of Va. Regs. § 630-2-492D-1.a § 4 A.1 does not apply because the 1983 1988 payments are less than the \$830 \$311 tax liability shown on her 1982 1987 return. However, Va. Regs. § 630-2-492D-1.b § 4 A.2 provides an exception because the 1983 1988 payments of \$100 \$200 at least equal the tax (figured using the applicable nonrefundable credits) which would have been due on her 1982 1987 income, using 1983 1988 rates and personal exemptions.

d. Taxpayer G, who claims one exemption and itemizes deductions, made four timely installment payments of estimated tax totalling \$3,000 for calendar year 1984. His calendar year 1984 tax liability was \$5,000 and his receipt of Virginia adjusted gross income accelerated as the year progressed, as the following worksheet illustrates:

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	1/1/84 to 4/30/84	1/1/84 to 5/31/84	1/1/84 to 8/31/84
Virginia adjusted gross income	\$15,000	\$27,000	\$64,000
1. Annualized Va. adjusted gross income for period(s) shown	\$46,500	\$64,800	\$46,000
2. Annualized itemized deductions for period(s) shown or Standard Deduction if not itemized	6,000	12,000	9,000
3. Total dollar amount of exemptions	600	600	600
4. Taxable income lines 2 and 3 from 1	99,900	52,200	86,400
5. Virginia tax on the amount shown on line 4	2,074 20% (or 80% of 25%) of line 5:	2,782 40% (or 80% of 50%) of line 5:	4,748 60% (or 80% of 75%) of line 5:
Installments due through the applicable period	\$414.80	\$1,112.80	\$2,848.80
Installments paid through the applicable period	\$975	\$1,950	\$2,925

	25% of line 5:	50% of line 5:	75% of line 5:
Installments due through the applicable period	\$460.80	\$1,239.75	\$3,187.35
Installments paid through the applicable period	\$1,100	\$2,200	\$3,300

Because the total of estimated payments through each of the three periods is at least (and, in fact, exceeds) 90% of the tax on the annualized taxable income for the applicable period(s), no addition to tax applies because of the exception in § 4 A.3.

e. 5. Taxpayer H who is single, claims one exemption and itemizes deductions, had \$100,000 of federal adjusted gross income for calendar year ~~1983~~ 1989 and a tax liability of \$5,000. H expected her income to be \$70,000 and had paid estimated tax in four \$975 installments. Her calendar ~~1982~~ year 1988 tax liability was \$4,000. As the following worksheet illustrates, her estimated tax payment for each of the 4, 5, and 8 month four, five and eight month periods is at least (and, in fact, exceeds) 90% of the tax liability for the applicable period and no addition to tax applies because of the exception in Va. Regs. § 630-2-492D.2 § 4 A.4 .

Because the total of estimated payments through each of the three periods is at least (and, in fact, exceeds) 80% of the tax on the annualized taxable income for the applicable period(s), no addition to tax applies because of the exception in Va. Regs § 630-2-492D.1.c

4. Taxpayer G, who claims one exemption and itemizes deductions, made four timely installment payments of estimated tax totalling \$4,400 for calendar year 1988. His calendar year 1988 tax liability was \$5,000 and his receipt of Virginia adjusted gross income accelerated as the year progressed, as the following worksheet illustrates:

	1/1/88 to 4/30/88	1/1/88 to 5/31/88	1/1/88 to 8/31/88
Virginia adjusted gross income	\$15,000	\$27,000	\$64,000
1. Annualized Va. adjusted gross income for period(s) shown	\$46,500	\$64,800	\$96,000
2. Annualized itemized deductions for period(s) shown or Standard Deduction if not itemized	6,000	12,000	9,000
3. Total dollar amount of exemptions	800	800	800
4. Taxable income lines 2 and 3 from 1	39,700	52,000	86,200
5. Virginia tax on the amount shown on line 4	2,048 22.5% (or 90% of	2,755 45% (or 90% of	4,722 67.5% (or 90% of

	1/1/89 to 4/30/89	1/1/89 to 5/31/89	1/1/89 to 8/31/89
1. Federal AGI for period(s) shown	\$17,500	\$29,000	\$69,000
2. a. Add Virginia additions and/or			
b. Subtract Virginia subtractions for period(s) shown	2,000	2,000	3,000
3. Subtract			
a. Itemized deductions for period(s) shown, or (if greater)			
b. Standard Deduction on the income shown	2,000	5,000	6,000
4. Subtract Child and Dependent Care Deduction for the period(s) shown	0	0	0
5. Subtract dollar amount of exemptions	600	600	600
6. Virginia taxable income for period(s) shown	12,900	21,400	59,400
7. Virginia tax on amounts shown on line 6	522	1,010	3,196
8. 90% of line 7	470	909	2,876
9. Installments paid through the applicable period	975	1,950	2,925

	1/1/89 to 4/30/89	1/1/89 to 5/31/89	1/1/89 to 8/31/89
1. Federal AGI for			

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period(s) shown	\$17,500	\$29,000	\$69,000
2. a. Add Virginia additions and/or			
b. Subtract Virginia subtractions for period(s) shown	-2,000	-2,000	-3,000
3. Subtract			
a. Itemized deductions for period(s) shown, or (if greater			
b. Standard Deduction on the income shown	-2,000	-5,000	-6,000
4. Subtract Child and Dependent Care Deduction for the period(s) shown	- 0 -	- 0 -	- 0
5. Subtract dollar amount of exemptions	-800	-800	-800
6. Virginia taxable income for period(s) shown	12,700	21,200	59,200
7. Virginia tax on amounts shown on line 6	505	969	3,154
8. 90% of line 7	455	872	2,839
9. Installments paid through the applicable period	975	1,950	2,925

E. § 5. Application of section in case of tax withheld on wages.

For purposes of applying this section:

1. The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under Va. Code § 58.1-480 § 58.1-480 of the Code of Virginia and its regulations (relating to tax withheld at source on wages), and
2. The amount of the credit allowed under Va. Code § 58.1-480 § 58.1-480 of the Code of Virginia and its regulations (dealing with withheld amounts credited to individual taxpayer) for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under Va. Code § 58.1-491 § 58.1-491 of the Code of Virginia and its regulations) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

F. § 6. Short taxable year.

‡ A. In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax (i) shown on the return for the preceding taxable year (for purposes of Va. Code § 58.1-492D.1.a subdivision 1(a) of subsection D of § 58.1-492 of the Code of Virginia), (ii) based on the personal

exemptions and rates for the current taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year (for purposes of Va. Code § 58.1-492D.1.b subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia), the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.

2- B. If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in annualizing the income for the months in the taxable year preceding an installment date, for purposes of Va. Code § 58.1-492D.1.e subdivision 1(c) of subsection D of § 58.1-492 of the Code of Virginia , the personal exemptions allowed as deductions shall be prorated by multiplying such deduction by the ratio of months in the short taxable year to 12 months.

3- C. If "the preceding taxable year" referred to in Va. Code § 58.1-492D.1.b subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia was a short taxable year, for purposes of determining the applicability of the exception described in Va. Code § 58.1-492D.1.b subdivision 1(b) of subsection D of § 58.1-492 of the Code of Virginia , the tax, computed on the basis of the facts shown on the return for the preceding year, shall be the tax computed in the manner described in Va. Regs § 630-2-340 VR 630-2-340 . If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to in which the underpayment occurs differs from such rates or status applicable to the preceding taxable year, the tax determined in accordance with this subparagraph subsection shall be recomputed to reflect the rates and status applicable to the year with respect to in which the underpayment occurs.

* * * * *

Title of Regulations: Fiduciary Estimated Tax.
VR 630-5-490. Definitions, Declaration.
VR 630-5-491. Installment Payments.
VR 630-5-492. Additions to the Tax.

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

Effective Date: February 2, 1989

Summary:

These final regulations are identical to the proposed regulations published in 4:25 VA.R. 2973-2979 September 12, 1988, and are substantively similar to the emergency regulations published in 4:14 VA.R. 1530-1535 April 11, 1988.

VR 630-5-490 interprets § 58.1-490 of the Virginia Code and explains when an estate or trust is required to make a declaration of estimated tax. A trust is required to make a declaration if it will have a

Virginia income tax liability of more than \$150 for the taxable year. An estate is required to make a declaration if it will have a Virginia income tax liability of more than \$150 for the taxable year and the taxable year ends more than two years after the date of death of the decedent.

VR 630-5-491 interprets § 58.1-491 of the Virginia Code and explains when installment payments of estimated tax must be made. In most cases four installment payments must be made.

VR 630-5-492 interprets § 58.1-492 of the Virginia Code and explains when an addition to the tax is required for underpayment of estimated tax, how to compute the addition, and how to determine if the estate or trust qualifies for an exception to imposition of the addition.

VR 630-5-490. Definitions, Declaration.

§ 1. Definitions.

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

"Estimated tax" means the amount which the fiduciary reasonably estimates to be the income tax due for the taxable year, less the amount estimated to be the sum of any credits allowable against the income tax. For this purpose, the refund of an overpayment of income tax which the fiduciary directs to be applied toward the estimated tax for the succeeding taxable year shall be considered an installment payment of estimated tax and not a credit against the income tax.

"Fiduciary" means the person who is required to file federal and Virginia income tax returns for the estate or trust, including the trustee of a trust and the executor or personal representative of an estate.

"Taxable year" means the taxable year of the estate or trust for federal income tax purposes.

§ 2. Declarations of estimated tax.

A. Requirement.

1. If the estimated tax is greater than \$150, the fiduciary shall make a declaration of estimated tax for (i) any taxable year of an estate which ends two or more years after the date of death of the decedent; and (ii) every taxable year of a trust.

2. Examples.

a. Decedent A died on September 1, 1986. For the taxable year 1988 the executor of A's estate expects to receive \$10,000 income which will not be used to meet administrative expenses or distributed to the

beneficiaries. The executor must file a declaration because the fiduciary income tax due on \$10,000 will exceed \$150 and the end of the taxable year, December 31, 1988, is more than two years after the date of death of the decedent.

b. The ABC trust expects to receive \$10,000 income in 1988 but under the terms of the trust instrument the trustee is required to distribute all income to the beneficiaries. No declaration is required because the trustee's fiduciary income tax liability will be zero.

c. Same facts as in example b except that the beneficiaries are minors. The trustee may accumulate income during the minority of the beneficiaries, and anticipates doing so. The trustee must file a declaration because the trustee's fiduciary income tax on \$10,000 will exceed \$150.

B. Contents.

The declaration shall state the amount which the fiduciary reasonably estimates is the income tax for which the estate or trust will be liable for the taxable year.

C. Time for filing.

1. If the requirements of subsection A are met on or before April 15, then the fiduciary shall file the declaration on or before May 1 of the taxable year.

2. If the requirements of subsection A are met for the first time after April 15 and before June 2, then the fiduciary shall file the declaration on or before June 15 of the taxable year.

3. If the requirements of subsection A are met for the first time after June 1 and before September 2, then the fiduciary shall file the declaration on or before September 15 of the taxable year.

4. If the requirements of subsection A are met for the first time after September 1 of the taxable year, then the fiduciary shall file the declaration on or before January 15 of the succeeding year.

5. If the estate or trust has a taxable year other than a calendar year then the declaration shall be due on the fifteenth day of the fourth, sixth, or ninth month of the taxable year or on the fifteenth day of the first month of the succeeding taxable year, as appropriate.

6. Examples.

a. On April 15, 1988, the fiduciary of the ABC trust expects to receive \$25,000 income in 1988. Under the terms of the trust instrument the fiduciary is required to distribute all income to adult beneficiaries, but may accumulate the income of a minor beneficiary. There are two adult beneficiaries

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and no minor beneficiaries. No declaration is required because the trust's estimated tax liability is zero.

b. Same facts as in example a except that as a result of the beneficiaries on August 1, 1988, a minor has become a beneficiary and the fiduciary anticipates accumulating the income of the minor. The minor's share of income for the remaining five months of the taxable year will be 1/2 of 5/12 of \$25,000 or \$5,208. The trust's estimated tax on \$5,208 is more than \$150, therefore, a declaration must be filed on or before September 15, 1988.

D. Amendments.

A fiduciary may amend a declaration at any time throughout the year by increasing or decreasing the amount of any installment payment of estimated tax and reporting the changed amount on the payment-voucher form accompanying the installment payment.

E. Return as declaration or payment.

1. If on or before March 1 of the succeeding taxable year a fiduciary files the return for the estate or trust for the taxable year for which a declaration is required under subsection A, and pays the full amount of the tax shown to be due on the return: (i) such return shall be considered as the declaration if no declaration was required to be filed during the taxable year, but is otherwise required to be filed on or before January 15; and (ii) such return and payment shall be considered as the last installment payment of estimated tax which would otherwise have been payable on or before January 15.

2. Filing a return on or before March 1 of the succeeding taxable year or filing a declaration or payment of the last installment on January 15 will not relieve a taxpayer of liability for additions to tax for underpayment of any of the installments of estimated tax that were due on May 1, June 15, or September 15 of the taxable year.

F. Short taxable year.

1. A declaration must be filed if a return is required for a period of less than 12 months, unless the short period is less than four months or if the requirements of subsection A are first met after the first day of the last month in the short taxable period.

2. For the purpose of determining whether the estimated tax exceeds \$150, the estimated tax for the short taxable period shall be placed on an annual basis by multiplying the estimated tax for the short taxable period by 12 and dividing the result by the number of months in the short taxable period.

§ 1. Due dates and amounts.

The estimated tax shown on the declaration shall be paid in equal installments as follows:

1. If the declaration is filed on or before May 1 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time the declaration is filed and the second, third and fourth installments shall be paid on the following June 15, September 15, and January 15, respectively.

2. If the declaration is not required to be filed on or before May 1 of the taxable year, and is filed after May 1 but on or before June 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time the declaration is filed and the second and third installments shall be paid on the following September 15 and January 15, respectively.

3. If the declaration is not required to be filed on or before June 15 of the taxable year, and is filed after June 15 but on or before September 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time the declaration is filed and the second installment shall be paid on the following January 15.

4. If the declaration is not required to be filed on or before September 15 of the taxable year, and is filed after September 15, the estimated tax shall be paid in full at the time the declaration is filed.

5. If the declaration is filed after the due date, including cases where an extension of time has been granted, subdivisions 2, 3 and 4 of this section shall not apply. All installments of estimated tax which would have been due if the declaration had been timely filed shall be paid at or before the time of filing. The remaining installments shall be paid when, and in the amounts which, they would have been payable if the declaration had been filed when due.

6. Examples.

a. On April 15, 1988, the fiduciary of the ABC trust expects to receive \$50,000 income in 1988. Under the terms of the trust instrument the fiduciary is required to distribute all income to adult beneficiaries, but may accumulate the income of a minor beneficiary. There are two beneficiaries, both of whom are adults. No declaration or payment is required on May 1, 1988, because the trust's estimated tax liability is zero. However, as a result of the death of one of the beneficiaries on August 1, 1988, a minor has become a beneficiary and the fiduciary anticipates accumulating the income of the minor. The minor's share of income for the remaining five months of the taxable year will be

VR 630-5-491. Installment Payments.

1/2 of 5/12 of \$50,000 or \$10,417. The trust's estimated tax on \$10,417 is \$391 for the taxable year which must be paid in installments, one-half on or before September 15, 1988, and the remaining half on or before January 15, 1989.

b. On April 15, 1988, the fiduciary of Trust DEF expected its estimated tax for 1988 to be \$500. Therefore, a declaration and an installment payment of \$125 were due on May 1, 1988, but were not made. The omission is discovered on September 1, 1988. The first three installments totaling \$375 are due on or before September 15, 1988. The remaining installment of \$125 is due on or before January 15, 1989.

c. Same facts as in example b except that due to a change in circumstances the fiduciary discovers on August 31 that the estimated tax for 1988 should be \$2,000 instead of \$500. The first three installments totaling \$1,500 are due on or before September 15, 1988, and the remaining installment of \$500 is due on or before January 15, 1989.

§ 2. Amendments of declaration.

If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased (as the case may be) to reflect any increase or decrease in the estimated tax by reason of such amendment. If any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

§ 3. Application to short taxable year.

A. In the case of a short taxable year of an estate or trust for which a declaration is required to be filed the estimated tax shall be paid in equal installments, one at the time of filing the declaration, one on the 15th day of the sixth month of the taxable year and another on the 15th day of the ninth month of such year unless the short taxable year closed during or prior to such sixth or ninth month, and one on the 15th day of the first month of the succeeding taxable year.

B. The provisions of subdivision 5 of § 1 relating to payment of estimated tax in any case in which the declaration is filed after the due date, shall also apply to the payment of the estimated tax for short taxable years.

C. For example, if the short taxable year is the period of 10 months from March 1, 1988, to December 31, 1988, and the declaration is required to be filed on or before June 15, 1988 (the fifteenth day of the fourth month), the estimated tax is payable in four equal installments on June 15 with the declaration, August 15, 1988, November 15, 1988, and January 15, 1989.

§ 4. Fiscal year.

If the estate or trust has a taxable year other than a calendar year then the payments shall be due on the fifteenth day of the fourth, sixth, or ninth month of the taxable year or on the fifteenth day of the first month of the succeeding taxable year, as appropriate.

§ 5. Installments or entire estimated tax paid in advance.

A fiduciary may elect to pay any installment of the estimated tax before the date prescribed for its payment. A fiduciary may also elect to file a declaration of estimated tax in the closing days of a calendar year for the taxable year about to begin, and may pay in full the amount of the estimated tax for such taxable year at the time the declaration is filed.

§ 6. Application of payments.

A. All payments of estimated tax shall be applied toward the income tax liability of the estate or trust for the taxable year. Payments of estimated tax may not be applied toward any other tax or taxable year unless and until an income tax return is filed claiming a refund. In extraordinary circumstances where the fiduciary is not required to file a Virginia income tax return the fiduciary may request a refund of estimated tax.

B. Payments of estimated tax may not be applied toward the income or estimated tax liability of a beneficiary of an estate or trust even if the fiduciary distributes all or a portion of the distributable net income to the beneficiary after making installment payments of estimated tax.

C. Example: For the calendar year 1988 the trustee anticipates earning \$50,000 income after expenses. The terms of the trust require the trustee to pay \$10,000 annually to the beneficiary and accumulate the balance of the income; however, the trustee is permitted to pay additional sums to the beneficiary if required for the beneficiary's support. Initially, the trustee anticipates that 1988 taxable income will be \$40,000 after the distribution deduction and makes installment payments of estimated tax in the amount of \$407 on May 1, 1988, June 15, 1988, and September 15, 1988. In December the trustee finds it necessary to distribute an additional \$25,000 for the beneficiary's support. The trustee makes no installment payment on January 15, 1989.

1. The trust will have taxable income of \$15,000 after the distribution deduction on which a tax of \$620 will be due. Since the estimated tax payments total \$1,221, the trust will be entitled to a refund of \$601.

2. No part of the trust's estimated tax payments may be transferred to the account of the beneficiary even though \$25,000 of income was distributed to the beneficiary after the trustee had paid estimated tax on it.

§ 7. Credit against estimated tax liability.

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If the annual income tax return shows that the estate or trust is entitled to a refund of income tax by reason of overestimating and overpaying estimated tax the fiduciary may elect to have all or a portion of such refund applied to the payment of estimated tax liability for the following taxable year.

VR 630-5-492. Additions to the Tax.

§ 1. Additions to the tax.

A. In the case of an underpayment of any installment of estimated tax by an estate or trust, except as provided in § 4, there shall be added to the income tax for the taxable year an amount determined at the underpayment rate established for interest under § 58.1-15 of the Code of Virginia, upon the amount of the underpayment (determined under § 2), for the period of the underpayment (determined under § 3). The amount of such addition to the tax shall be reported and paid at the time of filing the fiduciary income tax return for the taxable year.

B. For the purpose of computing the addition with respect to an underpayment of the final installment, the underpayment rate which applies to the third month following the end of the taxable year shall apply until the due date of the income tax return. For example, in the case of an estate or trust on a calendar year reporting for 1988, the underpayment rate in effect for the month of March, 1989, will apply through May 1, 1989, in computing the addition to the tax.

§ 2. Amount of underpayment.

For the purpose of § 1, the amount of the underpayment shall be the excess of:

1. The amount of the installment which would be required to be paid if the estimated tax were equal to 90% of the income tax, whether or not the fiduciary filed a return for such taxable year, over
2. The amount, if any, of the installment paid on or before the last date prescribed for such payment.

§ 3. Period of underpayment.

The period of the underpayment shall run from the date the installment was required to be paid to the earlier of the following dates:

1. May 1, if a calendar year, or the 15th day of the fourth month following the close of the taxable year, if a fiscal year, or
2. With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this subdivision, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such

payment exceeds the amount of the installment determined under subdivision 1 of § 2 for such installment date.

3. Example: The principles of §§ 1, 2 and 3 may be illustrated by the following: On or before May 1, 1988, the trustee of The Jones Trust could reasonably expect the fiduciary's Virginia tax liability for calendar year 1988 to exceed \$150. Therefore, the trustee timely makes four installment payments: \$1,500 on May 1, 1988, and June 15, 1988, and \$2,000 on September 15, 1988, and January 15, 1989. When the fiduciary income tax return is filed on May 1, 1989, the tax liability is \$10,000. The total paid (\$7,000) is less than 90% of the tax (\$9,000). Therefore, an addition to the tax in the amount of \$174.56 is due, computed as follows:

INSTALLMENT	1st	2nd	3rd	4th
AMOUNT OF UNDERPAYMENT				
90% of the tax ÷ 4	2,250.00	2,250.00	2,250.00	2,250.00
Actual Payment	1,500.00	1,500.00	2,000.00	2,000.00
Underpayment	750.00	750.00	250.00	250.00
PERIOD OF UNDERPAYMENT				
Date due	5/1/88	6/15/88	9/15/88	1/15/89
Date Paid	5/1/89	5/1/89	5/1/89	5/1/89
No. of days (total)	365	320	228	106
No. of days underpayment is subject to each rate				
4/1/88-6/30/88 at 10%	60	15	0	0
7/1/88-9/30/88 at 10%	92	92	15	0
10/1/88-12/31/88 at 11%	92	92	92	0
1/1/89-5/1/89 at 11%	121	121	121	106
ADDITION TO THE TAX				
4/1/88-6/30/88 at 10%	12.33	3.08	0.00	0.00
7/1/88-9/30/88 at 10%	18.90	18.90	1.03	0.00
10/1/88-12/31/88 at 11%	20.79	20.79	6.93	0.00
1/1/89-5/1/89 at 11%	27.35	27.35	9.12	7.99
Total addition =	\$174.56	79.37	70.12	17.08
				7.99

§ 4. Exceptions.

A. Notwithstanding the provisions of §§ 1, 2, and 3, the addition to the tax shall not be imposed if the income tax for the taxable year is less than \$150.

B. Notwithstanding the provisions of §§ 1, 2, and 3, the addition to the tax with respect to an underpayment of any installment shall not be imposed if the total payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were any of the following:

1. The tax shown on the return of the estate or trust

for the preceding taxable year, if a return showing a liability for tax was filed for the preceding taxable year and such preceding year was a taxable year of 12 months.

2. An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the facts shown on the return for, and the law applicable to, the preceding taxable year.

3. An amount equal to 90% of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. Credits shall not be taken into account when computing the tax on annualized income. For purposes of this subdivision the taxable income shall be placed on an annualized basis by:

a. Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid, and

b. Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls.

4. An amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. The periods involved, for a calendar year taxpayer, are January 1 to April 30, January 1 to May 31, and January 1 to August 31. Virginia taxable income for the applicable period is computed in accordance with § 58.1-361 of the Code of Virginia for the four, five or eight month period, as applicable. Credits shall not be taken into account when computing the tax under this subdivision.

C. If a fiduciary has any discretion in distributing or accumulating distributable net income, then for the purposes of the computations under subdivisions 4 B 3 (tax on annualized income) and 4 B 4 (tax on 4, 5, and 8 month period) the income of the trust as of any date shall be reduced by distributions to a beneficiary actually made on or before such date which the fiduciary reasonably expects to be treated as made from distributable net income.

D. If an estate or trust was required to change its taxable year during 1987 to a taxable year ending on December 31, then the estate or trust may qualify for the "prior year alternative" exception in subdivision 4 B 1 under the following conditions:

1. The preceding taxable year was a short taxable year in 1987; and

2. The short taxable year was preceded by a taxable year of 12 months; and

3. The tax shown on the return for the preceding short taxable year is annualized by dividing it by the number of months in the short taxable year and multiplying the result by 12.

E. Examples.

On or before May 1, 1988, the trustee of The Jones Trust could reasonably expect the fiduciary's Virginia tax liability for calendar year 1988 to exceed \$150. Therefore the trustee timely made four installment payments: \$1,500 on May 1, 1988, and June 15, 1988, and \$2,000 on September 15, 1988, and January 15, 1989. When the fiduciary income tax return was filed on May 1, 1989, the tax liability income tax return was filed on May 1, 1989, the tax liability was \$10,000. Although the \$7,000 estimated tax paid is less than 90% of the income tax, an addition to the tax is not required because the trust qualifies for one or more of the exceptions for each installment.

1. The tax for the prior year was \$6,670. The trust would qualify for the first exception (prior year's tax) with respect to the fourth installment as follows:

INSTALLMENT	1st	2nd	3rd	4th
DUE DATE	5/1/88	6/15/88	9/15/88	1/15/89
Payment	1,500.00	1,500.00	2,000.00	2,000.00
Total paid through each installment date	1,500.00	3,000.00	5,000.00	7,000.00
Prior year's tax applicable to each installment	1,667.50	3,335.00	5,002.50	6,670.00
Qualifies for exception?	NO	NO	NO	YES

2. The \$6,670 tax for 1987 was based on taxable income of \$120,085. The tax on \$120,085 at 1988 rates would be \$6,662. The trust would qualify for the second exception (prior year's income at current rates) with respect to the third and fourth installments as follows:

INSTALLMENT	1st	2nd	3rd	4th
DUE DATE	5/1/88	6/15/88	9/15/88	1/15/89
Payment	1,500.00	1,500.00	2,000.00	2,000.00
Total paid through each installment date	1,500.00	3,000.00	5,000.00	7,000.00
Applicable tax on prior year's income at current rates	1,665.50	3,331.00	4,996.50	6,662.00

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Qualifies for exception?	NO	NO	YES	YES
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3. The 1988 tax of \$10,000 is based on taxable income of \$178,130. After reviewing the records of income, expenses and distributions, the trustee determines that the taxable income is \$40,000 as of April 30, 1988, \$55,000 as of May 31, 1988, and \$115,000 as of August 31, 1988. The trust qualifies for the third exception (annualized income) with respect to the first installment. (Note that this exception cannot be used to avoid the addition for the fourth installment.)

INSTALLMENT	1st	2nd	3rd
DUE DATE	5/1/88	6/15/88	9/15/88
Payment	1,500.00	1,500.00	2,000.00
Applicable dates	4/30/88	5/31/88	8/31/88
Income through date	\$40,000.00	\$55,000.00	\$115,000.00
Annualization factor	3 (12/4)	2.4 (12/5)	1.5 (12/8)
Annualized income	120,000.00	132,000.00	172,500.00
Tax on annualized income	6,657.50	7,345.50	9,676.25
Installment percentage	25%	50%	75%
90% of installment percentage	22.5%	45%	67.5%
Amount required through due date	1,497.94	3,306.38	6,531.47
Actual payments through due date	1,500.00	3,000.00	5,000.00
Qualifies for exception?	YES	NO	NO

4. The trust qualifies for the fourth exception (tax on income over a 4, 5, and 8 month period) with respect to the second installment. (Note that this exception cannot be used to avoid the addition for the fourth installment.)

INSTALLMENT	1st	2nd	3rd
DUE DATE	5/1/88	6/15/88	9/15/88
Payment	1,500.00	1,500.00	2,000.00
Applicable dates	4/30/88	5/31/88	8/31/88
Income through date	\$40,000.00	\$55,000.00	\$115,000.00
Tax on income for period	2,057.50	2,920.00	6,370.00
Amount required through due date	2,057.50	2,920.00	6,370.00
Actual payments through due date	1,500.00	3,000.00	5,000.00
Qualifies for exception?	NO	YES	NO

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: **VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.**

Governor's Comment:

The promulgation of this regulation is intended to prescribe grade and condition standards applicable to Controlled Atmosphere apples. Pending public comment, I recommend approval of the regulation.

/s/ Gerald L. Baliles
Date: December 8, 1988

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: **Regulations for the Alcoholic Beverage Control Board.**

Governor's Comment:

I have no objection to these regulations as adopted.

/s/ Gerald L. Baliles
Date: December 7, 1988

DEPARTMENT OF COMMERCE

Title of Regulation: **VR 235-01-02. Virginia Board of Cosmetology.**

Governor's Comment:

The promulgation of this regulation is intended to enhance the professional standards of cosmetologists, to ensure the public's health and safety, and to increase the revenue for the Cosmetology Board in order to cover administrative costs. Pending public comment, I recommend approval of this regulation.

/s/ Gerald L. Baliles
Date: December 8, 1988

DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

Title of Regulations: **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.**

Governor's Comment:

I concur with the form and content of these regulations. My final approval will be contingent upon review of the comments received at the scheduled public hearing.

/s/ Gerald L. Baliles
Date: December 8, 1988

STATE EDUCATION ASSISTANCE AUTHORITY

Title of Regulation: **VR 275-02-1. Regulations Governing the Edvantage Loan Program.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Date: December 9, 1988

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: **VR 380-03-01. College Scholarship Assistance Program Regulations.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Date: December 8, 1988

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Title of Regulation: **VR 380-03-02. Virginia Work-Study Program Regulations.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Date: December 5, 1988

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: **VR 460-03-3.1110. Amount, Duration, and Scope of Services - Elimination of Preauthorization for Routine Eye Services.**

Governor's Comment:

I concur in the form and content of this proposal. Before these regulations are submitted for final approval, I expect that they will be amended to incorporate the

Governor

clarifications suggested by the Department of Planning and Budget. My final approval will be contingent upon a review of the comments received during the public comment period.

/s/ Gerald L. Baliles
Date: December 8, 1988

**DEPARTMENT OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE SERVICES
(STATE BOARD OF)**

Title of Regulation: **VR 470-02-02. Mandatory Certification/Licensure Standards for Treatment Programs for Children.**

Governor's Comment:

I concur with the form and content of these regulations. My final approval will be contingent upon review of the comments received at the scheduled public hearings.

/s/ Gerald L. Baliles
Date: December 8, 1988

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: **VR 480-05-2. Rules and Regulations Governing the Certification of Diesel-Engine Mechanics in Underground Coal Mines.**

Governor's Comment:

The promulgation of this regulation is intended to ensure the health and safety of miners working in mines that use diesel equipment. Pending public comment, I recommend approval of this regulation.

/s/ Gerald L. Baliles
Date: December 8, 1988

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: **VR 615-50-6. Compliance with Service Program Policy Requirements.**

Governor's Comment:

I concur with the form and content of this proposal. My final assessment will be contingent upon a review of the comments received from local social service agencies about the proposed policy.

/s/ Gerald L. Baliles
Date: December 8, 1988

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
Date: December 9, 1988

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AIR POLLUTION CONTROL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Air Pollution Control intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution Concerning Emission Standards for Volatile Organic Compounds (VOCs)**. The purpose of the proposed action is to require the owner or operator to limit VOC emissions from the specific source to a level resultant from the use of reasonably available control technology and necessary for the protection of human health and welfare.

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

Written comments may be submitted until January 4, 1989.

Contact: Robert A. Mann, Director, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789 or SCATS 786-5789

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: **Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel**. The purpose of the proposed action is to amend and revise compulsory minimum training standards for private security services business personnel.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until February 2, 1989, to Lex 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: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of the proposed action is to (i) amend certain sections in Part II "General Regulations," Part III "Distribution of Pupil Transportation Funds," and Part V "Minimum Standards for School Buses in Virginia"; (ii) conform to the funding methodology in the 1988 Appropriations Act and to effect adjustments resulting from experience gained since promulgation of the current regulations.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until February 1, 1989.

Contact: R. A. Bynum, Associate Director, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037 or SCATS 225-2037

General Notices/Errata

DEPARTMENT OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given that the Department of Health intends to consider promulgating regulations entitled: **Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.** The purpose of the proposed regulation is to establish a fee for filing an application for a permit to construct an onsite sewage disposal system or for the construction of a private well, and establish a procedure for the waiver of fees for an owner whose income of his family is at or below the federal poverty guidelines established by the United States Department of Health and Human Services, or when the application is for a pit privy, the replacement of a private well, or the repair of a failing onsite sewage disposal system.

Statutory Authority: §§ 32.1-164 C and 32.1-176.4 B of the Code of Virginia.

Written comments may be submitted until January 3, 1989.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575 or SCATS 786-3575

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Disproportionate Share Adjustments to Hospitals.** The purpose of the proposed action is to conform the Plan for Medical Assistance to the disproportionate share adjustment requirements of OBRA 1987.

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

Written comments may be submitted until January 5, 1989, to N. Stanley Fields, Director, Division of Provider Reimbursement, 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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Qualified Provider for Medicaid**

Expanded Prenatal Services and Maternal/Infant Care Coordination. The purpose of the proposed action is to amend existing regulations to enroll additional qualified providers for Medicaid Expanded Prenatal Services and Targeted Care Coordination services.

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

Written comments may be submitted until January 16, 1989, to David Austin, Manager, Post Payment Review, 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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State 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 the proposed action is to develop regulations regarding prescriptions for contact lenses.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until January 5, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State 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 the proposed action is to amend § 2.4 to address the issue of advertising free services rendered.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until January 3, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider amending regulations entitled: **VR 465-05-1. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to define direct, general and personal supervision of physician assistants.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until January 3, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project.** The purpose of the proposed regulation is to continue to operate the Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project to provide financial assistance to needy two-parent families.

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

Written comments may be submitted until February 1, 1989, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Barbra Caris, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-3-400.1. Corporation Income Tax: Telecommunications Companies.** The purpose of the proposed action is to implement the changes to the existing Corporation Income Tax Regulations required by the 1988 Acts, Chapter 899 (S.B. 312) which subjects telecommunications companies to the Corporate Income Tax and imposes a minimum corporate income tax on telecommunications companies.

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

Written comments may be submitted until January 5, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

GENERAL NOTICES

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
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.

ERRATA

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

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

Publication: 5:6 VA.R. 776 December 19, 1988

Correction to the Final Regulation:

This regulation (VR 325-02-24) was mistakenly reprinted in the issue of the Virginia Register of Regulations

General Notices/Errata

indicated above. The regulation was printed as a final regulation in 5:4 V.A.R. 584 November 21, 1988, and became effective on December 1, 1988. The remainder of the regulations filed by the Department of Game and Inland Fisheries and published in 5:6 V.A.R. 776-779 December 19, 1988, are correct as printed with an effective date of January 1, 1989.

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 OF AGRICULTURE AND CONSUMER SERVICES

February 22, 1989 - 2 p.m. – Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor 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 Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.** These regulations prescribe requirements for apples identified as stored under controlled atmosphere conditions.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Written comments may be submitted until February 3, 1989, to T. Graham Copeland, Jr., 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Director of Commodity Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 804, Richmond, Va. 23219, telephone (804) 786-0480 or SCATS 786-0480

STATE AIR POLLUTION CONTROL BOARD

January 13, 1989 - 9 a.m. – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Agecroft Room, Richmond, Virginia. Ⓜ

A general meeting of the board.

Contact: Richard Stone, Public Information Office, Department of Air Pollution Control, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478 or SCATS 786-5478

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Land Surveyors

† **January 26, 1989 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. Ⓜ

A meeting to (i) approve minutes of the December 1, 1988, meeting; (ii) review applications; (iii) review general correspondence; and (iv) review enforcement files.

Board for Professional Engineers

† **February 8, 1989 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. Ⓜ

A meeting to (i) approve minutes of the November 9, 1988, meeting; (ii) review applications; (ii) review general correspondence; and (iv) review enforcement files.

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 BOATING ADVISORY BOARD

January 4, 1989 - 10 a.m. – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. Ⓜ

A meeting to review, discuss and act on legislation issues and regulations affecting Virginia's recreational boating public.

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

Calendar of Events

CHESAPEAKE BAY COMMISSION

† **January 6, 1989 - 10:30 a.m.** – Open Meeting
Radisson Annapolis Hotel, 126 West Street, Annapolis, Maryland

The agenda will include discussions of the population growth, development and land use trends in the Chesapeake Bay watershed and the recommendations included in the report of the "2020" Panel. The commission will also elect officers for 1989.

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

January 5, 1989 - 5:30 p.m. – Open Meeting
February 2, 1989 - 5:30 p.m. – Open Meeting
† **March 2, 1989 - 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

† **January 12, 1989 - 9 a.m.** – Open Meeting
† **January 13, 1989 - 9 a.m.** – Open Meeting
Koger Executive Center, West End, 8007 Discovery Drive, Blair Building, Conference Rooms A and B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns, and programs that impact licensed child care centers. The council will also review public comment received about the proposed child care center regulations. The contingency snow date is January 20, 1989.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9034 or SCATS 662-9034

CONSORTIUM ON CHILD MENTAL HEALTH

January 4, 1989 - 9 a.m. – Open Meeting
February 1, 1989 - 9 a.m. – Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☒

A regular business meeting open to the public, followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

Contact: Wenda Singer, Chair, Virginia Department for Children, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2208

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

† **January 13, 1989 - 8:30 a.m.** – Open Meeting
† **February 10, 1989 - 8:30 a.m.** – Open Meeting
† **March 10, 1989 - 8:30 a.m.** – Open Meeting
Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee.

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

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

January 16, 1989 - 2 p.m. – Open Meeting
Middleburg Community Center, Main Street, Middleburg, Virginia

A business meeting to discuss issues and matters pertaining to the Goose Creek Scenic River.

Contact: Richard G. Gibbons, Recreation Planning Chief, Department of Conservation and Historic Resources, Division of Planning and Recreation Services, 221 Governor St., Suite 306, Richmond, Va. 23219, telephone (804) 786-4132

STATE BOARD FOR CONTRACTORS

January 18, 1989 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff

recommendations for revisions to its rules and regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in the executive session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

STATE BOARD OF CORRECTIONS

January 18, 1989 - 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

BOARD FOR COSMETOLOGY

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

A meeting to (i) review enforcement cases; (ii) review applications; (iii) review correspondence; and (iv) consider routine board business.

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)

CRIMINAL JUSTICE SERVICES BOARD

† **January 4, 1989 - 11 a.m. - Open Meeting**
State Police Training Academy, Richmond, Virginia. ☒

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Committee on Training

† **January 4, 1989 - 9 a.m. - Open Meeting**
State Police Training Academy, Richmond, Virginia. ☒

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

January 19, 1989 - 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

BOARD OF DENTISTRY

† **January 18, 1989 - 1 p.m. - Open Meeting**
† **January 20, 1989 - noon - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Informal conferences on January 18, 1989.

Formal hearings on January 20, 1989 - noon.

Informal conferences on January 20, 1989 - 3:30 p.m.

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

STATE BOARD OF EDUCATION

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

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February 17, 1989 - 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 State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of the proposed amendments is

Calendar of Events

to ensure the provision of a free and appropriate public education in the least restrictive environment to all handicapped youth ages 2 to 21, inclusive, residing in the Commonwealth.

Statutory Authority: § 22.1-16 of the Code of Virginia and 20 USC §§ 1412 and 1413.

Written comments may be submitted until February 17, 1989.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2887

COUNCIL ON THE ENVIRONMENT

† **January 18, 1989 - 7:30 p.m.** – Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting of the council to discuss environmental matters of concern to the citizens of the Commonwealth. The agenda will include a presentation and review for the public of pending legislation and budgetary matters by member agencies. The public is invited to address the council during the public forum period of the meeting. An agenda will be available at the meeting or may be obtained prior to the meeting by calling or writing to the office in Richmond.

Contact: David J. Kinsey, Special Project Coordinator, Council on the Environment, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500 or SCATS 786-4500

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

January 12, 1989 - 10 a.m. – Open Meeting
John C. Wood Municipal Center, Lee Highway, Fairfax, Virginia. ☒

Local Emergency Preparedness Committee meeting on Emergency Preparedness as required by SARA Title III.

Contact: Eileen McGovern, 4031 University Dr., Fairfax, Va. 22030, telephone (703) 246-2331

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† **January 25, 1989 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor, Conference Room, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Marilyn Mandel, Division Director, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2385 or SCATS 786-2385

DEPARTMENT OF FIRE PROGRAMS

February 3, 1989 - 9 a.m. – Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Services intends to amend regulations entitled: **VR 310-01-02. Regulations Establishing Certification Standards for Fire Inspectors.** This regulation establishes certification standards for fire inspectors and is amended to incorporate training required as a result of revisions to the Code of Virginia by the 1988 General Assembly authorizing search warrants for inspection or reinspection of buildings.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until February 3, 1989.

Contact: Robert A. Williams, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

* * * * *

February 3, 1989 - 9 a.m. – Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Programs intends to adopt regulations entitled: **VR 310-01-04. Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities.** Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities will require localities using Fire Programs Funds for local fire training construction, improvement and expansion to use instructors meeting standards approved by the Virginia Fire Services Board.

Statutory Authority: §§ 9-155 and 38.2-401 of the Code of Virginia.

Written comments may be submitted until 5 p.m., February 10, 1988.

Contact: Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS

225-2681

BOARD OF FORESTRY

January 12, 1989 - 9:30 a.m. – Open Meeting
Marriott Hotel, 500 East Broad Street, Richmond, Virginia.

☐

A general business meeting.

Contact: Barbara A. Worrell, Department of Forestry, P.O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555 or SCATS 487-1230

DEPARTMENT OF FORESTRY

January 4, 1989 - 10 a.m. – Public Hearing
Department of Forestry Regional Offices located in Portsmouth, Waverly, Sandston, Tappahannock, Charlottesville, Staunton, Salem, Farmville, and Abingdon.

The guidelines for Forestry Best Management Practices to meet water quality standards for Virginia and the goals of the Clean Water Act. These guidelines contain suggested practices to reduce erosion and sedimentation resulting from silvicultural operations. The primary purpose of the public input meetings are to receive comments from broad spectrum of the general public.

Contact: W. C. Stanley, Chief, Forest Management, P.O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **January 19, 1989 - 9 a.m.** – Open Meeting
† **January 20, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

Formal administrative hearings, general board meeting and may discuss proposed legislation and proposed regulations.

† **January 31, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

Informal fact-finding conferences (disciplinary matters).

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

† **January 6, 1989 - 10 a.m.** – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia

The board will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Architect, Rancorn, Wildman & Krause, Architects, P.O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

BOARD FOR GEOLOGY

† **January 6, 1989 - 10 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the November 14, 1988, meeting; (ii) review general correspondence; and (iii) review applications.

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

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

January 11, 1989 - 10 a.m. – Open Meeting
Radisson Hotel, 555 East Canal Street, 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

DEPARTMENT OF HEALTH

† **March 3, 1989 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **Regulations**

Calendar of Events

Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells. These regulations establish application fees for an onsite sewage disposal system permit or a private well construction permit. Fee waiver and refund procedures are also established.

STATEMENT

Subject, substance, issues, basis and purpose: The Department of Health proposes to adopt the Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells in accordance with §§ 32.1-164 C and 32.1-176.4 B of the Code of Virginia. The regulations establish an application fee of \$50 to be charged and collected at the time of filing for a construction permit for an onsite sewage disposal system. Additionally, an application fee of \$25 will be charged and collected at the time of filing for a construction permit for a private well. The fee will be waived when the application is for a pit privy or the repair of a failing onsite sewage disposal system or when the owner's income is below federal poverty guidelines.

The revenue from the application fees will be used for the purpose of carrying out the programs of the Department of Health.

Statutory Authority: §§ 32.1-164 and 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 3, 1989.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner, Community Health Services, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **January 24, 1989 - 9:30 a.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

Monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, Health Services Cost Review Council, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

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January 24, 1989 - 11 a.m. – Public Hearing
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia .

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed action is to incorporate the Commercial Diversification Survey into the regulations.

Statutory Authority: §§ 9-156 through 9-166 of the Code of Virginia.

Written comments may be submitted until February 17, 1989.

Contact: Ann Y. McGee, Director, Health Services Cost Review Council, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

STATE COUNCIL OF HIGHER EDUCATION

† **January 4, 1989 - 9:30 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia. ☒

A monthly council meeting. The agenda will be available on request.

Contact: Marla Richardson, 101 N. 14th St., 9th Fl., Richmond, Va. 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **January 3, 1989 - 9 a.m.** – Open Meeting
† **February 7, 1989 - 9 a.m.** – Open Meeting
† **March 7, 1989 - 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 Services Coordinator, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† **January 17, 1989 - 10 a.m.** – Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

A meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and

(iv) consider such other matters and take such other actions as they 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

COUNCIL ON HUMAN RIGHTS

January 5, 1989 - 10 a.m. – Open Meeting
March 9, 1989 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 18th 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 ☒

COUNCIL ON INDIANS

January 5, 1989 - 2 p.m. – Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Richmond, Virginia. ☒

A regular meeting of the Council on Indians to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Information Director, Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

COMMISSION ON LOCAL GOVERNMENT

† **January 9, 1989 - 9 a.m.** – Open Meeting
Ninth Street Office Building, Room 901, Richmond, Virginia. ☒

The commission will hold a regular meeting to consider such issues as may be presented.

Contact: Barbara W. Bingham, Administrative Assistant, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Board of Visitors

† **January 20, 1989 - 1 p.m.** – Open Meeting
Longwood College, Wygal Building, Farmville, Virginia. ☒

A meeting to conduct business pertaining to the governance of the institution.

Contact: Dr. William F. Dorrill, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

STATE LOTTERY BOARD

† **January 25, 1989 - 10 a.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Agecroft Room, Richmond, Virginia. ☒

A 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

January 3, 1989 - 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

January 10, 1989 - 5 p.m. – Open Meeting
January 11, 1989 - 9 a.m. – Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

Calendar of Events

January 10 - Legislative/Public Affairs and Policy Committees

January 11 - A regular business meeting.

Contact: Jacqueline Fritz, Legislative Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

BOARD OF MEDICINE

Advisory Committee on Acupuncture

January 28, 1989 - 9 a.m. - Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Board Room 400-401, Richmond, Virginia. ☒

A meeting to review patient charts and the proposed acupuncture legislation.

Informal Conference Committee

† **January 4, 1989 - 10 a.m. - Open Meeting**
Radisson Hotel, 601 Main Street, Lynchburg, Virginia. ☒

January 12, 1989 - 9:30 a.m. - Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

† **January 17, 1989 - 9 a.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

A meeting to inquire to allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed session pursuant to § 2.1-344 of the Code of Virginia.

Podiatry Examination Committee

† **January 4, 1989 - 8:30 a.m. - Open Meeting**
Springfield Hilton, 6550 Loisdale Road, Springfield, Virginia. ☒

A meeting to develop examination cut scores and the discuss any other items which may come before this committee. The cut scores are being developed for the June 1989 Podiatry examination.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

January 25, 1989 - 9:30 a.m. - Open Meeting

Hampton-Newport News Community Services Board, 1520 Aberdeen Road, Hampton, Virginia. ☒

A regular monthly meeting. The agenda will be published on January 18 and may be obtained by calling Jane Helfrich.

Joint Board Liaison Committee

January 6, 1989 - 10 a.m. - Open Meeting
Koger Center, Blair Building, 2nd Floor Conference Room A-B, Richmond, Virginia. ☒

A quarterly meeting of the Joint Board Liaison Committee comprised of representatives of the Boards of Education; Health; Mental Health, Mental Retardation and Substance Abuse Services; Rehabilitative Services; and Social Services. Agenda items include topics of common interest and the development of joint policies relative to clients who are mutually served.

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

† **January 11, 1989 - 8 a.m. - Open Meeting**
Koger Center South, Holiday Inn, 1021 Koger Center Boulevard, Richmond, 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 Department of Mental Health, Mental Retardation and Substance Abuse Services, 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.

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

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY, DIVISION OF CONTINUING EDUCATION, OFFICE OF CONTINUING LEGAL EDUCATION AND OFFICE OF CONTINUING MEDICAL EDUCATION

† **March 16, 1989 - Time to be announced - Open Meeting**

† **March 17, 1989 - Time to be announced - Open Meeting**
The Williamsburg Hilton, Colonial Williamsburg, Virginia. ☒

Twelfth Annual Symposium on Mental Health and the Law.

An annual symposium addressing issues related to mental health and the law. 9 hours in Category 1 CME, .9 CEU and 9 CLE credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, Va. 22901

VIRGINIA MILITARY INSTITUTE

Board of Visitors

January 28, 1989 - 8:30 a.m. - Open Meeting
Virginia Military Institute, Smith Hall, Smith Hall Board Room, Lexington, Virginia. ☒

Regular winter meeting of the VMI Board of Visitors. Committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, Va. 24450, telephone (703) 463-6206

BOARD OF OPTOMETRY

January 10, 1989 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Board Room 1, Richmond, Virginia. ☒

A general business meeting and informal conference.

January 11, 1989 - 8 a.m. - Open Meeting
Sanger Hall, 1101 East Marshall Street, Room 1-044, Richmond, Virginia. ☒

To administer the State Practical Examination at 8 a.m. and the Diagnostic Pharmaceutical Agents Exam at 3:30 p.m.

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

PITTSYLVANIA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

January 12, 1989 - 10 a.m. - Open Meeting
Chamber of Commerce, Main Street, Chatham, Virginia. ☒

The Local Emergency Planning Committee (LEPC) will meet to develop and update the Emergency Plan for Pittsylvania County in accordance with SARA Title

III; Emergency Planning and Community Right to Know Act of 1986.

Contact: Gary Lee Toler, Fire Marshal/Hazardous Materials Coordinator, P.O. Box 426, Chatham, Va. 24531, telephone (804) 432-2041 Ext. 233

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

† **January 6, 1989 - 2 p.m. - Open Meeting**
† **January 20, 1989 - 2 p.m. - Open Meeting**
† **February 3, 1989 - 2 p.m. - Open Meeting**
† **February 17, 1989 - 2 p.m. - Open Meeting**
† **March 3, 1989 - 2 p.m. - Open Meeting**
† **March 17, 1989 - 2 p.m. - Open Meeting**
† **March 31, 1989 - 2 p.m. - Open Meeting**
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, Va. 22192-9201, telephone (703) 335-6800

BOARD OF PSYCHOLOGY

† **January 26, 1989 - 1 p.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) discuss general board business; (ii) conduct certification of the oral examination results; (iii) discuss the board's proposal to change the language of § 2.1.D.3.b of the board's regulations; (iii) review regulations; and (iv) conduct a credentials review consisting of licensure applications, technical assistant registrations and residency registrations.

Contact: Stephanie Sivert, Executive Director, or Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **February 1, 1989 - 10:30 a.m. - Open Meeting**
203 Governor Street, 2nd Floor Conference Room, Richmond, Virginia. ☒

Meeting to consider pre-proposals and proposals from various localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Public Beach Advisor, P.O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121

Calendar of Events

or SCATS 842-7121

VIRGINIA REAL ESTATE BOARD

January 26, 1989 - 10 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

The Virginia Real Estate Board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. William M. Thornburg, Jr.

Contact: Gayle Eubank, Hearings Coordinator, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524,

BOARD FOR RIGHTS OF THE DISABLED

† **January 19, 1989 - 11:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 1st Floor,
Conference Rooms C and D, Richmond, Virginia. ☒

A quarterly meeting of the board to review current, on-going, and completed projects of the board and its six committees.

Education Committee

† **January 19, 1989 - 9 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 18th Floor,
Small Conference Room, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Employment Committee

† **January 19, 1989 - 9:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 1st Floor,
Conference Room C, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Health Committee

† **January 19, 1989 - 9:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 1st Floor,
Conference Room E, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Housing Committee

† **January 19, 1989 - 9:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 17th Floor,
Fire Prevention Conference Room, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Planning Committee

† **January 12, 1989 - 10 a.m. – Open Meeting**
Department for the Visually Handicapped, 397 Azalea
Avenue, Conference Rooms 1 and 2, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Transportation Committee

† **January 19, 1989 - 9:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 17th Floor,
Forensic Conference Room, Richmond, Virginia. ☒

A quarterly meeting to review on-going and completed projects.

Contact: Sarah A. Liddle, Board Administrator, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042, SCATS 225-2042 or toll-free 1-800-552-3962/TDD ☎

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

January 18, 1989 - 9 a.m. – Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C,
Salem, Virginia. ☒

A meeting to receive (i) public comment; (ii) reports from community coordinators; and (iii) reports from standing committees.

Contact: Warren E. Trent, Emergency Services Coordinator, 215 Church Ave., S.W., Roanoke, Va. 24011, telephone (703) 981-2425

SCOTT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **February 14, 1989 - 1:30 p.m. – Open Meeting**
County Office Building, Gate City, Virginia. ☒

Meeting of LEPC to discuss state recommendations of Annex A. 7 "Airborne Hazardous Substances."

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, Va. 24251, telephone (703) 386-6521

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **January 25, 1989 - 10 a.m. – Open Meeting**

Calendar of Events

Shenandoah County Courthouse, 112 South Main Street, County Board of Supervisors' Meeting Room, Woodstock, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

STATE BOARD OF SOCIAL SERVICES

† **January 18, 1989 - 2 p.m.** – Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting.

If necessary, the board will also meet January 19, 1989, at 9 a.m.

† **February 15, 1989 - 2 p.m.** – Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business.

If necessary, the board will also meet February 16, 1989, at 9 a.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9236 or SCATS 622-9236

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

January 7, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-2. 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.

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

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January 19, 1989 - 2 p.m. – Public Hearing
Blair Building, 8007 Discovery Drive, 2nd Floor Conference Rooms A and B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-45-2. Child Protective Services Client Appeals.** These amendments establish regulations by which child protective services clients can appeal the decision made by a local department of social services regarding the disposition of a child protective services complaint.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until January 19, 1989.

Contact: Janine Tondrowski, State Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081, toll-free 1-800-552-7091 or SCATS 662-9081

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-9. Enforcement of Child Support Obligations.** This proposed regulation authorizes the Department of Social Services to collect current and delinquent child support payments through methods such as wage withholding, tax refund intercepts, imposition of liens, and orders to withhold and deliver.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-10. Confidentiality and Exchange of Information for Child Support Enforcement Services.** This proposed regulation authorizes the Department of Social Services to restrict the release of information on absent responsible parents and custodial parents to the general public.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-11. Establishment of Paternity in Child Support Enforcement.** This proposed regulation authorizes the Department of Social Services to obtain voluntary admissions of paternity. It also authorizes the department to obtain consent orders or Acknowledgment of Paternity forms to be used as evidence in judicial paternity hearings.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-12. Responsibilities of IV-D Agencies in Interstate Child Support.** This proposed regulation authorizes the Department of Social Services to comply with state and federal laws which require a Central Interstate Registry to manage the flow of child support correspondence into and out of the state.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-13. Child Support Enforcement Services (Application Fees, Rights and Responsibilities and Payment Recovery).** This proposed regulation describes (i) application fees for child support services; (ii) the rights and responsibilities of custodial parents and the Division of Child Support Enforcement; and (iii) payment recovery.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-14. Establishment of Administrative Support Orders.** This proposed regulation authorizes the Department of Social Services to establish and modify child support obligations and to enforce child support obligations through administrative rather than judicial means.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

January 20, 1989 -- 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 Department of Social Services intends to adopt regulations entitled: **VR 615-70-15. Persons Qualifying for Child Support Enforcement Services.** This proposed regulation describes the criteria by which eligibility for child support services is determined.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

February 16, 1989 - 11 a.m. -- Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-01-1. Public Participation Guidelines.** These proposed regulations set forth public participation guidelines for the purpose of soliciting the input of interested parties in the formation and development of regulations for the Board for Professional Soil Scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

February 16, 1989 - 11 a.m. -- Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-02-1. Board for Professional Soil Scientists Regulations.** The purpose of these proposed

regulations is to establish the requirements for certification of professional soil scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

DEPARTMENT OF TAXATION

January 9, 1989 - 9 a.m. -- Public Hearing
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-2-323.1. Individual Income Tax: Excess Cost Recovery.** These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

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

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

January 9, 1989 - 9 a.m. -- Public Hearing
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.** These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

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

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, (804) 367-8010 or SCATS 367-8010

Calendar of Events

COMMISSION ON THE UNIVERSITY OF THE TWENTY-FIRST CENTURY

† **January 6, 1989 - 10 a.m.** – Public Hearing
Virginia Commonwealth University, New Academic Building, Room 1164, Richmond, Virginia. ☒

Public hearing.

Contact: Anne Pratt, 101 N. 14th St., 9th Fl., Richmond, Va. 23219, telephone (804) 225-2137

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

† **March 1, 1989 - 11 a.m.** – Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review policies and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget and operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

January 14, 1989 - 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 ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

January 12, 1988 - 10:30 a.m. – Open Meeting
Department of Health, James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

STATE WATER CONTROL BOARD

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.

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: **VR 680-21-08.8. James River Basin (Upper) - Water Quality Standards.** The proposed amendment would reclassify Hot Springs Runs from natural trout waters to mountainous zone waters.

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

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

STATEMENT

† **March 22, 1989 - 1 p.m.** – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-01. Public Participation Guidelines.** The purpose of these guidelines is to solicit input of interested parties in the formation and development of regulations for the Board for Waterworks and Wastewater Works Operators.

STATEMENT

Basis, purpose and impact: Pursuant to § 54-1.28 of the Code of Virginia and in accordance with § 9-6.14:7.1, the Board for Waterworks and Wastewater Works Operators proposes amendments to its Public Participation Guidelines for the purpose of soliciting the input of interested parties in the formation and development of its regulations.

The guidelines set out methods for identification and notification of interested parties, and the specific means of seeking input from the interested persons or groups.

The guidelines apply directly to approximately 4,000 interested parties or groups who are or may be interested in the activities of the Board for Waterworks and Wastewater Works Operators.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 6, 1989.

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

* * * * *

† **March 22, 1989 - 1 p.m.** – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed regulations of the Board for Waterworks and Wastewater Works Operators provide general information, entry requirements and standards of practice for licensure as waterworks and wastewater works operators in this Commonwealth. These regulations supersede all previous regulations of the board.

Purpose: Pursuant to § 54-1.28 of the Code of Virginia the Board for Waterworks and Wastewater Works Operators proposes to amend existing regulations governing waterworks and wastewater works operators.

Estimated impact:

1. The regulations affect approximately 4,000 licensed operators. Also affected are approximately 1,000 individuals applying per year to sit for the licensure examination.
2. The additional cost to the regulated entities is necessary for the board's compliance with § 54-1.28:1.
3. The agency expects no material costs for implementation.
4. User fees.

Due to the continuing necessity of the board to comply with § 54-1.28:1 in its financial revenues and expenditures, fees were adjusted in the proposed regulations to assure compliance.

The proposed regulations expand the definition section clarifying terms referred to in the text involving the industry. The expanded section on definitions will better assist the applicant in determining whether he meets the requirements for certification.

Elimination of limited operator licenses on a gradual basis is being proposed. It is further proposed that holders of limited licenses be eligible immediately to sit for an examination in a same of lesser classification (appropriate category) even though some applicants may not meet the specific regulation requirements.

Other changes in the proposed regulations contain minor language revisions to improve clarity.

The board served as a committee which worked to assure clarity and simplicity in the drafting of the proposed regulations. The agency anticipates the only impact on small businesses or organizations is the increase in entry and renewal of fees. The proposed regulations, in the opinion of the board, are the least burdensome for the regulated industry. It is the agency policy to review regulations annually.

A new form has been created to facilitate those individuals who fail the examination and who desire to retake the test. This brief form will reduce the amount of paperwork required to be filed with the board. Current forms will be adjusted to comply with the proposed regulations.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until March 6, 1989.

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

WINCHESTER LOCAL EMERGENCY PLANNING COMMITTEE

† **January 4, 1989 - 3 p.m.** – Open Meeting
Frederick County Treasurer's Office, Treasurer's Conference Room, Winchester, Virginia

The committee will be discussing training levels among emergency response agencies, public requests for SARA Title III information, and other agenda items generated before next month's meeting by various group committee meetings.

Contact: Kim Havenner, SARA Title III Clerical Aide, 126 N. Cameron St., Fire Department Headquarters, Winchester, Va. 22601, telephone (703) 665-5695

COUNCIL ON THE STATUS OF WOMEN

January 31, 1989 - 8 p.m. – Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

February 1, 1989 - 9:30 p.m. – Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond, Virginia

A regular meeting to conduct general board business and to receive reports from Council Standing Committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING AIDS

† **January 4, 1989 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

Joint subcommittee will meet to finalize recommendations of study. HJR 31

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE DECLINE OF VIRGINIA'S BOBWHITE QUAIL

† **January 3, 1989 - 2 p.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

Joint subcommittee will meet to finalize recommendations of study. HJR 114

Contact: Martin G. Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CHILDREN IN NEED OF SERVICES

† **January 4, 1988 - 10 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

The joint subcommittee will conclude its review of this report. HJR 143

Contact: Jeff Finch, House of Delegates, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227 or Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

HOUSE FINANCE SUBCOMMITTEE NO. 1

January 10, 1989 - 2 p.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

House Finance Subcommittee No. 1 will meet to review legislation carried over from the 1988 session.

Contact: John Garka, Economist, or Reggie McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING FIREBOATS FOR THE HAMPTON ROADS HARBOR

† **January 10, 1989 - 2 p.m.** – Open Meeting
General Assembly Building, Capitol Square, 8th Floor West Conference Room, Richmond, Virginia. ☐

The joint subcommittee will hold a working session to discuss acquiring fireboats for the protection of the Hampton Roads Harbor. HJR 160

Contact: Phyllis Price, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE FLOOD CONTROL POLICIES OF THE COMMONWEALTH

† **January 3, 1989 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

Joint subcommittee will meet to finalize recommendations of study. HJR 113

Contact: Martin G. Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

STATUTES OF LIMITATION AND ACCRUAL OF CAUSES OF ACTION

† **January 10, 1989 - 10 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☒

The subcommittee will hold a working session to discuss drafting legislation. HJR 66

Contact: Mary P. Devine, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

January 3, 1989

- † Bobwhite Quail, Joint Subcommittee Studying the Decline of Virginia's
- † Flood Control Policies of the Commonwealth, Joint Subcommittee Studying the
- † Hopewell Industrial Safety Council
- Marine Resources Commission

January 4

- † Aids, Joint Subcommittee Studying
- Boating Advisory Board, Virginia
- Child Mental Health, Consortium on
- † Children in Need of Services, Joint Subcommittee Studying
- † Criminal Justice Services Board
- Committee on Training
- † Higher Education, State Council of
- † Medicine, Board of

- Informal Conference Committee
- Podiatry Examination Committee
- † Winchester Local Emergency Planning Committee

January 5

- Chesterfield County, Local Emergency Planning Committee of
- Human Rights, Council on
- Indians, Council on

January 6

- † Chesapeake Bay Commission
- † General Services, Department of
- Art and Architectural Review Board
- † Geology, Board for
- Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Joint Board Liaison Committee
- † Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

January 9

- † Cosmetology, Board for
- † Local Government, Commission on

January 10

- Finance Subcommittee No. 1, House
- † Fireboats for the Hampton Roads Harbor, Subcommittee Studying
- Medical Assistance Services, Board of
- Optometry, Board of
- † Statutes of Limitations and Accrual of Causes of Action

January 11

- Hazardous Materials Emergency Response Advisory Council, State
- Training Study Committee
- Medical Assistance Services, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Optometry, Board of

January 12

- † Child Day-Care Council
- Education, State Board of
- Fairfax County, City of Fairfax, and the Towns of Herndon and Vienna, Local Emergency Planning Committee
- Forestry, Board of
- Medicine, Board of
- Informal Conference Committee
- Pittsylvania County Local Emergency Planning Committee
- † Rights of the Disabled, Board for
- Planning Committee
- Voluntary Formulary Board, Virginia

January 13

- Air Pollution Control Board, State
- † Child Day-Care Council

Calendar of Events

† Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for Education, State Board of

January 14

Visually Handicapped, Department for the
- Advisory Committee on Services

January 16

Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board

January 17

† Housing Development Authority, Virginia
- Board of Commissioners
† Medicine, Board of
- Informal Conference Committee

January 18

Contractors, State Board for
Corrections, State Board of
† Dentistry, Board of
† Environment, Council on the
Roanoke Valley Local Emergency Planning Committee
† Social Services, State Board of

January 19

Danville Local Emergency Planning Committee
† Funeral Directors and Embalmers, Board of
† Rights of the Disabled, Board for
- Education Committee
- Employment Committee
- Health Committee
- Housing Committee
- Transportation committee

January 20

† Dentistry, Board of
† Funeral Directors and Embalmers, Board of
† Longwood College
- Board of Visitors
† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

January 24

† Health Services Cost Review Council, Virginia

January 25

† Farmworkers Board, Governor's Migrant and Seasonal
† Lottery Board, State
Mental Health, Mental Retardation and Substance Abuse Services Board, State
† Sewage Handling and Disposal Appeals Review Board, State

January 26

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Land Surveyors

† Psychology, Board of
Real Estate Board, Virginia

January 28

Medicine, Board of
- Advisory Committee on Acupuncture
Military Institute, Virginia
- Board of Visitors

January 31

† Funeral Directors and Embalmers, Board of
Women, Council on the Status of

February 1

Child Mental Health, Consortium on
† Conservation and Development of Public Beaches, Board on
Women, Council on the Status of

February 2

Chesterfield County, Local Emergency Planning Committee of

February 3

† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

February 7

† Hopewell Industrial Safety Council

February 8

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Professional Engineers

February 10

† Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for

February 14

† Scott County Local Emergency Planning Committee

February 15

† Social Services, State Board of

February 17

† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

March 1

† Visually Handicapped, Virginia Board for the

March 2

† Chesterfield County, Local Emergency Planning Committee of

March 3

† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

Calendar of Events

March 7

† Hopewell Industrial Safety Council

March 9

Human Rights, Council on

March 10

† Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for Children

March 16

† Mental Health, Mental Retardation, and Substance Abuse Services; University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education, Department of

March 17

† Mental Health, Mental Retardation and Substance Abuse Services; University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education, Department of
† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

March 31

† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

Agriculture and Consumer Services, Department of

March 3

† Health, Department of

March 22

† Waterworks and Wastewater Works Operators, Board for

PUBLIC HEARINGS

January 4, 1989

Forestry, Department of

January 5

Water Control Board, State

January 6

† University of the Twenty-First Century, Commission on

January 9

Taxation, Department of
Water Control Board, State

January 19

Social Services, Department of

January 24

Health Services Cost Review Council

February 3

Fire Programs, Department of

February 16

Soil Scientists, Board for Professional

February 22

Calendar of Events
