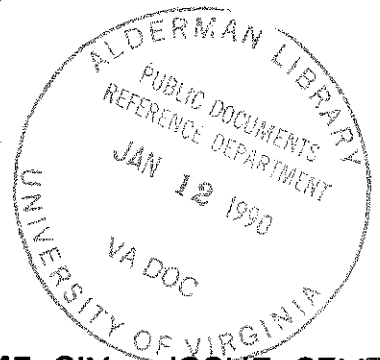
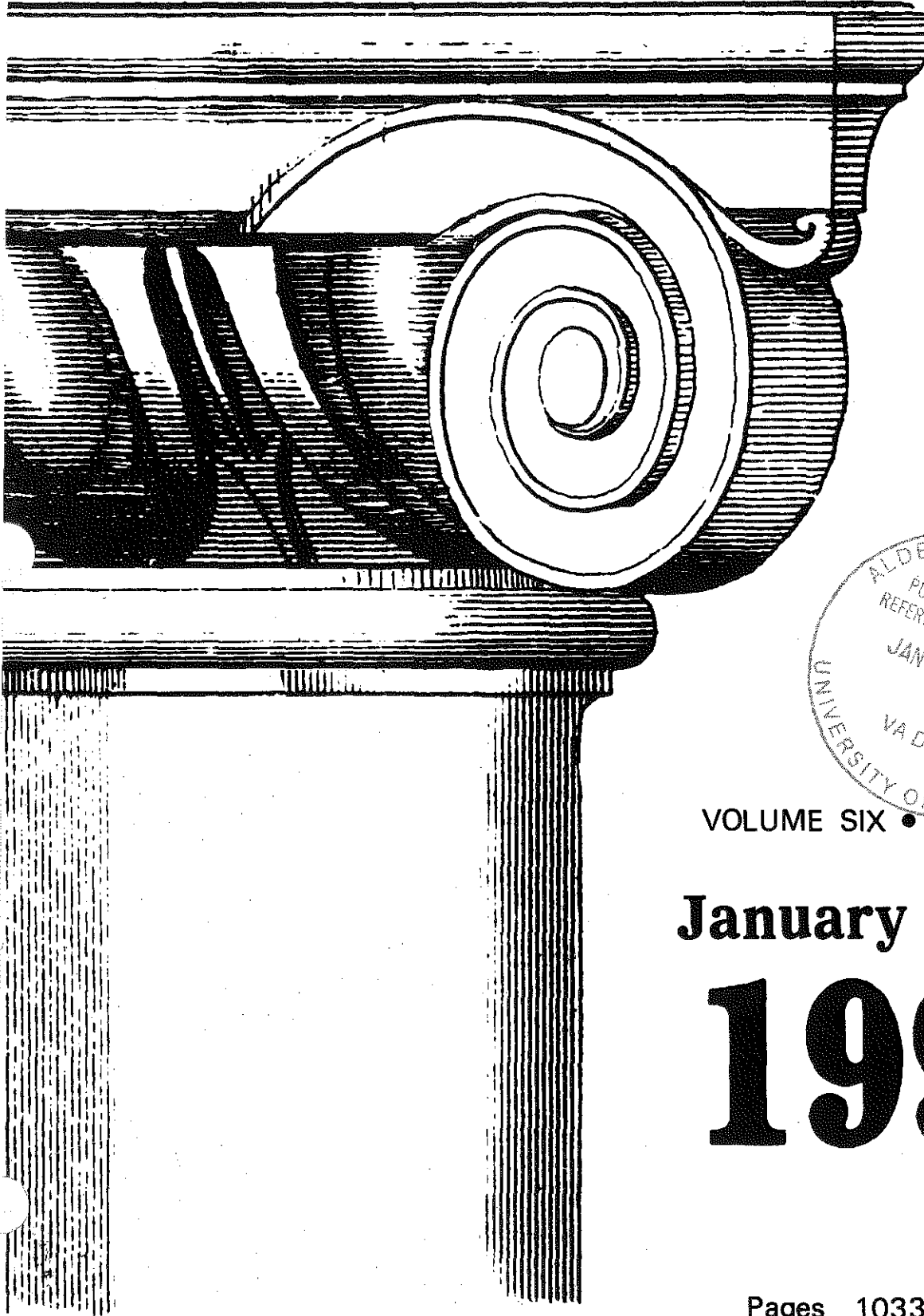


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THE VIRGINIA REGISTER

OF REGULATIONS

VA
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VOLUME SIX • ISSUE SEVEN

January 1, 1990

1990

Pages 1033 Through 1108

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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July 1989 through September 1990

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PROPOSED REGULATIONS

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

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers ~~/Courthouse and~~ , Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve Process and Process Service Officers~~ .

Statutory Authority: § 9-170 of the Code of Virginia.

Public Hearing Date: April 4, 1990 - 9:30 a.m.
 (See Calendar of Events section for additional information)

Summary:

The proposed amendments promulgate minimum training standards for jailors or custodial officers, courtroom security officers and process service officers based upon the results of a job task analysis determining minimum tasks required by the position to perform the job. The training emphasizes the knowledges, skills and abilities necessary to perform those minimal functions. Changes includes modifications of the basis required curriculum and of the testing/grading standards.

VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers.

PART I GENERAL

Pursuant to the provisions of subdivisions 1, 5, 5A, 5, 6 and 7 of § 9-170 of the Code of Virginia, the Criminal Justice Services Board hereby promulgates the following rules for Compulsory Minimum Training Standards for Jailors or Custodial ~~/Courthouse and~~ Officers, Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve and Process Service Officers~~ .

§ 1-1. 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff or agency head of a state, county or local law enforcement agency.

"Approved training school" means a training school

which provides instruction of at least the minimum training as standards mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Board" means the Criminal Justice Services Board.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Full-time attendance" means that officers in training shall attend all classes and shall not be placed on duty or call except in cases of emergency for the duration of the school.

"School director" means the chief administrative officer of an approved training school.

§ ~~1-2~~ 2. Compulsory minimum training standards.

Pursuant to the provisions of subdivisions 1, 5, 5A, 5, 6 and 7 of §§ 9-170 and 53.1-120 of the Code of Virginia, the board establishes the following as the Compulsory Minimum Training Standards for Jailors or Custodial ~~/Courthouse and~~ Officers, Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve Process and Process Service Officers~~ .

A. Core subjects	Hours
1. Administration. Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/ Deputy Sheriffs Designated to Serve Process	12
a. Orientation	1
b. Notebook construction and note taking	1
c. Code of ethics	1
d. Jail history	1
e. Testing and review	7
f. Evaluations	1
2. Combined subjects. Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/ Deputy Sheriffs Designated to Serve Process	63
a. Unusual prisoners	6

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b. Officer safety and arrest techniques	16	e. Receiving and discharging inmates	3
c. Report writing	4	f. Standards for local jails and lockups	4
d. Court systems	2	4. Jail security procedures:	7
e. Constitutional law and civil liability	4	a. Escapes	1
f. Code of Virginia	6	b. Trustees	1
g. Search and seizure	8	c. Medication security	1
h. Laws of arrest	6	d. Hostage and disturbance situations	2
i. Rules of evidence	8	e. Supervisory techniques	2
j. Probable cause	1	5. Community relations:	8
k. Juvenile law	2	a. Public responsibilities	1
l. Firearms (refer to § 3-1, subsection D)	2	b. Probation and parole	1
B. Jailors or custodial officers:		c. Work release	1
1. Skills:	24	d. Human relations	4
a. Chemical agents	1	e. Community resources	1
b. Courtroom demeanor and appearance	1	C. Courthouse and courtroom security/deputy sheriffs designated to serve process:	
c. Multimedia first aid	8	1. Court security process server:	26
d. Transportation of prisoners and physical restraints	6	a. Laws of civil process	16
e. Cell search	4	b. Legal document workshop	8
f. Fingerprinting and privacy and security of criminal history records	4	c. D.M.V. notices	2
2. Legal matters:	5	2. Court security procedures and responsibilities:	11
a. Role of Commonwealth and defense attorneys	1	a. Duties and responsibilities of court security personnel	2
b. Freedom of Information Act	1	b. Security threats	1
c. Juvenile offender and the juvenile justice system	1	c. Explosives and security problems	2
d. Discipline and due process	2	d. Identification of personnel, package control and detection devices	2
3. Jail operation:	11	e. Sequestered juries and witnesses	1
a. Inmate behavior	1	f. Moot problems and courtroom search	3
b. Jail climate	1	A. Core subjects for jailors or custodial officers, courtroom security officers and process service officers:	
c. Key control and headcount	1	1. Basic administration:	
d. Classification	1	a. Orientation:	

b. Notebook construction and notetaking.

c. Testing and evaluation.

d. Training standards/training overview.

Subtotal – 8

2. Background materials.

a. Code of ethics.

b. Jail/criminal justice history.

c. Court systems.

d. Commonwealth/defense attorneys/judges.

e. Juvenile offender/juvenile justice system.

f. Freedom of Information Act.

g. Community relations: public responsibility.

h. Community relations: probation and parole.

i. Community relations: work release.

j. Community relations: community resources.

k. Community relations: communications and crisis.

Subtotal – 16

3. Legal issues.

a. Code of Virginia.

b. Constitutional law and civil liability.

c. Laws of arrest.

d. Rules of evidence.

e. Probable cause.

f. Juvenile law.

g. Search and seizure.

Subtotal – 35

4. Combined subjects.

a. Courtroom demeanor and testimony.

b. Transportation and physical restraints.

c. Officer safety and arrest techniques.

d. Hostages and disturbances.

e. Unusual prisoners.

f. Chemical agents.

g. Firearms.

h. Standard first aid.

i. Report writing.

j. Privacy of criminal history and records.

k. Searches (cell/persons).

Subtotal – 58

TOTAL – 117

B. Jailors or custodial officers.

1. Jail operations/security.

a. Standards for local jails/lockups.

b. Basic security overview.

c. Supervisory techniques.

d. Inmate behavior.

e. Inmate supervision.

f. Key control/head counts.

g. Classification.

h. Receiving and discharging inmates.

i. Escapes.

j. Trustees.

k. Medication.

l. Discipline/due process.

m. Introduction to fingerprinting.

n. Protecting a crime scene.

o. Jail climate and jailors.

Subtotal – 27

TOTAL – 27

C. Courtroom security officers and process service officers.

1. Court security.

a. Duties and responsibilities.

Proposed Regulations

- b. Security threats, problems, and explosives.
- c. Identification of personnel/package control detection.
- d. Sequestered juries/witnesses.
- e. Moot problem/courtroom search.

Subtotal - 15

2. Civil process.

- a. Laws of civil process and implementation duties.
- b. Department of Motor Vehicles.
- c. Legal document workshop.

Subtotal - 32

TOTAL - 47

D. Recommended additional subjects.

- 1. Stress - 4
- 2. Fire safety - 2
- 3. Crisis intervention - 2

TOTALS:

JAILORS OR CUSTODIAL OFFICERS - 144

COURTROOM SECURITY OFFICERS AND PROCESS SERVICE OFFICERS - 132

PART II.

§ 2-1. 3. Applicability.

A. Every person employed as a jailor or custodial officer in accordance with § 9-170(7), of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and B unless provided otherwise in accordance with § 2-1 3, subsection D.

B. Every person employed as a Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process in accordance with subdivisions 5 and 5A 6 of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and C unless provided otherwise in accordance with § 2-1 3, subsection D.

C. Every person employed as a Jailor or Custodial Officer/Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process and desires to meet both standards in accordance with subdivisions 5, 5A and 7

of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A, B, and C, unless provided otherwise in accordance with § 2-1, subsection D.

D. C. The director may grant an exemption or partial exemption of the compulsory minimum training standards as established herein, in accordance with § 9-173 of the Code of Virginia.

§ 2-2. 4. Time requirement for completion of training.

A. Every jailor or custodial ~~courthouse and officer,~~ courtroom security officer ~~deputy sheriff designated to serve process and process service officer~~ who is required to comply with the compulsory minimum training standards shall satisfactorily complete such training within 12 months of the date of appointment as a jailor or custodial officer, ~~courtroom security officer or process service officer~~ unless provided otherwise in accordance with § 2-2, subsection B 4 B of these regulations.

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service or, special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime. The agency administrator shall request such extension prior to expiration of any time limit.

C. Any jailor or custodial ~~courthouse and officer,~~ courtroom security officer ~~deputy sheriff designated to serve process or process service officer~~ who originally complied with all applicable training requirements and later separated from jailor or custodial ~~courthouse and officer,~~ courtroom security ~~process server officer, process service officer~~ status, in excess of 24 months, upon reentry as a jailor, courthouse and courtroom security officer/process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with § 2-1, subsection B § 3 D of these regulations.

§ 2-2. 5. How compulsory minimum training may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Officers attending an approved training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency. In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Absences not exceeding 10% of the minimum training curriculum are permissible providing such absence is a result of injury, illness or required court appearance. Officers will be

Proposed Regulations

responsible for any material missed during an excused absence.

C. All approved training schools which begin on or after July 1, 1990, shall be conducted in conformance with the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers as amended by the board on April 4, 1990. However, the period July 1, 1990, through December 31, 1990, shall serve as a transition period wherein training schools may be approved by the department to conduct training according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process as amended by the board on April 1, 1987, or according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers as amended by the board on April 4, 1990.

§ 2-4. 6. Approved training schools.

A. Jailor or custodial officer training schools, in order to meet § 1-2, subsections 2 A and B of these rules, shall be approved by the department prior to the first scheduled class. Courthouse and Courtroom security officers /deputy sheriffs designated to serve process and process service officers training schools, in order to meet § 1-2, subsections 2 A and C of these rules, shall be approved prior to the first scheduled class. Combined jailor or custodial /courthouse and officer, courtroom security officers /deputy sheriffs designated to serve process and process service officer training schools, in order to meet § 1-2, subsections 2 A, B and C of these rules, shall be approved prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subjects, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be granted for good cause shown by the school director.

B. Each school director will be required to maintain a file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the director or staff, or both.

D. The department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request

a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension / revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

E. The department may revoke the approval of any approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

PART III: GRADING.

§ 3-1. 7. Grading.

A. All written examinations shall include a minimum of one test question pertaining to each instructional objective specified in the document entitled "Resumes and Objectives for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process." Each officer designated as provided for in § 3 A and C shall comply with the applicable performance objectives and subjects set forth in § 2 and the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers" (October 1989), which is incorporated by reference and made a part of this regulation.

B. All approved training schools shall utilize testing procedures which indicate that every officer, prior to satisfactory completion of the training school, has met the requirements set forth in each performance objective specified in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Jailors or Custodial Officer, Courtroom Security Officers and Process Service Officers."

B. C. All officers must attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. The officer may be tested and retested as may be necessary within the limits of § 2-2, subsection 4 A of these rules and each academy's written policy. An officer shall not be certified as having complied with the

Proposed Regulations

compulsory minimum training standards unless all applicable requirements have been met.

C. D. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting principles;
6. Prequalification shooting (150 rounds, minimum);
7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course
 - b. Modified Practical Pistol Course
 - c. Virginia Modified Combat Course I
 - d. Virginia Modified Combat Course II

D. E. Familiarization with the police shotgun (20 rounds required shoulder and hip position).

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process."

§ 3-2. 8. Failure to comply with rules and regulations.

Any jailor or custodial /courthouse and officer, courtroom security officer /deputy sheriff designated to serve process and process service officer attending an approved training school shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director established by the approved training school. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall be reported in writing within 48 hours to the officer's agency administrator and the director.

PART IV. ADMINISTRATION.

§ 4-1. 9. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. The school director shall, within 30 days upon completion of an approved training school session, ~~comply with the following:~~ submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

1. Prepare a grade report on each officer maintaining the original for the academy records and forwarding a copy to the agency administrator of the officer.

2. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and if applicable, a revised curriculum for the training session.

C. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

D. Approved training schools for jailors or custodial /courthouse and officers, courtroom security officers /deputy sheriffs designated to serve process and process service officers shall maintain accurate records of all tests, grades and testing procedures. Training school records shall be maintained in accordance with the provisions of these rules and §§ 42.1-67 through 42.1-91 of the Code of Virginia.

§ 4-2. First aid requirement.

The school director shall be required to insure that each officer has a valid first aid card approved by the American Red Cross or by the State of Virginia EMT Program.

§ 4-3. 10. Effective date.

These rules shall be effective on and after July 1, 1987
....., and until amended or rescinded.

§ 4-4. Adopted: July 12, 1973.

Amended: April 1, 1987.

* * * * *

Title of Regulation: VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.

Proposed Regulations

Statutory Authority: § 9-170(1) and (11) of the Code of Virginia.

Public Hearing Date: April 4, 1990 - 9:30 a.m.
(See Calendar of Events section
for additional information)

Summary:

The proposed amendments provide clarification and amendment to current rules promulgated by the Criminal Justice Services Board relating to the qualifications and minimum training standards for the certification and recertification of criminal justice instructors. Changes and additions are made concerning basic qualifications, time requirements, availability of exemptions, and suspension of revocation of instructor certification. The recommended changes were forwarded by a committee of practitioners subject to the provisions of the regulations.

VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.

§ 1. Definitions.

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

"Academy director" means the chief administrative officer of an approved training school.

"Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Criminal justice agency" means any government agency or identifiable subunit which has as its principal duty(s): the prevention, detection, and investigation of crime; the apprehension, detection, and prosecution of alleged offenders; the confinement or correctional supervision of accused or convicted persons; or the administrative or technical support of these functions.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Instructional staff" means any individual employed in training on a full-time basis who shall instruct in approved training schools promulgated by the department.

"Instructor" means an individual who shall instruct, teach or lecture for more than three mandated hours in any approved training school.

"School director" means the chief administrative officer of an approved training school.

§ 2. Minimum standards for instructors in approved training schools.

Instructors in approved training schools shall possess one of the following certifications authorized by the department, excluding those enumerated in §§ 4 and 5 § 4 of these rules:

A. Provisional instructor certification.

For the individual who has had little or no previous teaching experience not previously met the requirements for instructor certification, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires that the individual has met the compulsory minimum training standards for the primary function for which employed by a criminal justice agency, if applicable;
3. Is valid for two years and is not renewable; however, upon expiration of this certification, an instructor certification may be issued in accordance with subsection B of § 2, of these rules; and
4. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics or driver training courses ; ; and
4. Is valid for not more than two years and is not renewable. An individual may apply for instructor certification upon meeting the requirements of §§ 2 and 5 of these rules.

B. General instructor certification.

For individuals who have professional or proficiency skills in a field directly related to criminal justice, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school an academy director;
3. Requires the applicant to have completed the compulsory minimum training standards for instructor certification, excluding those individuals enumerated in subsection A of § 5, of these rules;
4. Requires a minimum of two years' experience in a criminal justice agency;
4. Requires the applicant to have successfully

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completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in § 3 of these rules.

5. Is valid for *not more than three years and* , but may be renewed; ~~and~~

6. *Requires the applicant to serve an apprenticeship with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and*

6. 7. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.

C. Firearms instructor certification.

For the individual who has had extensive firearms training and experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);

2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a ~~school~~ an academy director;

3. Requires a minimum of two years' experience in a criminal justice agency;

4. Requires the applicant to have attended and successfully completed a firearms instructors course which meets or exceeds the standards of the firearms instructors ~~school~~ course approved by the department;

5. Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards ~~for~~ of the instructor ~~schools~~ approved by the department ~~development~~ course enumerated in § 3 of these rules ;

6. Is valid for *not more than three years and* , but may be renewed;

7. Requires prequalification on a department approved 25-yard *firearms* course with a *minimum* score of 90%;

8. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until ~~they~~ the applicant can demonstrate the ability to *successfully* instruct ~~on their own~~ without supervision . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

9. Authorizes an individual to instruct mandated firearms training courses and to conduct *annual*

firearms qualifications only.

D. Defensive tactics instructor certification.

For the individual who has had extensive training and experience in the area of defensive tactics, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a ~~school~~ an academy director;

3. Requires a minimum of two years experience in a criminal justice agency;

4. Requires the applicant to have attended and successfully completed a defensive tactics instructors course which meets or exceeds the standards of the defensive tactics instructors ~~school~~ course approved by the department.

5. Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards ~~for~~ of the general instructor ~~schools~~ approved by the department ~~course~~ enumerated in § 3 of these rules ;

6. Is valid for *not more than three years and* , but may be renewed;

7. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until ~~they~~ the applicant can demonstrate the ability to *successfully* instruct ~~on their own~~ without supervision . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

8. Authorizes the individual to instruct defensive tactics subjects only.

E. Driver training instructor certification.

For the individual who has had extensive training and experience in the area of driver training, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a ~~school~~ an academy director;

3. Requires a minimum of two years experience in a criminal justice agency;

4. Requires the applicant to have attended and successfully completed a driver training instructors

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course which meets or exceeds the standards of the driver training instructors school course approved by the department;

5. Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for of the general instructor schools approved by the department course enumerated in § 3 of these rules ;

6. Is valid for *not more than* three years and , but may be renewed;

7. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until they can demonstrate the ability to *successfully* instruct ~~on their own without supervision~~ . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

8. Authorizes the individual to instruct driver training subjects only.

§ 3. Compulsory minimum training standards for instructor development and recertification courses .

A. The ~~department board~~ establishes the following compulsory minimum training standards for ~~instructors in approved training schools~~ :

1. At a ~~minimum~~, the An instructor development course shall be at least include a minimum of 40 hours in length of training and ~~ever~~ must address each of the following subjects:

Role of the Instructor/Adult Learner

Fundamentals of Communication

Liability of Instructors

Research and Development

Instructional Performance Objectives

Preparation and Use of Lesson Plans

Methods of Instruction

Preparation and Use of Audio-Visual Material

Criteria Testing and Test Construction

Student Presentations

~~Other~~ Optional Topics (subject(s) selected at the discretion of the academy director, if applicable, but must pertain to instructor development.)

2. A recertification course shall include a minimum of four hours of training and must address the following

mandated subjects:

a. Review of Instruction Techniques and Methods,

b. Legal Review Including Liability,

c. Review of Current Basic and In-Service Course Requirements (Skilled Areas to Emphasize and Review Current Mandates),

d. Training Innovations and Technology,

e. Testing and Measurements,

f. Record Keeping and Documentation.

B. 3. ~~Application~~ Application(s) to conduct an approved instructor development training session and recertification courses shall be submitted on forms provided by the department and within the time limit prescribed by the department .

§ 4. Exemptions to certification requirements.

The following individuals are exempted from the certification requirements set forth in § 2 of these rules:

1. Individuals who instruct three hours or less in any individual approved training school;

2. ~~Individuals~~ An individual assigned by the school academy director to instruct in emergency situations;

3. Individuals who possess professional or proficiency skills in a field of endeavor directly related to the subject matter in which they are instructing. This ~~would~~ may include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc. ; Documentation of skills may be requested and final approval, if necessary, rests with the department;

4. ~~Section 4, paragraph 3, Subdivision 3 of § 4~~ may apply to employees of criminal justice agencies of this Commonwealth and its political subdivisions if approved by the department; and

5. Certified emergency care and first aid instructors.

6. Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exemption shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 5. Exceptions.

The following individuals are excepted from the certification requirements set forth in § 2 of these rules:

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1. Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exception shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 6. § 5. Application for instructor certification.

A. A properly completed "Instructor Certification Application" is required from each potential instructor prior to being considered for certification on forms provided by the department. The application must be received by the department within 12 months of completion of the instructor course for which certification is requested. The application shall be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee, and endorsed by the academy director.

B. If a properly completed "Instructor Certification Application" is not received within the 12-month application period, the applicant must attend the applicable recertification course and comply with apprenticeship requirements prior to certification.

§ 7. Renewal of certification § 6. Instructor recertification

An instructor certifications certification, other than those issued to provisional instructors, will be valid for a period of not more than three years. Individual instructors must meet all applicable recertification requirements by December 31 of the third calendar year following issuance of certification. Applications for renewal recertification will be submitted on forms provided by the department.

1. Applicants for recertification shall be recommended by the chief of police, sheriff, agency administrator or his designee; , and endorsed, where applicable, by the academy director.

2. Applications for renewal shall include a statement from the school director relative to the instructional performance of the applicant; A recertification application for departmental firearms instructors does not require endorsement by the academy director.

3. Applicants shall attend and successfully complete a recertification seminar not to exceed eight hours, course which shall be approved by the department for each type of certification held. Completion of this requirement shall occur within the three-year period in which the certification is valid. Those who were certified prior to the effective date of these regulations will have three years from the effective date to comply. This requirement must be completed between the period of January 1 and December 31 of the calendar year in which the instructor is required to be recertified unless provided otherwise in accordance with subdivision 6 of § 6 of these rules.

Completion of one or more of the skills recertification seminars (firearms, defensive tactics or driver training) will qualify an instructor for recertification in the general category.

4. Individuals whose certification is allowed to expire expires shall submit a new application comply with all requirements of § 5 of these rules and meet any certification requirements that are in effect at that time; and .

5. Individuals shall have taught a minimum of eight hours of mandated or approved hours of instruction during the present current period of certification evaluated by staff or students in order to be eligible for recertification.

6. The director may grant an extension of the time limit for completion of the recertification requirements. The chief of police, sheriff or agency administrator must present evidence that the applicant was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime. Requests for extension of the time limit must be requested prior to certification expiration.

§ 8. § 7. Suspension and revocation of instructor certification.

A. The department may suspend or revoke any instructor certification issued under these rules if it is determined that an individual has falsified any department report, application, form or roster or has otherwise misused the authority granted herein.

B. An instructor's certification may be recommended for suspension or revocation for cause upon written request of the chief of police, sheriff, agency administrator, or academy director.

C. When a certified instructor terminates employment with the criminal justice agency which recommended certification, the certification shall become null and void upon written request of the chief of police, sheriff, agency administrator, or academy director. Upon reemployment with a Virginia criminal justice agency, the instructor's certification may be reinstated upon written request of the chief of police, sheriff or agency administrator. Such request for reinstatement must be authorized by an academy director. Any reinstatement of certification shall not exceed the original date of expiration.

D. Any instructor whose certification is revoked as provided in § 7 A of these rules shall not be eligible to reapply for certification for a period of five years from the date of revocation.

§ 9. § 8. Administrative requirements.

Reports will be required from the school director, chief of police, sheriff, or agency administrator on forms provided by or approved by the director and at such times as designated by the director.

§ 10. § 9. Effective date.

These rules shall be effective on and after July 1, 1986, and until amended or rescinded.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: § 9-164 of the Code of Virginia.

Public Hearing Date: March 7, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These amendments are consistent with the council's authority to undertake financial analysis and studies of health care institutions as required by law.

There are two major changes. First, nursing homes and certified nursing facilities must now submit filings to the council. Second, hospitals will submit audited consolidated financial statements which will be included in the Commercial Diversification Survey issued in December of each year by the council.

VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning:

"Adjusted patient days" means inpatient days divided by the percentage of inpatient revenues to total patient revenues.

"Aggregate cost" means the total financial requirements of an institution which shall be equal to the sum of:

1. The institution's reasonable current operating costs, including reasonable expenses for operating and maintenance of approved services and facilities, reasonable direct and indirect expenses for patient care services, working capital needs and taxes, if any;

2. Financial requirements for allowable capital purposes, including price level depreciation for

depreciable assets and reasonable accumulation of funds for approved capital projects;

3. For investor-owned institutions, after tax return on equity at the percentage equal to two times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for the months in a provider's reporting period, but not less, after taxes, than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness. The base to which the rate of return determined shall be applied is the total net assets, adjusted by paragraph 2. of this section, without deduction of outstanding capital indebtedness of the individual institution for assets required in providing institutional health care services.

"Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant to § 32.1-137.

"Council" means the Virginia Health Services Cost Review Council.

"Consumer" means any person (i) whose occupation is other than the administration of health activities or the provision of health services (ii) who has no fiduciary obligation to a health care institution or other health agency or to any organization, public or private, whose principal activity is an adjunct to the provision of health services, or (iii) who has no material financial interest in the rendering of health services.

"Health care institution" means (i) a general hospital, ordinary hospital, or ~~out-patient~~ outpatient surgical hospital, nursing home or certified nursing facility licensed pursuant to § 32.1-123 et seq. of the Code of Virginia and mental or psychiatric hospital licensed pursuant to § 37.1-179 et seq. of the Code of Virginia but in no event shall such term be construed to include any physician's office, nursing home, intermediate care facility, extended nursing care facility of a religious body which depends upon prayer alone for healing, independent laboratory or ~~out-patient clinic~~ or certified pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, (ii) a mental or psychiatric hospital licensed pursuant to Chapter 8 (§ 32.1-179 et seq.) of Title 37.1 and (iii) a hospital operated by the University of Virginia or Virginia Commonwealth University. In no event shall such term be construed to include any physician's office, nursing care facility of a religious body which depends upon prayer alone for healing, independent laboratory or outpatient clinic.

"Hospital" means any facility licensed pursuant to §§ 32.1-123, et seq. or 37.1-179 et seq. of the Code of Virginia.

"Late charge" means a fee that is assessed a health

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care institution that files its budget, annual report, or charge schedule with the council past the due date.

“Nursing home” means any facility or any identifiable component of any facility licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

“Voluntary cost review organization” means a nonprofit association or other nonprofit entity with a federally exempt tax status which has as its function the review of health care institutions’ costs and charges but which does not provide reimbursement to any health care institution or participate in the administration of any review process under Chapter 4 of Title 32.1 of the Code of Virginia ; P.L. 92-641, or P.L. 92-603 including the Statewide Health Coordinating Council, Department of Health and any health systems agency .

“Patient day” means a unit of measure denoting lodging facilities provided and services rendered to one inpatient, between census-taking-hour on two successive days. The day of admission but not the day of discharge or death is counted a patient day. If both admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one patient day. For purposes of filing fees to the council, newborn patient days would be added. For a medical facility, such as an ambulatory surgery center, which does not provide inpatient services, each patient undergoing surgery during any one 24-hour period will be the equivalent to one patient day.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

The Virginia Health Services Cost Review Council, created by §§ 9-156 through 9-166 of the Code of Virginia, is required to collect, analyze and make public certain financial data and findings relating to hospitals which operate within the Commonwealth of Virginia. Section 9-164 of the Code of Virginia directs the council from time to time to make such rules and regulations as may be necessary to carry out its responsibilities as prescribed in the Code of Virginia.

§ 2.2. Purpose of rules and regulations.

The council has promulgated these rules and regulations to set forth an orderly administrative process by which the council may govern its own affairs and require compliance with the provisions of §§ 9-156 through 9-166 of the Code of Virginia.

§ 2.3. Administration of rules and regulations.

These rules and regulations are administered by the Virginia Health Services Cost Review Council.

§ 2.4. Application of rules and regulations.

These rules and regulations have general applicability throughout the Commonwealth. The requirements of the Virginia Administrative Process Act, codified as § 9-6.14:1, et seq. of the Code of Virginia applied to their promulgation.

§ 2.5. Effective date of rules and regulations.

These rules and regulations or any subsequent amendment, modification, or deletion in connection with these rules and regulations shall become effective 30 days after the final regulation is published in the Virginia Register .

§ 2.6. Powers and procedures of regulations not exclusive.

The council reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provision set forth herein and the provisions of § 9-156 et seq. of the Code of Virginia.

PART III. COUNCIL PURPOSE AND ORGANIZATION.

§ 3.1. Statement of mission.

The council is charged with the responsibility to promote the economic delivery of high quality and effective institutional health care services to the people of the Commonwealth and to create an assurance that the charges are reasonably related to costs.

The council recognizes that health care institutional costs are of vital concern to the people of the Commonwealth and that it is essential for an effective cost monitoring program to be established which will assist health care institutions in controlling their costs while assuring their financial viability. In pursuance of this policy, it is the council’s purpose to provide for uniform measures on a statewide basis to assist in monitoring the costs of health care institution’s without sacrifice of quality of health care services and to analyze the same to determine if charges and costs are reasonable.

§ 3.2. Council chairman.

The council shall annually elect one of its consumer members to serve as chairman. The chairman shall preside at all meetings of the council and shall be responsible for convening the council.

§ 3.3. Vice-chairman.

The council shall annually elect from its membership a

vice-chairman who shall assume the duties of the chairman in his absence or temporary inability to serve.

§ 3.4. Expense reimbursement.

Members of the council shall be entitled to be reimbursed in accordance with state regulations for necessary and proper expenses incurred in the performance of their duties on behalf of the council.

§ 3.5. Additional powers and duties.

The council shall exercise such additional powers and duties as may be specified in the Code of Virginia.

PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

§ 4.1. Application.

Any organization desiring approval as a voluntary rate review organization may apply for approval by using the following procedure:

1. Open application period. A voluntary cost review organization may apply for designation as an approved voluntary cost review organization to be granted such duties as are prescribed in § 9-162 of the Code of Virginia.
2. Contents of application. An application for approval shall include:
 - a. Documentation sufficient to show that the applicant complies with the requirements to be a voluntary cost review organization, including copies of its Commonwealth of Virginia Charter, bylaws, and evidence of its nonprofit status. Full financial reports for the one year preceding its application must also be forwarded. If no financial reports are available, a statement of the projected cost of the applicant's operation with supporting data must be forwarded;
 - b. If any of the organization's directors or officers have or would have a potential conflict of interests affecting the development of an effective cost monitoring program for the council, statements must be submitted with the application to fully detail the extent of the other conflicting interest;
 - c. A detailed statement of the type of reports and administrative procedures proposed for use by the applicant;
 - d. A statement of the number of employees of the applicant including details of their classification; and
 - e. Any additional statements or information which is necessary to ensure that the proposed reporting and

review procedures of the applicant are satisfactory to the council.

§ 4.2. Review of application.

A. Designation.

Within 45 calendar days of the receipt of an application for designation as a voluntary cost review organization, the council shall issue its decision of approval or disapproval. Approval by the council shall take effect immediately.

B. Disapproval.

The council may disapprove any application for the reason that the applicant has failed to comply with application requirements, or that the applicant fails to meet the definition of a cost review organization, or fails to meet the specifications cited in paragraph A above concerning application contents or that the cost and quality of the institutional reporting system proposed by the applicant are unsatisfactory.

C. Reapplication.

An organization whose application has been disapproved by the council may submit a new or amended application to the council within 15 calendar days after disapproval of the initial application. An organization may only reapply for approval on one occasion during any consecutive 12-month period.

§ 4.3. Annual review of applicant.

A. By March 31 of each year, any approved voluntary cost review organization for the calendar year then in progress which desires to continue its designation shall submit an annual review statement of its reporting and review procedures.

B. The annual review statement shall include:

1. Attestation by the applicant that no amendments or modifications of practice contrary to the initially approved application have occurred; or
2. Details of any amendments or modifications to the initially approved application, which shall include justifications for these amendments or modifications.

C. The council may require additional information from the applicant supporting that the applicant's reports and procedures are satisfactory to the council.

§ 4.4. Revocation of approval.

The council may revoke its approval of any cost review organization's approval when the review procedures of that organization are no longer satisfactory to the council or for the reason that the voluntary cost review organization could be disapproved under § 4.2.B of these regulations.

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§ 4.5. Confidentiality.

A voluntary cost review organization approved as such by the council shall maintain the total confidentiality of all filings made with it required by these regulations or law. The contents of filings or reports summaries and recommendations generated in consequence of the council's regulations may be disseminated only to members of the council, the council's staff and the individual health care institution which has made the filings or which is the subject of a particular report.

PART V. CONTRACT WITH VOLUNTARY COST REVIEW ORGANIZATION.

§ 5.1. Purpose.

It is the intention of the council to exercise the authority and directive of § 9-163 of the Code of Virginia whereby the council is required to contract with any voluntary cost review organization for services necessary to carry out the council's activities where this will promote economy and efficiency, avoid duplication of effort, and make best use of available expertise.

§ 5.2. Eligibility.

In order for a voluntary cost review organization to be eligible to contract with the council, it shall have met all other requirements of §§ 4.1 and 4.5 of these regulations relating to voluntary cost review organization and have been approved as such an organization.

§ 5.3. Contents of contract.

The written agreement between the council and any voluntary cost review organization shall contain such provisions which are not inconsistent with these regulations or law as may be agreed to by the parties. Any such contract shall be for a period not to exceed five years.

PART VI. FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. Each health care institution shall file an annual report of revenues, expenses, other income, other outlays, assets and liabilities, units of service, and related statistics as prescribed in § 9-158 of the Code of Virginia on forms provided by the council together with the certified audited financial statements (or equivalents) as prescribed in § 9-159 of the Code of Virginia, which shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times may be granted for extenuating circumstances upon a health care institution's written application for a 30- to 60 day extension. Such request for extension shall be filed no later than 90 120 days after the end of a health care institution's fiscal year.

§ 6.2. Each health care institution shall file annually a

projection (budget) of annual revenues and expenditures as prescribed in § 9-161 B of the Code of Virginia on forms provided by the council. The institution's projection (budget) shall be received by the council no later than 60 days before the beginning of its respective applicable fiscal year. *This regulation shall be applicable to nursing homes or certified nursing facilities for each fiscal year starting on or after June 30, 1990.*

§ 6.3. Each health care institution shall file annually a schedule of charges to be in effect on the first day of such fiscal year, as prescribed in § 9-161 D of the Code of Virginia. The institution's schedule of charges shall be received by the council ~~no later than~~ *within 10 days after the beginning of its respective applicable fiscal year or within 15 days of being notified by the council of its approval of the charges, whichever is later .*

Any subsequent amendment or modification to the annually filed schedule of charges shall be filed at least 60 days in advance of its effective date, together with supporting data justifying the need for the amendment. Changes in charges which will have a minimal impact on revenues are exempt from this requirement.

§ 6.3:1. Each health care institution shall file annually, but no later than April 30, a survey of rates charged. The survey shall consist of up to 30 of the most frequently used services, including semiprivate and private room rates.

§ 6.3:2 Each hospital or any corporation that controls a hospital shall respond to a survey conducted by the council to determine the extent of commercial diversification by such hospitals in the Commonwealth. The survey shall be in a form and manner prescribed by the council and shall request the information specified in subdivision a, f, g, h and i below on each hospital or such corporation and, with respect to any tax-exempt hospital or controlling corporation thereof, the information specified in subdivision a through i below for each affiliate of such hospital or corporation, if any:

- a. The name and principal activity;
- b. The date of the affiliation;
- c. The nature of the affiliation;
- d. The method by which each affiliate was acquired or created;
- e. The tax status of each affiliate and, if tax-exempt, its Internal Revenue tax exemption code number;
- f. The total assets;
- g. The total revenues;
- h. The net profit after taxes, or if not-for-profit, its excess revenues; and

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i. The net quality, or if not-for-profit, its fund balance.

~~§ 6.3:2.~~ § 6.3:3. The information specified in ~~§ 6.3:1~~ § 6.3:2 shall relate to any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted.

~~§ 6.3:3.~~ § 6.3:4. Each hospital or any corporation that controls a hospital and that is required to respond to the survey specified in ~~§ 6.3:1~~ § 6.3:2 shall complete and return the survey to the council by the 31st day of August of each calendar year or 120 days after the hospital's fiscal year end, whichever is later, in which the survey is required to be submitted.

§ 6.3:5 Each hospital that reports to the council or any corporation which controls a hospital that reports to the council shall submit an audited consolidated financial statement to the council which includes a balance sheet detailing its total assets, liabilities and net worth and a statement of income and expenses and includes information on all such corporation's affiliates.

§ 6.4. All filings prescribed in § 6.1, § 6.2 and ~~§ 6.3:1~~ § 6.3:2 of these regulations will be made to the council for its transmittal to any approved voluntary cost review organization described in Part IV of these regulations.

§ 6.5. A filing fee based on an adjusted patient days rate shall be set by the council, based on the needs to meet annual council expenses. The fee shall be established and reviewed at least annually and reviewed for its sufficiency at least annually by the council. All fees shall be paid directly to the council. *The filing fee shall be no more than 11 cents per adjusted patient day for each health care institution filing. Prior to the beginning of each new fiscal year, the council shall determine a filing fee for hospitals and a filing fee for nursing homes based upon the council's proportionate costs of operation for review of hospital and nursing home filings in the current fiscal year, as well as the anticipated costs for such review in the upcoming year.*

§ 6.6. Fifty percent of the filing fee shall be paid to the council at the same time that the health care institution files its budget under the provisions of § 6.2 of these regulations. The balance of the filing fee shall be paid to the council at the same time the health care institution files its annual report under the provisions of § 6.1 of these regulations. When the council grants the health care institution an extension, the balance of the filing fee shall be paid to the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. *During the year of July 1, 1989, through June 30, 1990, each nursing home and certified nursing facility shall pay a fee of 7 cents per adjusted patient day when it files its annual report in order to comply with subdivisions A1 and A2 of § 9-159 of the Code of Virginia. Following June 30, 1990, all nursing homes and certified nursing facilities shall submit payment of the filing fees in*

the amount and manner as all other health care institutions.

§ 6.7. A late charge of \$10 per working day shall be paid to the council by a health care institution that files its budget or annual report past the due date.

§ 6.8. A late charge of \$50 shall be paid to the council by the health care institution that files the charge schedule past the due date.

§ 6.9. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in ~~§ 6.3:1.~~ § 6.3:2 or file the audited consolidated financial statement required by § 6.3:5 or both.

§ 6.10. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:1.

PART VII. WORK FLOW AND ANALYSIS.

§ 7.1. The annual report date filed by health care institutions as prescribed in § 6.1 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations, may be published and disseminated as determined by the council. The health care institution which is the subject of any summary, report, recommendation or comment shall receive a copy of same at least 10 days prior to the meeting at which the same is to be considered by the council.

§ 7.2. The annual schedule of charges and projections (budget) of revenues and expenditures filed by health care institutions as prescribed in § 6.2 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 50 days after receipt of properly filed amendments or modifications. Any health care institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

PART VIII. PUBLICATION AND DISSEMINATION OF INFORMATION RELATED TO HEALTH CARE INSTITUTIONS.

Proposed Regulations

§ 8.1. The staff findings and recommendations and related council decisions on individual health care institutions' annual historical data findings will be kept on file at the council office for public inspection. However, the detailed annual historical data filed by the individual health care institutions will be excluded from public inspection in accordance with § 9-159 B, of the Code of Virginia.

§ 8.2. Periodically, but at least annually, the council will publish the rates charged by each hospital health care institution in Virginia for at least each of the 25 up to 30 of the most frequently used hospital services in Virginia, including each hospital's institution's average semiprivate and private room rates. The data will be summarized by geographic area in Virginia, and will be kept on file at the council office for public inspection and made available to the news media. In addition, annual charge schedules and subsequent amendments to these schedules filed under the provisions of § 6.3 of these rules and regulations will be kept on file at the council office for public inspection. Staff findings and recommendations and related council decisions on changes to health care institutions' rates and charges will also be kept on file at the council office for public inspection and available to the news media.

§ 8.3. Periodically, but at least annually, the council will publish an annual report which will include, but not be limited to the following: cost per admission comparison, cost per patient day comparison, Virginia's hospital costs compared with other states, percentage increase in cost per patient day, budget and historical reports reviewed, interim rate changes, excess operating expenses, revenue reduction recommendations, operating profits and losses, deductions from revenue (contractuals, bad debts, and charity care) and hospital utilization.

§ 8.3.1. The council will also periodically publish and disseminate information which will allow consumers to compare costs and services of hospitals, nursing homes and certified nursing facilities.

§ 8.4. The staff findings and recommendations and related council decisions on individual health care institutions' annual budget and related rate filings will be kept on file at the council office for public inspection. However, the detailed annual budget data filed by the individual health care institutions will be excluded from public inspection.

§ 8.5. The council may release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

§ 8.6. The council shall not release prospective (budgeted)

financial and statistical data reported by health care institutions to anyone, except for the staff findings and recommendations as provided for in § 8.4 of these regulations.

§ 8.7. The provisions of § 8.5 of these regulations will also apply to recognized and designated health systems agencies (HSAs) and professional standards review organizations (PSROs) in the Commonwealth of Virginia, provided that the data requested have a definite bearing on the functions of these organizations.

§ 8.8. § 8.7. No data, beyond that specified in §§ 8.1 through 8.4 of these regulations will be released to other nongovernmental organizations and entities, except that data deemed pertinent by the council in negotiations with third-party payors such as Blue Cross/Blue Shield, commercial insurers, etc. Such pertinent data may be released and used on an exception, as needed, basis.

§ 8.9. § 8.8. Except for data specified in §§ 8.1 through 8.4 of these regulations available to anyone, the council shall have a right to furnish data, or refuse to furnish data, based on merit of the request and ability to furnish data based on data and staff time availability. The council may levy a reasonable charge to cover costs incurred in furnishing any of the data described in this section of the rules and regulations.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

NURSING HOME: _____ FISCAL YEAR ENDING _____
MEDICARE PROVIDER NUMBER: _____

TRANSMITTAL FORM

Please return this Transmittal Form with your Historical Submission, indicating the schedules and payment enclosed.

Please Check ()

Historical Submission	_____
Schedule F-1	_____
Schedule G-1	_____
Schedule G-2	_____
Schedule H-1	_____
Audited Financial Statement	_____
Filing Fees	_____

CALCULATION OF ADJUSTED PATIENT DAYS AND FILING FEES:

a. Total Gross Patient Revenue	_____
b. Gross Inpatient Revenue	_____
c. Inpatient Percentage of Revenue (line b. divided by line a.)	_____
d. Patient Days	_____
e. Adjusted Patient Days (line d. divided by line c.)	_____
f. Fee Amount: Adjusted Patient Days (line e.) times 5.07 equals fee:	\$ _____
Less: Amount prepaid with budget submission	\$ _____
Balance Due:	\$ _____

Please Enclose This Amount.

MAKE YOUR CHECK PAYABLE AND REMIT TO:

Virginia Health Services Cost Review Council
805 East Broad Street
6th Floor
Richmond, Virginia 23219

SUBMISSIONS RECEIVED AFTER THE DUE DATE WILL BE ASSESSED A LATE FEE OF \$10 PER WORKING DAY.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
 REPORT FORM FOR
 PROVISION OF FINANCIAL ANNUAL SUMMARY
 (HISTORICAL DATA)
 BY
 LONG TERM CARE FACILITIES

as required by Section 9-158, Chapter 26 of the Code of Virginia, as amended, and Section 6.1 of Rules and Regulations of the Virginia Health Services Cost Review Council.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
 HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

FILING REQUIREMENTS

Reference is made to Section 6.1 of Rules and Regulations of the Virginia Health Services Cost Review Council.

The attached reporting forms are to be filed under the uniform reporting regulations contained in Section 9-158, Chapter 26 of the Code of Virginia, together with the certified audited financial statements (or equivalent) as prescribed in Section 9-159, Chapter 26 of the Code of Virginia, with the Virginia Health Services Cost Review Council no later than 120 days after the end of the respective applicable institution's fiscal year. An extension of the filing date may be requested as provided for in the Council's rules and Regulations (Section 6.1).

INSTRUCTIONS FOR COMPLETING VHSCRC ANNUAL SUMMARY REPORT FORM

Direct costs and statistics for Home for Adults Units should be identified and reported separately from other nursing units. If allocation is not possible, contact the Virginia Hospital Rate Review Program (804-285-8263).

Section I:

Column 1 - employee paid hours by cost center or department.

Column 2 - salary expense by cost center or department. Employee benefits should be reported in Section II. Contract personnel and consultants should be reported under non-salary.

Column 3 - non-salary expense by cost center or department.

Column 4 - gross inpatient revenue by nursing service or ancillary service.

Column 5 - gross outpatient revenue by nursing service or ancillary service.

Section II: Other (Facility Wide) operating expenses:

Employee Benefits - Report benefit costs, such as FICA, Unemployment Insurance, Workmen's Compensation Insurance, Health & Life Insurance, Retirement, etc.

Depreciation - Report depreciation and capital leases. If your nursing home pays rent to a parent company in lieu of depreciation, identify it as rent expense and report it here.

Amortization - Report the amount of assets, such as organization expenses, written off during the period.

Proposed Regulations

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

Example: Price Level Indexes
Quarterly 1973 - 1980

Quarter ending	Index I		Index II	
	Movable Equipment	All Other	Buildings and All Other	
3/31/73	309.5		553.2	
6/30/73	312.7		563.7	
9/30/73	315.8		574.3	
6/30/80	552.2		970.6	
9/30/80	565.2		993.1	
12/31/80	578.1		1015.5	

A. Average Age of Assets

The average age of assets is calculated in order to determine the index in the average year of asset acquisition (Schedule G-1, Line 5).

Accumulated depreciation and depreciation expense are segregated for movable equipment (Col. I) and all other fixed assets (Col. II) since different indexes apply. Index I (see preceding example of Price Level Indexes) is used to determine the price level adjustment for movable equipment (Col. I). Index II is used to determine the price level adjustment for all other fixed assets (Col. II). These indexes are included in the Screens Update applicable to your facility.

B. Determination of the Applicable Indexes

1. Line 4 - Index at End of Fiscal Year

The applicable indexes at the end of the fiscal year can be determined by finding the quarter in which the fiscal year ends. For example, the movable equipment index at the end of a fiscal year with a December 31, 1980 fiscal year end is 578.1 (see preceding example of Price Level Indexes).

2. Line 5 - Index in the Average Year of Acquisition

The index in the average year of asset acquisition is found by calculating the average age of assets and converting the average age from a decimal to years and months.

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VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

Interest Expense - Report interest on long and short term loans.

Taxes - Report Real and Personal Property taxes and State & Federal Income Taxes.

Section III: Revenue Deductions - Report contractual allowances, bad debt, and charity care, and other discounts given to patients or third party payers.

Section IV: Patient Days by Payer - The unit of measure denoting lodging provided to a patient between the census taking hours of two consecutive days. The days are classified by payer responsibility.

Section V: Other Revenue - Revenue which is not related to the rendering of patient care, such as vending machine income.

Section VI: Statistics - Units of measure used to evaluate the reasonableness of costs and charges. Report Skilled, Intermediate, Non-Certified, and Home for Adults Patient Days. Bed-hold days and leave days should be counted as patient days and included in the appropriate unit. For admissions do not include transfers between units within the nursing home.

Schedule F-1: Working Capital Needs - Complete column 1 only. This schedule computes the difference in operating expenses between the year just completed and the preceding year, after excluding non-cash expenses and including other revenue. Working capital need is defined as 90 days of the above increase (if any), up to a maximum current ratio of 3:1.

Schedule G-1: Capital Needs - Capital needs will consist of price-level depreciation for depreciable assets and reasonable accumulation of funds for approved capital projects (See VHRPP Guidelines for additional explanation). In order to complete Schedule G-1, it is necessary to refer to the Price Level Indexes. A copy of the Price Level Indexes is provided with the VHRPP Screen Update.

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VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

NURSING HOME: _____ FISCAL YEAR ENDING _____

SECTION I: COST CENTERS/DEPARTMENTS

NURSING SERVICES:	EMPLOYEE PAID HOURS	SALARY EXPENSE	NON-SALARY EXPENSE	INPATIENT REVENUE	OUTPATIENT REVENUE
SKILLED UNIT				XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX
INTERMEDIATE UNIT				XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX
NON-CERTIFIED UNIT				XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX
HOME FOR ADULTS UNIT				XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX
OTHER NURSING CARE				XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX
TOTAL NURSING SERVICES:					

ANCILLARY SERVICES:

PHYSICAL THERAPY					
OCCUPATIONAL THERAPY					
PHARMACY					
MEDICAL SUPPLIES					
LABORATORY					
RADIOLOGY					
OTHER ANCILLARY					
TOTAL ANCILLARY SERVICES:					

GENERAL SERVICES:

ACTIVITIES					
SOCIAL SERVICES					
DIETARY					
LAUNDRY					
HOUSEKEEPING					
PLANT & MAINTENANCE					
OTHER					
TOTAL GENERAL SERVICES:					

ADMINISTRATION & FISCAL:

MEDICAL RECORDS					
NURSING ADMINISTRATION					
ADMINISTRATION & FISCAL					
OTHER					
TOTAL ADMINISTRATION & FISCAL:					
SECTION I TOTALS:					

SECTION II: OTHER EXPENSES

OTHER EXPENSES:	\$ AMOUNT
EMPLOYEE BENEFITS	
DEPRECIATION	
ACCUMULATION	
INTEREST EXPENSE	
INSURANCE	
TAXES	
PHYSICIAN FEES	
BEAUTY & BARBER SHOPS	
OTHER	
TOTAL OTHER EXPENSES:	

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

Example: Any City Nursing Home, Fiscal Year Ending 12/31/80

Average Age of Assets

	Col. I	Col. II	Col. III	Total
Movable Equipment		Buildings & All Other		
1. Fiscal year accumulated depreciation	4,500,000	24,000,000		28,500,000

2. Fiscal year depreciation expense 600,000 2,400,000 3,000,000

3. Average age of assets (1 divided by 2) 7.5 10.0 9.5

Average age of assets in Col. I is 7.5 years

a. 7 = years

b. .5 x 12 months = 6 months

Therefore, 7.5 years = 7 years and 6 months.

Fiscal year ends on 12/31/80.

12/31/80 minus 7 years and 6 months = 6/30/73.

The movable equipment index applicable in the average year of asset acquisition (line 5, Col. I) is 312.7 (see preceding example of price level indexes).

C. Unrestricted Assets Line 10, unrestricted assets, should be reported as defined in the Hospital Audit Guide, AICPA, New York.

Schedule G-2 - Reconciliation of Funded Depreciation Account

In order to qualify for the capital need add-on, the facility must fund depreciation. This form must be completed to demonstrate that depreciation was funded and not used for purposes other than capital improvements and principal repayments. Report only the amount of Maximum Allowable Capital Needs from Schedule G-1, that was funded.

Schedule H-1 - Return on Equity (Proprietary facilities only)

Equity (total net assets without deduction of outstanding capital indebtedness) times (rate the average rate of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund, but not less after taxes than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness).

Please contact the Virginia Hospital Rate Review Program at (804) 285-8263 if you have any questions regarding the completion of these Schedules.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

NURSING HOME: _____ FISCAL YEAR ENDING _____

SECTION III: REVENUE DEDUCTIONS

MEDICAID	
MEDICARE	
BAD DEBTS	
CHARITY CARE	
OTHER	
TOTAL REVENUE DEDUCTIONS:	

SECTION IV: PATIENT DAYS BY PAYER:

MEDICAID	
MEDICARE	
PRIVATE (PATIENT OR FAMILY) PAY	
OTHER	
TOTAL PATIENT DAYS:	

SECTION V: OTHER REVENUE

VENDING	
VISITOR MEALS	
DONATIONS & CONTRIBUTIONS	
INTEREST & INVESTMENT INCOME	
OTHER (list)	
TOTAL OTHER REVENUE:	

SECTION VI: STATISTICS

	BEDS	ADMISSIONS	PATIENT DAYS
SKILLED NURSING UNIT			
INTERMEDIATE CARE UNIT			
NON-CERTIFIED UNIT			
HOME FOR ADULTS UNIT			
TOTALS:			

GROSS BUILDING SQUARE FEET _____

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES
SCHEDULE F-1 WORKING CAPITAL NEEDS

NURSING HOME: _____ FISCAL YEAR ENDING _____

	Submitted	Revised*
1. Previous year operating expense (salary, non-salary, and other expenses)-Sections I and II.		
2. Less: Other revenue -Section V.		
3. Previous year net operating expense (line 1 minus line 2).		
4. Less: Previous year depreciation & amortization From Section II.		
5. Previous year net operating expense less depreciation & amortization.		
6. Current year operating expense (salary, non-salary, and other expenses)-Sections I and II.		
7. Less: Other revenue -Section V.		
8. Current year net operating expense. (line 6 minus line 7).		
9. Less: Current year depreciation & amortization From Section II.		
10. Current year net operating expense less depreciation and amortization.		
11. Total change in net operating expense from previous to current year (line 10 minus line 5).		
12. Line 11 divided by 365.		
13. Line 12 x 60 days x 1.5=Working Capital Need.		
14. Current assets at end of the previous fiscal year.		
15. Current liabilities at end of previous fiscal year.		
16. Current ratio (line 14 divided by line 15). If current ratio is less than 3:1, complete the following:		
17. Current liabilities x 3 (line 15 x 3).		
18. Maximum working capital needs (line 17 minus line 14)		
19. Working capital need (line 13, or line 18, whichever is smaller)		

* Revised column to be completed by VHRRP.
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VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

SCHEDULE G-1 CAPITAL NEEDS

NURSING HOME: _____ FISCAL YEAR ENDING _____

This Schedule computes the maximum allowable capital need by restating historical depreciation to current price levels.

PART I: AVERAGE AGE OF ASSETS

	COLUMN I MOVABLE EQUIPMENT	COLUMN II BUILDINGS & ALL OTHER	COLUMN III TOTAL
1. Current Year Accumulated Depreciation	_____	_____	_____
2. Depreciation Expense	_____	_____	_____
3. Average Age of Assets (line 1 divided by line 2)	_____	_____	_____

PART II: DETERMINATION OF THE APPLICABLE PRICE LEVEL INDEXES *

4. Index at the End of the Current Year	_____	_____
5. Index in Average Year of Asset Acquisitions	_____	_____
6. Percent Increase (line 4 divided by line 5)	_____	_____

PART III: PRICE LEVEL ADJUSTMENT

7. Depreciation Expense (line 2)	_____	_____
8. Price Level Adjustment (line 7 x 6)	_____	_____
9. Maximum Allowable Capital Need (line 8 minus line 7)	_____	_____

PART IV: UNRESTRICTED ASSETS

10. Balance of Unrestricted Assets at End of Fiscal Year	_____	_____
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* See the information package provided by the Virginia Hospital Rate Review Program for the applicable Price Level Indexes.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

SCHEDULE G-2 RECONCILIATION OF THE FUNDED DEPRECIATION ACCOUNT

NURSING HOME: _____ FISCAL YEAR ENDING _____

SOURCES OF CAPITAL

Funded Depreciation Account Opening Balance (Beginning of Fiscal Year) _____

Add: 1. Depreciation Expense	_____
2. Amount of Maximum Allowable Capital Need to be funded (Line 9, Sch. G-1)	_____
3. Transfers of Funds	_____
4. Investment Income from Funded Depreciation	_____
5. Other Transactions (list)	_____

Subtotal: Funds Available: _____

USES OF CAPITAL

Less: 1. Capital Asset Acquisitions	_____
2. Principal Repayments	_____
3. Transfers of Funds	_____
4. Other Transactions (list)	_____

Subtotal: Uses of Capital _____

Funded Depreciation Closing Balance _____

Proposed Regulations

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL
HISTORICAL SUBMISSION FOR LONG TERM CARE FACILITIES

SCHEDULE H-1 RETURN ON EQUITY COMPUTATION

NURSING HOME: _____ FISCAL YEAR ENDING _____

PART I. COMPUTATION OF BASE FOR RETURN ON EQUITY

1. Total assets _____
2. less: liabilities exclusive of capital indebtedness for assets required in providing institutional health care services _____
3. Base for return on equity (line 1 minus line 2) _____

PART II. COMPUTATION OF RETURN ON EQUITY: SELECT EITHER THE PRIMARY OR ALTERNATE COMPUTATION

4. Primary computation: Base for return on equity (line 3) _____ multiplied by twice the average rate of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund. Refer to your Commerce Clearing House Medicare and Medicaid Guide or contact the Virginia Hospital Rate Review Program for rate information. _____ x

Return on equity: _____

5. Alternate computation: Base for return on equity (line 3) _____ multiplied by rate (or weighted average of rates) of interest borne by the institution's outstanding indebtedness: _____ x

Return on equity: _____

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VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-03-00. Flood Prevention and Protection Assistance Fund.

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Public Hearing Dates: January 16, 1990 - 10 a.m.
January 18, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Flood Prevention and Protection Assistance Fund was established to assist local sponsors in providing required matching funds for flood prevention or protection projects and activities, or for flood prevention or protection studies required to plan and initiate local projects and measures conducted by agencies of the federal government.

These proposed regulations are intended to provide the proper administration of the Flood Prevention and Protection Fund. They provide information, guidance and assistance to local public bodies applying for a grant or loan under the provisions of the act establishing the fund.

VR 625-03-00. Flood Prevention and Protection Assistance Fund.

PART I. GENERAL INFORMATION.

§ 1.1. Definitions.

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

"Board" means the Virginia Soil and Water Conservation Board.

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Flood prevention or protection" means the construction of dams, levees, flood walls, channel improvements or diversions, local flood proofing, evacuation of flood-prone areas or land use controls which reduce or mitigate damage from flooding.

"Flood prevention or protection studies" means hydraulic and hydrologic studies of flood plains with historic and predicted floods, the assessment of flood risk and the development of strategies to prevent or mitigate damage from flooding.

"Fund" or "revolving fund" means the Flood Prevention and Protection Assistance Fund, established pursuant to Article 1.2 (§ 10.1-603.16 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Local public body" means any city, county, town, water authority, service authority or special taxing district.

"Study, project, or activity" means those flood prevention or protection measures carried out by the sponsoring local public body that require the provision of nonfederal funds to support the federal effort.

§ 1.2. Authority.

A. Section 10.1-603.19 of the Code of Virginia authorizes the board to make loans and grants from the fund to any local public body for the purpose of assisting local sponsors in providing required matching funds for flood prevention or protection, or for flood prevention or protection studies, conducted by agencies of the federal government.

B. Section 10.1-603.18 of the Code of Virginia authorizes the board to promulgate regulations for the administration of the fund.

§ 1.3. Purpose.

The purpose of these regulations is to ensure the proper administration of the fund through the establishment of policies, criteria, conditions, and procedures for awarding loans and grants from the fund to local public bodies.

PART II.

ELIGIBLE STUDIES, PROJECTS, AND ACTIVITIES.

§ 2.1. Introduction.

Loan and grants from the fund shall be made for the purpose of assisting local public bodies in providing required matching funds for undertakings conducted by agencies of the federal government. These undertakings may be either flood prevention or protection studies or flood prevention or protection projects and activities.

§ 2.2. Eligible flood prevention or protection studies.

Flood prevention or protection studies that are eligible for loans and grants from the fund are those that are carried out by federal agencies to provide information on historic or predicted flood events; to otherwise assist in the assessment of flood risks; or to provide information, support and assistance in the development of strategies and plans to prevent or mitigate damage from flooding, including protection of the environment. Eligible flood prevention or protection studies include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resource development studies specifically authorized by

Congress and those studies conducted under the Continuing Authorities program, including, but not limited to, § 205, Flood Control Act of 1948, as amended (Small Flood Control Projects); § 208, Flood Control Act of 1954, as amended (Snagging and Clearing of stream channels); § 206 of the Flood Control Act of 1960 (Floodplain Management Services) for provision of floodplain information studies and reports, including restudies; and § 22 of the Water Resources Development Act of 1974 (Technical Assistance to States).

2. U.S. Soil Conservation Service water resources development studies under the small watershed protection program (Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566) and Flood Control Act of 1944 (Pub. L. 78-534)); the River Basin Program (Flood Control Act of 1944 (Pub. L. 78-534)), including floodplain management studies; and the Resource Conservation and Development Program (Pub. L. 88-703, § 102 of the Flood and Agriculture Act of 1962).

3. Federal Emergency Management Agency flood insurance studies and restudies and studies required to design and develop disaster preparedness and response programs.

4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection studies including the provision of floodplain information.

5. National Weather Service studies of the feasibility of installing local flood observation and warning systems.

6. U.S. Geological Survey stream flow information on water gauge heights, discharge runoff, historic flood peaks, flood travel times and other information needed for planning.

7. U.S. Department of the Interior, Fish and Wildlife Service environmental studies and impact assessments under the Fish and Wildlife Coordination Act, National Environmental Policy Act, and the Clean Water Act (§ 404.)

8. U.S. Department of the Interior, National Park Service assistance to local public bodies in carrying out river corridor assessments and in developing plans to protect greenway values through its State and Local Rivers Conservation Assistance Program.

9. U.S. Environmental Protection Agency technical assistance, through its wetlands program, to local public bodies for maintaining or restoring the natural and beneficial values of floodplains.

§ 2.3. Eligible flood prevention or protection projects and activities.

Proposed Regulations

Flood prevention or protection projects and activities that are eligible for loans and grants from the fund are those that are carried out by or with assistance from federal agencies to reduce or mitigate damage from flooding, such as the construction of dams, levees and floodwalls; channel modifications; flow diversions; flood proofing or retrofitting of structures; flood warning and response systems; floodplain evacuation and relocation; redevelopment, acquisition and open space use; information and education programs; post-flood mitigation; or development and adoption of land use controls. Eligible flood prevention or protection projects and activities include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resources development projects and activities carried out under the legislation cited under subdivision 1 of § 2.2 above.
2. U.S. Soil Conservation Service water resource development projects and activities carried out under the programs cited under subdivision 2 of § 2.2 above.
3. Federal Emergency Management Agency disaster preparedness assistance program, under § 201, Pub. L. 93-288, as amended, to assist communities in the preparation of disaster preparedness programs; acquisition of flood damaged properties under § 1362 of the National Flood Insurance Act of 1968 (Pub. L. 90-448); and other post-flood hazard mitigation measures under § 404, Pub. L. 100-707.
4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection projects.
5. National Weather Service local flood warning systems including the Integrated Flood Observing and Warning System (IFLOWS).
6. U.S. Department of the Interior, Fish and Wildlife Service consultation and recommendations for environmental protection and mitigation measures resulting from a proposed project or activity.
7. U.S. Department of the Interior, National Park Service assistance in carrying out plans to protect river corridor greenways through its State and Local Rivers Conservation Assistance Program.
8. U.S. Environmental Protection Agency activities to maintain floodplain natural resources and to restore degraded resources.

§ 2.4. Ineligible activities.

Activities that are not eligible for loans and grants from the fund are:

1. Operation and maintenance of flood prevention or protection projects, whether partially funded under the fund or previously installed or completed by the local

public body, with or without assistance from a federal agency;

2. Direct or indirect support of local personnel or any other operating expenses of the local public body; and

3. Studies, projects or activities whose primary purpose is not flood prevention or protection (e.g., erosion control).

PART III.

LIMITATIONS AND CONDITIONS FOR LOANS AND GRANTS.

§ 3.1. Conditions and limitations for loans.

A. Loans from the fund shall be the primary means for providing assistance to local public bodies under these regulations in order to keep the fund viable.

B. No loan shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the federal agency for the required nonfederal share shall also be approved by the board as the local share of the project.

C. At least 75% of all appropriations from the General Assembly to the fund shall be available for loans unless otherwise specified in an appropriation.

D. No loan from the fund shall be for a period in excess of 20 years.

E. Each loan shall bear interest at the rate of 3.0% annually.

F. The total outstanding loans to a local public body shall not exceed 25% of the total amount of all appropriations from the General Assembly to the fund, unless otherwise specified in an appropriation.

G. Previous obligations incurred by a local public body under written agreements and assurances to provide its share of nonfederal funds, which have not been fulfilled or already obligated in the local budget, are eligible loan items.

H. A lien shall be created against any real or personal property acquired with the proceeds of a loan from the fund.

I. Any real property interest acquired with a loan from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body may either retain ownership of such property interest, or retain a perpetual floodplain conservation easement which limits the use of such property to flood compatible uses.

§ 3.2. Conditions and limitations for grants.

A. Grants from the fund may be made under special circumstances to provide assistance to local public bodies. The board may authorize a grant after examining the fiscal capability of the applicant, including consideration of past studies, projects and activities that have been terminated because of the inability to provide the local share of nonfederal funds.

B. No grant shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the federal agency for the required nonfederal share shall also be approved by the board as being eligible to satisfy the funds to be provided by the local sponsor.

C. Not more than 25% of appropriations from the General Assembly to the fund shall be available for grants.

D. The total of all grants to a local public body shall not exceed 25% of the total amount available for grants in the fund, unless otherwise specified in an appropriation.

E. Any real property interest acquired with a grant from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body may either retain ownership of such property interest, or retain a perpetual floodplain conservation easement which limits the use of such property to flood compatible uses.

§. 3.3. Conditions applicable to all loans and grants.

A. No loan or grant may be authorized under these regulations unless the following conditions exist:

1. An application meeting the requirements of Part IV of these regulations has been submitted to the board.
2. The purpose for which the loan or grant is sought is one that is described in these regulations.
3. The local public body agrees, and furnishes assurance, as the board may require, that it will satisfactorily maintain any structure financed, in whole or in part, through the loans or grants provided under these regulations.
4. If a purpose of the requested loan or grant is to acquire real property, the board shall, prior to acting on the request, require satisfactory evidence that the local public body will acquire the real property if the loan or grant is made.

B. In addition to the foregoing conditions the board may require of a local public body such covenants and conditions as the board deems necessary or expedient to further the purpose of the loan or grant. These additional covenants and conditions need not be identical among local public bodies, and may include, without limitation, any or all of the following, as the board deems

appropriate:

1. The creation and maintenance of special funds for the repayment of principal and interest on loans, or for other purposes.
2. The granting and recording of liens on, or security interests in, real and personal property to secure repayment of principal and interest on loans.
3. The use of designated depositories for funds pending their expenditure.
4. The establishment of schedules for the disbursement of funds and the completion of projects.
5. The collection of rents, fees and charges from projects.
6. The procurement of insurance.

C. The board may, as it deems appropriate, consent to and approve any modifications in the terms of any loan or grant to any local public body.

PART IV. APPLICATIONS FOR LOANS AND GRANTS.

§ 4.1. Local public bodies eligible to apply.

Any city, county, town, water authority, service authority or taxing district serving as a local sponsor and required to provide matching funds for flood prevention or protection studies, projects and other activities conducted by agencies of the federal government may apply for a loan or grant from the fund.

§ 4.2. Required conditions before making application.

Prior to applying to the board the local public body shall:

1. Be participating in the National Flood Insurance Program, so that its residents shall have the opportunity to purchase flood insurance for future flood losses. and have adopted and be administering land-use regulations that, at a minimum, are compatible with the requirements of the National Flood Insurance Program, or be located in a political subdivision meeting the above conditions;
2. Have entered into any necessary written agreement with the federal agency endorsing the study, project or activity, including provisions for cost sharing; or have adopted a resolution of intent to enter into such agreements; and
3. Have formally adopted a resolution requesting assistance from the fund and have satisfactory assurances of local support, funding, property acquisition and use, and project maintenance and

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management.

§ 4.3. Contents of applications.

A. Each application shall specify whether a loan or grant is being requested, the amount requested, how it will be used, and whether a loan will be considered in lieu of a grant.

B. The application shall further describe in detail:

1. The area to be studied or protected including the population and value of the property to be protected or affected;

2. Historic flooding data and hydrologic and hydraulic studies projecting flood frequency and extent of flooding of future flood events;

3. The proposed study, project or activity to be funded;

4. The planning process involved, including alternative flood prevention and protection measures which were considered and evaluated;

5. Locally significant natural and beneficial floodplain resources and values that will be maintained, enhanced or restored by the proposed activity;

6. The estimated benefit-cost ratio of the project or activity;

7. An assessment of the applicant's ability to provide its share of the cost of the federal flood control study, project or activity, along with its ability to repay a loan from the fund, or in a grant request, sufficient information about the applicant's fiscal capability to enable the board to determine the need for a grant instead of a loan; and

8. Administration of local floodplain management regulations including a copy of the most recent Community Assistance Visit report prepared by or for the Federal Emergency Management Agency, if available.

C. The application shall provide information on the nonfederal funding schedule in sufficient detail for the board to determine the amounts and dates when approved funds would be applied.

D. The application shall include a formally adopted resolution by the local public body requesting assistance from the fund and providing necessary assurances of local support, funding, property acquisition and use, and maintenance and management.

E. The applicant shall attach to the application:

1. Copies of written agreements or an adopted

resolution of intent to enter into an agreement with the assisting federal agency.

2. Copies of federal, state and local permits required to implement the proposed study, project or activity that have been issued, or a list of permits that were applied for prior to submittal of the application.

F. Assistance in preparing the application is available from the director upon request.

§ 4.4. Application procedures.

A. The board will consider applications for loans or grants on a semiannual basis, in September and March of each year. Applications shall be submitted to the board at least 60 days prior to the date when the application will be considered. The applicant shall be notified whether the application is complete within 30 days after it is received. The applicant shall be given not less than 15 days' written notice prior to consideration of the application by the board. The applicant shall have an opportunity to discuss the application during the board meeting.

B. Upon receipt of notice by the board the applicant may submit a written request to delay consideration until a future meeting if more time is needed to prepare to meet with the board or if the situation has changed since the application was submitted.

§ 4.5. Review and action by the board.

A. The board will consider applications using the following criteria:

1. Whether a loan or grant is requested. Loans will be given priority over grants.

2. The applicant's ability to pay for the nonfederal share.

3. The amount of local contributions in relation to requested state funding. Priorities will be given to larger local cash contributions as an indicator of local burden.

4. The level of multijurisdictional involvement in the study, project or activity in terms of joint support, commitments and funding, including joint applications to the board for funding.

5. The extent of prior local effort to deal with the problems addressed in the application and with other flood related problems, as evidenced by other measures which the applicant has implemented (e.g., flood warning system, redevelopment, acquisition, public policies, stormwater management).

6. Whether the proposed study or project provide for permanent solutions to existing flood related problems and minimize the need for additional measures or

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excessive operation, maintenance and repair.

7. Whether the proposal is designed to prevent a flood related problem rather than solving an existing problem.

8. The anticipated achievement of multiple objectives and benefits such as recreational opportunities, open-space preservation, ecological enhancement, water quality improvements, increased water supply, and other environmental and conservation factors and needs.

9. The number of innovative solutions to local problems that can be transferred and utilized elsewhere in the Commonwealth.

10. The number of past studies, projects and activities that have been terminated solely because of the inability of the applicant to provide the required nonfederal share.

11. The level of commitment to the administration of local floodplain regulations as evidenced by the dates that regulations were initially adopted, as well as by the funding, staffing, administration and enforcement of such regulations.

12. The implementation of other state policies and regulations for flood prevention and protection; for environmental protection; and for control of stormwater runoff affecting the waters, floodplains, wetlands and watersheds of the Commonwealth.

13. The flood history of the area to be studied or protected including the extent of the area; the flood-prone population; the value of flood-risk property to be affected or protected; the magnitude and frequency of past flood events; the resultant flood damages and environmental losses; and the threat to public health, safety, and welfare.

14. The estimated benefit-cost ratio and cost effectiveness, including overall benefits in excess of costs. Priority will be given to those studies, projects, and activities having higher ratios, and substantial indirect costs and direct damages prevented.

15. The total amount of the requested loan or grant. Priority will be given to less capital intensive uses of the fund.

16. The future need for a loan or grant to expand the project to include additional areas. Priority will be given to projects that provide a permanent solution to the problem such as floodplain evacuation and relocation.

17. The likelihood for the provision of the federal share of the costs for the study, project, or activity, including whether federal assistance has already been

requested.

18. The expected life or duration of the study, project or activity.

19. The overall benefit to the Commonwealth resulting from the study, project or activity.

20. The percentage of required nonfederal contributions. Priority will be given to studies, projects or activities having a higher percentage of federal contributions.

B. Upon receipt of completed applications and consideration of the above criteria the board shall establish a state priority list semiannually for the use of the fund. Loans and grants shall be commingled on the priority list.

C. The board may authorize payments from the fund and may establish a schedule of payments in accordance with this priority list to help local public bodies meet their share of the nonfederal contributions.

D. All authorizations by the board are subject to the following limitations: (i) the availability of money in the fund; (ii) the percentage of funds that may be allocated for grants; (iii) the amount that may be approved for a particular applicant; and (iv) the total amounts approved for the semiannual period.

§ 4.6. Written agreements required for loan or grant recipients.

Prior to receiving any funds from an approved loan or grant, the local public body shall enter into a written agreement with the board containing such covenants and conditions as the board may require.

§ 4.7. Availability of applications.

A record of each application for a loan or grant and the action taken by the board shall be available for public inspection at the office of the director and shall be presented to the Governor and members of the legislature prior to budgetary sessions of the General Assembly.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.

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

Public Hearing Date: February 22, 1989 - 2 p.m.
(See Calendar of Events section
for additional information)

Summary:

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The Richmond-Crater Interim Water Quality Management Plan (Plan) provides a management tool to assist the Commonwealth and localities in achieving and maintaining applicable water quality goals in designated segments of the James and Appomattox Rivers. The proposed amendments to the Plan will provide a basis for long-term implementation of a Combined Sewer Overflow (CSO) Control Plan for the City of Richmond, Virginia.

VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.

§ 1. Preface.

A. Plan purpose.

The Richmond-Crater Interim Water Quality Management Plan has been developed in order to fulfill, as far as practicable, the requirements established in § 208 of the Clean Water Act (§ 33 U.S.C. 1251 et seq.) and the State Water Control Law. The purpose of this Plan is to provide a management tool to assist the Commonwealth and localities in achieving and maintaining applicable water quality goals in designated segments of the James and Appomattox Rivers.

The board's intent, as required by federal regulation (40 CFR 130.6), is to use the data and information contained in this Plan:

1. As input to the § 305(b) Water Quality Inventory Report, submitted every two years to the U.S. Congress and Environmental Protection Agency (EPA);
2. As input to the issuance of National Pollutant Discharge Elimination System (NPDES) permits;
3. For the assessment of municipal sewage treatment needs for the purpose of disbursing revolving loan funds.

The board's further intent is to update and amend the Plan periodically to reflect current scientific data-gathering and studies; new or revised legislation, procedures, policy and regulations; changes in area growth and development; and the results of facilities planning. federal regulation 40 CFR 130.10 requires such action and the submission of the updated Plan for EPA review and approval.

This Plan is intended to replace all previously approved water quality plans for major municipal and industrial discharges to the Upper James and Appomattox Estuaries, in Planning Districts 15 (Richmond Regional) and 19 (Crater).

B. Development and adoption of the Plan.

This Richmond-Crater Interim Water Quality Management Plan amendment was prepared by the Piedmont Regional Office of the State Water Control Board

(SWCB). This document reflects planning as of March 3, 1988, and information received as a result of the public hearing process, with the official comment period ending September 6, 1988.

Appropriations by the Virginia General Assembly, and §§ 106 and 205(j) Grants from the EPA jointly funded this Plan. Public participation is ensured through the provisions of Virginia's Administrative Process Act. Adoption of this Plan by the Commonwealth consists of the following steps:

1. A meeting with a scientific advisory committee, and three meetings with the Technical Advisory Committee which consists of representatives of affected dischargers, public interest groups and governmental agencies;
2. Publication of Notice of Intended Regulatory Action;
3. Completion of the public hearing process with opportunity for public review and comments;
4. Submission to the State Water Control Board for adoption after comments from the public have been addressed;
5. Filing with the Virginia Registrar of Regulations; and
6. Submission of the state-certified Plan to the EPA.

A similar procedure would be required for any future Plan amendments.

§ 2. Water quality evaluation.

A. General goals.

The Clean Water Act established a national goal of water quality suitable for fishing and swimming by 1983, where attainable. Present general State Water Quality Standards specify water quality adequate for use as public water supply, water-based recreation, and the propagation of fish, shellfish and other aquatic life.

B. Analysis of stream segments.

For the purpose of analyzing water quality and developing treatment strategies to achieve water quality goals, the area's estuaries were divided into two stream segments: one on the James River and one on the Appomattox River. These segments are shown in Figures 1 and 2 and are listed in Table 1. Both segments are designated as "water quality limited." This means that they are not expected to meet applicable water quality standards after the application of secondary treatment (Best Practical Technology) by the dischargers.

The James River Water Quality model (JMSRV) was used to evaluate water quality in the designated stream segments. The JMSRV is a computerized, static,

one-dimensional, mathematical model developed under contract with HydroQual, Inc. The model was calibrated and verified using data collected by the Water Control Board, and the Richmond Regional and Crater Planning District Commissions.

Table 1. Stream Segment Classifications - James River Basin.

	Segment* Number	Mile to Mile	Classi- fication
Segment			
USGS HUC02080206 James River	2-19	115.0-60.5	W.Q.
USGS HUC02080207 Appomattox River	2-23	30.1-0.0	W.Q.

* Note: A new stream segment classification for the Upper James Basin was adopted in 1981. The SWCB will renumber or realign these segments in the future to reflect these changes. This Plan covers only a portion of these segments.

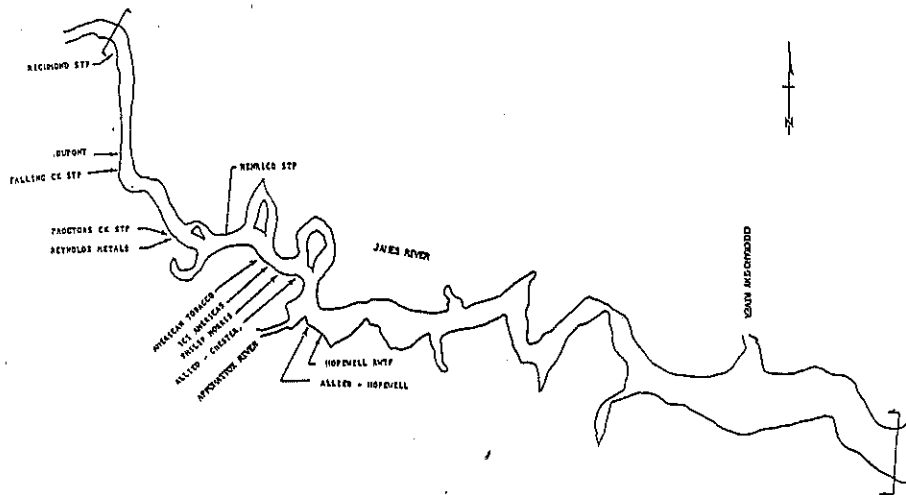


Figure 1. Upper James River Estuary and Dischargers.

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§ 3. Waste load allocations.

A. General.

There are 13 major discharges to the stream segments evaluated in this Plan. All are regulated under NPDES permits issued by the Virginia Water Control Board. Current and projected future water quality impacts of these discharges were evaluated at low flow conditions (summer and winter) using the JMSRV model. Waste load allocations were determined for each discharger based upon water quality impacts predicted by the model. Tables 2, 3, 4 and 5, show the waste load allocations under current permits, and for the years 1990, 2000 and 2010 respectively.

All waste load allocations (WLAs) are considered to be the total maximum daily loads (TMDLs), since additional "load allocations" (e.g. upstream and sediment flux loads) were included in the modeling process. The permitted effluent loadings listed in Tables 3, 4, and 5 are considered to be the TMDLs for these facilities since nonpoint source loads were considered to be negligible under low flow conditions.

B. Dissolved oxygen.

The JMSRV model predicted that the state standard for instream average dissolved oxygen (5.0 mg/l) would not be violated under current permit limits. Projected discharge increases by the year 1990, however, required a reduction in allowable winter five-day carbonaceous biochemical oxygen demand (CBOD₅) effluent concentrations at the Henrico, Falling Creek and Proctors Creek sewage treatment plants (STPs). Predicted instream dissolved oxygen levels at projected 1990 discharge levels indicated that the assimilative capacity of the river would be nearly fully utilized. Therefore, it was decided that CBOD₅ poundage allocated to each discharge would be held constant at 1990 levels. Discharges with projected flow increases would, therefore, receive reductions in allowable CBOD₅ effluent concentrations in the future (see Tables 3 through 5). Each discharge was also assigned a minimum effluent dissolved oxygen concentration.

C. Ammonia.

The JMSRV model predicted possible exceedances of instream ammonia toxicity criteria at low flow conditions with current ammonia levels. Therefore, it was necessary to allocate ammonia among the dischargers. Ammonia poundage was allocated based upon 1990 projected flows for each discharge. This poundage was held constant at that level resulting in future reductions in allowable effluent concentrations at discharges with increasing flows (see Tables 3 through 5). Those discharges that did not have an impact upon ammonia toxicity were given ammonia allocations to limit nitrogenous oxygen demand in the rivers. Ammonia allocations contained in this plan may be preempted by more stringent state or federal standards or regulations adopted in the future. Should

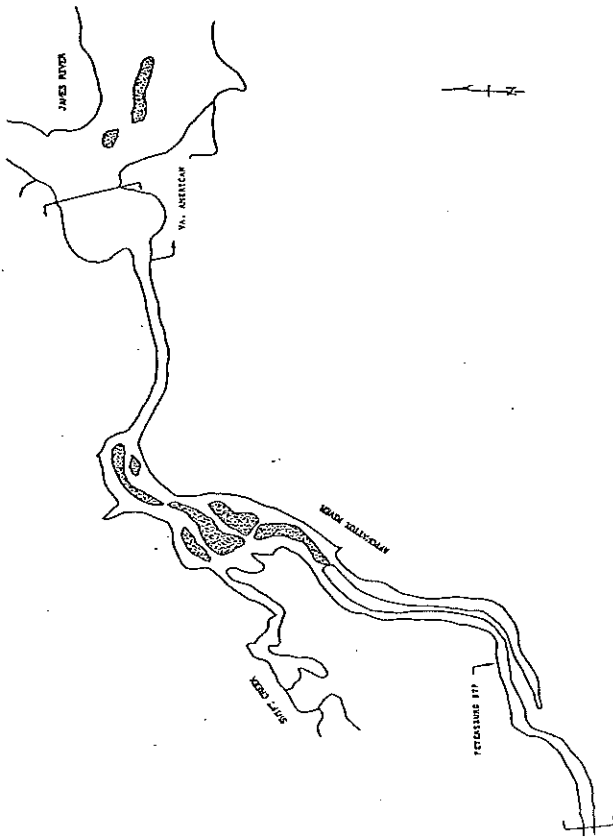


Figure 2. Appomattox River Estuary and Discharger.

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future data collection and analysis indicate that ammonia allocation adjustments are appropriate due to site specific conditions (as recommended in the State Ammonia Criteria), consideration will be given to amending the plan accordingly.

D. Phosphorus.

A total phosphorus limit of 2 mg/l was assigned to all discharges of 1.0 million gallons per day (MGD) or greater, in accordance with Virginia's Nutrient Standard. This effluent limitation may be preempted by more stringent state or federal standards or regulations adopted in the future. The following is a list of all discharges to be permitted at 2 mg/l total phosphorus:

- City of Richmond STP
- E.I. DuPont - Spruance
- Falling Creek STP
- Proctors Creek STP
- Henrico STP
- American Tobacco Company
- Philip Morris - Park 500
- Allied - Signal, Inc. (Chesterfield Plant)
- Allied - Signal, Inc. (Hopewell Plant)
- Hopewell Regional WTF

Petersburg STP

Table 2. Current Permitted Waste Loads (March, 1988).

	SUMMER (June - October)					WINTER (November - May)						
	FLOW (mgd)	BOD5 (lbs/d) (mg/l)		NH3-N ^{1, 3} (lbs/d) (mg/l)		DO ² (mg/l)	FLOW (mgd)	BOD5 (lbs/d) (mg/l)		NH3-N ^{1, 3} (lbs/d) (mg/l)		DO ² (mg/l)
City of Richmond STP ³	45.00	3002	8.0	-	-	-	45.00	5367	14.3	-	-	-
E.I. DuPont-Spruance	8.88	936	-	-	-	-	8.88	936	-	-	-	-
Falling Creek STP	9.00	1202	16.0	-	-	5.9	9.00	2253	30.0	-	-	5.9
Proctor's Creek STP	6.40	1601	30.0	-	-	5.9	11.80	2952	30.0	-	-	5.9
Reynolds Metals Company	0.39	138	-	7	-	-	0.39	138	-	7	-	-
Henrico STP	30.00	3005	12.0	-	-	5.9	30.00	7260	29.0	-	-	5.9
American Tobacco Company	1.94	715	-	-	-	-	1.94	716	-	-	-	-
ICI Americas, Inc.	0.20	152	-	-	-	-	0.20	152	-	-	-	-
Philip Morris - Park 500	1.50	559	-	-	-	-	1.50	557	-	-	-	-
Allied (Chesterfield)	51.00	1207	-	-	-	-	51.00	1207	-	-	-	-
Allied (Hopewell)	150.00	2500	-	-	-	-	150.00	2500	-	-	-	-
Hopewell Regional WTF	34.08	12507	44.0	-	-	4.8	34.08	12507	44.0	-	-	4.8
Petersburg STP	15.00	2804	22.4	-	-	5.0	15.00	2804	22.4	-	-	5.0
TOTAL	353.19	30328					358.59	39349				

- 1 NH3-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.
- 3 Richmond STP's BOD5 is permitted as CBOD5.

Table 3. Waste Load Allocations for the Year 1990.

	SUMMER (June - October)					WINTER (November - May)					
	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)		NH3-N ^{1, 3} (lbs/d) (mg/l)		DO ² (mg/l)	FLOW (mgd)	CBOD5 (lbs/d) (mg/l)		NH3-N ^{1, 3} (lbs/d) (mg/l)	
City of Richmond STP	45.00	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	11.05	948	-	590	6.4	4.4	948	-	755	-	2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	12.00	1602	16.0	961	9.6	5.9	2403	24.0	1402	14.0	5.9
Reynolds Metals Company	0.49	172	-	8	-	6.5	172	-	8	-	6.5
Henrico STP	30.00	3002	12.0	2403	9.6	5.6	4756	19.0	3504	14.0	5.6
American Tobacco Company	2.70	715	-	113	-	5.8	715	-	113	-	5.8
ICI Americas, Inc.	0.20	167	-	8	-	5.8	167	-	8	-	5.8
Philip Morris - Park 500	2.20	819	-	92	-	4.6	819	-	92	-	4.6
Allied (Chesterfield)	53.00	1255	-	442	-	5.7	1255	-	442	-	5.7
Allied (Hopewell)	165.00	2750	-	10326	-	6.1	2750	-	10326	-	6.1
Hopewell Regional WTF	34.07	12502	44.0	10291	36.2	4.8	12502	44.0	10291	36.2	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	380.81	31084		28978			36679		35958		

- 1 NH3-N values represent ammonia as nitrogen.
- 2 Dissolved oxygen limits represent average minimum allowable levels.
- 3 Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

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Table 4. Waste Load Allocations for the Year 2000.

Facility	SUMMER (June - October)				WINTER (November - May)			
	FLOW (MGD)	CEQDS (lbs/d)	NH ₃ -N ^{1,3} (lbs/d)	DO ² (mg/l)	CEQDS (lbs/d)	NH ₃ -N ^{1,3} (lbs/d)	DO ² (mg/l)	
City of Richmond STP	45.08	3002	8.0	7.4	5367	14.9	7.9	
E.I. DuPont-Spruance	16.99	948	6.4	4.4	2023	7.6	2.9	
Falling Creek STP	30.00	1600	6.4	5.9	1281	15.2	5.9	
Proctor's Creek STP	16.80	1602	11.4	5.9	1402	10.0	5.9	
Reynolds Metals Company	0.78	172	1.3	6.5	172	1.3	6.5	
Henrico STP	32.80	3002	11.0	8.8	4756	17.4	8.8	
American Tobacco Company	3.00	715	1.9	5.8	167	1.9	3.1	
ICI Americas, Inc.	2.90	819	92	4.6	819	92	4.6	
Phillips 66, Park 500	2.90	819	92	4.6	819	92	4.6	
Allied (Chessterfield)	56.00	1255	442	5.7	10326	442	3.7	
Allied (Hopewell)	170.00	2750	10226	6.1	12550	10335	6.1	
Hopewell Regional WTP	36.78	12502	40.7	4.8	2802	40.7	4.8	
Petersburg STP	15.00	2802	22.4	5.0	2802	22.4	5.0	
TOTAL	406.73	31084	28982		35679	35963		

1 NH₃-N values represent ammonia as nitrogen.
 2 Dissolved oxygen limits represent average minimum allocable levels.
 3 Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTP by VPDES permit.

Table 5. Waste Load Allocations for the Year 2010.

Facility	SUMMER (June - October)				WINTER (November - May)			
	FLOW (MGD)	CEQDS (lbs/d)	NH ₃ -N ^{1,3} (lbs/d)	DO ² (mg/l)	CEQDS (lbs/d)	NH ₃ -N ^{1,3} (lbs/d)	DO ² (mg/l)	
City of Richmond STP	45.86	3002	7.8	5.6	5367	14.9	5.9	
E.I. DuPont-Spruance	16.99	948	6.4	4.4	2023	7.6	2.9	
Falling Creek STP	30.00	1600	6.4	5.9	1281	15.2	5.9	
Proctor's Creek STP	16.80	1602	8.0	4.8	1402	7.0	5.9	
Reynolds Metals Company	0.78	172	1.3	6.5	172	1.3	6.5	
Henrico STP	38.07	3002	9.5	7.6	4756	15.0	8.8	
American Tobacco Company	3.00	715	1.9	5.8	167	1.9	3.1	
ICI Americas, Inc.	2.90	819	92	4.6	819	92	4.6	
Phillips 66, Park 500	2.90	819	92	4.6	819	92	4.6	
Allied Morris (Chessterfield)	180.00	2750	10326	6.1	12550	10326	5.7	
Allied (Hopewell)	39.61	12502	37.8	4.8	2802	37.8	4.8	
Hopewell Regional WTP	15.00	2802	22.4	5.0	2802	22.4	5.0	
Petersburg STP	15.00	2802	22.4	5.0	2802	22.4	5.0	
TOTAL	432.51	31084	28982		35679	35963		

1 NH₃-N values represent ammonia as nitrogen.
 2 Dissolved oxygen limits represent average minimum allocable levels.
 3 Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTP by VPDES permit.

E. Additional effluent limits.

Permit limits for other pollutants, including fecal coliform, are established for each individual facility in order to maintain stream standards established by Virginia's Water Quality Standards. Discharges within 15 miles upstream or one tidal cycle downstream of a water supply intake are also required to disinfect and achieve a mean count in the effluent equal to or less than 200 fecal coliform per 100 milliliters (ml). Usually, a facility which adequately disinfects its effluent with chlorine will achieve this standard, and therefore does not need to have a permit limit for fecal coliforms. Facilities' plans and specifications are reviewed on an individual basis to determine if the facility provides adequate disinfection. The Henrico STP is the only major facility with a sanitary discharge which does not use chlorination for disinfection. A fecal limit with a monthly average of 200 per 100 ml will therefore be assigned to this facility.

§ 4. Other permitted facilities.

There are numerous minor discharges to the stream segments or their tributaries which are also regulated under NPDES permits, but are not directly addressed by this Plan. Since their impact on water quality is negligible when compared to the major facilities, their actual discharges are not included in this waste load allocation. However, the combined effects of these small discharges were included in the background conditions of the segments.

These facilities include small industries, subdivisions, trailer parks, single family homes, and point source stormwater discharges. Permit limits for these facilities are established so that stream standards are met as described in Virginia's Water Quality Standards. These facilities will be addressed in the new Middle James Water Quality Management Plan.

§ 5. Implementation schedule.

Compliance schedules for the new allocations will be established when permits are reopened. This will occur as soon as practicable after adoption of this plan. Schedules for facilities' compliance with limits established by the Plan will be coordinated with those required under the water quality standard for nutrient enriched waters.

Facilities will be given up to three years to meet new permit limits, as outlined in the nutrient standard. Facilities which install nitrogen removal will be granted an additional year for compliance. Any schedules imposed by toxics management programs or other regulations will be taken into consideration in developing compliance schedules for individual permits.

The waste treatment levels listed in Tables 3 through 5 represent final effluent limits. Some facilities may operate under interim treatment limits of secondary/best practical treatment (BPT) or better while upgrading to meet those

final limits.

Flow figures presented in this Plan are only projections and hence may increase due to unanticipated population or industrial growth. Facilities' schedules may therefore be revised under the SWCBs "Policy for Sewage Treatment Plant Loadings," which was adopted in 1971. This policy allows the SWCB to require owners of sewage treatment works to (i) provide analyses of projected loadings and proposed plans to increase treatment works capacity, and (ii) terminate the issuance of permits which allow start of construction on projects in the affected area, when the average influent flow to the treatment works reaches 95% of approved design capacity for each of three consecutive months, or (iii) both conditions (i) and (ii).

§ 6. Board actions for planning coordination.

Due to the interjurisdictional nature of water quality and water resources problems in the Upper James and Appomattox River Estuaries, it is important that the Commonwealth continue close coordination with other plans and programs while conducting water quality planning.

To insure that the needs of the Commonwealth are met, the board will:

1. Continue to actively participate in activities of the Chesapeake Bay Program;
2. Endorse innovative research and demonstration for meeting water supply needs;
3. Continue close coordination and participation in water supply studies conducted in the Richmond-Crater area by the Corps of Engineers, other agencies and the State Water Commission;
4. Maintain active representation on the policy and technical boards and committees in the ongoing areawide waste treatment management and wetlands conservation programs to assure adequate input from the Commonwealth; and
5. Use the Basin Water Quality Management Plan as a database and policy guide for the revolving loan program and for conducting review of facilities' plans.

§ 7. Economic impact.

The Plan guides the issuance of the NPDES permits for six municipal discharges and seven industrial discharges, and requires that those permits be in compliance with the Plan. The municipal discharges are estimated to serve approximately 650,000 people in the area.

Requirements of the Plan will have a financial impact on the regulated facilities. Economic costs will be borne by the entities in the area, with some financing provided through Virginia's Revolving Loan Fund. These facilities

are already examining various treatment alternatives to comply with Virginia's nutrient standard. Additional costs required by this Plan will require detailed engineering studies at each facility, since actual costs will vary based on local site conditions, existing structures, and design flow.

§ 8. Loan eligibility for facilities.

Localities requiring improvements to their collection or treatment systems may submit applications for state loan funds for planning, design or construction costs. All loan applicants shall be identified and placed on Virginia's Potential Loan Eligibility List. Table 6 identifies the eligible publicly owned treatment works (POTWs) in this Plan that can be considered for a loan in the 1987-88 Fiscal Year.

Once determined eligible for loan assistance, loan applications are solicited from all POTWs on the list. The applications received are ranked and rated in accordance with the board's "Yearly Loan Distribution Criteria." For details regarding Virginia's Revolving Loan Fund, consult the Revolving Loan Fund Program Design Manual dated December 1, 1987, Virginia's Intended Use Plan for its available 87/88 funds, and Procedural Guidelines for Virginia Revolving Loan Fund Recipients, also dated December 1, 1987.

New loan requests generated by requirements of this Plan will be reflected in future loan eligibility lists.

Proposed Regulations

Table 6. Potential Loan Eligibility List (December, 1987).

POINTS	APPLICANT	PROJECT	NPDES #	NMP	DESCRIPTION	REVI- NANCING	LOAN NEEDS
377.4	City of Hopewell	STP Upgrade	VA0066630	No	II		12,000,000
346.2	City of Richmond	STP Upgrade	VA0063177	Yes	II	Yes	50,000,000
346.2	City of Richmond	CSO Correction	VA0063177	No	V		50,000,000
276.0	City of Petersburg	STP Expansion, I/I Abatement	VA0025437	Yes	I, IIIA/B	Yes	2,000,000
253.5	County of Gloucester	Sewer Extension		No	IVA/B		900,000
208.4	County of Chesterfield	I/I Abatement		No	IIIB, IVB		31,750,000
208.4	County of Chesterfield	Proctors Creek Expansion	VA0060194	No	I		24,000,000
178.4	County of Chesterfield	Sewer Extension		No	IVA	Yes	1,600,000
177.4	City of Hopewell	I/I Abatement		No	IIIA/B, IVA/B		2,800,000
145.9	County of Prince George	Sewer Extension		No	IVA		1,100,000

Legend for Need Category
 I - Secondary Treatment
 II - I/I Abatement
 IIIA - I/I Abatement
 IIIB - Sewer Rehabilitation
 IVB - Collector Sewers
 IVA - Interceptor Sewers
 V - CSO Correction

§ 9. Additional pollution controls.

A. Board actions for controlling point source discharges.

The planning, design, and operation of future facilities must assure that applicable water quality goals and standards are not violated. The following board actions are designed to achieve this goal:

- Utilization of this Plan as a policy guide in making decisions regarding wastewater discharges in the area;
- Continued issuance of NPDES discharge permits which contain effluent limitations and issuance of compliance schedules compatible with area Water Quality Management Plan recommendations;
- Solicitation of loan applications for the Revolving Loan Program for wastewater treatment projects;
- Issuance of No-Discharge Certificates for proposed no-discharge systems;
- Encouragement of projects which employ innovative or alternative wastewater treatment techniques such as holding ponds and evapotranspiration beds, where costs and site conditions render such systems suitable;
- Incorporation of water conservation assumptions in wastewater treatment planning;
- Continued issuance of Certificates to Operate (CTOs), which require the preparation of operation and maintenance manuals and sludge management plans;
- Continuance of waste treatment plant operator training through the Operator and Management Assistance Section activities;
- Continuance of recently developed compliance monitoring, inspection and enforcement programs;
- Continuance of a toxic management program which assures that toxic constituents of wastewater discharge will be monitored and controlled in accordance with state and federal regulations; and
- Continuance of agency water quality monitoring programs.

B. Board actions for controlling nonpoint source discharges.

The Clean Water Act of 1977 (P.L. 92-500), § 208, requires the development of a statewide process to identify and control, to the extent feasible, nonpoint sources of pollution. A most significant element of Virginia's statewide nonpoint source management is the development of "Best Management Practices (BMP) Handbooks" for the various categories of nonpoint source pollution. Each handbook

describes those practices which are determined to be the most effective, practicable means of preventing or reducing the amount of nonpoint source pollutants entering a watercourse. BMP Handbooks have been written and adopted by the SWCB for agriculture, forestry urban areas, hydrologic modifications and sources affecting ground water. A management handbook has also been adopted by the board which describes procedures and delineates responsibilities for the voluntary implementation of nonpoint source controls, and for reporting to EPA the progress being made in BMP implementation. This handbook was unconditionally approved by EPA in August 1981 as the outline of the nonregulatory nonpoint source pollution abatement program for the Commonwealth of Virginia. A regulatory program may be required of the Commonwealth by EPA.

Primary responsibility for nonpoint source pollution control now rests with the Department of Conservation and Historic Resources, Division of Soil and Water Conservation. Nonpoint source studies conducted earlier for the board are listed in the reference section.

The Water Control Board remains responsible for discharges from urban storm sewer systems and will respond as appropriate to federal regulations regarding such systems. The primary storm sewer system affecting the James River Estuary is the Richmond combined sewer system which frequently overflows during wet weather conditions. The Water Control Board is addressing this problem in the Richmond STP's NPDES permit. Other point source surface water discharges do not contribute significant BOD to the two segments in this Plan.

The NPDES permit issued to the City of Richmond requires that combined sewer overflow (CSO) loadings be addressed. This study is scheduled to be concluded by October 1, 1988; it will address fecal coliform as well as minimum dissolved oxygen levels. If the study does not adequately address reasonable solutions to CSO inputs, the plan will be amended to implement appropriate controls.

C. Board actions for controlling groundwater pollution.

A Ground Water Protection Steering Committee was formed in 1985 to develop a Ground Water Protection Strategy for Virginia. The committee, chaired by the State Water Control Board, consisted of representatives from all state agencies with ground water related programs. The steering committee spent a year in studying how Virginia has protected its ground water in the past and what more needs to be done. The findings of the committee indicate that Virginia's laws are as strong as any in the country in providing statutory protection for ground water; however, a coordinated effort is needed to carry out ground water protection policies to protect this valuable resource.

The strategy is regarded as a first step in a continuing effort to protect the ground water. It points out the need to anticipate and prevent ground water contamination whenever possible because of tremendous cost in human

health and dollars when contamination occurs. It also recognizes the need to consider ground water protection in conjunction with surface water, soils, and all other environmental media protection; shifting pollution problems from one medium to another is no longer an option. Some of the strategy recommendations are already adopted by the state agencies. Other recommendations will require General Assembly action, and some call for substantial financial investment.

Virginia Ground Water Protection Strategy, published in May 1987, is a document which outlines the Commonwealth's ground water protection policies, programs and priorities. It identifies the state laws and policies that protect ground water, identifies the potential sources of contamination and how to deal with them. Various state agency programs with potential ground water impacts are summarized in this document. It also identifies local government activities with ground water impact and recommends the role of local government in protecting the ground water resources.

D. Board actions for controlling dredge and fill operations.

Two dredged channels in the James River are maintained by the Corps of Engineers for navigation purposes. A channel 25 feet deep is maintained between Hopewell and the Deep Water Terminal at Richmond, and a channel 18 feet deep is maintained between the Deep Water Terminal and the Richmond Lock. Dredging and fill programs are controlled through the combined programs of the SWCBs 401 Certificate and the Corps of Engineers' 404 Certificate programs.

E. Board actions for controlling combined sewer overflows (CSOs).

The City of Richmond has a combined sewer system which overflows to the river during wet weather conditions. The board addressed this problem in the city's 1985 NPDES permit by requiring the city to conduct a comprehensive study and develop a plan to control their combined sewer overflows. The city submitted this study and plan in October 1988 and it was subsequently accepted by the board in March 1989 as a basis for future permitting actions. Pages 120 through 126 of the "Combined Sewer Overflow Study, Final Report, October 1988" describes the technical elements of the accepted plan and are incorporated into this plan by reference.

The total estimated capital cost of the proposed CSO Control Plan in 1988 was \$294 million and was divided into three parts as follows:

Phase A - Improvements to WWTP - \$73 million

Phase B - River Front Cleanup System - \$40 million

Phase C - Satellite CSO

Proposed Regulations

Treatment Facilities - \$181 million

The city had already committed to Phase A at a cost of \$73 million and is scheduled to be completed by May 1990. A financial analysis conducted by the city as part of the CSO Study indicated they were capable of financing a maximum expenditure of only \$25 million to be spent over a 12-year period for additional CSO controls. After negotiations with city officials, the board accepted a city proposal to implement an initial portion of Phase B of the Plan (the Project) which the city considered to be possible with some risk of adverse economic impact and which the board considered to be compatible with the overall CSO Control Plan. The city's proposal will result in the expenditure of \$27 million over five years and has a net present value of \$4.3 million more than the \$25 million/12 year approach. The city's VPDES permit was subsequently modified to commence planning and design work for the initial project. A schedule for implementation of this project is to be incorporated into the permit cycle beginning August 1990 and ending August 1995. The remaining elements of the CSO Control Plan will be implemented as soon as possible and on the following basis:

1. Whenever a grant or other unanticipated external funding source becomes available, the city shall submit a plan for implementing appropriate additional elements of the approved CSO Control Plan, and after approval by the board, the city's VPDES permit will be modified accordingly.

2. With each application for VPDES permit reissuance, the city shall submit a current financial analysis indicating the amount of funds available to implement additional elements of the CSO Control Plan. The board shall consider the city's financial analysis in determining additional CSO control requirements in each future permit reissuance.

Should changes in technology or legal requirements concerning combined sewer overflows occur in the future, these changes shall be evaluated and incorporated as appropriate into this plan and the city's VPDES permit.

§ 10. Drinking water supply.

The Appomattox River Estuary serves as a public water supply source, since the Virginia American Water Company withdraws water to supply the Hopewell area. Since the withdrawal point is near the confluence with the James River Estuary, some of its water is included in the water withdrawal.

In 1986 (October 10, 1986, letter to Richard N. Burton, Executive Director, SWCB), the Virginia Department of Health, which has jurisdiction over the treatment of drinking water, assessed the potential impacts on this withdrawal from municipal dischargers. Their position at that time was that the raw water was treatable and should continue to be treatable in the future.

No other public water supply sources are in the study area.

The SWCB recently published a series of statewide water supply basin plans which detail water use systems and withdrawals. The basin plans also include projected water demands through the year 2030. Both segments in this Plan are addressed by the James Water Supply Plan.

The Corps of Engineers also examined intrabasin transfer of water from the James River above Richmond to the Chickahominy River as a water supply alternative for the Newport News water supply system.

§ 11. References.

A. Technical work and public participation information for this Plan are documented in two support documents:

1. Richmond-Crater Interim Water Quality Management Plan Technical Support Information. March 1988, Virginia State Water Control Board.

2. Richmond-Crater Interim Water Quality Management Plan Public Participation Information. March 1988, Virginia State Water Control Board.

B. Other relevant information is addressed in the following documents:

1. James Water Supply Plan. Planning Bulletin No. 337, March 1988, Virginia State Water Control Board.

2. Richmond-Crater 208 IWQMP Residual Waste Management Plan: Final Report. December 1982, Richmond Regional and Crater Planning District Commissions, Prepared for the Virginia State Water Control Board.

3. Nonpoint Source Assessment and Control Needs: Final Report. No. UVA/530213/CE82/102, December 1982, Shaw L. Yu, Ph.D., Submitted to Virginia State Water Control Board.

4. Upper James River Estuary Nonpoint Source Pollution Assessment Study. May 1987, Richmond Regional Planning District Commission, Prepared for the Virginia Water Control Board.

5. Virginia Ground Water Protection Strategy. May 1987, Virginia State Water Control Board.

6. Water Quality Standards. Effective November 1987, Virginia State Water Control Board.

7. Water Supply Study: Hampton, Roads, Virginia. December 1984, Department of the Army, Corps of Engineers, Norfolk, Va.

* * * * *

Title of Regulation: VR 680-21-01.15. Surface Water Standards for the Protection of Human Health.

water quality standard is sufficient to protect human health. Any demonstration provided to the board for review shall utilize the previously referenced risk level and potency as its basis.

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

Public Hearing Dates: February 12, 1990 - 2 p.m.
February 26, 1990 - 10:30 a.m.
(See Calendar of Events section for additional information)

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits establish water quality which will protect reasonable, beneficial uses, and prevent harm to human, animal, plant or aquatic life.

These amendments are proposed in order to comply with § 303(c)(2)(B) of the Clean Water Act which states that water quality standards must be adopted for § 307(a) toxic pollutants.

Summary:

The proposed amendment would add a new section, VR 680-21-01.15 (Dioxin for Surface Waters) to the Water Quality Standards. This new section would include a numerical limitation for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin (dioxin) for protection of human health from the consumption of contaminated water and aquatic organisms, a description of stream flow on which effluent limits will be based, and provisions for a variance.

VR 680-21-01.15. Surface Water Standards for the Protection of Human Health.

§ 1. Dioxin.

For the protection of human health from the toxic properties of dioxin ingested through water and contaminated aquatic organisms, the ambient concentration of all surface waters shall not exceed 1.2 parts per quadrillion (ppq) based upon a risk level of 10^{-5} and a potency of 1.75×10^4 (mg/kg-day) ⁻¹.

§ 2. The applicability of the standard in calculating an average effluent limit is based on the mean annual stream flow.

§ 3. Variances to Water Quality Standards in § 1 of VR 680-21-01.15.

The board may consider site-specific modifications to the numerical standard in § 1 of VR 680-21-01.15 where the applicant demonstrates that the alternative numerical

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Transportation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

* * * * *

Due to its length, the Regulation Governing Relocation Assistance filed by the Department of Transportation is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Transportation.

Title of Regulation: VR 385-01-03. Rules and Regulations Governing Relocation Assistance.

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

Effective Date: January 31, 1990

Summary:

In order to acquire the rights of way necessary for the construction, reconstruction, alteration, maintenance and repair of the public highways of the Commonwealth, it often becomes necessary for individuals, families, businesses, farms and nonprofit organizations to be displaced. To assure to the maximum extent possible the prompt and equitable relocation and reestablishment of these displacees, it is necessary for a uniform policy to be established. This policy will assure adequate relocation services and will provide moving, replacement housing and other expense payments so that individuals will not suffer disproportionate injuries as a result of the highway improvement programs.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 246
RICHMOND, VIRGINIA 23208
(804) 788-3591

December 7, 1989

Ray D. Pethel, Commissioner
Department of Transportation
1221 East Broad Street
Richmond, Virginia 23219

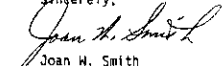
Re: VR 385-01-03. Rules and Regulations Governing
Relocation Assistance

Dear Mr. Pethel:

This will acknowledge receipt of the above-referenced regulations from the Department of Transportation.

As required by § 9-6.14:4.1 C.A.(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

INDEX OF CHANGES TO VDOT'S RELOCATION MANUAL
SECTION 404, RELOCATION ASSISTANCE AND PAYMENTS
MANDATED BY THE PASSAGE BY CONGRESS OF THE
UNIFORM RELOCATION ACT AMENDMENTS OF 1987, PUB. L. 100-17, 101
STAT. 246 AND FEDERAL REGISTER VOL. 54 NO. 40,
MARCH 2, 1989, PART 24, PP. 8912 TO 8952

		p. 11	Paragraph 2 u. of § 404.01, <u>Definitions - State Agency</u> - Expands definition to include any person who has the authority to acquire property by eminent domain.
p. 1	Paragraph 1 a. of § 404.01, <u>Purpose</u> - Main Objective deleted due to being repeated in other Sections.		
p. 3	Paragraph 2 d. of § 404.01, <u>Definitions Displaced Person</u> - Rewritten to incorporate others considered displaced.	p. 12	Paragraph 2 v. of § 404.01, <u>Definitions - Small Business</u> - Add definition for small business.
	Federal Register § 24.2(g) (ii) (iii), p. 8929 and 8930 and as a result of the Amendments to § 25-238 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972 (House Bill #1736).		Federal Register § 24.2 (t), p. 8931.
p. 3 - 5	Paragraph 2 e. (1) (3) (4) (8) of § 404.01, <u>Definitions - Persons Not Displaced</u> - Expands and adds criteria when considering persons not displaced.	p. 12	Paragraph 2 w. of § 404.01 - <u>Definitions - Uneconomic Remnant</u> - New definition defines properties with little or no value or utility.
	Federal Register § 24.2 (g) (2) (i) (iii) (xi), p. 8930.		Federal Register § 24.2 (w) p. 8931.
p. 5 - 6	Paragraph 2 g. (2) (5) of § 404.01, <u>Definitions Comparable Replacement Dwelling</u> - New definition changing a comparable replacement dwelling from being functionally similar to functionally equivalent and adequate in size.	p. 12	Paragraph 2 x. of § 404.01 - <u>Definitions - Unlawful Occupancy</u> - New definition defines persons to be in unlawful occupancy.
	Federal Register § 24.2 (d) (2), p. 8929.		Federal Register § 24.2 (y) p. 8931.
p. 6 - 8	Paragraph 2 g. (8) (b) (c) of § 404.01, <u>Definitions - Comparable Replacement Dwelling</u> (b) - expands comparability to include utilities before and after for financial means purposes. (c) - establishes eligibility criteria for displaced persons who fail to meet length of occupancy.	p. 12	Paragraph 2 y. of § 404.01 - <u>Definitions - Utility Cost</u> - New definition defines what is to be considered as utility cost.
	Federal Register § 24.2 (d) (8) (ii) (iii), p. 8929.		Federal Register § 24.2 (z) p. 8931.
p. 10	Paragraph 2 n. of § 404.01, <u>Definitions - Non-Profit Organization</u> - Expands definition.	p. 12	Paragraph 2 z. of § 404.01 - <u>Definitions</u> - Notice of Intent to Acquire - New definition
	Federal Register § 24.2 (n), p. 8930 and as a result of the Amendments to § 25.238, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972 (House Bill # 1736).		Federal Register § 24.2 (o) p. 8930
		p. 16	Paragraph 4 d. of § 404.01 - <u>Delivery of Payment Checks</u> - Change due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
		p. 18 - 20	Paragraph 6 a. d. i.(3) of § 404.01 - <u>Relocation Program at Conceptual Stage (Stage II)</u> - Changes due to agency internal practice or procedure - 9-6.14:4.1(c)(2).

- p. 20 Paragraph 6 i. (4) of § 404.01 - Conceptual Stage Study - New criteria to be considered in Study.
Federal Register § 24.304 p. 8938.
- p. 22 Paragraph 9 a. (3) § 404.01 - Records - Eliminated Form # 69C - Change due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
- p. 22 Paragraph 9 a. (4) (c) (g) of § 404.01 - Records - Eliminated Form #69C - Change due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
- p. 24 Paragraph 9 b. (6) of § 404.01 Moving Expense Records - Criteria changed from one business establishment to three establishments.
Federal Register § 24.306 (a) (3) p. 8939.
- p. 25 - 26 Paragraph 9 c. (7) of § 404.01 Replacement Housing Payment Records - Eliminated Form #69C - Change due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
- p. 28 Paragraph 1 b. (3) of § 404.01 Services - Reference changed from comparable to suitable.
Federal Register § 24.205 (c)(2) (d)(iii) p. 8936.
- p. 30 Paragraph 1 e. (2) of § 404.01 - Information to be obtained on Project Basis - Comparable changed to suitable.
Federal Register § 24.305 (c) (D) (iii) pp. 8936.
- p. 35 - 37 Paragraph 3 b. of § 404.01 Written Notices - Paragraph rewritten and condensed as an agency internal practice or procedure, 9-6.14:4.1(c)(2).
- p. 38 - 39 Paragraph 3 c. (4) of § 404.02 - Eviction For Cause - Rewritten because of Federal Changes in criteria.
Federal Register § 24.206 (a)(b)(c) p. 8937.
- p. 41 Paragraph 4 c. of § 404.02 - Final Appeals - Engineer changed to Administrator due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
- p. 41 Paragraph 4 d. of § 404.02 - Appeals - Rewritten to allow legal counsel or other representative at the displacee's expense.
Federal Register § 24.10 (d) p. 8932.
- p. 43 - 44 Paragraph 1 b. of § 404.03 - Moving Payments - Rewritten to eliminate reference to the language (Either interstate or intrastate). Change due to change in agency internal practice or procedure, 9-6.14:4.1(c)(2) and no longer a part of the Federal Register.
- p. 45 Paragraph 1 h. - Delivery of Payment Check - Change due to agency internal practice or procedure - 9-6.14:4.1(c)(2).
- p. 46 Paragraph 1 i. of § 404.03 - Moving Payments - Dislocation allowance now included in moving expense schedule and not in addition thereto.
Federal Register, Vol. 54, No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.
- p. 48 Paragraph 2 b. of § 404.03 - Moving Payments - Dislocation allowance now included in moving expense schedule and not in addition thereto.
Federal Register, Vol. 54, No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.
- p. 49 - 50 Paragraph 2 d. 2(a) of § 404.03 - Moving Payments - Eliminate self move and added receipts or evidence of expenses.
FHWA
- p. 50 Paragraph 2 d. (3) of § 404.03 - Cost of Transportation - 21 cents changed to 24 cents due to rate change in State's reimbursement procedures as per directive dated May 2, 1989 (attached).
- p. 50 - 51 Paragraph 2 e. (1) of § 404.03 - Moving Payments - Moving cost schedule revised to include mobile homes. Separate schedule addressing mobile homes eliminated.
Federal Register, Vol. 54, No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.

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Paragraph 2 e. (2) of § 404.03 - Moving Payments - Dislocation allowance now included in moving expense schedule and not in addition thereto.

Federal Register, Vol. 54, No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.

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Paragraph 3 e. (7), Moving Payments - (Fixed Payment), Multi-Family structures no longer considered a business.

Federal Register § 24.306 (a)(4), p. 8939
- p. 52

Paragraph 2 e. (3) of § 404.03 - Moving Payments - Moving expense schedule revised to include persons with minimal personal possessions and persons who's personal property is moved by the agency at no cost to the individual.

Federal Register § 24.302 p. 8937 and Federal Register, Vol. 54 No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.

p. 64

Paragraph 4 b. of § 404.03, Moving Payments - (Farms) additional moving expense to farms as referenced in Paragraph 6 of this section.

Federal Register § 24.304, pp. 8938 - 8939
- p. 52

~~Paragraph 2 e. (3) of § 404.03 - Moving Payments - Moving expense schedule revised to include persons with minimal personal possessions and persons who's personal property is moved by the agency at no cost to the individual.~~

Federal Register § 24.302 p. 8937 and Federal Register, Vol. 54 No. 40 dated March 2, 1989 (Moving Expense Action Notice) pp. 8951, 8952.

p. 66 - 67

Paragraph 5 a (2) of §404.03, Moving Payments - (Non-Profit) Change Fixed Payment from \$2,500 to a minimum of \$1000 and a maximum of \$20,000.

Federal Register § 24.306 (d), p. 8940
- p. 56

Paragraph 3 b (3)(b) of § 404.03 - Moving Payments- Added receipts and evidence of expenses.

FHWA

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Paragraph 5 b. of § 404.03 - Moving Payments - (Non-Profit) Change in criteria for eligibility.

Federal Register § 24.306 (d) p. 8940
- p. 59

Paragraph 3 e. of § 404.03 - Moving Payments - additional moving expense to certain displaced businesses as referenced in paragraph 6 of this section.

Federal Register § 24.304 pp. 8938, 8939.

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Paragraph 6 a.b.c. of § 404.03, Moving Payments - Additional moving expense for farms, small businesses and non-profit organization.

Federal Register § 24.304, pp. 8938-8939
- p. 59 - 60

Paragraph 3 e. (1)(b)(c)(d)(e) of § 404.03, Moving Payments - (Fixed Payment) new eligibility criteria for determining a business entitlement to a fix payment in lieu of actual moving expenses.

Federal Register § 24.306, p. 8939

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Paragraph 1 c. of § 404.04, Replacement Housing Payments - eliminated Form #RW69C.

Change due to agency internal practice or procedure 9-6.14:4.1 (c) (2).
- p. 63

Paragraph 3 e. (8), Moving Payments - (Fixed Payment) minimum payment decreased from \$2,500 to \$1,000.

Federal Register § 24.306 (a), p. 8939

p. 76

Paragraph 1 h. (1) (2) (3) (4) of § 404.04, Partial Take - Additional criteria for Partial Take.

Federal Register § 24.403 (a), p. 8942.
- p. 63

Paragraph 3 e. (8), Moving Payments - (Fixed Payment) minimum payment decreased from \$2,500 to \$1,000.

Federal Register § 24.306 (a), p. 8939

p. 78

Paragraph 1 j (1) of § 404.04 - Replacement Housing - Change families to Multiple Occupants

FHWA

- p. 79 Paragraph 1 j. (2) § 404.04, Replacement Housing Payments - Additional criteria to cover occupants who maintain separate households within same dwelling.
Federal Register § 24.207(e) p. 8937
- p. 81 Paragraph 2 a. (1) (b) of § 404.04, Replacement Housing Payments - Rewritten language - change due to agency internal practice or procedure 9-6.14:4.1(c)(2).
- p. 87 Paragraph 2 b. (1) (b) of § 404.04 - Adjustment of Acquisition Price - Method changed to adjust acquisition price.
Federal Register § 24.403 (a), p. 8942.
- p. 89 - 90 Paragraph 2 c. (1) (b), of § 404.04 Replacement Housing Payments - (Increased Interest Payment), adds home equity loans as valid mortgages and addresses adjustable rates.
Federal Register § 24.401 (d) (1), p. 8941 and Preamble Subpart E, Section 24.401 (d), p. 8924
- p. 90 - 93 Paragraph 2 c. (2) § 404.04, Replacement Housing Payments - (Increased Interest Payment). Old method of computing payment eliminated. New method (buydown) added.
Federal Register § 24.401 (d) p. 8941
- p. 94 - 95 Paragraph 2 c. (7) § 404.04, Replacement Housing Payments - (Increased Interest Payment) - Buy Down Method - Now used in all cases.
Federal Register § 24.401 (d) p. 8941
- p. 98 - 100 Paragraph 4 b. of § 404.04, Replacement Housing Payments (Tenant) - Changes in criteria in computing rental payments.
Federal Register § 24.402 (b), p. 8942.
- p. 101 Paragraph 4 f. (1) of § 404.04, Replacement Housing Payments - (Tenant Occupant) - Emphasizes amount to be applied as down payment.
Federal Register § 24.402 (c), p. 8942.
- p. 102 Paragraph 4 f. (2) of § 404.04, Replacement Housing Payment - (Tenant Occupant) - Downpayment up to \$5250 permitted. Documentation to be provided by tenant.
Federal Register § 24.402 (c), p. 8942.
- p. 102 Paragraph 4 h. (1) of § 404.04, Replacement Housing Payments - (Owner Occupant) - Emphasizes amount to be applied as down payment.
Federal Register § 24.402 (c), p. 8942.
- p. 103 Paragraph 4 i. of § 404.04, Replacement Housing Payments - Owner and tenant who do not meet occupancy requirements will be considered for last resort housing.
Federal Register § 24.2(d) (8) (iii), p. 8929
- p. 105 - 106 Paragraph 1 b. of § 404.05, Personal Property - Changes in criteria for establishing moving cost for mobile home.
Federal Register Vol 54, No. 40 § 24.503(b), p. 8944
- p. 109 Paragraph 2 b. (2) of § 404.05, Mobile Homes - Moving cost schedule revised to include mobile homes.
Federal Register Vol. 54, No. 40 dated March 2, 1989 (Moving Expense Action Notice), pp. 8951 - 8952.
- p. 109 - 110 Paragraph 2 c. of § 404.05, Mobile Homes - Separate schedule addressing mobile homes eliminated.
- p. 113 Paragraph 2 d. (1) (c) of § 404.05, Mobile Homes - (Owner Occupant) - Emphasizes amount to be applied as down payment.
Federal Register 24.402 (c), p. 8942.

- p. 114 Paragraph 3 e. (1) (b) of § 404.05, Mobile Homes - (Rented Site) - Down payment up to \$5250 permitted. Documentation to be provided by tenant.
Federal Register § 24.402 (c), p. 8942.
- p. 114 Paragraph 4 b. (2) of § 404.05, Mobile Homes - Down payment up to \$5250 permitted. Documentation to be provided by tenant.
Federal Register § 24.402 (c), p. 8942.
- p. 120 Paragraph 6 of § 404.06, Last Resort Housing - Deleted due to agency internal practice or procedure 9-6.25-4.1(c)(2).
- p. 123 - 124 Paragraph 10 c. of § 404.06, Last Resort Housing - 25 Units or more - Deleted due to agency internal practice or procedure 9-6.14-4.1(c)(2).

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-34-01. Private Well Regulations.

Governor's Comment:

I concur with the form and content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Gerald L. Baliles
Date: December 1, 1989

BOARD OF MEDICINE

Title of Regulation: VR 465-05-01. Regulations Governing the Practice of Physicians' Assistants.

Governor's Comment:

I have carefully reviewed the Board of Medicine's proposed amendments to its Regulations Governing the Practice of Physicians' Assistants (VR 465-05-01).

Regarding proposed rule 4.1 A.3., I have the following questions:

1. Given the training, examinations, and detailed protocols required for physicians' assistants, why is there a need for a supervising physician to be in the same room with the physicians' assistant?
2. Will this regulation unnecessarily restrict the supervising physician's medical practice, since both the physician and the physicians' assistant must attend the patient at the same time?
3. Are there alternatives to a list of specific procedures? For example, could the Board retain the proposed definitions of "direct supervision," "general supervision," and "personal supervision" and then require that protocols list procedures by type of supervision? This would appear to retain the Board's ability to protect patients while negating the need to continually amend regulations simply to add and delete specific procedures.

Regarding proposed rule 4.1 B.4., is there a need for a separate credential for this procedure, or is this procedure already part of the physicians' assistant examination? Finally, could this procedure also be covered in the physicians' assistant's protocols?

/s/ Gerald L. Baliles
Date: November 30, 1989

DEPARTMENT OF TAXATION

Title of Regulation: Virginia Tire Tax Regulations.
VR 630-27-640. Definitions.
VR 630-27-641. Imposition of the Tax.
VR 630-27-642. Collection of the Tax; Exemptions, Deductions.
VR 630-27-643. Distribution of Revenues.
VR 630-27-644. Provisions of Chapter 6, Title 58.1 apply, mutatis mutandis.

Governor's Comment:

I concur with the purpose and intent of this proposal. My final approval, however, will be contingent upon a review of revisions reflecting changes suggested by the Department of Planning and Budget and upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: December 8, 1989

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

Title of Regulation: VR 670-02-1. Regulations to Govern the Operation of Vending Facilities Established in Public Buildings and Other Property.

Governor's Comment:

I concur with the content of this proposal. My final approval will be contingent upon the incorporation of comments and suggestions made by DPB and a review of the public's comments.

/s/ Gerald L. Baliles
Date: November 30, 1989

* * * * *

Title of Regulation: VR 670-03-3. Regulations Governing the Provision of Services in Rehabilitation Teaching.

Governor's Comments:

I concur with the proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Gerald L. Baliles
Date: November 30, 1989

* * * * *

Title of Regulation: VR 670-03-4. Regulation Governing the Provision of Independent Living Rehabilitation Services.

Governor's Comments:

I concur with this proposal. My final approval will be contingent upon incorporation of DPB's recommendations relative to the proposed financial participation policy and a review of the public's comments.

/s/ Gerald L. Baliles
Date: November 30, 1989

* * * * *

Title of Regulation: VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.

Governor's Comment:

I concur with the form and content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Gerald L. Baliles
Date: November 30, 1989

* * * * *

Title of Regulation: VR 670-03-6. Regulations Governing Deaf-Blind Services.

Governor's Comment:

I concur with this proposal. My final approval will be contingent upon consideration of DPB's comments and a review of the public's comments.

/s/ Gerald L. Baliles
Date: November 30, 1989

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-6. Manufacturers and Wholesalers Operations.** The purpose of the proposed action is to eliminate the controversy, uncertainty and potential litigation under the Virginia Beer Franchise Act and the Virginia Wine Franchise Act which have frequently arisen in the past whenever the brand owners of beer or wine sold in Virginia choose to conduct business with Virginia wholesale licensees through third parties, and through acknowledgements and disclosures, to identify and establish the business, agency and commercial relationships between manufacturers, importers and wholesalers of wine and beer.

A public meeting will be held on January 17, 1990, at 10 a.m. in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comment from the public.

Statutory Authority: §§ 4-7(l), 4-11, 4-98.14 and 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., January 17, 1990.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

Notice to the Public

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines For Adoption Or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control

Board), the Board will conduct a public meeting on January 17, 1990, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of Board regulations. Any group or individual may file with the Board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

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

The Board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the Board no later than November 17, 1989.

B. The Board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its General Mailing List who will be affected by or interested in the adoption, amendment or repeal of Board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by November 17, 1989, requesting that their name be placed on the General Mailing List.

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

D. Entities affected: (1) all licensees (manufacturers,

wholesalers, importers, retailers) and (2) the general public.

A public meeting will be held on January 17, 1990, at 10 a.m., in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14 and 4-103(b) of the Code of Virginia.

Written comments may be submitted until 10 a.m., January 17, 1990.

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

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider promulgating regulations entitled: **Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase**. The purpose of the proposed action is to promulgate regulations that are currently emergency regulations which are effective through October 13, 1990, governing the privacy and security of criminal history record information used for checks for firearm purchase.

Statutory Authority: §§ 9-170 21 and 18.2-308.2:2 of the Code of Virginia.

Written comments may be submitted until January 18, 1990, to Charlotte McClamroch, Section Chief, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

DEPARTMENT OF HEALTH (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **Governing the Newborn Screening and Treatment Program**. The purpose of the proposed action is to (i) revise the regulations to include diseases of newborn infants as specified in § 32.1-65 of the Code of Virginia and (ii) clarify the critical time periods for submitting newborn screening tests in order to more accurately test

for diseases that are mandated.

Statutory Authority: § 32.1-12 and Article 7 of Chapter 2 of Title 32.1 of the Code of Virginia.

Written comments may be submitted until January 6, 1990.

Contact: J. Henry Hershey, M.D., M.P.H., Genetics Program Director, Department of Health, Division of Maternal and Child Health, James Madison Bldg., 109 Governor St., 6th Floor, Richmond, VA 23219, telephone (804) 786-7367 or SCATS 786-7367

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **Rules and Regulations Governing the Licensing of Commercial Blood Banks and Minimum Standards and Qualification for Noncommercial and Commercial Blood Banks**. The purpose of the proposed action is to update the 1980 regulations to reflect change in federal regulations, American Association of Blood Bank guidelines and current blood banking technology.

Statutory Authority: §§ 32.1-2, 32.1-12, 32.1-42 and 32.1-140 of the Code of Virginia.

Written comments may be submitted until January 8, 1990.

Contact: Dr. Martin A. Cader, Director, Division of Communicable Disease Control, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-6261 or SCATS 786-6261

LIBRARY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Library Board intends to consider amending regulations entitled: **Requirements Which Must be Met in Order to Receive Grants-In-Aid**. The purpose of the proposed action is to consider changes to the local minimum expenditure requirement and to other criteria libraries must meet in order to receive grant-in-aid.

Statutory Authority: § 42.1-52 of the Code of Virginia.

Written comments may be submitted until February 20, 1990.

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

General Notices/Errata

MARINE RESOURCES COMMISSION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Marine Resources Commission intends to consider amending regulations entitled: **Coastal Primary Sand Dunes/Beaches Guidelines**. The purpose of the proposed amendment is to implement the policy set forth in § 62.1-13.21 and to assist localities in the regulation of coastal primary sand dunes and beaches. The guidelines are also used by the public in evaluating the acceptability and consequences of proposed uses or development of these dunes and beaches.

Statutory Authority: § 62.1-13.24 of the Code of Virginia.

Written comments may be submitted until February 1, 1990.

Contact: Robert W. Grabb, Chief, Habitat Management Division, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **VR 480-05-9.2. Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines**. The purpose of the proposed action is to ensure the health and safety of underground coal miners in mines where diesel-powered equipment is used.

A public meeting is scheduled for December 19, 1989, in the Dalton-Cantrell Auditorium, Mountain Empire Community College, Big Stone Gap, Virginia.

Statutory Authority: §§ 45.1-1.3 and 45.1-104 of the Code of Virginia.

Written comments may be submitted until January 5, 1990.

Contact: Bill Edwards, Policy Analyst, Department of Mines Minerals and Energy, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-0330

DEPARTMENT OF PERSONNEL AND TRAINING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Personnel and Training intends to consider promulgating regulations entitled: **Guidelines for Public Participation in**

Regulation Development and Promulgation. The purpose of the proposed regulation is to establish Department of Personnel and Training guidelines for soliciting and incorporating public participation in the development and promulgation of regulations.

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code of Virginia.

Written comments may be submitted until March 9, 1990.

Contact: Anthony C. Graziano, Manager of State Benefits, Department of Personnel and Training, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2170

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations entitled: **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed regulation is to establish procedures for the Virginia Breeders' Fund, establish medication guidelines, and post-race testing procedures, and licensure of limited horse race meetings.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until February 1, 1990, to Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **Conversion of Anticipated Income to Monthly Amounts in the Food Stamp Program**. The purpose of the proposed action is to ensure that no household is denied food stamp benefits solely because of a method of calculating monthly income.

This policy is based on federal food stamp regulations contained at 7 CFR 273.10(c)(2)(i).

Statutory Authority: § 63.1-25.2 of the Code of Virginia.

Written comments may be submitted until January 17, 1990, to Guy Lusk, Director, Division of Benefit Programs,

Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-15-02. Virginia Water Protection Permit.** The purpose of the proposed action is to establish a Virginia Water Protection Permit for any activity requiring a Section 401 Certification under the Clean Water Act and for ensuring that the proposed activity is consistent with the provisions of the State Water Control Law and the Clean Water Act.

If adopted, these regulations will establish the Virginia Water Protection Permit and will impact any activity requiring a Section 401 Certification under the Clean Water Act. Applicable laws and regulations include the State Water Control Law; Procedural Rule No. 3; and Sections 301, 302, 303, 306, 307, and 401 of the Clean Water Act. A public meeting has been scheduled, see Calendar of Events section for additional information.

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

Written comments may be submitted until 5 p.m., January 12, 1990, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Chester C. Bigelow, Office of Water Resources, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6406

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-15-03. Surface Water Management Areas.** The purpose of the proposed regulation is to promulgate general regulations necessary for declaration of surface water management areas, and the permitting of water withdrawals, for areas where there is, in the judgment of the board, reason to believe that the conditions of § 62.1-246 of the Code of Virginia exist and the public welfare, health and safety require that regulatory efforts be initiated.

Regulations, if adopted, will establish the framework for declaration of surface water management areas which, if declared, would subject surface water withdrawals of 300,000 gallons or more per month for consumptive use to

permitting and reporting requirements. Applications law is § 62.1-242 et seq. of the Code of Virginia. A public meeting has been scheduled for 2 p.m., January 3, 1990. See Calendar of Events section for additional information.

Statutory Authority: § 62.1-242 et seq. of the Code of Virginia.

Written comments may be submitted until 5 p.m., January 12, 1990, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Joe Hassell, Office of Water Resources Management, State Water Control Board, 2111 N. Hamilton St., Richmond, VA 23230, telephone (804) 367-6435

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards.** The purpose of the proposed amendment is to conduct the review of water quality standards required by federal and state law every three years.

Possible changes to the standards have the potential to impact every VPDES permit holder in the Commonwealth. The range of impact varies from one of additional monitoring costs through upgrades to existing wastewater treatment facilities. Applicable laws and regulations include the State Water Control Law, Permit Regulation (VR 680-14-01), Policy for Nutrient Enriched Waters (VR 680-14-02), Toxics Management Regulation (VR 680-14-03), and Sections 303(c)(2)(B) and 307(a) of the Clean Water Act. Public meetings have been scheduled. See Calendar of Events section for additional information.

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

Written comments may be submitted until 4 p.m., January 12, 1990.

Contact: Eleanore Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418

GENERAL NOTICES

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Notice to the Public of Proposed Regulation Action and Notice of Public Regulatory Development Meeting

Pursuant to the Public Participation guidelines contained in VR 125-01-1 § 5.1, the board intends to consider proposals to amend the regulations as set forth below and

General Notices/Errata

will conduct a public meeting on such proposal as indicated below:

1. VR 125-01-6 § 6 - Wine and beer importer licensees; conditions for issuance and renewal.

a. **Subject of Proposal** - To require all persons applying for the issuance or renewal of a wine or beer importer's license to file written acknowledgments by brand owners that any wholesale licensees which have been or are later supplied with its brands, either directly or indirectly, are appointed as designated distributors of the brand owner for purposes of the Virginia Beer Franchise Act or the Virginia Wine Franchise Act.

b. **Entities Affected** - Manufacturers, importers, and wholesalers of wine and beer.

c. **Purpose of Proposal** - To eliminate the controversy, uncertainty and potential litigation under the Virginia Beer Franchise Act and the Virginia Wine Franchise Act which have frequently arisen in the past whenever the brand owners of beer or wine sold in Virginia choose to conduct business with Virginia wholesale licensees through third parties, and through acknowledgments and disclosures, to identify and establish the business, agency and commercial relationships between manufacturers, importers and wholesalers of wine and beer.

d. **Issues Involved** - Whether brand owners who have chosen to conduct business with Virginia wholesale licensees through third parties are obligated to comply with the provisions of the Virginia Beer Franchise Act or the Virginia Wine Franchise Act.

e. **Applicable Laws or Regulations** - §§ 4-7(b) and (l), 4-11, 4-25(e), 4-118.3 - 4-118.20:1 and 4-118.42 - 4-118.61 of the Code of Virginia.

f. **Submitted By:** Virginia Beer Wholesalers Association, Inc.

2. Regulations are adopted by the board pursuant to authority contained in §§ 4-7(l), 4-11(a), 4-98.14, 4-103(b) and 9-6.14:1 et seq. of Title 9 of the Code of Virginia.

3. The board requests that all persons interested in the above described subject please submit comments in writing by 10 a.m. January 17, 1990, to Robert N. Swinson, P. O. Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

4. The board will hold a public meeting and receive the comments or suggestions of the public on the above subject. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on January 17, 1990.

5. Regarding the proposal as set forth above, all

references to existing regulations that may be the subject of amendment or repeal, all references to proposed numbers for new regulations or to applicable laws or regulations are for purposes of information and guidance only, and are not to be considered as the only regulations or laws that may be involved or affected when developing draft language to carry out the purposes of any proposal. This notice is designed, primarily, to set forth the subject matter and objectives of each proposal. In developing draft language, it may be necessary to amend or repeal a number or existing regulations and/or adopt new regulations as may be deemed necessary by the board, and the references set forth above are not intended to be all inclusive.

6. Contact Robert N. Swinson, if you have questions, at the above address or by phone at (804) 367-0616.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

† Notice

In accord with the Anti-Drug Abuse Act of 1988 (Public Law 100-690, Title VI, Subtitle C) the Department of Criminal Justice Services intends to submit an application for federal funds to the Bureau of Justice Assistance, U.S. Department of Justice.

The application will be submitted to the Bureau no later than January 19, 1990, and will request \$9,207,000 in federal funds, which is Virginia's allocation for federal fiscal year 1990 under the Drug Control and System Improvement Formula Grant Program.

In addition to the Standard Form 424, "Application For Federal Assistance," the application contains a statewide drug and violent crime strategy which analyzes the state's drug and violent crime problems, identifies needs and priorities, and indicates proposed ways for using the federal grant funds to address the needs and priorities.

The application will be available for review and comment on or after January 18, 1990. Single copies may be obtained by contacting Joseph R. Marshall, Programs Coordinator, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219; telephone (804) 786-1577.

DEPARTMENT OF GENERAL SERVICES

† Division of Consolidated Laboratory Services

Title of Regulation: VR 330-02-01. Regulations for Breath Alcohol Testing.

Statutory Authority: §§ 18.2-267 and 18.2-268 of the Code of Virginia.

In accordance with § 3.2 of the Regulations for Breath

Alcohol Testing and under the authority of § 18.2-167 of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

1. The ALCOLYSER, manufactured by Lion Laboratories, Ltd., Cardiff, Wales, Great Britain.
2. The A.L.E.R.T. (Alcohol Level Evaluation Road Tester), Models J2A, J3A, & J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, MI.
3. The ALCO-SENSOR, ALCO-SENSOR II and ALCO-SENSOR III, manufactured by Intoximeters, Inc., St. Louis, MO.
4. The CMI SD 2, manufactured by Lyons, Laboratories, Barry, United Kingdom.

In accordance with § 2.7 of the Regulation for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following ampuls are approved for use in conducting breath tests on approved breath test devices:

1. Breathalyzer ampuls, manufactured by National Draeger, Inc., Pittsburgh, Pennsylvania.
2. Tru-Test ampuls, manufactured by Systems Innovation, Inc., Hallstead, Pennsylvania.
3. Guth ampuls, manufactured by Guth Laboratories, Inc., Harrisburg, Pennsylvania.

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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, 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 at the above address.

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-17. Emergency Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases.

Publication: 6:5 VA.R. 778 December 4, 1989

Correction to the Emergency Regulation:

Page 778, Under the definition of "Exotic Newcastle disease," the expression "(NDU)" should read "(NDV)."

Title of Regulation: VR 115-02-18. Emergency Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

Publication: 6:5 VA.R. 781 December 4, 1989

Page 781, a line has been dropped from § 3 C 2. In line 5, after the word "incinerator," the following words have been omitted, and need to be inserted: "for the disposal of dead poultry unless it is constructed..."

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Title of Regulation: Regulations Relating to Criminal History Record Information.

Publication: 6:4 VA.R. 520 November 20, 1989

Correction to the Final Regulation:

Page 529, D 2, line 1, should read "The director or his..."

Page 531, A 1, line 3, should read "...either the chief of police..."

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-50-8901. Virginia Commercial Driver's License Regulations.

Publication: 6:4 VA.R. 626 November 20, 1989

Correction to the Final Regulation:

Page 631, § 5.9 B 2 should read "...which the third party tester and third party examiner..."

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA BOATING ADVISORY BOARD

January 11, 1990 - 10:30 a.m. – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia

A meeting to review and take action on issues, legislation and regulations affecting Virginia's recreational boating public.

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

CHESAPEAKE BAY COMMISSION

† January 4, 1990 - 10:30 a.m. – Open Meeting
† January 5, 1990 - 9 a.m. – Open Meeting
Radisson Annapolis Hotel, 126 West Street, Annapolis, Maryland

A quarterly meeting of the commission. Agenda items will include compliance of point sources in the Bay region, anticipated state and federal legislation for the 1990 legislative sessions, and election of commission officers.

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 4, 1990 - 5:30 p.m. – Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☒

The committee will meet to discuss the requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Dept., P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† January 11, 1990 - 9 a.m. – Open Meeting
† February 8, 1990 - 9 a.m. – Open Meeting
† March 8, 1990 - 9 a.m. – Open Meeting
Koger Executive Center, West End, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns and programs that impact licensed child care centers. A public comment period is scheduled at 9 a.m.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT FOR CHILDREN

State-Level Runaway Youth Services Network

January 18, 1990 - 10:30 a.m. – Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3056, Richmond, Virginia. ☒

A regular business meeting open to the public.

Contact: Martha Frickert, Human Resources Developer, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

† January 19, 1990 - 8:30 a.m. - Open Meeting
† February 16, 1990 - 8:30 a.m. - Open Meeting
† March 16, 1990 - 8:30 a.m. - Open Meeting
Office of the Coordinator, Interdepartmental Licensure and
Certification, 1603 Santa Rosa Drive, Tyler Building, Suite
210, Richmond, Virginia. ☒

A regularly scheduled meeting to consider such
administrative and policy issues as may be presented
to the committee. A period for public comment is
provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental
Licensure and Certification, Office of the Coordinator, 8007
Discovery Dr., Richmond, VA 23229-8699, telephone (804)
662-7124

BOARD OF COMMERCE

February 1, 1990 - 11 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th
Floor, Conference Room 1, Richmond, Virginia. ☒

A regular quarterly meeting of the board. The director
will report on legislation under consideration by the
General Assembly that would affect the regulatory
operations of the Department of Commerce.

Contact: Alvin D. Whitley, Policy Analyst, Director's Office,
Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230-4917, telephone (804) 367-8564, toll-free
1-800-552-3016 or SCATS 367-8519

DEPARTMENT OF COMMERCE

January 10, 1990 - 10 a.m. - Public Hearing
Department of Commerce, 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 Department of
Commerce intends to amend regulations entitled: **VR
190-05-01. Asbestos Licensing Regulations.** The
amendments to the Virginia Asbestos Licensing
Regulations include RFS contractor licensure
requirements, qualifications for inspector and
management planner license, contractor notification
requirements and revisions of license application
procedures.

Statutory Authority: § 54.1-500 et seq. of the Code of
Virginia.

Written comments may be submitted until January 19,

1990.

Contact: Peggy J. Wood, Assistant Director, Department of
Commerce, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8595

BOARD FOR COMMERCIAL DRIVER EDUCATION SCHOOLS

† January 19, 1990 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

An open board meeting to conduct regulatory review
and routine board business.

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

DEPARTMENT OF CONSERVATION AND RECREATION

Outdoor Recreation Advisory Board

† January 12, 1990 - 9:30 a.m. - Open Meeting
Maymont Park Assembly Hall, 1700 Hampton Street,
Richmond, Virginia. ☒

A meeting to review statewide recreation matters.

Contact: Art Buehler, Director, Division of Planning and
Recreation Resources, Department of Conservation and
Recreation, 203 Governor St., Suite 326, Richmond, VA
23219, telephone (804) 786-5046 or 786-2121/TDD ☒

BOARD FOR COSMETOLOGY

February 18, 1990 - Written comments may be submitted
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board for
Cosmetology intends to amend regulations entitled: **VR
235-01-02. Board for Cosmetology Regulations.** The
regulation reestablishes a requirement for the
cosmetology schools to report the number of hours
and performances of a student upon termination for
any reason.

Statutory Authority: § 54.1-201 5 of the Code of Virginia.

Written comments may be submitted until February 18,
1990.

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)

Calendar of Events

CRIMINAL JUSTICE SERVICES BOARD

† **January 10, 1990 - 11 a.m. - Open Meeting**
J. W. Marriott Hotel, 500 East Broad Street, Richmond,
Virginia. ☐

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

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† **April 4, 1990 - 9:30 a.m. - Public Hearing**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers.** The proposed rules set forth optimum tasks and the minimum acceptable level of proficiency for entry level jailors, custodial officers, courtroom security officers and process service officers.

STATEMENT

Purpose: The purpose of this regulation is to amend existing minimum training standards for the categories of jailor, courtroom security officer and process service officer based upon the results of a job task analysis conducted to ascertain tasks performed by entry level officers. Such standards serve to assure competency of persons performing such tasks and protect clientele served.

Estimated impact:

a. Number and types of regulated entities affected:

All sheriffs departments and regional jail complexes who employ personnel to perform the functions indicated are affected.

b. Projected cost to regulated entities for implementation and compliance:

Anticipated changes in training requirements are expected to produce minimal costs to affected agencies. Any additional cost will be absorbed by affected entities. Compulsory minimum training standards are currently in effect. Amendments to such standards are for the purpose of assuring appropriateness of training required.

c. Projected cost to agency for implementation and

enforcement:

(1) Costs incurred by the Department of Criminal Justice Services for implementation are primarily for printing, mailing and complying with the provisions of the Administrative Process Act, applicable Executive Orders and the Department's Public Participation Guidelines. Implementation cost to the agency is not expected to exceed \$3,000.

(2) Compliance and monitoring activities are currently being conducted with existing resources. Compliance and monitoring activities associated with the amended rules will be handled in the same manner as currently being conducted. It is anticipated that the current cost for compliance and monitoring will not be affected.

d. Source of funds:

Funds for the administration of this program are provided from the general fund appropriation to this agency.

Explanation of need and potential consequences that may result in the absence of these regulations:

These regulations are necessary to ensure that individuals providing services as jailors or custodial officers, courtroom security officers or process service officers are competent and understand legal requirements in the performance of assigned duties as well as the knowledge, skills and abilities necessary in order to perform such functions.

Impact on small business:

These regulations affect public law-enforcement agencies and do not have an adverse impact on small business. The regulations pertain to employees of governmental agencies and training provided by academies which are wholly operated by a governmental agency or whose board of directors is comprised by governmental agency personnel.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 5, 1990, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

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† **April 4, 1990 - 9:30 a.m. - Public Hearing**
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice

Calendar of Events

Services Board intends to amend regulations entitled: **VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.** The proposed amendments revise qualifications, requirements and minimum standards for the certification and recertification of criminal justice instructors.

STATEMENT

Purpose: The purpose of this regulation is to mandate rules relating to criminal justice instructors to ensure that the promulgated compulsory minimum training standards are conferred by competent and professional individuals.

Estimated impact:

a. Number and type of regulated entities affected:

Within the Commonwealth, 22,000 active officers are required to comply with rules relating to minimum training requirements promulgated by the Criminal Justice Services Board. Annually, over 12,000 officers receive training. Approximately 4,000 certified criminal justice instructors are responsible for the delivery of mandated schools throughout the Commonwealth.

b. Projected cost to regulated entities for implementation and compliance:

Anticipated changes in training requirements are expected to produce minimal costs to affected agencies. Any additional cost will be absorbed by affected entities. Compulsory minimum training standards are currently in effect. Amendments to such standards are for the purposes of assuring appropriateness of training required.

c. Projected cost to agency for implementation and enforcement:

(1) Costs incurred by the Department of Criminal Justice Services for implementation are primarily for printing, mailing and complying with the provisions of the Administrative Process Act, applicable Executive Orders and the Department's Public Participation Guidelines. Implementation cost to the agency is not expected to exceed \$3,000.

(2) Compliance and monitoring activities are currently being conducted with existing resources. Compliance and monitoring activities associated with the amended rules will be handled in the same manner as currently being conducted. It is anticipated that the current cost for compliance and monitoring will not be affected.

Explanation of need and potential consequences that may result in the absence of these regulations:

These regulations are needed to continue to provide guidelines and training standards to those individuals responsible for the delivery of training promulgated by

the Criminal Justice Services Board. Criminal justice instructors are required to be knowledgeable and keenly aware of the optimum instructional methodology and the criticality of their role in imparting knowledge and skills to law-enforcement officers. Without these regulations, the ability of law-enforcement officers to master the skills necessary to provide for the protection of the public safety would be severely limited.

Impact on small business:

These regulations affect public law-enforcement agencies and do not have an adverse impact on small business. The regulations pertain to employees of governmental agencies and training provided by academies which are wholly operated by a governmental agency or whose board of directors is comprised by governmental agency personnel.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 5, 1990, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

Committee on Training

† **January 10, 1990 - 9:30 a.m.** – Open Meeting
J. W. Marriott Hotel, 500 East Broad Street, 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

DAN RIVER ASAP POLICY BOARD

† **January 10, 1990 - 6:30 p.m.** – Open Meeting
Mackies Restaurant, U.S. Highway 220, Collinsville, Virginia. ☒

Policy board will meet to conduct the general business of the Dan River ASAP and such other business as may be brought before the board.

Contact: Robert N. Rangeley, Executive Director, Dan River ASAP, 530 Main St., 2nd Floor, Danville, VA 24541, telephone (804) 791-3939

BOARD OF EDUCATION

January 11, 1990 - 8 a.m. – Open Meeting

Calendar of Events

January 12, 1990 - 8 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold regularly scheduled meetings. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Margaret Roberts, Community Relations Office, Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540

DEPARTMENT OF EDUCATION (BOARD OF)

February 5, 1990 - 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 Board of Education intends to repeal existing regulations and promulgate new regulations entitled: **VR 270-01-0033. Regulations Governing Driver Education.** The current Board of Education Regulations need to be clarified in the Code of Virginia to specify what is a "standardized program of driver education for public and nonpublic schools" and for commercial schools, how "comparable content and quality" is defined.

Statutory Authority: § 22.1-205 of the Code of Virginia.

Written comments may be submitted until February 5, 1990.

Contact: Jeane L. Bentley, Associate Director, Health, Physical Education and Driver Education, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2866

VIRGINIA EMPLOYMENT COMMISSION

January 3, 1990 - 10 a.m. - Public Hearing
Virginia Employment Commission, 703 East Main Street, Administrative Office Courtroom, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-3. Virginia Employment Commission Regulations and General Rules - Benefits.** The regulations are being amended to provide guidance for the processing of claims for unemployment compensation in the areas of total and part-total unemployment, partial unemployment, interstate claims, combined wage claims, and miscellaneous benefit provisions.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until December 26, 1989.

Contact: Joseph L. Hayes, Manager Administration/Appeals, 703 E. Main St., Room 302, Richmond, VA 23211, telephone (804) 786-7554

VIRGINIA FARMERS' MARKET BOARD

† **January 18, 1990 - 1 p.m. - Open Meeting**
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ☒

A board meeting.

Contact: Nancy L. Israel, Farmers' Market Network Program Director, 1100 Bank St., Washington Bldg., Room 1002, Richmond, VA 23219, telephone (804) 371-6157

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

January 10, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia

A general board meeting. Emergency preneed regulations and proposed regulations may be discussed.

January 9, 1990 - 3 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia

Informal fact-finding conferences.

† **February 6, 1990 - 9 a.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

9 a.m. - Examination session

1 p.m. - General board meeting and discussion of proposed regulations and preneed regulations

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

January 11, 1990 - 11 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The following committees of the board will meet on January 11, 1990, beginning at 11 a.m. to discuss administration and related matters as appropriate to each committee, which will be reported to the full board at its meeting on Friday, January 12, 1990.

Calendar of Events

Planning Committee - 11 a.m.
Finance Committee - 1:30 p.m.
Wildlife and Boat Committee - 3:30 p.m.
Law and Education - 4:30 p.m.

January 12, 1990 - 10 a.m. - Open Meeting
Department of Game and Inland Fisheries, 4010 West
Broad Street, Richmond, Virginia. ☐

The board will consider general administrative matters. Committee reports will be given. Action will be taken on proposed regulations, VR 325-2-1, Hunting with Crossbows and VR 325-03-2 Jackson River Trout Regulations.

Contact: Nancy B. Dowdy, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000 or toll-free 1-800-237-5712 (Hotline)

DEPARTMENT OF GAME AND INLAND FISHERIES

January 12, 1990 - 10 a.m. - Public Hearing
Department of Game and Inland Fisheries, 4010 West
Broad Street, Richmond, Virginia

A public hearing on the advisability of adopting, or amending and adopting, proposed regulations, or any part thereof.

Contact: Nancy B. Dowdy, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **January 5, 1990 - 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 General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects, P. O. Box 1817, Newport News, VA 23601, telephone (804) 687-8030

GLOUCESTER LOCAL EMERGENCY PLANNING COMMITTEE

January 24, 1990 - 6:30 p.m. - Open Meeting
Old Colonial Courthouse, Court Green, Main Street,
Gloucester, Virginia. ☐

The Gloucester LEPC will hold its winter quarterly

meeting with an agenda set to include:

Selection of officers and committee chairpersons, and development of training and exercise scenario timetables for 1990.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042

HANOVER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **January 30, 1990 - 9 a.m. - Open Meeting**
Hanover County Fire Company #5, Route 1004, Hanover,
Virginia

A meeting to (i) nominate a chairperson for LEPC; (ii) conduct LEPC update; and (iii) receive public comment.

Contact: John F. Trivellin, Hazardous Materials Coordinator, P. O. Box 470, Hanover, VA 23069, telephone (804) 798-8535 or 730-6195

DEPARTMENT OF HEALTH (STATE BOARD OF)

January 6, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-11-02.02. Regulations Governing the Newborn Screening and Treatment Program.** The rules and regulations governing the newborn screening and treatment program have been revised and amended to include genetic, metabolic, and other diseases of the newborn as specified in §§ 33.1-12 and 32.1-65 et seq. of the Code of Virginia. They specifically clarify the critical time periods for submitting newborn screening tests in an effort to more accurately screen and diagnose newborn diseases.

Statutory Authority: § 32.1-12 and Article 7 (§ 32.1-65 et seq.) of Chapter 2 of the Code of Virginia.

Written comments may be submitted until January 6, 1990.

Contact: J. Henry Hershey, M.D., M.P.H., Genetics Director, Maternal and Child Health, 109 Governor St., 6th Floor, Richmond, VA 23219, telephone (804) 786-7367, SCATS 786-7367

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January 5, 1990 - Written comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **VR 355-12-02. State Plan for the Provision of Children's Specialty Services.** The proposed plan will revise the present State Plan of May 1, 1987. The proposals include clarification of covered services, the setting of eligibility resources, limitation for patients receiving large awards through litigation, modified eligibility criteria and addition of Child Development Services Program.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Written comments may be submitted until January 5, 1990.

Contact: Nancy R. Bullock, R.N., Nurse Consultant, Children's Specialty Services, Virginia Department of Health, 109 Governor St., 6th Floor, Richmond, VA 23219, telephone (804) 786-3691, SCATS 786-3691

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January 8, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-27-01.01. Regulations Governing the Licensing of Commercial Blood Banks and Minimum Standards and Qualifications for Noncommercial and Commercial Blood Banks.** These regulations define the licensure standards and procedures for commercial and noncommercial blood banks.

Statutory Authority: §§ 32.1-12 and 32.1-140 of the Code of Virginia.

Written comments may be submitted until January 8, 1990.

Contact: A. Martin Cader, M.D., Director, Division of Communicable Disease Control, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-6261

VIRGINIA HEALTH PLANNING BOARD

January 8, 1990 - 9 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 Virginia Health Planning Board intends to adopt regulations entitled: **VR 359-01-01. Guidelines for Public Participation in Developing Regulations.** This regulation sets forth the mechanism by which interested parties may assist the Virginia Health Planning board in developing its

regulations.

Statutory Authority: § 32.1-122.02 of the Code of Virginia.

Written comments may be submitted until January 9, 1990.

Contact: John P. English, Health Planning Consultant, Department of Health, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-4891

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January 8, 1990 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Planning Board intends to adopt regulations entitled: **VR 359-02-01. Regulations for Designating Health Planning Regions.** This regulation establishes the process for designating health planning regions and sets forth the characteristics required as a condition of such designations.

Statutory Authority: § 32.1-122.02 of the Code of Virginia.

Written comments may be submitted until January 9, 1990.

Contact: John P. English, Health Planning Consultant, Department of Health, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-4891

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January 8, 1990 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Planning Board intends to adopt regulations entitled: **VR 359-02-02. Regulations Governing the Regional Health Plannings Boards.** This regulation establishes the required characteristics of a regional health planning board.

Statutory Authority: § 32.1-122.02 of the Code of Virginia.

Written comments may be submitted until January 9, 1990.

Contact: John P. English, Health Planning Consultant, Department of Health, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-4891

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January 8, 1990 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Planning Board intends to adopt regulations entitled: **VR 359-02-03. Regulations for Designating Regional Health Planning Agencies.** This regulation establishes the process for designating regional health planning agencies and sets forth the characteristics that are required for such designation.

Statutory Authority: § 32.1-122.02 of the Code of Virginia.

Written comments may be submitted until January 9, 1990.

Contact: John P. English, Health Planning Consultant, Department of Health, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-4891

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January 8, 1990 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Planning Board intends to adopt regulations entitled: **VR 359-03-01. Administration of State Funding for Regional Health Planning.** This regulation establishes the administrative rules for distributing state funds appropriated for regional health planning.

Statutory Authority: §§ 32.1-122.02 and 32.1-122.06 of the Code of Virginia.

Written comments may be submitted until January 9, 1990.

Contact: John P. English, Health Planning Consultant, Department of Health, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-4891

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **January 23, 1990 - 9:30 a.m. - Open Meeting**
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

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† **March 7, 1990 - 10 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 Virginia 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.** These amendments will bring nursing homes under the financial reporting requirements of the council and require an audited consolidated financial statement from each hospital that reports to the council or any corporation that controls a hospital.

STATEMENT

Basis and authority: Section 9-164(2) of the Code of Virginia provides that the council shall "from time to time make such rules and regulations as may be necessary to carry out its responsibilities."

Summary: The rules and regulations are being amended to reflect the statutory changes described below.

Section 9-156 of the Code of Virginia defines a "Health care institution" and later specifies that all such institutions must submit certain financial filings of the council. The definition of a "health care institution" was amended by the 1989 session of the Virginia General Assembly to include nursing homes or certified nursing facilities.

Section 9-157 was amended to enlarge the composition of the council to include nursing home representatives and the Director of the Department of Medical Assistance Services.

Section 9-157.1 was added to indicate that the Governor would now appoint the executive director of the council and to list the executive director's powers.

Section 9-160(3) was amended to require that each hospital that reports to the council, or any corporation which controls a hospital that reports to the council shall submit an audited consolidated financial statement to the council, including information on all of such corporation's affiliates.

Analysis: These amendments are consistent with the council's authority to undertake financial analysis and studies of health care institutions as required by law.

There are two major changes. First, nursing homes and certified nursing facilities must now submit filings to the council. Second, hospitals will submit audited consolidated financial statements which will be included in the Commercial Diversification Survey issued in December of each year by the council.

Estimated impact: The proposed changes will provide information that is needed by the council and legislators/policymakers for determining whether health care institutions, including nursing homes, are unfairly competing in the health care marketplace.

The new legislation requires the nursing homes or

Calendar of Events

certified nursing facilities to file the required information. In addition, § 9-159(A)(3) requires that a certified audited statement of income and expenses be filed by each home. It is estimated that the cost for such a statement is between \$7,000 and \$10,000. This additional cost will be reimbursed to a great extent by Medicaid payments. However, those facilities that do not accept Medicaid patients, or do not receive public moneys will have to absorb this additional expense. Since the council, pursuant to statute, also assesses fees to institutions which file, any additional costs to the council will be absorbed by those assessments.

Statutory Authority: § 9-169 of the Code of Virginia.

Written comments may be submitted until 3 p.m., March 5, 1990.

Contact: G. Edward Dalton, Deputy Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371

BOARD FOR HEARING AID SPECIALISTS

† January 8, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

An open board meeting to (i) administer examinations; (ii) review enforcement cases; (iii) sign certificates; and (iv) consider matters which require board action.

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

STATE COUNCIL OF HIGHER EDUCATION

January 3, 1990 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor,
Richmond, Virginia. ☒

A monthly meeting. Agenda available upon request.

Contact: Dr. Barry M. Dorsey, Associate Director, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2632

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

† January 18, 1990 - 9 a.m. - Open Meeting
205 North Fourth Street, 7th Floor Conference Room,
Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and

inspection of amusement devices adopted by the Board of Housing and Community Development.

Contact: Jack A. Proctor, CPCA, Deputy Director, Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219-1747, telephone (804) 786-4752 or (804) 786-5405/TDD ☒

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

January 12, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

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

Written comments may be submitted until January 12, 1990.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

† January 16, 1990 - 10 a.m. - Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve proposed amendments to the Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the board 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, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

COUNCIL ON HUMAN RIGHTS

March 28, 1990 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, 1st Floor,
Richmond, Virginia. ☒

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Council on Human Rights intends to adopt regulations entitled: **VR 402-01-02. Regulations to Safeguard Virginia's Human Rights From Unlawful Discrimination.** The purpose of these regulations is to supplement the Virginia Human Rights Act (§ 2.1-714 et seq.) which safeguards all individuals within the Commonwealth from unlawful discrimination.

Statutory Authority: § 2.1-720.6 of the Code of Virginia.

Written comments may be submitted until February 18, 1990, to Sandra D. Norman, P.O. Box 717, Richmond, Virginia 23206.

Contact: Lawrence J. Dark, Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2292 or toll-free 1-800-633-5510

LIBRARY BOARD

January 18, 1990 - 9:30 a.m. - Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

* * * * *

February 4, 1990 - 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 Library Board intends to adopt regulations entitled: **VR 440-01-149.2. Certification of Librarians.** The purpose of this regulation is to establish qualifications for certification of professional librarians in certain public libraries and establish fees.

Statutory Authority: § 42.1-15.1 of the Code of Virginia.

Written comments may be submitted until February 4, 1990.

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

Executive Committee

† **February 5, 1990 - 10 a.m. - Open Meeting**
Virginia State Library and Archives, 11th Street at Capitol

Square, 2nd Floor, State Librarian's Office, Richmond, Virginia. ☒

A conference call meeting to enact final regulations regarding the Certification of Librarians (VR 440-01-149.2). Additional conference call locations are the offices of:

Mr. John W. A. Parsons, Chairman
National Commission on Libraries &
Information Science
1111 18th Street, N.W.
Suite 302
Washington, D.C. 20036
(202) 254-5100

and

Mr. Robert C. Nusbaum, Vice-Chairman
1700 Dominion Tower
P. O. Box 3460
Norfolk, VA 23514
(804) 622-3366

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

January 8, 1990 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia

A regular meeting of the commission to consider such matters as may be presented.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Bldg., 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

January 19, 1990 - noon - Open Meeting
January 20, 1990 - noon - Open Meeting
Richmond Omni Hotel, Richmond, Virginia. ☒

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001

STATE LOTTERY BOARD

† **January 24, 1990 - 10 a.m. - Open Meeting**
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

Calendar of Events

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

MARINE RESOURCES COMMISSION

† **January 23, 1990 - 9:30 a.m.** – Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒

The commission will meet to hear and decide cases on fishing licensing, oyster ground leasing, environmental permits in wetlands bottomlands, coastal sand dunes and beaches. The commission 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 five days.

Contact: Sandra S. Schmidt, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

† **January 17, 1990 - 9 a.m.** – Open Meeting
City Hall, 301 King Street, Room 3000, Alexandria (Old Town), Virginia. ☒

An open meeting to discuss the 1990 budget and other business pertinent to the board.

Contact: Jacqueline M. Fritz, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA, telephone (804) 786-7958

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **January 9, 1990 - 2 p.m.** – Open Meeting
Hyatt Hotel, I-64 - West Broad, Richmond, Virginia. ☒

Presentation by Dr. C.M.G. Buttery, Commissioner, Department of Health, "Five Point Plan for Primary Health Care."

Discussion by board members on the mission and future direction of the board.

Contact: Marsha Linkous, Administrative Staff Specialist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099

BOARD OF MEDICINE

Ad Hoc Committee on Optometry

February 2, 1990 - 1 p.m. – Open Meeting
NOTE: CHANGE IN MEETING TIME
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

The committee will review and discuss the post graduate training programs and the development of an examination for certification of optometrists to treat certain diseases of the human eye with certain therapeutic pharmaceutical agents, and other items which may come before the committee.

Chiropractic Examination Committee

January 18, 1990 - 1:30 p.m. – Executive Session
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 2, Richmond, Virginia. ☒

The committee will meet in executive session to develop test questions for the June 1990 Chiropractic Examination.

Executive Committee

February 2, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

The committee will meet in open session to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

Legislative Committee

January 19, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 1, Surry Building, 2nd Floor, Richmond, Virginia. ☒

The committee will meet to review and respond to public comments received in response to proposed regulations VR 465-05-01, Physician's Assistants; VR 465-07-01, Certification of Optometrists; proposed

amendments to VR 465-03-01, Practice of Physical Therapy; and other matters which may be presented for discussion and consideration for recommendations to the full board.

Advisory Board on Occupational Therapy

January 12, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

A meeting to review the Administrative Process Act and the Freedom of Information Act and to develop bylaws for conducting business.

Advisory Board on Physical Therapy

January 26, 1990 - 9 a.m. - Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Section D/Ballroom, Richmond, Virginia. ☒

A meeting to review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the board.

Advisory Board on Physician's Assistants

February 2, 1990 - 2:30 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review public comments received on proposed regulations VR 465-04-01 and prepare a report for the full board in March, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 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 24, 1990 - 9:30 a.m. - Open Meeting**
Henrico Area Community Services Board, Richmond, Virginia. ☒

A regular monthly meeting. Agenda to be published on January 17 and may be obtained by calling Jane Helfrich.

Tuesday evening - Committee meeting 6 p.m., Informal session 8:30 p.m.
Wednesday - Legislative breakfast 7:30 a.m., Regular session 9:30 a.m. See agenda for location.

Contact: Jane Helfrich, Board Administrator, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921

Mental Health Advisory Council

† **January 12, 1990 - 10 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, 13th Floor, Richmond, Virginia. ☒

A meeting to provide input on mental health issues to the state board.

Contact: Leslie S. Tremaine, Director, Office of Mental Health, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-2991

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† **January 12, 1990 - 9 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A regular meeting of the committee to discuss business relating to human rights issues. Agenda items are listed prior to the meeting.

Contact: Elsie D. Little, State Human Rights Director, Office of Human Rights, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988

Virginia Interagency Coordinating Council

January 10, 1990 - 10 a.m. - Open Meeting
Koger Center Office Complex, Department of Social Services, 8007 Discovery Drive, 2nd Floor, Conference Rooms A and B, Blair Building, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting of the council according to P.L. 99-457, Part H early intervention program for disabled infants and toddlers and their families is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services, as lead agency, to develop and implement a statewide interagency early intervention program.

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

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

† **January 27, 1990 - 9 a.m. - Open Meeting**
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

Calendar of Events

A meeting to include reports from the executive, finance, development, education and exhibits, marketing, personnel, planning/facilities, and research and collections committees.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8600, SCATS 857-6950/6951 or (703) 666-8638/TDD ☎

BOARD OF NURSING

† **January 5, 1990 - 10 a.m.** – Open Meeting
Hampton University School of Nursing, Conference Room 131, Hampton, Virginia. ☒ (Interpreter for deaf provided if requested)

† **January 12, 1990 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909

BOARD OF NURSING HOME ADMINISTRATORS

† **January 17, 1990 - 9 a.m.** – Open Meeting
† **January 18, 1990 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to draft proposed regulations for nursing home administrators.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111

DEPARTMENT OF PERSONNEL AND TRAINING

January 16, 1990 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Personnel and Training intends to adopt regulations entitled: **VR 525-01-02. Commonwealth of Virginia Health Benefits Program.**

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code

of Virginia.

Written comments may be submitted until February 20, 1990.

Contact: Anthony C. Graziano, Manager of State Benefits, Department of Personnel and Training, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2170

VIRGINIA PESTICIDE CONTROL BOARD

† **January 11, 1990 - 1 p.m.** – Open Meeting
† **January 12, 1990 - 9 a.m.** – Open Meeting
Sheraton Park South, Moorefield Office Park, 9901 Midlothian Turnpike, Ampthill-Castlewood Rooms, Richmond, Virginia. ☒

The committees of the board will meet on January 11 to consider draft regulations and make recommendations to the board on January 12. Other items necessary for board attention will also be considered.

Licensing, Fees and Financial Responsibility Committee

† **January 2, 1990 - 9 a.m.** – Open Meeting
Perma Treat Inc., 505 Lafayette Boulevard, Fredericksburg, Virginia

A meeting to complete the review of draft regulations pertaining to fees, business licenses and other issues to be considered by this committee for reporting to the Pesticide Control Board.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, P.O. Box 1163, Room 403, 1100 Bank St., Richmond, VA 23209, telephone (804) 786-3523

VIRGINIA PORK INDUSTRY BOARD

† **January 10, 1990 - 2:30 p.m.** – Open Meeting
Fort Magruder Inn, Williamsburg, Virginia

Chairman Hugh French has called the next scheduled quarterly meeting for the Virginia Pork Industry Board to discuss general business.

Contact: John H. Parker, Program Director, 1100 Bank St., Room 1006, Richmond, VA 23219, telephone (804) 786-7092

VIRGINIA RACING COMMISSION

January 20, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing

Commission intends to adopt regulations entitled: **VR 662-01-02. Regulations Pertaining to Horse Racing with Pari-mutuel Wagering.**

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until January 20, 1990, to Donald Price, Executive Secretary, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

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January 18, 1990 - 9:30 a.m. – Public Hearing
VSRS Building, 1204 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to amend regulations entitled: **VR 662-01-02. Regulation Pertaining to Horse Racing with Pari-Mutuel Wagering.** The purpose of the proposed amendment is to request approval of racing days, transfer and acquisition of an interest in a license, appeals of licensing decisions, pari-mutuel wagering, and purse distribution.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until February 19, 1990, to Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

BOARD OF REHABILITATIVE SERVICES

January 25, 1990 - 9:30 a.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Finance Committee

January 24, 1990 - 2 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review monthly financial reports and budgetary projections.

Legislation and Evaluation Committee

January 24, 1990 - 4 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review pending federal and state legislation and develop criteria for evaluation of department programs.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

Program Committee

† **January 3, 1990 - 10 a.m. – Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review regulations.

Contact: Alison Harris, Administrative Staff Specialist, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318 or toll-free 1-800-552-5019

January 24, 1990 - 3 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review vocational rehabilitation regulation proposals and explore options for developing amendments to current VR regulations.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

STATE BOARD OF SOCIAL SERVICES

January 17, 1990 - 2 p.m. – Open Meeting
January 18, 1990 - 9 a.m. – Open Meeting (If Necessary)
February 14, 1990 - 2 p.m. – Open Meeting
February 15, 1990 - 9 a.m. – Open Meeting (If Necessary)
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

January 20, 1990 – 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 State Board of Social Services intends to amend regulations entitled: **VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.** The proposed amendment deletes language giving final authority to the local social services agency for decisions regarding conditions that could shorten the period of ineligibility established due to the receipt of a lump sum.

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

Written comments may be submitted until January 20, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

BOARD OF SOCIAL WORK

January 12, 1990 - 8:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; (iv) discuss emergency regulations; and (v) certify results of oral examinations.

Contact: Evelyn Brennan Brown, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9914

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **January 16, 1990 - 10 a.m. – Public Hearing**
Department of Transportation, 1221 East Broad Street, East Conference Room, Richmond, Virginia

† **January 18, 1990 - 10 a.m. – Public Hearing**
Roanoke City Hall, Room 156, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to amend regulations entitled: **VR 625-03-00. Flood Prevention and Protection Assistance Fund.** This regulation is intended to provide administration of the Flood Prevention and Protection Fund and to provide guidance and assistance to local public bodies applying for a loan or grant.

STATEMENT

The federal government is gradually shifting the costs of financing water resource management studies and projects

by requiring larger cost-sharing by nonfederal entities and local sponsors. The consequences have been the inability of many local bodies to provide the nonfederal share of the cost of the study, project or activity.

The Flood Prevention and Protection Fund was established to assist local sponsors in providing required matching funds for flood prevention or protection projects and activities or for flood prevention or protection studies to plan and initiate local projects and measures conducted by agencies of the federal government.

The impact, after program has been operational for a time, will be increased flood mitigation activities and thus a measurable reduction in loss of life and property due to flooding.

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Written comments may be submitted until 3 p.m., March 5, 1990, to Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, Virginia 23219.

Contact: L. S. Button, Jr., Manager, Bureau of Dam Safety and Floodplain Management, Department of Conservation and Recreation, 203 Governor St., Suite 238, Richmond, VA 23219, telephone (804) 371-7536

DEPARTMENT OF TAXATION

January 5, 1990 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-1-1805.1. General Provisions: Padlocking Premises.**

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

Written comments may be submitted until January 5, 1990

Contact: Janie E. Bowen, Director, Tax Policy, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010

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February 20, 1990 - 2 p.m. – Public Hearing
Department of Taxation, Central Office Training Room, 2200 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 630-2-335. Individual Income Tax: Virginia Tax Reform Credit.** The purpose of the proposed action is

to inform individual income taxpayers of the correct procedures for claiming the Virginia Tax Reform Credit enacted by the 1989 General Assembly.

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

Written comments may be submitted until February 20, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010

COMMONWEALTH TRANSPORTATION BOARD

† **January 17, 1990 - 2 p.m.** – Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

† **January 18, 1990 - 10 a.m.** – Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

VIRGINIA MILITARY INSTITUTE

Board of Visitors

January 27, 1990 - 8:30 a.m. – Open Meeting
Virginia Military Institute, Smith Hall, Board Room, Lexington, Virginia. ☒

A regular winter meeting of the VMI Board of Visitors to receive committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206

VIRGINIA VOLUNTARY FORMULARY BOARD

† **February 1, 1990 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary delete drugs and drug products from the Formulary that became effective on November 15, 1988, and the most recent supplement to that revision. Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on February 1, 1990, will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326

BOARD FOR THE VISUALLY HANDICAPPED

January 18, 1990 - 2:30 p.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board meets quarterly to review policy and procedures of the department and to review and approve the department's budget.

Contact: Diane E. Allen, Administrative Assistant, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

January 20, 1990 - 11 a.m. – Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the Board for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

January 8, 1990 - 7 p.m. – Public Hearing
City Council Chambers, 900 East Broad Street, Richmond,

Calendar of Events

Virginia

January 9, 1990 - 7 p.m. – Public Hearing
City Council Chambers, 215 Church Street, S.W., Roanoke, Virginia

January 9, 1990 - 7 p.m. – Public Hearing
Hampton Public Library, 4207 Victoria Boulevard, Room A, Hampton, Virginia

January 11, 1990 - 7 p.m. – Public Hearing
Manassas City Hall, 9027 Center Street, Manassas, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled: **VR 672-50-01. Regulations for the Development of Solid Waste Management Plans.** The regulations require each city, county and town, acting individually or as a designated region, to prepare plans for solid waste management within their jurisdictions. They describe plan contents and recycling goals.

Statutory Authority: Chapter 14 (§ 10.1-1400 et seq. and specifically § 10.1-1411) of Title 10.1 of the Code of Virginia.

Written comments may be submitted until February 9, 1990.

Contact: Robert G. Wickline, Department of Waste Management, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667

† **January 31, 1990 - 7:30 p.m. – Public Hearing**
Wise County Courthouse, Board of Supervisors Room, Wise, Virginia

Pursuant to the requirements of Part VII of the Solid Waste Management Regulations (§ 7 E, VR 672-20-10), the draft permit for the Wise County Sanitary Landfill, proposed by Wise County Board of Supervisors is available for public review and comment.

The Department of Waste Management will hold a public hearing on this draft permit; persons wishing to speak should contact A.C. McNeer, Hearing Officer, Department of Waste Management, Division of Administration, 11th Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, (804) 225-2837.

The comment period shall extend until 5 p.m. on February 12, 1990. Comments on this draft should be in writing and directed to Karol A. Akers, Technical Services Chief, Department of Waste Management, Division of Technical Services, 11th Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219.

Contact: E. D. Gillespie, Environmental Engineer Consultant, Department of Waste Management, 11th Floor, James Monroe Bldg., 101 N. 14th, Richmond, VA 23219, telephone (804) 225-2851, toll-free 1-800-552-2075 or (804) 371-8737/TDD 5

STATE WATER CONTROL BOARD

January 3, 1990 - 2 p.m. – Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia. ☒

Public meetings will be held to receive views and comments and answer questions from the public on the promulgation of regulations to (i) establish a Virginia Water Protection Permit for any activity requiring a Section 401 Certification under the Clean Water Act and (ii) establish the framework for declaration of surface water management areas which, if declared, would subject surface water withdrawals of 300,000 gallons or more per month for consumptive use to permitting and reporting requirements.

Contact: Joe Hassell or Chester Bigelow, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6435 or 367-6406

January 4, 1990 - 3 p.m. – Open Meeting
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

Public meeting to receive comments and suggestions which the agency will use in proposing specific changes in the Water Quality Standards that will be formally considered during the 1990 Triennial Review.

Contact: Eleanore Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418

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January 4, 1990 - 7 p.m. – Public Hearing
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **VR 680-13-03. Petroleum Underground Storage Tank Financial Requirements.** The proposed regulation requires that owners, operators, and vendors demonstrate sufficient financial responsibility to ensure that corrective action and third party liability responsibilities associated with petroleum UST releases are met.

Statutory Authority: §§ 62.1-44.34:10, 62.1-44.34:12 and 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., January 12, 1990.

Contact: Fred Cunningham, Office of Water Resources, Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-0411

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† February 12, 1990 - 2 p.m. - Public Hearing
Newport News City Council Chambers, City Hall, 2400 Washington Avenue, Newport News, Virginia

† February 26, 1990 - 10:30 a.m. - Public Hearing
Rockbridge Regional Library, 128 South Main Street, Lexington, Virginia

† March 19, 1990 - 3 p.m. - Formal Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-21-01. Standards with General, Statewide Application. The proposed amendment would add a new section, VR 680-21-01.15 - Dioxin for Surface Waters, to the Water Quality Standards.

STATEMENT

Basis: Section 62.1-44.15(3a) of the Code of Virginia authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such established standards or policies. Section 303(c)(2)(B) of the Clean Water Act directs the states to develop water quality standards for Section 307(a) toxic pollutants. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or cancelled.

Purpose: Water quality standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this proposed action is to adopt standards for toxics for protection of human health due to ingestion of contaminated water and aquatic organisms to comply with federal regulations which state that water quality standards must be adopted for Section 307(a) toxic pollutants which are expected to interfere with designated uses adopted by the state. The associated narrative is necessary to describe stream flows on which effluent limits will be calculated and provide for a variance procedure.

Impact: Three industrial facilities in the Commonwealth will primarily be impacted. All of these facilities are pulp and paper operations which bleach at least a portion of

their pulp with chlorine or a derivative. The dioxin is produced during the bleaching operation as an unwanted byproduct. The controls that have been initiated, and are continuing to be implemented, are in the bleaching section of the production unit. The primary potential source for dioxin entering the environment is via the unwanted byproduct route. The staff is still investigating other facilities in the Commonwealth with respect to dioxin concerns.

The information provided by potentially affected permittees indicates that the capital costs for meeting this standard are in the range of \$50 million to \$110 million and possibly greater. The annual operating costs are estimated to be \$12 million.

Issues: One issue is what level is sufficient to protect beneficial uses in Virginia. The factors used to establish this level are risk, potency and dose. The risk level proposed allows for one additional life-time cancer risk in 100,000 people. The proposed potency factor is based on evaluations by the Food and Drug Administration (FDA). The dose is based in part on a bioconcentration factor of 5000. A second issue involves what stream flow should be used in converting the Water Quality Standard to an effluent limitation. Other issues involve concerns in monitoring and enforcement and we invite particular attention to readily available laboratory levels of detection and laboratory availability. We also invite comments on technology available to reach any proposed standard for dioxin.

Affected persons may petition to be a party to the formal hearing concerning any fact issues relevant to the legal validity of the proposed action. Petitions must meet the requirements of § 1.23(b) of the board's Procedural Rule No. 1 (1980), and must be received by the contact person designated below by January 31, 1990.

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

Written comments may be submitted until March 5, 1990, to Doneva Dalton, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Durwood Willis, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6714

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† February 22, 1990 - 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 680-16-16. Richmond-Crater Interim Water Quality Management Plan. The purpose of the proposed

Calendar of Events

amendment is to provide a basis for long-term implementation of a Combined Sewer Overflow Control Plan for the City of Richmond.

STATEMENT

Basis: Section 62.1-44.15(3a) of the Code of Virginia authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards and policies. Section 62.1-44.15 of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control management. Section 62.1-44.15(10) of the Code of Virginia authorizes the board to adopt such regulations as it deems necessary to enforce the general water quality management program of the board in all or part of the Commonwealth. Title 40, Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which water quality management plans (WQMP) are a part.

Purpose: The purpose of the proposed regulatory amendment to the Richmond-Crater Interim Water Quality Management Plan is to provide a basis for long-term implementation of a Combined Sewer Overflow (CSO) Control Plan for the City of Richmond, Virginia.

Substance: Amendment of the plan will affect the VPDES permit of the City of Richmond, which serves an estimated 220,000 people in the Richmond metropolitan area. The total estimated capital cost of the CSO Control Plan and related work is \$294 million in 1988 dollars, and is divided into three phases. The city has already committed to Phase A of the plan, at a cost of \$73 million. The proposed amendment will establish a basis for implementing future phases of the accepted plan. The accepted CSO Control Plan is a technology based solution designed to minimize the impacts of the city's combined sewer overflows on the James River. The proposed action lends flexibility to addressing future CSO concerns should technology or legal requirements change.

Issues: A number of issues have been raised during the public participation process in consideration of the proposed plan amendment. These include:

- * Should the city's financial limitations be considered in establishing future implementation requirements?
- * Does the plan address financial arrangements and time schedules needed to carry out the CSO control program in an effective and practical manner?
- * Are the impacts of the existing CSO discharges adequately assessed?
- * Will the plan adequately protect the water quality in the river?

* Should the CSO discharges be assigned as part of the City of Richmond's waste load allocation?

* Is the plan amendment compatible with the Clean Water Act and the U.S. Environmental Protection Agency's Combined Sewer Overflow Strategy?

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

Written comments may be submitted until February 22, 1990, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Curt Linderman, Piedmont Regional Office, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-1006

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† January 10, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to (i) review applications; (ii) review enforcement cases; and (iii) consider matters which require board action.

Contact: Gerald 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 3, 1990 - 3 p.m. - Open Meeting
Old County Courthouse, Conference Room, Winchester, Virginia. ☒

The first LEPC meeting of 1990 will cover election of new officers, nomination proposals for new members, discussion of interim threshold planning levels as established by the EPA, and discussion of future LEPC topics and projects.

Contact: L. A. Miller, Fire Chief, Fire Department Headquarters, 126 N. Cameron St., Winchester, VA 22601, telephone (703) 665-5695

COUNCIL ON THE STATUS OF WOMEN

January 16, 1990 - 7 p.m. - Open Meeting
Richmond Radisson Hotel, 555 East Canal Street, Richmond, Virginia

A regular meeting to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007
Discovery Dr., Richmond, VA 23229-8699, telephone (804)
662-9200

CHRONOLOGICAL LIST

LEGISLATIVE

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

January 11, 1990 - 2 p.m. - Open Meeting
Site to be determined

A tentative date for a working session.

Contact: Brenda Edwards, Research Associate, Division of
Legislative Services, 910 Capitol St., 2nd Floor, Richmond,
VA 23219, telephone (804) 786-3591

FAIR CAMPAIGN PRACTICES COMMISSION

† January 9, 1990 - 2 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond,
Virginia ☐

A working session to study the creation, membership
and standards of conduct of a nonpartisan fair
campaign practices commission. HJR 416

Contact: Mary Spain, Staff Attorney, Division of Legislative
Services, 910 Capitol Street, 2nd Floor, Richmond, VA
23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CERTAIN PRACTICES OF PSYCHIATRIC PROFESSIONALS

January 11, 1990 - 9:30 a.m. - Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond,
Virginia. ☐

An open meeting. SJR 191

Contact: Gayle Nowell, Research Associate, Division of
Legislative Services, 910 Capitol St., 2nd Floor, Richmond,
VA 23219, telephone (804) 786-3591 or Thomas Gilman,
Chief Committee Clerk, Senate of Virginia, P.O. Box 396,
Richmond, VA 23203, telephone (804) 786-7869

OPEN MEETINGS

January 2

† Pesticide Control Board, Virginia
- Licensing, Fees and Financial Responsibility
Committee

January 3

Higher Education, State Council of
† Rehabilitative Services, Board of
- Program Committee
Water Control Board, State
Winchester Local Emergency Planning Committee

January 4

† Chesapeake Bay Commission
Chesterfield County Local Emergency Planning
Committee

January 5

† Chesapeake Bay Commission
† General Services, Department of
- Art and Architectural Review Board
† Nursing, Board of
Water Control Board, State

January 8

† Hearing Aid Specialists, Board for
Local Government, Commission on

January 9

† Fair Campaign Practices Commission
Funeral Directors and Embalmers, Board of
† Medicare and Medicaid, Governor's Advisory Board
on

January 10

† Criminal Justice Services Board
- Committee on Training
† Dan River ASAP Policy Board
Funeral Directors and Embalmers, Board of
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Virginia Interagency Coordinating Council
† Pork Industry Board, Virginia
† Waterworks and Wastewater Works Operators, Board
for

January 11

Acquired Immunodeficiency Syndrome (AIDS)
Boating Advisory Board, Virginia
† Child Day-Care Council
Education, State Board of
Game and Inland Fisheries, Board of
† Pesticide Control Board, Virginia
Psychiatric Professionals, Joint Subcommittee Studying
Certain Practices of

Calendar of Events

January 12

- † Conservation and Recreation, Department of
 - Outdoor Recreation Advisory Board
- Education, State Board of
- Game and Inland Fisheries, Board of
- Medicine, Board of
 - Advisory Board on Occupational Therapy
- † Mental Health, Mental Retardation and Substances Abuse Services Board, State
 - Mental Health Advisory Council
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
 - State Human Rights Committee
- † Nursing, Board of
- † Pesticide Control Board, Virginia
- Social Work, Board of

January 16

- † Housing Development Authority, Virginia
- Women, Council on the Status of

January 17

- † Medical Assistance Services, Board of
- † Nursing Home Administrators, Board of
- Social Services, State Board of
- † Transportation Board, Commonwealth

January 18

- Children, Department for
 - State-Level Runaway Youth Services Network
- † Farmers' Market Board, Virginia
- † Housing and Community Development, Board of
 - Amusement Device Technical Advisory Committee
- Library Board
- Medicine, Board of
 - Chiropractic Examination Committee
- † Nursing Home Administrators, Board of
- Social Services, State Board of
- † Transportation Board, Commonwealth
- Visually Handicapped, Board for the

January 19

- † Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for Children
- † Commercial Driver Education Schools, Board for
- Medicine, Board of
 - Legislative Committee
- Longwood College
 - Board of Visitors

January 20

- Longwood College
 - Board of Visitors
- Visually Handicapped, Department for the
 - Advisory Committee on Services

January 23

- † Health Services Cost Review Council, Virginia
- † Marine Resources Commission

January 24

- Gloucester Local Emergency Planning Committee
- † Lottery Department, State
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Rehabilitative Services, Board of
 - Finance Committee
 - Legislation and Evaluation Committee
 - Program Committee

January 25

- Rehabilitative Services, Board of

January 26

- Medicine, Board of
 - Advisory Board on Physical Therapy

January 27

- Virginia Military Institute
 - Board of Visitors
- † Natural History, Virginia Museum of
 - Board of Trustees

January 30

- † Hanover County Local Emergency Planning Committee

February 1

- Commerce, Board of

February 2

- Medicine, Board of
 - Ad Hoc Committee on Optometry
 - Executive Committee
 - Advisory Board on Physician's Assistants

February 5

- † Library Board

February 6

- † Funeral Directors and Embalmers, Board of

February 8

- † Child Day-Care Council

February 14

- Social Services, State Board of

February 15

- Social Services, State Board of

February 16

- † Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for Children

February 20

- Taxation, Department of

March 8

- † Child Day-Care Council

March 16
† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for Children

February 26
† Water Control Board, State

March 7
† Health Services Cost Review Council, Virginia

March 28
Human Rights, Council on

April 4
† Criminal Justice Services Board

PUBLIC HEARINGS

January 3
Employment Commission, Virginia

January 4
Water Control Board, State

January 5
Taxation, Department of

January 8
Health Planning Board, Virginia

January 8
Waste Management, Department of

January 9
Waste Management, Department of

January 10
Commerce, Department of

January 11
Waste Management, Department of

January 12
Game and Inland Fisheries, Board of

January 16
† Soil and Water Conservation Board, Virginia

January 18
Racing Commission, Virginia
† Soil and Water Conservation Board, Virginia

January 31
† Waste Management, Department of

February 1
† Voluntary Formulary Board, Virginia

February 5
Education, Department of

February 12
† Water Control Board, State

February 20
Taxation, Department of

February 22
† Water Control Board, State

Calendar of Events
