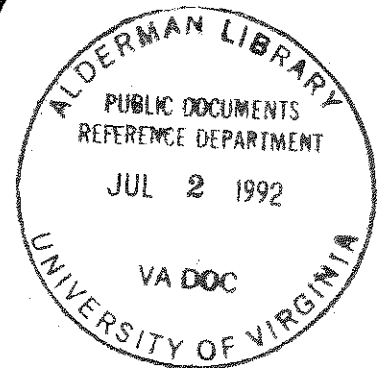


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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME EIGHT • ISSUE TWENTY

June 29, 1992

# 1992

Pages 3463 Through 3616

## 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 the regulation becomes final.

### 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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VIRGINIA REGISTER OF REGULATIONS

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March 1992 through June 1993

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Apr. 29	May 18
May 13	June 1
May 27	June 15
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# NOTICES OF INTENDED REGULATORY ACTION

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## BOARD FOR ACCOUNTANCY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Accountancy intends to consider amending regulations entitled: **VR 105-01-02. Board for Accountancy Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, and clarity in accordance with the board's Public Participation Guidelines.

Statutory Authority: §§ 54.1-201(5) and 54.1-2000 of the Code of Virginia.

Written comments may be submitted until July 15, 1992.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, Board for Accountancy, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

## DEPARTMENT OF AGRICULTURE AND CONSUMER 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-04. Rules and Regulations Governing the Operation of Livestock Markets.** The purpose of the proposed action is to review the regulation for effectiveness and continued need.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

Written comments may be submitted until July 16, 1992.

**Contact:** Dr. W.M. Sims, Jr., State Veterinarian, P.O. Box 1163, 1100 Bank Street, Room 600, Richmond, VA 23219, telephone (804) 367-2481.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider

amending regulations entitled: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** The purpose of the proposed action is to evaluate the regulation for effectiveness and continued need.

Statutory Authority: §§ 3.1-530.1 through 3.1-530.9 of the Code of Virginia.

Written comments may be submitted until July 17, 1992.

**Contact:** Mr. John A. Beers, Program Manager, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-1453.

## STATE AIR POLLUTION CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to amend the regulations concerning permits for new and expanding industry to address concerns relating to requirements for commercial medical waste incinerators.

**Public meeting:** A public meeting will be held on August 14, 1992, at 10 a.m. in House Room 1, State Capitol Building, Richmond, Virginia, to discuss the intended action.

**Ad hoc advisory group:** The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by close of business July 17, 1992, and provide your name, address, phone number and the organization you represent (if any). Facsimile copies will be accepted only if followed by receipt of the original within three business days. Notification of the composition of the ad hoc advisory group will be sent to all applicants by August 7, 1992. If you are selected to be on the group, you are encouraged to attend the public meeting mentioned above and any subsequent meetings that may be needed to develop the draft regulation. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.



# Notices of Intended Regulatory Action

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Need and issues involved: The 1992 General Assembly of Virginia passed legislation to impose a moratorium on the issuance of permits for commercial medical waste incinerators (MWIs), and for the promulgation of regulations. The legislation was proposed in response to health concerns from commercial MWI emissions. Although the Virginia Waste Management Board has promulgated regulations regarding the storage, transportation, and incineration of infectious wastes, the Virginia Department of Air Pollution Control has not promulgated air pollution permit regulations specifically addressing MWIs. State and federal air quality regulations governing incineration in general and municipal waste combustors in particular do exist, but none specifically address MWIs.

The General Assembly passed legislation directly addressing MWIs for a number of reasons:

1. Currently, there is more than sufficient capacity at the state's sole commercial MWI to handle the state's medical waste. Concern has been expressed over the possibility that if more commercial MWIs are constructed, large quantities of medical waste will be imported from out of state.

2. Because medical waste has a higher plastics content than ordinary municipal solid waste, incineration of medical waste may generate unusual quantities of toxic or trace metals, dioxins and furans, acid gases and particulate matter. Excessive exposure to dioxin, for example, can cause severe dermatological, cardiovascular, respiratory, pancreatic, and urinary disorders; dioxins and furans are also suspected carcinogens.

3. Removal of pathogens that may cause disease is an issue directly related to incineration of infectious waste.

Regulatory alternatives: The alternatives are to either (i) amend the regulations to satisfy the provisions of the law and associated regulations and policies or (ii) take no action to amend the regulations.

Regulatory constraints: The legislation imposes a moratorium for the issuance of permits for commercial infectious waste incinerators (i.e., MWIs). An MWI is considered "commercial" if more than 25 percent of the waste it burns is generated off-site. "Infectious waste" is defined as solid waste with the potential to cause infectious disease in humans. The law states, "No permits for the construction, reconstruction, or expansion of a commercial infectious waste incinerator shall be issued, reviewed, processed, or approved by the State Air Pollution Control Board or the Virginia Waste Management Board prior to (i) the effective date of the regulations required to be promulgated by the State Air Pollution Control Board and the Virginia Waste Management Board or (ii) September 1, 1993, whichever first occurs." Existing and proposed noncommercial MWIs, and existing commercial MWIs are not affected.

The law further states, "The State Air Pollution Control Board and the Virginia Waste Management Board shall each promulgate regulations with respect to the permitting of infectious waste incinerators no later than September 1, 1993." Factors to be considered by both boards include:

1. An assessment of the annual need for the disposal of infectious waste generated in Virginia;
2. Ways to reduce the volume of infectious waste;
3. The availability of disposal methods other than incineration;
4. Siting criteria;
5. Standards for assessing the economic feasibility of proposed commercial MWIs;
6. The propriety of establishing different criteria and procedures for permitting MWIs;
7. The economic demand for importation of infectious waste from out of state, and an estimate of the incinerator capacity to be allowed for such waste;
8. The impact of the Clean Air Act Amendments of 1990 on the incineration of infectious waste by hospitals; and
9. The impact of reports by EPA regarding the Medical Waste Tracking Act of 1988.

Applicable statutory provisions:

1. State. The legal basis for the regulation is § 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia).
2. Federal.
  - a. The legal basis for the regulation is § 110 of the federal Clean Air Act (42 USC 7401 et seq., 91 State 685).
  - b. The regulatory basis for the regulation is Subpart L and Section 51.281 of 40 CFR Part 51.

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

Written comments may be submitted until August 14, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1624.

**ALCOHOLIC BEVERAGE CONTROL BOARD**

# Notices of Intended Regulatory Action

## 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.

A public hearing will be held on October 28, 1992, at 10 a.m. in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public. (See notice in General Notices Section.)

Statutory Authority: §§ 4-7(1), 4-11, 4.36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until June 29, 1992.

Contact: Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, VA 23291, telephone (804) 367-0616.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **VR 270-01-0011. Regulations Governing Vocational Education.** The purpose of the proposed action is to fulfill the requirements of Title I, Part B, Section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, which requires each state receiving funds to develop and implement a statewide system of core standards and measures of performance for vocational education. The proposed amendment sets forth the standards and measures upon which the system will be based.

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

Written comments may be submitted until July 15, 1992.

Contact: Roy A. Carter, Associate, Vocational Education, Virginia Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-3300 or toll-free 1-800-292-3820.

## BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine

intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.** The purpose of the proposed action is to amend § 1.7 to further define misleading or deceptive advertising; to amend § 3.1 to further define the components required to be eligible to sit for the United States Medical Licensing Examination; and to amend § 4.1 by defining additional examinations acceptable for licensure examinations and establishing a period of time for passing the required examinations.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 2, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-08-01. Regulations for Certification of Occupational Therapists.** The purpose of the proposed action is to amend §§ 2.2 and 2.3, Certification by Examination, to further define the educational requirements.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 2, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

## 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 480-05-22.1. Gas and Oil Regulations.** The purpose of the proposed action is to amend regulations governing gas and oil exploration, development and production to implement the provisions of HB 1146, passed by the 1992 General Assembly, relating to underground injection wells and groundwater supplies.

Statutory Authority: § 45.1-361.27 of the Code of Virginia.

Written comments may be submitted until July 14, 1992.

# Notices of Intended Regulatory Action

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**Contact:** B. Thomas Fulmer, State Gas and Oil Inspector, Division of Gas and Oil, P.O. Box 1416, 230 Charwood Drive, Abingdon VA 24210, telephone (703) 628-8115 or toll-free 1-800-552-3831.

## BOARD OF PHARMACY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Regulations of the Board of Pharmacy.** The purpose of the proposed action is to (i) promulgate regulations necessary to implement 1992 legislation concerning (a) mandatory continuing education for pharmacists, (b) relicensure and regulations of wholesalers, and (c) 30-day notification of pharmacy closing; and (ii) establish and amend related licensure fees.

1992 legislation established a requirement for mandatory continuing education for pharmacists. The Board of Pharmacy is promulgating regulations to implement this legislation with regard to approval of continuing education programs, conditions for granting of exemptions and extensions, proof of continuing education, record-keeping, establishment of an inactive licensure status, and establishment of related fees or amendment of existing fees.

1992 legislation established a requirement of posting a notice of pharmacy closing 30 days prior to actual closing date, unless exempted from this requirement by the board. The Board of Pharmacy is promulgating regulations establishing exemptions or conditions for an exemption to this requirement.

In response to a federal mandate requiring and establishing conditions for state licensure of wholesale distributors of prescription drugs, 1992 legislation repealed the Board of Pharmacy's current "wholesaler" category, and established three new categories of licensure. The Board of Pharmacy is promulgating regulations and amending existing regulations to implement this legislation with regard to storage, handling, and distribution of drugs, devices, and/or paraphernalia and the establishment and amendment of related fees.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 29, 1992.

**Contact:** Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9911.

## 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 promulgating regulations entitled: **Aid to Dependent Children Program - Disqualification for Intentional Program Violation.** The purpose of the proposed action is to implement § 63.1-124.2 of the Code of Virginia and federal regulations at 445 CFR 235.112-113, to implement disqualification for intentional program violations and establish administrative disqualification hearings in the Aid to Dependent Children program.

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

Written comments may be submitted until July 15, 1992, to George Sheer, Bureau Chief, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

**Contact:** Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

## 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 promulgating regulations entitled: **VR 615-37-01. Regulation for Criminal Records Check for Homes for Adults and Adult Day Care Centers.** The purpose of the proposed action is to set forth requirements for criminal record reports for compensated employees of Homes for Adults and Adult Day Care Centers.

Statutory Authority: § 63.1-174 of the Code of Virginia.

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229.

**Contact:** Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF) AND THE CHILD DAY CARE COUNCIL

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services and the Child Day Care Council intend to consider repealing regulations entitled: **VR 175-04-01 and VR 615-32-02. Criminal Records Checks.** This regulation will be superseded by the proposed regulation entitled "Regulations for Criminal Record Checks for Child Welfare Agencies" which incorporated changes made by the 1992 General Assembly.

# Notices of Intended Regulatory Action

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

(804) 225-2997.

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services and the Child Day Care Council intend to consider promulgating regulations entitled: **VR 175-10-01 and VR 615-36-01. Regulations for Criminal Records Checks for Child Welfare Agencies.** The purpose of the proposed action is to supersede regulation entitled Criminal Record Checks VR 615-32-02 and VR 175-04-01. The proposed regulation will establish criminal record check procedures for child welfare programs and will incorporate the requirements of Senate Bill 226.

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

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **VR 672-20-12. Fossil Fuel Combustion Residual Management Standards.** The purpose of the proposed action is to adopt separate regulations and standards for the management of fossil fuel combustion residuals when recycling involves use or reuse in a manner constituting disposal.

Statutory Authority: §§ 10.1-1402(11) and 10.1-1408.1 of the Code of Virginia.

Written comments may be submitted until 5 p.m., July 1, 1992.

Contact: Harry Gregori, Director, Policy and Planning, Department of Waste Management, 101 N. 14th Street, 11th Floor, Monroe Building, Richmond, VA 23219, telephone

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-40-01. Infectious Waste Management Regulations.** The purpose of the proposed action is to (i) amend the regulations to correct errors; (ii) improve and update existing exemptions, standards and procedures; (iii) add methods for the review of alternate technologies and tracking waste shipments; and (iv) consider mail shipments, reusable container management and other issues. The department may form an advisory panel to help it consider these amendments. Persons or organizations interested in being a member of the panel, please notify the department.

Statutory Authority: §§ 10.1-1402 and 10.1-1408.1 of the Code of Virginia.

Written comments may be submitted until August 26, 1992, to the Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th Street, Richmond, VA 23219, ATTN: Infectious Waste Regulations.

Contact: Robert G. Wickline, Director of Research, Office of Science Services, Department of Waste Management, 101 N. 14th Street, 11th Floor, Monroe Building, Richmond, VA 23219, telephone (804) 225-2321.

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

**Title of Regulation:** VR 115-02-02. Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis. **REPEALED.**

**Title of Regulation:** VR 115-02-02:1. Rules and Regulations Governing the Prevention, Control, and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia.

**Statutory Authority:** §§ 3.1-724, 3.1-726, 3.1-730, and 3.1-737 of the Code of Virginia.

**Public Hearing Date:** September 30, 1992 - 1 p.m.  
(See Calendar of Events section for additional information)

### Summary:

The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of (a) all classes of bovidae (not just cattle), (b) all cervidae (many of the deer), and (c) all capridae (goats); (ii) considering alternative ways of disposing of tuberculosis-infected animals; and (iii) a proposal to shorten the time in which a report must be made to the State Veterinarian when tuberculosis is suspected.

VR 115-02-02:1. Rules and Regulations Governing the Prevention, Control, and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia.

### § 1. Definitions.

The following words, when used in this regulation, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited herd" means "accredited herd" as defined in 9 CFR § 77.1.

"Accredited veterinarian" means an "accredited veterinarian" as defined in 9 CFR § 160.1, and who is licensed to practice veterinary medicine in the Commonwealth.

"Approved diagnostic center" means a laboratory or institution authorized by state or federal law to conduct diagnostics, research, teaching, or clinical studies.

"Bovidae" means all animals included in the family "bovidae" in the Linnean taxonomic system of nomenclature. (These animals include, but are not limited to, cattle and bison.)

"Capridae" means all animals included in the family "capridae" (goats) in the Linnean taxonomic system of nomenclature.

"Caudal-fold tuberculin test" means the intradermal injection of 0.1 ml of USDA Bovine Purified Protein Derivative tuberculin into either side of the caudal fold of an animal, with interpretation of results by visual observation and palpation 72 hours (plus or minus six hours) following injection.

"Cervidae" means all animals included in the family "cervidae" in the Linnean taxonomic system of nomenclature. These animals include, but are not limited to, deer and elk.

"Comparative cervical tuberculin test" means the intradermal injection of biologically balanced Bovine Purified Protein Derivative tuberculin and Avian Purified Protein Derivative Tuberculin at separate sites in the cervical (neck) area of an animal and a determination as to the probable presence of *Mycobacterium bovis* by comparing the responses of the two tuberculins 72 hours (plus or minus six hours) following injection.

"Official eartag" means "official eartag" as that term is defined in 9 CFR § 78.1.

"Reactor" means any animal of the family bovidae, capridae, or cervidae that shows a positive response to a tuberculin test and is so classified by the testing veterinarian in the exercise of his sound veterinary medical judgment.

"Single cervical tuberculin test" means the intradermal injection of 0.1 ml of USDA Bovine Purified Protein Derivative tuberculin in the cervical region of an animal with an interpretation by visual observation and palpation in 72 hours (plus or minus six hours) following injection.

"Suspect" means any member of the family bovidae, capridae, or cervidae that shows a positive response to a tuberculin test authorized by this regulation and that is not classified as a reactor.

"Testing veterinarian" means any federally accredited veterinarian or any veterinarian in the employ of the Commonwealth or of the federal government who injects an animal governed by this regulation with tuberculin and

who interprets the response.

"Tuberculin test" means any of the following tests for *Mycobacterium bovis*: (i) the caudal fold tuberculin test; (ii) the single cervical tuberculin test; (iii) the comparative cervical tuberculin test; or (iv) any other test that the State Veterinarian, in the exercise of his sound veterinary-medical judgment, determines will accurately test for the presence of *Mycobacterium bovis*.

"Tuberculosis" means infection with *Mycobacterium bovis*, irrespective of whether there are clinical signs of disease present.

## § 2. When tuberculin test is required.

A. When any animal in a herd of animals of the family bovidae, capridae, or cervidae is found to be a reactor, or when any animal in such a herd has been exposed to any animal infected with tuberculosis, the owner of the herd shall have all animals one month of age or older in the herd tested for tuberculosis according to a regimen specified by the State Veterinarian in the exercise of his sound veterinary-medical judgment.

B. When there has been infection by or exposure to tuberculosis, or exposure to a reactor, the owner of any individual animal of domestic livestock species and any animal that is a captive exotic species on the premises susceptible to tuberculosis shall have the animal tested for tuberculosis according to a regimen specified by the State Veterinarian in the exercise of his sound veterinary-medical judgment.

C. When there is intrastate change of ownership of cervidae, the owner of the heard shall have the animals changing ownership, six months of age or older, tested for tuberculosis according to a regimen specified by the State Veterinarian in the exercise of his sound veterinary-medical judgment.

## § 3. Who may apply tuberculin tests.

### A. Caudal-fold tuberculin test.

The caudal-fold tuberculin test may be performed only by:

1. A veterinarian employed by the Commonwealth or the federal government; or
2. A veterinarian licensed and accredited in Virginia.

### B. Single cervical tuberculin test.

The single cervical tuberculin test may be performed in cervidae only by a veterinarian in the employ of the Commonwealth or of the federal government or by an accredited veterinarian who has demonstrated to the State Veterinarian or the State Veterinarian's authorized representative the ability to perform the single cervical

tuberculin test.

C. The comparative cervical tuberculin test may be performed only by a veterinarian employed fulltime by the Commonwealth or by the federal government.

## § 4. Tuberculin tests to be used; limitations.

A. Any person authorized by this regulation to administer a tuberculin test may use only:

1. The caudal-fold tuberculin test, single cervical tuberculin test, and the comparative cervical tuberculin test in bovidae and capridae;
2. The single cervical tuberculin test and the comparative cervical tuberculin test in cervidae; and
3. Any other tuberculin test approved by the State Veterinarian in the exercise of his sound veterinary-medical judgment, but only under circumstances and conditions approved by the State Veterinarian for any tuberculin test authorized by this § 4 A 3.

B. No person may subject an animal or herd to retesting for tuberculosis within 60 days after an initial test unless performed within 10 days of the initial test by a veterinarian employed by the Commonwealth or federal government and only if the animal is a suspect or a reactor.

## § 5. Report of testing; permanent identification of bovidae, cervidae, and capridae.

A. Any person making a tuberculin test shall submit a written report to the State Veterinarian within seven days after the time of the tuberculin test interpretation and a verbal report to the State Veterinarian or his representative within 24 hours if the animal is a suspect or a reactor.

B. The person administering the tuberculin test or his authorized representative shall, at the time the test is administered, affix to the animal an identification that satisfies the requirements of subsection C of this section (if such an identification is not already affixed to the animal).

C. Such identification shall uniquely identify the animal and be (i) an official eartag; (ii) a tattoo; or (iii) any other identification approved by the State Veterinarian in the exercise of his sound veterinary medical judgment that serves the animal-identification needs for the control, prevention, and eradication of tuberculosis subject to this regulation.

D. Any person owning an animal that is a reactor shall submit the reactor to the State Veterinarian or the State Veterinarian's representative for branding with the letter "T" not less than two inches high on the left jaw, tagged

# Proposed Regulations

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with a metal tag bearing the inscription "Virginia Reactor" and a serial number in the left ear.

E. Any person owning an animal that has been exposed to *Mycobacterium bovis* shall have the animal identified by branding the letter "S" on the left jaw, not less than two inches (5 cm) nor more than three inches (7.5 cm) high, and by tagging with an approved metal eartag bearing a serial number attached to either ear of each animal. However, in lieu of branding, such animals may be accompanied to slaughter by a federal or state representative or be shipped to slaughter in vehicles closed with official seals.

§ 6. Disposition of tuberculin-injected bovidae, cervidae, and capridae awaiting final evaluation; handling of reactors.

A. No person may move any animal of the bovidae, cervidae, or capridae family from the premises where the animal is kept:

1. While any tuberculin test results are pending for any animal in the herd; or
2. If any animal in the herd is a reactor to a tuberculin test.

B. All reactors shall be segregated and kept from contact with all domestic livestock species and all captive exotic species on the premises susceptible to tuberculosis. No reactor shall be removed from the boundaries where confined without a permit from the State Veterinarian.

§ 7. Permits for moving reactors.

Only the owner of a reactor animal that belongs to the bovidae, cervidae, or capridae family may apply for and receive a permit for that animal pursuant to § 6 of this regulation. Each animal to be removed from the boundaries where confined shall have a separate permit. However, when animals are moved in one drove, one truckload, or one carload, one permit shall suffice for each drove, each truckload, or each carload, so long as each animal's identification is listed on the permit.

§ 8. Slaughtering reactors.

Any person owning any animal that is a member of the bovidae, cervidae, or capridae family that is positive to the tuberculin test, or that has been found by clinical examination to be infected with tuberculosis, shall have the animal slaughtered, euthanized or sent to an approved diagnostic center under the inspection of a veterinarian in the employ of the Commonwealth or federal government.

§ 9. Movement of reactors.

In no event may any person be issued a permit, except to move an animal (i) from quarantined premises to a slaughter house operating under official state or federal

meat inspection; (ii) from quarantined premises to be euthanized under inspection by a veterinarian in the employ of the Commonwealth or federal government; or (iii) to an approved diagnostic center.

§ 10. Tuberculosis-free accredited herds.

To establish or maintain accredited herd status for a herd of cattle, bison, or goats in Virginia, a herd owner shall comply with all the provisions of Uniform Methods and Rules – Bovine Tuberculosis Eradication as published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, and incorporated by reference herein, regarding accredited herds. No herd of bovidae or capridae shall be designated as an accredited herd unless it is free from tuberculosis.

§ 11. Disposition of tuberculosis-infected bovidae, capridae and cervidae herds.

A. The owner of any herd of tuberculosis-infected bovidae or capridae shall, at the direction of the State Veterinarian:

1. Depopulate the herd;
2. Clean and disinfect in accordance with the Uniform Method and Rules–Bovine Tuberculosis Eradication as published by the United States Department of Agriculture, Animal and Plant Health Inspection Service; and
3. Comply with any other requirement of the State Veterinarian, in the exercise of his sound veterinary-medical judgement, for the prevention, control, or eradication of tuberculosis.

B. The owner of any herd of tuberculosis-infected cervidae, shall, at the direction of the State Veterinarian:

1. Depopulate the herd, or keep the herd under the terms of any permanent quarantine issued by the State Veterinarian;
2. Clean and disinfect in accordance with directives of the State Veterinarian; and
3. Comply with any other requirement of the State Veterinarian, in the exercise of his sound veterinary-medical judgment, for the prevention, control, or eradication of tuberculosis.

No. \_\_\_\_\_

Name of owner \_\_\_\_\_

Address \_\_\_\_\_

Date of test \_\_\_\_\_

Number of cattle \_\_\_\_\_

Description of cattle \_\_\_\_\_

Method of testing \_\_\_\_\_

Test applied by \_\_\_\_\_

Date of certificate \_\_\_\_\_

Termination of certificate \_\_\_\_\_

\_\_\_\_\_  
Veterinarian in Charge.

VS FORM 6-14  
NOV. 1972

REPLACES FORM ANH 6-14,  
WHICH IS OBSOLETE

REGISTERED REGULATIONS No. \_\_\_\_\_  
92 JUN 10 AM 10:16

## Accredited-Herd Certificate

# Cooperative Tuberculosis Eradication

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
VETERINARY SERVICES  
AND THE STATE OF \_\_\_\_\_

COOPERATING

This is to certify that the herd, consisting of \_\_\_\_\_ cattle,  
(Number and description of cattle)  
owned by \_\_\_\_\_  
(Name) \_\_\_\_\_ (Address)  
at \_\_\_\_\_  
(Location of herd) is an accredited tuberculosis-free herd.

*This certificate is issued in accordance with the rules and regulations adopted by the United States Animal Health Association and approved by the Veterinary Services, and by the State, and is good for one year only, expiring at the termination of unless revoked at an earlier date.*

Name \_\_\_\_\_ (State Official) Name \_\_\_\_\_ (Veterinary Services)

Title \_\_\_\_\_ Title \_\_\_\_\_ **VETERINARIAN IN CHARGE**

VS FORM 6-14  
NOV. 1972



# Proposed Regulations

9 U.S. GPO: 1986-O-345-831/4000

**COMPARATIVE CERVICAL TUBERCULIN TEST RESULTS**  
*(Left, First, Middle Initial)*

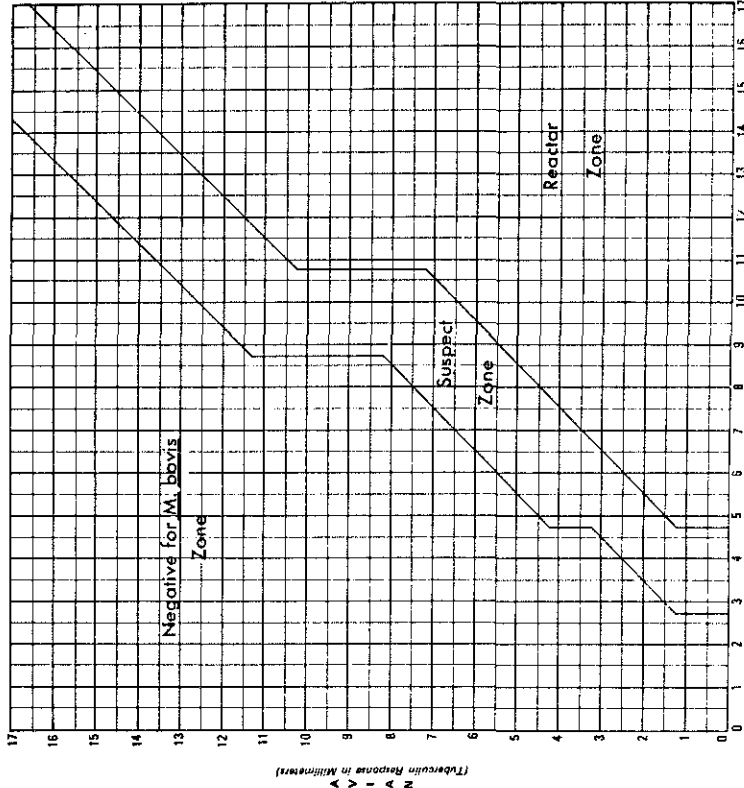
NAME OF HERD OWNER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NUMBER TESTED: \_\_\_\_\_  
COMPARATIVE TEST INJECTION DATE: \_\_\_\_\_  
OBSERVATION DATE: \_\_\_\_\_

COMPARATIVE TEST:  NET  MID  BRD  
NAME OF VETERINARIAN: \_\_\_\_\_ TITLE: \_\_\_\_\_

PRIOR CAUDAL TEST DATE INJECTED: \_\_\_\_\_

SUBJ: \_\_\_\_\_ SEX: \_\_\_\_\_ AGE: \_\_\_\_\_



BOVINE  
(Tuberculin Response in Millimeters)

VS FORM 6-220  
(NOV 77)

This permit identifies restricted animals moved for quarantine/traveler purposes. The information is needed to identify disease infected/exposed animals that are moved to specific locations in order to control and prevent spread of the disease (9 CFR 71 through 75).

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND VETERINARY SERVICES  
PERMIT FOR MOVEMENT OF RESTRICTED ANIMALS  
FORM APPROVED OMS NO. 0578-0051  
No. C 127026

1. NAME AND ADDRESS OF SHIPPER OR CONSIGNEE (include Zip Code)  
2. CONSIGNEE (Destination Name and Address, include Zip Code)  
3. MOVED FROM (Name and Location of Premise if other than item 1 above)  
4. NAME AND ADDRESS OF OWNER AT TIME CONDITION DIAGNOSED  
5. STATE WHERE ISSUED  
6. MOVEMENT FOR:  INTERSTATE  QUARANTINE  
7. STATUS OF ANIMALS:  Reactor  Exposed (Specify)  
8. DISEASE  
9. STATUS OF HERD OF ORIGIN  
10. TRANSPORTATION VEHICLE LICENSE NO. OR OTHER IDENTIFICATION NO.  
11. SPECIES (One Only)  
12. NO. ANIMALS IN THIS SHIPMENT  
13. SEAL NO.  
14. TRANSPORTATION VEHICLE LICENSE NO. OR OTHER IDENTIFICATION NO.  
15. SEAL NO.  
16. DATE AND TIME ANIMALS RECEIVED  
17. ANIMALS TO BE MOVED  
18. SIGNATURE OF INSPECTOR  
19. DATE ISSUED  
20. TIME ISSUED  
21. DATE  
22. TIME  
23. SIGNATURE OF OWNER OR SHIPPER  
24. TITLE  
25. DATE SIGNED  
26. PLACE ANIMALS RECEIVED  
27. DATE ANIMALS SHIPPED  
28. NO. ANIMALS RECEIVED  
29. DATE SLAUGHTERED/QUARANTINED  
30. DATE AND TIME SEALS BROKE  
31. AUTHORIZED SIGNATURE  
32. DATE CLEARED IF ANIMALS  
33. SIGNATURE OF INSPECTOR  
34. DATE SHIPPED

WARNING TO OWNER, SHIPPER AND TRUCKER - LIVESTOCK MUST BE DELIVERED TO CONSIGNEE WITHOUT DIVERSION. I understand that it is a violation of Federal law to move the animals identified herein interstate except in accordance with the provisions of applicable Federal Regulations. I also understand that such animals must comply with existing state laws and regulations governing movement of livestock and poultry. I have arranged in full advance for a copy of this permit to accompany the individual shipment and be approved with the above described shipment.

VS FORM 1-27  
Replaces VS Form 1-27 (AM 73) which may be used  
(6/6/80)

PART 1 - TO ACCOMPANY SHIPMENT

# Proposed Regulations

## CERTIFICATE OF TRANSFER FROM AN APPROVED LIVESTOCK SALE

Virginia Department of Agriculture & Consumer Services  
 Division of Animal Health  
 Suite 600, 1100 Bank Street, Washington Building  
 Richmond, Virginia 23219

Herd Status  
 TB Accredited  Reg. Herd Test (Date) \_\_\_\_\_ TB Mod. Accredited Area  
 Brucellosis Certified Herd  Reg. Herd Test (Date) \_\_\_\_\_ Free Area  
 Free Area - Examined For \_\_\_\_\_

Herd or Flock of origin inspected and found free of visible symptoms of infectious or contagious disease - yes  no   
 Species - Cattle  Sheep  Permit No. \_\_\_\_\_ Date \_\_\_\_\_ Intended Use: Feeding  Breeding

Origin \_\_\_\_\_ Consignee \_\_\_\_\_  
 Address \_\_\_\_\_ Destination \_\_\_\_\_

Lot	Description Reg. No. - Tattoo - Brand - Tag	Age	Breed	Sex	Test Status-Date-Results			Brucellosis Vaccination Status		Immunization Status-Pre Date
					TB	BD	Other	Date	Age	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

This is to certify that the sole animals and the herd of origin were observed by a practicing veterinarian and they showed no visible evidence of any infectious or contagious disease. All animal tests, vaccinations, and verification of herd or flock health status were made by a licensed accredited veterinarian.

Approved \_\_\_\_\_ Date \_\_\_\_\_ State or Regulatory Veterinarian  
 or Livestock Inspector

VADCS-03033  
 ND-24A - 2/85

U.S. GOVERNMENT PRINTING OFFICE: 1983-324-427

REGISTER OF REGULATIONS

TUBERCULIN TEST RECORD (Special)

HERD OWNER - LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ INITIAL \_\_\_\_\_ DATE INSPECTED 02 JUN 85 USDA-AR-111

ROUTE - STREET - ROAD \_\_\_\_\_ AREA \_\_\_\_\_ REASON FOR CAUDAL FOLD TEST \_\_\_\_\_ CAUDAL FOLD \_\_\_\_\_ DATE INSPECTED \_\_\_\_\_

POST OFFICE \_\_\_\_\_ STATE (INCLUDE ZIP CODE) \_\_\_\_\_ TUBERCULIN TEST RESULTS: NEG  POS  TOTAL \_\_\_\_\_

COUNTY \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ SECTION \_\_\_\_\_ HERD NO. \_\_\_\_\_ TUBERCULIN SERIAL NO. \_\_\_\_\_ LICENSE NO. \_\_\_\_\_ LOCATION OF C-TEST \_\_\_\_\_

ANIMAL NUMBER	OFFICIAL IDENTIFICATION NUMBER	OVER IDENTIFICATION	SEX	BREED	AVIAN PPD (CURETS)				BOVINE PPD (CURETS)				REMARKS	
					SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS	SKIN THICKNESS		
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														

VS FORM 6-72C (JUN 77)

# Proposed Regulations

**CERTIFICATE OF VETERINARY INSPECTION** 12735

For Use Only with the Regulations for the Control of Diseases of Animals and Poultry

A. NAME AND ADDRESS OF SHIPPER NAME: _____ STREET: _____ CITY: _____ STATE: _____ ZIP: _____		B. NAME AND ADDRESS OF DESTINATION NAME: _____ STREET: _____ CITY: _____ STATE: _____ ZIP: _____	
---	--	---	--

C. SPECIES <input type="checkbox"/> HORSE <input type="checkbox"/> CATTLE <input type="checkbox"/> SWINE <input type="checkbox"/> SHEEP <input type="checkbox"/> GOATS <input type="checkbox"/> BIRDS <input type="checkbox"/> OTHER: _____	D. BREED BREED: _____	E. SEX SEX: _____	F. AGE AGE: _____	G. DATE OF BIRTH DATE: _____	H. DATE OF INSPECTION DATE: _____	I. OTHER TESTS TEST: _____	J. RESULTS RESULTS: _____
--	--------------------------	----------------------	----------------------	---------------------------------	--------------------------------------	-------------------------------	------------------------------

**VETERINARY CERTIFICATION**

I certify as an accredited veterinarian that the animals listed on this Certificate have been inspected by me and that they are not manifesting signs of infectious, zoonotic or communicable disease. The regulations, requirements, and marks of the state as indicated on the Certificate to the best of my knowledge, the animals listed on this Certificate meet the health requirements of the state or country of destination.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**WARNING:** It is a felony to forge a public record, certificate, or attestation, or to utter a forged public record, certificate, or attestation.

Q 1514

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH

### Notice of QUARANTINE

By virtue of the authority vested in the STATE VETERINARIAN OF VIRGINIA by Title 9.1, Chapter 27 of the Code of Virginia (1951) the following quarantine is hereby established for \_\_\_\_\_ and is to remain in effect until withdrawn in writing by the State Veterinarian or his authorized representative.

Location of Premise or Area and Description of Animals: \_\_\_\_\_

Reason for Quarantine: \_\_\_\_\_

No \_\_\_\_\_ shall enter or leave the premises or area herein quarantined during the effective period of this quarantine except by written permission of the State Veterinarian or his representative.

Other Specific Requirements of this Quarantine Order: \_\_\_\_\_

Violation of this quarantine or any order issued in accordance with Title 9.1, Chapter 27 of the Code of Virginia shall be punishable by the Commonwealth as follows: not more than 12 months and a fine of not more than five hundred dollars, either or both Va. Code, Section 9.1-27.5.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

By order of the State Veterinarian:  
 \_\_\_\_\_  
 Title: \_\_\_\_\_

Copy and attachment as now indexed by: \_\_\_\_\_

Q 1514

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH

This is a duplicate copy of the original and is not to be used for legal purposes.

REPORT ON HERD REVEALING REACTORS TO TUBERCULIN TEST		USDA-APHIS	OWNER U-73 REGISTER	COUNTY (8-10) ALLEGANY	STATE W.V.	STATE CODE (11-12) 01
NAME OF HERD OWNER	ADDRESS	COUNTY	DATE: 92 JUN 10			
		OWNER CLASS (Check one) (13)				
		1 FARMER		2 STOCKYARD		
		3 DEALER		4 SALES RING		

**CODES - (The following codes are to be used under the respective column headings)**

REASON FOR TEST (20)	HERD TST LESION CODE (21)	TYPE OF CATTLE (26)	POST MORTEN (22)	ACTION TAKEN (72)
1. AREA	2. DENOTES ALL LOCATIONS OF LESIONS FOUND IN ALL OF THE REACTORS ON A HERD TEST	1. DAIRY CATTLE	1. FEDERAL	1. HERD PLACED IN QUARANTINE
2. HERD ACCREDITATION OR REACCREDITATION		2. BEEF CATTLE	2. STATE	2. HERD RELEASED FROM QUARANTINE
3. COMPLY WITH MILK ORDINANCES		3. DAIRY AND BEEF	3. MUNICIPAL	3. SUSPECTS RELEASED FROM QUARANTINE
4. SALE, SHOW, INTERSTATE, INTRA-STATE OR EXPORT SHIPMENT	OFFICIAL STATUS OF VETERINARIAN (25)	INJECTION (27)	4. FIELD	4. SUSPECTS QUARANTINED
5. IMPORTED ANIMALS (Interstate or International)			1. COMPAETIBLE	5. CONTINUE HERD QUARANTINE
6. RE-TEST OF QUARANTINED HERD			2. SUGGESTIVE	6. NO ACTION TAKEN
7. AFTER TRACING ANIMALS WITH LESIONS	1. FEDERAL	3. CAUDAL AND VULVA	3. NO SPECIMEN	7. ENTIRE HERD SLAUGHTERED
8. AFTER TRACING REACTING ANIMALS	2. STATE OR COUNTY (regularly employed)	4. CAUDAL AND CERVICAL		
9. AFTER TRACING EXPOSED ANIMALS	3. ACCREDITED	5. VULVA AND CERVICAL		
0. OTHER (Miscellaneous)		6. CAUDAL VULVA & CERVICAL		

**SECTION I - HERD HISTORY (Start with current test and work back)**

MONTH	DATE TEST READ	REASON FOR TEST	HERD LESION CODE	CURRENT AND/OR PREVIOUS TEST NO.	PROGRAM TEST CODE	VETERINARIAN LAST NAME	OFFICIAL STATUS	TYPE OF CATTLE	NUMBER OF ANIMALS		NUMBER OF REACTORS SHOWING														ORIGIN OF REACTORS					ACTION TAKEN
									IN HERD	TESTED	INTERNAL LESIONS BY LOCATION														RAISED ON FARM					
									28	29																				
									20-21	22-28																				
PREVIOUS TEST (Do not record test previously reported)																														

REMARKS (Use reverse side of this form if additional space is needed) \_\_\_\_\_

7840

DATE PREVIOUS VS FORM 6-4 REPORT WAS SUBMITTED	SIGNATURE OF VETERINARIAN IN CHARGE	DATE
--	-------------------------------------	------

VS FORM 6-4 (NOV 73)

**SECTION II - IDENTIFICATION OF REACTOR(S) (Reactors with Origin Codes 1-2-3 only)**

OWNER	COUNTY	STATE	OWNER CLASS (Check one) (13)				DATE TEST	REASON FOR TEST	CODE LESION				
			1 FARMER	2 DEALER	3 STOCKYARD	4 SALES RING							
IDENTIFICATION TAG OR CATTOO NO.	REACTOR TAG	AGE	BREED	SEX	ORIGIN CODE	LAB RE-SULTS	LESION CODE	DESCRIPTION (Color, markings, and notes)	ORIGIN OF REACTOR (37)				
										1. SHORTHORN	1. FEMALE	1. RAISED ON FARM	1. PURCHASED (Origin source)
										2. FRIESIAN	2. MALE	2. ORIGIN UNKNOWN	2. PURCHASED (Origin source)
1. HOLSTEIN	4. GUERNEY												
2. HEREFORD	5. ANGUS												
3. JERSEY	6. AYRSHIRE												

REMARKS \_\_\_\_\_

VS FORM 6-4 (Rev 94)

# Proposed Regulations

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND VETERINARY SERVICES

## INVESTIGATION FOR EVIDENCE OF TUBERCULOSIS (REACTOR)

MINISTRY OF REGULATION

CODES - The following codes are to be used under the respective column headings.

REASON FOR TEST (20)      SEX (21)      REACTOR LESION (22)      LAB RESULTS (23)

1. COMPATIBLE	1. FEMALE	1. NO P.H. RPT.	1. COMPATIBLE
2. NO ACCREDITATION OR REACREDITATION	2. MALE	2. SKIN	2. NOT SUGGESTIVE
3. COMPL. WITH MILK ORDINANCES	3. STEER	3. HEAD	3. NO SPECIMEN
4. SALE SHOW, INTERSTATE, INTRA-STATE OR		4. THORACIC	
5. IMPORTED ANIMALS (imported or subimported)		5. THORACIC & ABDOMINAL	
6. QUARANTINED ANIMALS		6. OTHER (specify)	
7. REACTOR TRACING			
8. AFTER TRACING EXPOSED ANIMALS			
9. OTHER (specify)			

BREED (24)

1. HOLSTEIN	4. WYANDOTT
2. JERSEY	5. SWISS
3. OTHER (specify)	6. OTHER (specify)

REACTOR TAG      AGE      BREED      SEX      ORIGIN      LAB      DESCRIPTION (Color, markings, etc.)      DATE PURCHASED

1. NAME OF OWNER OF INFECTED HERD      ADDRESS      CITY      STATE      COUNTY      ZIP

2. NAME OF OWNER OF ANIMAL FOUND TO BE A REACTOR      ADDRESS      CITY      STATE      COUNTY      ZIP

3. SERIAL NUMBER, DATE, CONSIGNOR'S NAME AND ADDRESS, AND OTHER PERTINENT INFORMATION SHOWN ON LABEL OF ANIMAL WHEN MOVED INTO STATE. (If the health certificate cannot be located, a statement to that effect should be made.)

4. ALL TEST DATES AND RESULTS OF HERD TESTS IN WHICH THE SUBJECT ANIMAL WAS A MEMBER AFTER IT ENTERED THE STATE. (If herds have been made, it should be so indicated.)

5. DISTRIBUTION: 1 COPY - VETERINARIAN IN CHARGE; 1 COPY - HYATTSVILLE, MD.; 1 COPY - STATE VETERINARIAN OF ORIGIN OR INSPECTOR

VS FORM 6-64      REPLACES ANK FORM 6-64, DEC. 1949, WHICH CAN BE USED UNTIL EXHAUSTED.  
JULY 1973

USDP 1991 308-215

## PLACE ON HARD SURFACE AND WRITE FIRMLY ALL INCOMPLETE RECORDS WILL BE RETURNED FOR COMPLETION

### COOPERATIVE STATE-FEDERAL TUBERCULOSIS GRADUATION PROGRAM AN ANIMAL RECORD OF REGULATES 305801

#### TUBERCULOSIS TEST RECORD

STATE: \_\_\_\_\_ COUNTY: \_\_\_\_\_ TWP: \_\_\_\_\_ SEC: \_\_\_\_\_ RD: \_\_\_\_\_ DIST: \_\_\_\_\_ ANIMAL: \_\_\_\_\_

PREVIOUS TEST DATE: \_\_\_\_\_ TEST NO: \_\_\_\_\_

CERTIFICATION FOR PAYMENT:  PRIVATE       PROGRAM

I certify: That this test was made by me or under my direct supervision, and that the results are true and correct. That when payment is claimed, no payment has been or will be received from any other source.

AREA	TEST	RESULT	DATE	HOUR	REACTOR TAG NUMBER	RESULTS
1	IDENTIFICATION NUMBER	AGE	BREED	SEX	ORIGIN	LAB
2	INTEST	YES	NO	IN-HERD	16	17
3	TRACING	BEF	DAI	CAU	18	19
4	SALE SHOW	DAI	CAU	19	20	21
5	IMPORTED	DAI	CAU	20	21	22
6	OTHER	DAI	CAU	21	22	23
7	OTHER	DAI	CAU	22	23	24
8	OTHER	DAI	CAU	23	24	25
9	OTHER	DAI	CAU	24	25	26
10	OTHER	DAI	CAU	25	26	27
11	OTHER	DAI	CAU	26	27	28
12	OTHER	DAI	CAU	27	28	29
13	OTHER	DAI	CAU	28	29	30
14	OTHER	DAI	CAU	29	30	
15	OTHER	DAI	CAU	30		

I hereby acknowledge receiving a copy of this record which I have examined and find correct.

DATE: \_\_\_\_\_ OWNER'S SIGNATURE: \_\_\_\_\_

RT - Releg  
NA - Non-test Addition  
PA - Purchase Addition

VS FORM 6-22      (This is a non-optional record)

## INVESTIGATION FOR EVIDENCE OF TUBERCULOSIS (Exposed Animal)

USDA-APHIS

REASON FOR TEST (Block 4) **REACTOR** (Block 5) **REACTOR** (Block 6)

CODES - (The following codes are to be used in the respective blocks in Section I.)

<p>1. Any</p> <p>2. Head Aggravation or Reaccreditation</p> <p>3. Comply with Milk Ordinance</p> <p>4. Sale, Show, Interstate, Intra-State or Export Shipment</p> <p>5. Improve Animals (Intrinsic or Intentional)</p> <p>6. Rest of Quarantined Herd</p> <p>7. Alter Tracing Animals with Lesion, Regular RPH (VS FORM 8-35)</p> <p>8. Alter Tracing Reacting Animals (VS FORM 4-4A)</p> <p>9. Other (Specify)</p>	<p>REACTOR LESION (Block 7)</p> <p>1. NGL</p> <p>2. Skin</p> <p>3. Head</p> <p>4. Thoracic</p> <p>5. Abdominal</p> <p>6. Head and Thoracic</p> <p>7. Head and Abdominal</p> <p>8. Thoracic and Abdominal</p> <p>9. Head and Thoracic and Abdominal</p> <p>0. Other (Specify)</p>	<p>REASON FOR TEST (Block 4)</p> <p>1. Any</p> <p>2. Head Aggravation or Reaccreditation</p> <p>3. Comply with Milk Ordinance</p> <p>4. Sale, Show, Interstate, Intra-State or Export Shipment</p> <p>5. Improve Animals (Intrinsic or Intentional)</p> <p>6. Rest of Quarantined Herd</p> <p>7. Alter Tracing Animals with Lesion, Regular RPH (VS FORM 8-35)</p> <p>8. Alter Tracing Reacting Animals (VS FORM 4-4A)</p> <p>9. Other (Specify)</p>
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SECTION I - IDENTIFICATION OF EXPOSED ANIMAL SOLD FROM INFECTED HERD

1. NAME AND ADDRESS OF OWNER OF INFECTED HERD (Include State and ZIP Code) \_\_\_\_\_

2. COUNTY (In which herd is located) \_\_\_\_\_

3. DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

4. REASON(S) FOR TEST (See codes above)

5. OWNER CLASS ("V" as appropriate)

6. HERD LESION CODE (See codes above)

7. IDENTIFICATION TAG OR TATTOO \_\_\_\_\_

8. RETAINED TAG \_\_\_\_\_

9. AGE \_\_\_\_\_

10. BREED \_\_\_\_\_

11. SEX \_\_\_\_\_

12. RAISED FOR \_\_\_\_\_

13. DATE SOLD \_\_\_\_\_

14. DATE SOLD \_\_\_\_\_

15. DESCRIPTION (Color, markings, horns, etc.) \_\_\_\_\_

16. TO WHOM SOLD (In the interest of \_\_\_\_\_)

17. ADDRESS \_\_\_\_\_

18. COUNTY \_\_\_\_\_

19. STATE \_\_\_\_\_

20. OWNER CLASS ("V" as appropriate)

21. Serial number, date, company's name and address of the health certificate issued on the health certificate covering the animal when moved interstate. If the health certificate cannot be located, make a statement to that effect.

22. All copy of the results of tests in which the subject animal was a member before it entered the receiving state. If no test had been made, make a statement to that effect.

REMARKS (Reaction test not made on this herd)

23. REPORT IDENTIFYING OFFICIALS IN RECEIPT (Name and Signature of Veterinarian in Charge) \_\_\_\_\_

24. SIGNATURE OF VETERINARIAN IN CHARGE \_\_\_\_\_

25. DATE \_\_\_\_\_

COPY DISTRIBUTION: Original and one copy to Regional Epidemiologist (to be forwarded to Hyattsville, copy to be retained); one copy to each Veterinarian in Charge involved; one copy to be retained by originator.

VS FORM 16-48 JUL 87

SECTION IV - REPORT OF RESULTS OF INVESTIGATION AFTER TRACING A REACTOR

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

REPORT OF RESULTS OF INVESTIGATION SENT TO VETERINARY SERVICES, HYATTSVILLE, MD.

SIGNATURE OF VETERINARIAN IN CHARGE \_\_\_\_\_

DATE \_\_\_\_\_

VS FORM 16-48 JUL 87

SECTION II - IDENTIFICATION OF EXPOSED ANIMAL

1. NAME AND ADDRESS OF OWNER OF INFECTED HERD (Include State and ZIP Code) \_\_\_\_\_

2. COUNTY (In which herd is located) \_\_\_\_\_

3. DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

4. REASON(S) FOR TEST (See codes above)

5. OWNER CLASS ("V" as appropriate)

6. HERD LESION CODE (See codes above)

7. IDENTIFICATION TAG OR TATTOO \_\_\_\_\_

8. RETAINED TAG \_\_\_\_\_

9. AGE \_\_\_\_\_

10. BREED \_\_\_\_\_

11. SEX \_\_\_\_\_

12. RAISED FOR \_\_\_\_\_

13. DATE SOLD \_\_\_\_\_

14. DATE SOLD \_\_\_\_\_

15. DESCRIPTION (Color, markings, horns, etc.) \_\_\_\_\_

16. TO WHOM SOLD (In the interest of \_\_\_\_\_)

17. ADDRESS \_\_\_\_\_

18. COUNTY \_\_\_\_\_

19. STATE \_\_\_\_\_

20. OWNER CLASS ("V" as appropriate)

21. Serial number, date, company's name and address of the health certificate issued on the health certificate covering the animal when moved interstate. If the health certificate cannot be located, make a statement to that effect.

22. All copy of the results of tests in which the subject animal was a member before it entered the receiving state. If no test had been made, make a statement to that effect.

REMARKS (Reaction test not made on this herd)

23. REPORT IDENTIFYING OFFICIALS IN RECEIPT (Name and Signature of Veterinarian in Charge) \_\_\_\_\_

24. SIGNATURE OF VETERINARIAN IN CHARGE \_\_\_\_\_

25. DATE \_\_\_\_\_

COPY DISTRIBUTION: Original and one copy to Regional Epidemiologist (to be forwarded to Hyattsville, copy to be retained); one copy to each Veterinarian in Charge involved; one copy to be retained by originator.

VS FORM 16-48 JUL 87

SECTION IV - REPORT OF RESULTS OF INVESTIGATION AFTER TRACING A REACTOR

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

PREVIOUS OWNER (41) \_\_\_\_\_

COUNTY (41) \_\_\_\_\_ STATE (41) \_\_\_\_\_

NAME (42-47) \_\_\_\_\_ ADDRESS \_\_\_\_\_

OWNER CLASS (53) (Check one)

1 FARMER 2 DEALER 3 STOCK RAISER 4 SALES 5 UNK. SOURCE

1 RAISED ON FARM 2 UNKNOWN 3 PURCHASED FROM OTHER SOURCE 4 UNKNOWN

NUMBER OF REACTORS \_\_\_\_\_

NO P.M. REPORT (72-74) \_\_\_\_\_

SKIN LESION (75-78) \_\_\_\_\_

INTERNAL LESION (79-81) \_\_\_\_\_

DATE TEST READ (Mo., Day, Year) \_\_\_\_\_

ANIMALS TESTED (82-84) \_\_\_\_\_

REACTORS (85-87) \_\_\_\_\_

INTERNAL LESION (88-90) \_\_\_\_\_

REMARKS (Reaction test not made on this herd)

REPORT OF RESULTS OF INVESTIGATION SENT TO VETERINARY SERVICES, HYATTSVILLE, MD.

SIGNATURE OF VETERINARIAN IN CHARGE \_\_\_\_\_

DATE \_\_\_\_\_

VS FORM 16-48 JUL 87

# Proposed Regulations

SECTION IV - REPORT OF RESULTS OF INVESTIGATION AFTER TRADING AN EXPOSED ANIMAL

A. NAME AND ADDRESS OF SUBSEQUENT OWNER (include name and ZIP code)	B. COUNTY	C. ANIMAL IDENTIFICATION	D. DATE TEST READ (Mo., Day, Yr.)	E. NO. OF REACTORS WITH LEASONS		F. NO. OF REACTORS WITH THE FOLLOWING TYPES OF REACTORS:				G. DATE SOLD (Mo., Day, Yr.)	H. OWNER CLASS (check appropriate)		
				NO. OF REACTORS	NO. OF REACTORS WITH LEASONS	REACTORS TESTED	REACTORS	NO. OF REACTORS	NO. OF REACTORS WITH LEASONS		REACTORS	REACTORS WITH LEASONS	REACTORS
REPORT OF RESULTS OF INVESTIGATION SENT TO VETERINARY SERVICES, RYATTSVILLE, MD.													
SIGNATURE OF VETERINARIAN IN CHARGE													
DATE													
REGIONAL DIRECTOR													
STATE OF DESTINATION (if required)													

\*\*\*\*\*

**Title of Regulation:** VR 115-02-03. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia. REPEALED.

**Title of Regulation:** VR 115-02-03:1. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Bovidae in Virginia.

**Statutory Authority:** §§ 3.1-724, 3.1-726, 3.1-730, and 3.1-737 of the Code of Virginia.

**Public Hearing Date:** September 30, 1992 - 1 p.m.  
(See Calendar of Events section for additional information)

### Summary:

The purpose of the proposed action is to review the regulation of effectiveness and continued need including but not limited to (i) adding provisions to require testing and subjecting to other requirements within the regulation of all classes of bovidae (not just cattle), (ii) adding definitions to the regulation to be specific in terms of precisely which bovidae must be tested for brucellosis, (iii) expanding the number and kind of tests that may be used to test for brucellosis, and (iv) expanding instances in which a test for brucellosis is required, not just when there is a change of ownership.

VR 115-02-03:1. Rules and Regulations Governing the Prevention, Control, and Eradication of Brucellosis of Bovidae in Virginia.

### § 1. Definitions.

"Accredited veterinarian" means an "accredited veterinarian" as defined in 9 CFR § 160.1, and who is licensed to practice veterinary medicine in the Commonwealth.

"Bovidae" means all animals included in the family "bovidae" in the Linnean taxonomic system of nomenclature. These animals include, but are not limited to, cattle and bison.

"Brucellosis test" means "official test" as defined in 9 CFR § 78.1.

"Certified brucellosis-free herd" means "certified brucellosis-free herd" as defined in 9 CFR § 78.1.

"Commonwealth" means "Commonwealth of Virginia."

"Official calthood vaccinate" means "official calthood vaccinate" as defined in 9 CFR § 78.1.

"Official eartag" means "official eartag" as that term is defined in 9 CFR § 78.1.

"Reactor" means any animal of the family bovidae that shows a response to a brucellosis test and is so classified by the brucellosis epidemiologist in the exercise of his sound veterinary-medical judgment.

"Recognized slaughter establishment" means a slaughter establishment operated under state or federal inspection.

"State Veterinarian" means the State Veterinarian or any veterinarian acting at his direction.

### § 2. When brucellosis test is required.

A. Except as otherwise provided for animals offered for sale at a Virginia livestock market under VR 115-02-04, Rules and Regulations Governing the Operations of Livestock Markets, any person presenting any animal that is an adult breeding bovidae 18 months of age or older, as evidenced by the absence of the first pair of fully erupted temporary incisor teeth, but also including all cattle that are parturient (springers) or post-parturient, for sale or transfer of ownership from one location within the Commonwealth to another location within the Commonwealth shall have the animal tested by an accredited veterinarian or by a veterinarian employed by the Commonwealth or federal government within 30 days prior to presenting the animal for sale or transfer of ownership.

B. Nothing in subsection A of this section shall apply to any animal:

1. Designated for slaughter at a recognized slaughter establishment; or
2. Originating directly from a certified brucellosis-free herd.

C. When any animal in a herd of animals of the family bovidae is found to be a reactor, or when any animal in such a herd has been exposed to any animal infected with brucellosis, the owner of the herd shall have all nonbrucellosis vaccinated animals six months of age or older, vaccinated dairy animals 20 months of age or older, and vaccinated beef animals 24 months of age or older, exempting steers, spayed heifers, and bulls less than 18 months of age, in the herd tested for brucellosis according to a regimen specified by the brucellosis epidemiologist in the exercise of his sound veterinary-medical judgment.

D. When there has been infection by or exposure to brucellosis, or exposure to a reactor, the owner of any individual animal of domestic livestock species and any animal that is a captive exotic species on the premises susceptible to brucellosis shall have the animal tested for brucellosis according to a regimen specified by the brucellosis epidemiologist in the exercise of his sound veterinary-medical judgment.

E. No person may keep any animal that fails the brucellosis test. The animal's owner shall have the animal



# Proposed Regulations

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slaughtered at a recognized slaughter establishment.

## § 3. Blood test; identification of animals.

A. No person may submit blood or blood serum from an animal of the family bovidae for brucellosis testing except an accredited veterinarian or a veterinarian in the employ of the Commonwealth or the federal government. The veterinarian shall submit the blood or blood serum to laboratories of the Virginia Department of Agriculture and Consumer Services approved to carry out brucellosis testing. The person drawing the blood sample or his authorized representative shall, at the time the blood is drawn, affix to the animal an identification that satisfies the requirements of subsection C of this section (if such an identification is not already affixed to the animal).

B. Except as provided in subsection A of this section, or except as otherwise authorized by the State Veterinarian in the exercise of his sound veterinary-medical judgment, no person may test blood or blood serum of an animal from the family bovidae for brucellosis.

C. Such identification shall uniquely identify the animal and be (i) an official eartag; (ii) a tattoo; or (iii) any other identification approved by the State Veterinarian in the exercise of his sound veterinary-medical judgment that serves the animal-identification needs of a program for the control, prevention, and eradication of brucellosis.

D. Any person owning an animal that is a reactor shall submit the reactor to the State Veterinarian or the State Veterinarian's representative for identification as specified by Brucellosis Eradication: Uniform Methods and Rules (incorporated by reference herein) and shall isolate the animal under quarantine of the State Veterinarian.

## § 4. Movement of bovidae, permits.

A. No person may move any animal of the family bovidae that has been (i) bled for brucellosis testing for which results are pending; or (ii) declared to be a reactor to a brucellosis test, without a permit issued by the State Veterinarian.

B. Only the owner of a reactor animal that belongs to the bovidae family may apply for and receive a permit pursuant to subsection A of this section. Each animal to be moved shall have a separate permit. However, when animals are moved in one drove, one truckload, or one carload, one permit shall suffice for each drove, each truckload, or each carload, so long as each animal's identification is listed on the permit.

C. In no event may any person be issued a permit, except to move an animal (i) to a livestock market under state or federal inspection authorized to deal in brucellosis-infected animals (as specified in "Specifically Approved Stockyards" as published in Title 9, Part 78.44 of the Federal Register, or as otherwise approved pursuant to 9 CFR § 78.44) and from there only to a recognized

slaughter establishment; or (ii) directly to a recognized slaughter establishment. While moving an animal under permit to an authorized livestock market, the owner or a person acting at his direction shall keep the animal that is under permit separated so that it cannot come in physical contact with other animals not under permit, except from those being moved for immediate slaughter at a recognized slaughter establishment.

D. Except as otherwise provided, no permit shall have effect for more than 10 days after it is issued. No person may use an expired permit to move an animal.

## § 5. Official calfhood vaccinate for brucellosis; identification of vaccinated calves; report required.

Female bovidae may be vaccinated for brucellosis between the ages of four and 12 months by an accredited veterinarian or a veterinarian in the employ of the Commonwealth or of the federal government with a reduced dose of approved brucella vaccine containing at least 2.7 billion and not more than 10 billion live cells per 2 ml dose. Any veterinarian administering an official calfhood vaccination for brucellosis shall affix an official vaccination eartag in the right ear of the calf that the veterinarian vaccinates, if no other tag has been previously applied, and apply to the right ear of the calf a tattoo containing the United States Registered Shield and "V," preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the vaccination was administered. The veterinarian administering the vaccination shall make a report of the vaccination to the State Veterinarian on a form supplied by the State Veterinarian within seven working days after the vaccination is administered.

## § 6. When vaccination is prohibited.

Except with the approval of the State Veterinarian in the exercise of his sound veterinary-medical judgment and except as authorized by § 5 of this regulation, no person may vaccinate for brucellosis any animal subject to this regulation.

## § 7. Certified brucellosis-free herds.

Any person wishing to have a herd designated as a certified brucellosis-free herd shall comply with the requirements for establishing a certified brucellosis-free herd contained in 9 CFR § 78.1.

## § 8. Depopulation of brucellosis-infected herds.

Any person who owns a brucellosis-infected herd shall, when the State Veterinarian directs, depopulate the herd. The premises shall be cleaned and disinfected.



REGISTRAR OF REGULATIONS

92 JUN 10 AM 10:22

## COMMONWEALTH of VIRGINIA

S. MASON CARBALGH  
CommissionerDEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH  
WASHINGTON BUILDING, SUITE 600  
1100 BANK STREET, RICHMOND, VA 22219WILLIAM D. MILLER, D.V.M.  
State VeterinarianBRUCELLOSIS MEMORANDUM OF AGREEMENT  
(Owner's Responsibility)

I am the owner and/or manager of the brucellosis-infected herd(s) located at

\_\_\_\_\_  
County \_\_\_\_\_ . I understand that I must comply with the  
following procedures in order to eradicate brucellosis from my herd(s).

1. I understand that my infected herd(s) will be retested at 30-day intervals (herd test to herd test) until the herd(s) has passed two consecutive negative tests. The herd(s) is then to be retested in 90 days. If all testable animals are negative at that time, the herd(s) is to be placed under Conditional Quarantine and retested in 120-180 days. (The incubation period for brucellosis can be approximately from 14 to 270 days, thus the reason for requiring the Conditional Quarantine.)
2. I understand that testable cattle in an infected herd are all non-vaccinated animals six months of age and older (male and female) and all vaccinated animals 18 months of age and older (as evidenced by the presence of two pair or more of permanent incisor teeth). It is strongly recommended that vaccinated heifers 12-18 months of age be tested at 60-day intervals for informational purposes.

I understand that when testing a herd, each animal must be identified by a permanent means of identification; chain numbers by themselves are not acceptable.

As owner, I will have all testable cattle corralled each time I am notified by the State-Federal veterinarian that my herd is due for a retest. If I as the owner or manager cannot determine the age of my young stock as 6 months, 12 months, or 18 months of age, I will assemble these animals for the veterinarian, so he can determine which heifers that need to be tested.

Brucellosis Memorandum of Agreement (Page 2)

I understand that if swine or horses are in direct contact with my infected herd(s), they are to be tested and retested as deemed necessary by the testing veterinarian. Such animals are to be separated and maintained separate from the infected cattle herd(s).

3. I understand that the State Veterinarian's office will notify the State Health Department that my herd(s) has been placed under quarantine. Personnel from the Health Department may contact me as man may become infected with brucellosis by drinking raw milk from infected animals or by removing afterbirth from infected animals.
4. As owner or manager, I agree to furnish information relative to the sale of testable animals from my herd, herd additions, and herd contacts that occurred within the 24 months prior to the disclosure of brucellosis in my herd. (It is important to determine as nearly as possible when the herd became infected.)

I will also keep a record of ear tag numbers of all testable cattle that die on my farm during the period of eradicating brucellosis from my herd.

I further agree not to borrow or loan bulls or cows, since they serve as a possible means of transmitting brucellosis from one herd to another.

5. Sale of Animals from My Brucellosis Infected Herd

A. I agree to sell all reactors within five days after I have been officially notified by State or Federal Animal Health officials. I understand all reactors must be branded with a hot "B" brand on the left jaw and be accompanied by Shipping Permit (1-27) to immediate slaughter. (1-27 Shipping Permits are issued by State or Federal regulatory officials.) Reactors are to be isolated from the herd when I am so notified and maintained in isolation until sold for slaughter. Unpasteurized milk from such reactors is not to be used for human consumption or fed to calves. Such milk may be added to a bulk tank, as the milk will be pasteurized at the receiving plant. Raw milk from a brucellosis-infected dairy herd should not be used for human consumption until it is pasteurized.

B. I agree that all nursing heifer calves less than six months of age from infected dams are to be considered infected and are to be sold for slaughter with the infected dams. Indemnity will be paid for the infected dam as well as for the heifer calf. Both animals shall be branded and accompanied by a 1-27 shipping permit issued by State or Federal Regulatory personnel.

Research has shown that female calves from infected dams may be carriers of the disease and may become brucellosis reactors when they freshen.

Brucellosis Memorandum of Agreement (Page 3)

Indemnity rates are: \$250.00 for all registered cattle, \$150.00 for non-registered dairy cattle, and \$25.00 for exposed female calves. (An exposed female calf is a female bovine animal less than six (6) months of age that is being nursed by a brucellosis reactor at the time the latter is condemned.) Indemnity for grade beef females is \$50.00. A nonregistered dairy cow may qualify for the \$150.00 indemnity if she is: (1) 20 months of age or within 90 days of calving, or has already calved; (2) is of a recognized dairy breed; and (3) is part of a dairy herd which produces milk for commercial purposes.

- C. I understand that all test negative exposed cattle and all non-testable heifers or bull calves can only be sold for immediate slaughter; or to a livestock market and from there to immediate slaughter. Such animals shall be hot "S" branded and accompanied by a shipping permit (1-27). Steers can be sold for immediate slaughter or to a quarantined feed lot upon approval of State or Federal Regulatory personnel.
  - D. I agree that when cattle abort the fetus, afterbirth shall be burned or buried immediately. If animal(s) abort in a pasture or field, I will make a concerted effort to locate the fetus. Such aborting cows shall be isolated immediately from the herd and tested within 10-15 days, or be identified as exposed animals (S-branded) and shipped under a 1-27 permit directly to slaughter. (Indemnity cannot be paid for such non-tested animal(s).)
6. I agree, if possible, to sell some of my first reactors directly to a slaughter in Virginia, so that glands can be collected for Brucella cultural purposes. If such reactor(s) is sold out of state, milk samples should be collected for Brucella cultural purposes. (Milk samples would be collected at the time the animal(s) is branded.)
  7. I will make a concerted effort to comply with the following procedures: All heavy springers shall be isolated in calving pens or other isolated areas 10-14 days prior to calving. Afterbirth shall be immediately burned or buried. Such dams shall be tested for brucellosis 5-10 days after calving and before they are returned to the herd. Isolation pens shall be cleaned and disinfected with an approved disinfectant before other animals are placed in such stalls. All bedding from such pens shall be burned or buried.
  8. During the quarantine period, I will not add purchased additions to my infected herd unless permission to do so is granted by the State Veterinarian.
  9. I understand that the barns, sheds, or other holding areas where my infected herd(s) has been confined must be thoroughly cleaned and disinfected with an approved disinfectant whenever reactors are disclosed. The cleaning and disinfection must be done within 15 days after the reactors are sold to slaughter.

Brucellosis Memorandum of Agreement (Page 4)

10. I understand that the ponds and low wet areas in my pastures can become polluted and serve as a source of infection to my herd; thus, it would be to my benefit to maintain my infected herd away from such areas.
11. I understand that watering tanks should be cleaned and disinfected immediately after infection is disclosed in the herd, and periodically thereafter as recommended by the attending State or Federal veterinarian or my attending veterinarian. Care must be exercised that feed and watering areas are maintained free of contamination.
12. Recommendations owner must follow when purchasing breeding stock as herd additions

New herd infection occurs when a herd owner buys replacement cattle which are infected, or have been exposed to infection prior to purchase. In other words, brucellosis is bought and paid for! Thus, we strongly recommend that when the infection is eradicated from your herd, all testable purchased additions should be tested prior to purchase and again 60-90 days after purchase. (One test is not enough.) I understand that failure on my part to comply with the foregoing requirements might jeopardize indemnity payments for reactors in my herd(s) if, through such lack of compliance, my herd should become reinfected with brucellosis.

Buy cattle that are calfhood vaccinated and that originate from qualified herds of known brucellosis status, where you can buy with confidence.

REMARKS - Changes in Memorandum of Agreement or other pertinent information:

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VS 83-2 Exhibit K (Page 5)

Brucellosis Memorandum of Agreement (Page 5)  
(Owner's Responsibility)

Revision of Memorandum of Agreement:

The above memorandum of agreement may be reevaluated and changed as agreed to by all parties concerned. It shall be the responsibility of all parties to the agreement to adhere to the plan throughout the period of eradication of the disease from this herd.

The above items have been disclosed with me by the attending veterinarian(s), and I agree to comply with all procedures outlined in this memorandum of agreement.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Owner or Manager

\_\_\_\_\_  
State-Federal Veterinarian  
\_\_\_\_\_  
Owner's Attending Veterinarian

- Copies to:
- (a) Owner
  - (b) Attending Veterinarian
  - (c) Regional Veterinary Supervisor
  - (d) Chief, Veterinary Services

COMMONWEALTH OF VIRGINIA  
Department of Agriculture and Consumer Services  
Division of Animal Health and Dairies  
Suite 600, 1100 Bank Street  
Richmond, VA 23219  
REGISTER OF REGULATIONS  
TEST RELEASE FORM  
92 JUN 10 AM 10:22

Purchased by \_\_\_\_\_  
Address \_\_\_\_\_  
Livestock Market \_\_\_\_\_

The following animals were negative to the brucellosis test at the livestock market on this date \_\_\_\_\_. This test is valid for a period of 15 days from the date on this form.

	Breed	Age	Ear Tag and Backtag Number
1			
2			
3			
4			
5			
6			
7			

BD-LSM \_\_\_\_\_ D.V.M.  
Copy to be retained by livestock inspector and forwarded to the Richmond office. L.S.I.

COMMONWEALTH OF VIRGINIA  
Department of Agriculture and Consumer Services  
Division of Animal Health and Dairies  
Suite 600, 1100 Bank Street  
Richmond, VA 23219

TEST RELEASE FORM

Purchased by \_\_\_\_\_  
Address \_\_\_\_\_  
Livestock Market \_\_\_\_\_

The following animals were negative to the brucellosis test at the livestock market on this date \_\_\_\_\_. This test is valid for a period of 15 days from the date on this sheet.

	Breed	Age	Ear Tag and Backtag Number
1			
2			
3			
4			
5			
6			
7			

# Proposed Regulations

Virginia Department of Agriculture and Consumer Services  
 Division of Animal Health & Dairies  
 In compliance with  
 U.S. Department of Agriculture—APHIS  
 Veterinary Services

1100 Bank Street, Suite 800, Washington Building  
 Richmond, Virginia 23219

Form Approved OMB No. 40-1029  
 Form No. 147176  
 Date of Issue 10/10/76

**BRUCellosis CALFHOOD VACCINATION RECORD**  
 FARM NAME \_\_\_\_\_ COUNTY \_\_\_\_\_  
 ROUTE, BOX NO., STREET, ROAD \_\_\_\_\_ POST OFFICE \_\_\_\_\_  
 HERO OWNER \_\_\_\_\_

I certify: I have vaccinated with Strain 19 vaccine and identified with a tattoo and ear tag or registration tattoo all female calves listed hereon, and recorded all information prescribed by State regulation.

I understand that a fee of \$2.00 per head will be reimbursed to me by the Commonwealth of Virginia for this service.

Veterinarian's Signature \_\_\_\_\_ Date of Vaccination \_\_\_\_\_

No.	Identification tag, tag, tattoo	Age	Breed	P/B Gr.	General Information
1					Form No. 147176
2					Tattoo Data
3					Vaccine Used: _____ Colorado Serum _____
4					Burroughs Welcome _____ Expiration Date _____
5					Please send IBM Cards _____ Calves were vaccinated with a state-federal recommended vaccine _____
6					I certify the above entries to the best of my knowledge and belief are correct as submitted to the State Department.
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					

I certify that the calves listed hereon were vaccinated and identified for the above-named owner. Understand that a fee of \$2.00 per head will be paid to the veterinarian for this vaccination by the Commonwealth of Virginia.

Owner or Representative \_\_\_\_\_ Date \_\_\_\_\_

816-3 STATEMENT PRINTING OFFICE - 1981 - 317-526

(See Instructions on Reverse)

**REGISTRATION OF REGULATOR**  
 Form Approved OMB No. 40-1029  
 Form No. 147176  
 Date of Issue 10/10/76

**EPIDEMIOLOGIC INVESTIGATION OF BRUCellosis REACTOR HERD**  
 Name of Herd Owner \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and State (Include Zip Code) \_\_\_\_\_  
 County \_\_\_\_\_

1. Name of Herd Owner \_\_\_\_\_  
 2. Street Address \_\_\_\_\_  
 3. City and State (Include Zip Code) \_\_\_\_\_  
 4. County \_\_\_\_\_

5. Type of Reactor:  Diagnostic (Abortion, Etc.)  Private sale or show  Herd Certification Test  Other (Specify) \_\_\_\_\_  
 6. Herd No. \_\_\_\_\_  
 7. Reason for Test:  Abortion No. \_\_\_\_\_  Hygiene No. \_\_\_\_\_  Reduced Milk Prod. No. \_\_\_\_\_  Weak Calves No. \_\_\_\_\_  EB (Blood Withers/Pool Eui) (Source) No. \_\_\_\_\_

8. Are Clinical Signs of Brucellosis Present? (If Yes, describe them): \_\_\_\_\_  
 9. Percentage of Herd Vaccinated for Brucellosis: \_\_\_\_\_  
 10. Maximum age when calfhood vaccinated: \_\_\_\_\_  
 11. No. of Reactors: \_\_\_\_\_  
 12. Location of Herd (Continue on separate page): \_\_\_\_\_  
 13. Date Test Scheduled: \_\_\_\_\_  
 14. If all herds are not to be tested, give reason: \_\_\_\_\_

15. Type of Operation:

HERD	Dairy	Feed-lot	Cows	Cows	Non Vac	Non Vac	Heifers	Under 12 months	Non Vac
A.									
B.									
C.									

16. Cattle Census on Premises (Exclude sters and aged heifers):  
 17. No. Susceptible Species on Premises:  
 18. Breeding Program in Herd (Check one in column A):  
 19. Owner's opinion on source of infection:  
 20. Is the herd infected with Brucellosis?  
 21. Probable source of infection (specify):  
 22. Reported sales "to slaughter" verified since date infection introduced:  
 23. Explained the nature of facilities, discussed tentative test schedule, and completed herd plan has been submitted:  
 24. Supplemental tests completed:  
 25. List names of six nearest herd owners and complete vs Form 4-108C:  
 26. Other sales:  
 27. Reactors were:  
 28. A. Where obtained:  
 29. List names of six nearest herd owners and complete vs Form 4-108C:  
 30. Quarantine and requirements for quarantine release have been explained to owner:  
 31. Permit requirements and requirements for the sale of herd on exposed animal before movement into market chains explained to owner:  
 32. Explained the nature of facilities, discussed tentative test schedule, and completed herd plan has been submitted:  
 33. Supplemental tests completed:  
 34. REWARDS (Attach supplemental sheet if necessary. Give item number referred to.)  
 35. Signature of VMO  
 36. Date quarantine (K) (Guarantee No.)  
 37. Date quarantine (L) (Guarantee No.)  
 38. Signature of VMO  
 39. Date signed

30. Quarantine and requirements for quarantine release have been explained to owner:  Yes  No  
 31. Permit requirements and requirements for the sale of herd on exposed animal before movement into market chains explained to owner:  Yes  No  
 32. Explained the nature of facilities, discussed tentative test schedule, and completed herd plan has been submitted:  Yes  No (If no, explain in Item 34)  
 33. Supplemental tests completed:  Yes  No  
 34. REWARDS (Attach supplemental sheet if necessary. Give item number referred to.)  
 35. Signature of VMO \_\_\_\_\_  
 36. Date quarantine (K) (Guarantee No.) \_\_\_\_\_  
 37. Date quarantine (L) (Guarantee No.) \_\_\_\_\_  
 38. Signature of VMO \_\_\_\_\_  
 39. Date signed \_\_\_\_\_

**NOTICE TO HERD OWNERS**

Herd Owners (*Managers or Agents*) of herds of brucellosis affected livestock must be advised that information is given voluntarily to assist in the elimination of brucellosis from the livestock population. Cooperation of all affected herd owners (*Managers or Agents*) is needed to complete a thorough epidemiologic investigation to identify the source of the disease, the method of spread and the possible dissemination to new herds. The authorities under which the brucellosis program is conducted are contained in 21 USC 11J, 112, 114, 114a, 114a-1, 115, 120, 121, 125, and 134a-f and Title 9, Code of Federal Regulations, Part 51 and 78.

**INSTRUCTIONS**

(For Complete Instructions see VS Memorandum 551.26)

1. **COMPLETE LEGAL NAME** as used on indemnity papers.
- 2.3. **COMPLETE MAILING ADDRESS** including post office box number, route number, and zip code.
4. List county in which herd is located.
5. Geographic location of farm where subject animals are located - use range, township and section, or longitude and latitude coordinates or mileage grid indicating distance north and west from southeast corner of county - use only one system within a State.
6. To be completed in office unless herd number is known.
7. Reasons for test:
  - Slaughter Reactor - MCI reactor disclosed at a slaughter plant.
  - Livestock Market Reactor - MCI reactor disclosed at a livestock market.
  - Brucellosis Ring Test - Herd Test because of suspicious milk test.
  - Diagnostic - Abortion, infertility, etc.
  - Private sale or show - Cross out nonapplicable item.
  - Herd Certification Test - Initial or recertification tests.
  - Post-Movement Retests - Test performed after purchase for cattle moved under permit and held under quarantine for retest.
  - Area Test - (Community test in heavily infected area or area-wide recertification tests) - Cross out nonapplicable item.
  - Epidemiologic - (Tracebacks from infected herds, i.e., cattle were sold from this herd into an infected herd; adjacent or fence contact herds, sales, i.e., cattle were purchased from an infected herd, neighborhood herds, or contact herds on common premises). Cross out nonapplicable categories.
  - Other - (Specify) - Any tests not covered by the above categories.
8. Report number of animals observed by owner or others showing clinical signs since estimated onset of infection (see item 22).
9. Estimate percentage of animals in herd that were vaccinated in calfhood or as adults. If calfhood vaccinated animals are revaccinated as adults, make a notation of this in remarks (36).
10. The age of the oldest calf at time of vaccination should be recorded in months.
- 11-16. Report the total number of separate (*by CVMR definition*) herds owned and the number of cattle in each. Prepare a separate 4-108 for each herd listed and cross-reference all reports (*forms*). Specialized operations such as veal raising or dairy heifers should be included under feedlots (15) and described under remarks.
18. If more than one term is applicable in block A, give the percentage of each. In block B, indicate beginning and ending month of calving season.
21. Specify the name of herd owner if known and probable method of spread (e.g., area spread, purchased animal, common range, etc.).
22. Estimate from epidemiological information the probable date that brucellosis was introduced into the herd.
24. Include all cattle, other than steers or spayed heifers, moved for any purpose. This includes day-old calves, cull cows, fee-fee heifers, etc.
25. Verify reported sales to slaughter by checking purchase and sales receipts at markets (*or dealers*) and purchase receipts at slaughter plants.
26. Verify by locating and retesting the animal(s) or by notifying state of destination.
27. If any reactors were not raised in the herd, the response is "NO".
28. Give information on the purchase lot(s) (*performance for each category!*) from which reactors originated.
29. List the six nearest herds regardless of distance. If more than six herds have potential contact, give details on separate sheets including locations. Potential contact means epidemiological possibility of exposure and includes indirect as well as direct contact.
36. A narrative statement of your appraisal of the situation should be attached.

**U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES** Form Approved OMB NO. 03-8403

**INSTRUCTIONS:** If animals are traceable to a herd source, obtain all supporting documents (i.e., health certificates, sales and purchase, brand registration records, test charts, sales slips, etc.)

1. NAME OF HERD OWNER  
2. COUNTY  
3. HERD NO.  
4. PAGE

**ORIGIN OF REACTORS; HERD ADDITIONS**  
*(List pertinent to VS Form 4-108)*

**IDENTIFICATION**  
*(List pertinent to VS Form 4-108)*

COUNTY	NAME AND ADDRESS <i>(Include all contact addresses)</i>	FEED LOT	DATE	IDENTIFICATION								REMARKS
				TEB NO.	BRND	VE	SPV	SPV	SPV	SPV	SPV	

5. SIGNATURE OF VETERINARIAN  
6. DATE

# Proposed Regulations

U.S. GOVERNMENT PRINTING OFFICE: 1980 - 331-550

Form Approved OMB NO. 49-80422

**ANIMALS REMOVED FROM INFECTED HERD**

**INSTRUCTIONS:** List all animals (include feeder calves) that were culled, removed, sold, or bled for vaccine material since the date of discovery of the herd infection. List all animals (include feeder calves) that were culled, removed, sold, or bled for vaccine material since the date of discovery of the herd infection. List all animals (include feeder calves) that were culled, removed, sold, or bled for vaccine material since the date of discovery of the herd infection.

**NAME OF HERD OWNER**  
**COUNTY**  
**HERD NO.**

**DATE OF INFECTED HERD**  
**DATE OF THIS REPORT**

**BUYER OR RECIPIENT**  
**NAME AND ADDRESS**  
**DATE**

**IDENTIFICATION**  
**TAG NO.**  
**ORIGIN ID (Breed, Breed, etc.)**  
**SEX**  
**AGE**  
**WEIGHT**  
**HEIGHT**  
**MARKS**

**REMARKS**  
**(Date of purchase)**  
**(Date of sale)**  
**(Date of bleed)**  
**(Date of cull)**  
**(Date of death)**  
**(Date of disposal)**  
**(Date of disposal)**  
**(Date of disposal)**

**BRUCELLOSIS STATUS**  
**1 - Positive**  
**2 - Negative**

**SIGNATURE OF VETERINARIAN**  
**DATE**

**PART 1 - HERD FILE**

**NOTICE TO HERD OWNERS**

Herd Owners (Managers or Agents) of herds of brucellosis affected livestock must be advised that information is given voluntarily to assist in the elimination of brucellosis from the livestock population. Cooperation of all affected herd owners (Managers or Agents) is needed to complete a thorough epidemiologic investigation to identify the source of the disease, the method of spread and the possible dissemination to new herds. The authorities under which the brucellosis program is conducted are contained in 21 USC 111, 112, 114, 114a, 114c, 115, 120, 121, 122, and 124a-f and Title 9, Code of Federal Regulations, Part 53 and Part 78.

**INSTRUCTIONS**

The purpose of this form is to record information of epidemiologic importance individually for (1) each MCI reactor (if any); (2) each reactor on the initial herd test; and (3) by lot for any other purchases. In most cases, this should cover the 2-year period prior to discovery of the infection but the time period may vary on epidemiologic findings.

1. From 4 10B, Item 2 is the preprinted number on the 4-10B. Indicate which page of 4-10B this is and how many total pages were completed.
2. Record the complete legal name and mailing address of the supplier for each animal or group of animals added to herd. List each MCI reactor (if any) on a separate line. List each farm reactor on the initial herd test on a separate line. List each purchase (one purchase lot per line) for all other animals added to the herd over the past 2 years (or longer as the duration of the investigation).
3. List the date the present owner acquired control of the animal(s).
4. Indicate the latest status of the animal(s) by "M" (MCI reactor), "R" (herd reactor), or "N" (negative).
5. List the identification other than brand for each reactor animal when purchased if known and when found to be a reactor and the reactor tag number. For purchase lots indicate number of animals involved and list the tag range (if known), state codes, or other available identification.
6. List all brands on the animal(s) or listed on any permit received with the animals.
7. Indicate "F" for female and "M" for male. For purchase lot data record the number of each.
8. Indicate the sex when purchased. For purchase lots record the sex ratio and the average or most frequent age.
9. Record the breed of reactor(s) if known. If nondescript, record the most probable breed by appearance, etc. For purchase lots record the predominant breed or a mixed breed or mixed date.
10. Record the brucella vaccination status as "CV" (vaccinated), "AV" (vaccine), "NM" (non-reactant), or "UN" (unknown).
11. Indicate material submitted for brucella culture. Use "B" for lymphoid and other glandular tissue. Use "M" for fetus, placentas or uterine exudates. Use "U" for milk including any udder secretion. If two or more were submitted, list one above the other.
12. Record brucella culture results as "N" (negative), "P" (page 4), "S" (type 3), "H" (type 4), "19 S" (Swain 19), "S" (SIN), and "UP" (unperturbed or unidentified).
13. If milk, placentas and/or fetus are submitted, record the results for each material.
14. For reactors record the date of last calving (circle the date if it was an abortion or a still born calf or a weak calf), indicate where the calf is now, and any other information considered pertinent. For purchase lots record pertinent information such as cullled, ewelets, etc.
15. Enter the respective code number: 1) 1 untested, 2 negative test, 3 from a brucellosis certified free herd, 4 from a certified free or class 1 area.
16. Indicate "yes" if you are going to contact all herds of origin of reactors or other suspicious purchases. Indicate "no" if you are not going to contact all and explain on back of form.
17. Signature of Veterinarian is sponsor for the completion of this investigation.
18. Note signed by Veterinarian responsible for this investigation.

Attach copies of any supportive documents that might help trace origins. This could be market tickets and release tags, brand impressions, health certificates, receipts, etc.

# Proposed Regulations

Form Approved OMB No. 49-6042E

INSTRUCTIONS: Complete this form for each herd showing location of infected and other herds. Enter in Part 2, the name and address of the owner of each herd. If there are more than 8 adjacent herds, use additional sheets.		1. NAME OF HERD OWNER	2. COUNTY	3. HERD NO.	4. DOCUMENT NUMBER
<p><b>2. DIAGRAM SHOWING LOCATION OF INFECTED AND OTHER HERDS</b></p> <p>NAME, LOCALITY, STATE, ZIP CODE, COUNTRY</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>		A. Herd No.	B. Name and Address of Herd Owner	C. Date to be listed	D. Explain (if no test required)
		D. Date Contained	E. Describe proximity to infected herd	F. No. Cattle	G. Co-mingling Explain <input type="checkbox"/> Yes <input type="checkbox"/> No
		A. Herd No.	B. Name and Address of Herd Owner	C. Date to be listed	D. Explain (if no test required)
		D. Date Contained	E. Describe proximity to infected herd	F. No. Cattle	G. Co-mingling Explain <input type="checkbox"/> Yes <input type="checkbox"/> No
A. Herd No.	B. Name and Address of Herd Owner	C. Date to be listed	D. Explain (if no test required)		
D. Date Contained	E. Describe proximity to infected herd	F. No. Cattle	G. Co-mingling Explain <input type="checkbox"/> Yes <input type="checkbox"/> No		
A. Herd No.	B. Name and Address of Herd Owner	C. Date to be listed	D. Explain (if no test required)		
D. Date Contained	E. Describe proximity to infected herd	F. No. Cattle	G. Co-mingling Explain <input type="checkbox"/> Yes <input type="checkbox"/> No		
A. Herd No.	B. Name and Address of Herd Owner	C. Date to be listed	D. Explain (if no test required)		
D. Date Contained	E. Describe proximity to infected herd	F. No. Cattle	G. Co-mingling Explain <input type="checkbox"/> Yes <input type="checkbox"/> No		

1. NAME LOCALITY STATE ZIP CODE COUNTRY

2. DIAGRAM SHOWING LOCATION OF INFECTED AND OTHER HERDS

3. NAME OF HERD OWNER

4. COUNTY

5. HERD NO.

6. DOCUMENT NUMBER

7. DATE TO BE LISTED

8. EXPLAIN (IF NO TEST REQUIRED)

9. DATE CONTAINED

10. DESCRIBE PROXIMITY TO INFECTED HERD

11. NO. CATTLE

12. CO-MINGLING EXPLAIN

13. YES

14. NO

15. ASSISTANCE WANTED TO GET OUT OF THE PREVIOUS STATE

16. SIGNATURE OF VSD

17. CHECK

18. DATE SIGNED

RECORDED & INDEXED  
JUN 10 1992  
MINN 22

## NOTICE TO HERD OWNERS

Herd Owners (Managers or Agents) of herds of livestock affected livestock must be advised that information is given voluntarily to assist in the elimination of brucellosis from the livestock population. Cooperation of all affected herd owners (Managers or Agents) is needed to complete a thorough epidemiologic investigation to identify the source of the disease, the method of spread and the possible dissemination to new herds. The authorities under which the brucellosis program is conducted are contained in 21 USC 111, 112, 114, 114a, 115, 120, 121, 123, and 134a1 and Title 9, Code of Federal Regulations, Part 51 and Part 78.

## INSTRUCTIONS

The purpose of this form is to record information of epidemiologic importance for each potentially brucella exposed animal removed from this herd. This information will facilitate tracing of each animal for restocking or for verification of slaughter.

- 1-4. From 4-108, Item 2 is the preprinted number of the 4-108.
5. Indicate which page of the 4-108B this is and how many total pages were completed.
6. List each animal (except steers or reactors) removed from the herd for any reason since it became infected (if this date can be established) or otherwise for the 3-year period prior to discovery of infection.
- 6A. Record the full legal name and address of the recipient of each animal. Each animal should be listed individually if individual identification is available, otherwise they may be listed by transaction lots.
- 6B. Record the date this herd owner gave up control of the animals.
- 6C. Indicate the number of animals involved with each transaction.
- 6D. Record all available identification at time of sale (removal or E. from premises) for each animal including cartags, saddle tags, back tags, handle tags, brands, identification tattoos, and registration numbers.
- 6E. Enter F (female) or M (male). If a lot, indicate the number of each.
- 6G. Age at time of removal from herd. If a lot, indicate the average or predominant age.
- 6H. Indicate the specific breed. If nondescript, indicate the breed that the animal most appears to represent. For lots, enter the predominant breed or record as mixed breed, etc.
- 6I. Record the vaccination status as "CV", "AV", "SV" (not vaccinated); or "UN" (unknown) and list the vaccination tattoos if applicable.
- 6J. Indicate disposition of animals by recording "S" for slaughter, "F" for feedlots, veal feeding, dairy heifer lot, etc., and "R" for herd replacement.
- 6K. Indicate the status of the tracing on each animal by 1 (slaughter verified), 2 (located and returned), 3 (located but not traced), 4 (recipient state notified), or 5 (not verified).
- 6L. Record the stage of pregnancy and other pertinent information as at the time of sale. Also list the buyer if different than that given in A.
- 6M. List status of animal when it left the herd or first point of concentration.
7. Indicate if arrangements have been made to contact everyone that received animals from this herd.
- 8-9. Self explanatory.

Submit copies of any documents that may help trace the animals such as invoices, brand impression, cancelled checks, etc.



USDA-APHIS <b>FIELD INVESTIGATION OF BRUCELLOSIS MARKET TEST REACTORS</b>		1. MCT LOG (VS Form 4-100) Book No. _____ Page No. _____		3. DATE INVESTIGATION STARTED ____/____/____				
2. DATE BLEED		4. PLACE BLEED <input type="checkbox"/> Mkt. <input type="checkbox"/> Sla.		5. NAME AND ADDRESS OF MARKET OR QUARTER EST. (Name of Testing Lab.) _____ _____ _____ STATE _____				
6. BACKTAGGED DATE _____		7. NO. BACKTAGGED _____		8. DATE _____				
REACTOR ANIMALS	(A) BACK TAG NO.	(B) EAR TAG NO.	(C) SALES TAG NO.	(D) OTHER IDENTIFICATION	(E) PLATE TEST	(F) CARD TEST	(G) OPTIONAL TESTS	
	9.							
	10.							
	11.							
REACTOR ANIMALS	(H) SPECIES	(I) BREED	(J) COLOR	(K) SEX	(L) AGE	(M) VAC. STATUS	(N) SCALE WT. (lb.)	(O) LIVE WT. (lb.)
	9.							
	10.							
	11.							
TRACING TO ORIGIN	11. NAME AND ADDRESS OF CP CONSIGNOR _____ _____			(A) COUNTY _____	(B) NO. ANIMALS MOVED WITH REACTOR _____			
	12. NAME AND ADDRESS OF OWNER (if different from consignor) _____ _____							
HERD INFORMATION	13. DATE OF LAST HERD INFECTION <input type="checkbox"/> None		14. DATE OF LAST MCT REACTOR <input type="checkbox"/> None		15. DATE OF LAST POSITIVE SRT <input type="checkbox"/> None			
	16. PERCENT OF HERD VACCINATED FOR BRUC. % <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		17. CLINICAL SIGNS OF BRUC. IN HERD <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		18. TIME REACTOR IN HERD <input type="checkbox"/> Yes <input type="checkbox"/> No			
	19. TYPE OF HERD <input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Both		20. CATTLE CENSUS ON PREMISES					
			A. COWS	B. BULLS	C. STEERS	D. CALVES UNDER 12 MO. (1) Vac. (2) NV	E. HEIFERS 1-2 YEARS (1) Vac. (2) NV	
21. HERD SCHEDULED FOR TEST DATE _____ BY _____			22. HAS HERD BEEN QUARANTINED DATE (if "Yes") _____					
23. ANIMALS FROM THIS CONSIGNMENT SOLD								
TRACING EXPOSED ANIMALS	(A) NO. ANIMALS	(B) NAME AND ADDRESS OF BUYER	(C) SOLD FOR (1) SLAU. (2) RETURN TO FARM	(E) IDENTIFICATION NO. (Back tag, Sale tag, etc.)				
24. REMARKS (Attach a separate sheet.)								
25. INVESTIGATOR (Signature)			26. TITLE		27. DATE			

**NOTICE TO HERD OWNERS**

Herd Owners (*Managers or Agents*) of herds of brucellosis affected livestock must be advised that information is given voluntarily to assist in the elimination of brucellosis from the livestock population. Cooperation of all affected herd owners (*Managers or Agents*) is needed to complete a thorough epidemiologic investigation to identify the source of the disease, the method of spread and the possible dissemination to new herds. The authorities under which the brucellosis program is conducted are contained in 21 USC 111, 112, 114, 114a, 114a-1, 115, 120, 121, 125, and 134a-f and Title 9, Code of Federal Regulations, Part 51 and 78.

**INSTRUCTIONS**

The purpose of this form is to demonstrate the geographic location of neighborhood herds in relation to the reactor herd. The six nearest herds should be listed as a minimum. In areas of concentrated cattle population, poor fences, open range, community pastures, high scavenger wildlife population, etc., many more may be listed. It may be necessary to make different listings for different seasons. The end result should be an epidemiologically sound determination of which herds should be tested.

- 1.4. From VS Form 4-108. Item 2 is the preprinted number on the 4-108.
5. Indicate the number of each page and the total number of pages used.
6. Diagram the location of the herds. The infected herd should be lettered "A" and be at or near the center. Other herds in the neighborhood belonging to the same owner should be labeled "B", "C", etc., corresponding to VS Form 4-108, item 11 (*if herds*). Separate units of the same herd should be identified as A-1, A-2, etc., and neighborhood herds owned by others should be labeled "1", "2", "3", etc., corresponding to VS Form 4-108, item 29. Additional herds (*as many as necessary*) should be consecutively numbered (7, 8, and so forth) on a separate form. The diagram should be somewhat to scale and the scale indicated. Each herd should be listed on the left and the following information provided:
  - A. Record the number corresponding to the location on the diagram.
  - B. Record the complete legal name and address.
  - C. Record the date tested or scheduled for test. If you do not plan to test the herd, give justification.
  - D. Record the date the herd owner was contacted.
  - E. Record the distance the cattle of this herd are from cattle in the infected herd at the closest point.
7. Self-explanatory.
8. This calls for your evaluation of whether more extensive testing is needed to eradicate brucellosis from the area. This is generally determined by the number of infected herds occurring in the area. Use the following letter codes to describe your evaluation:
  - A. Ring of 1 negative herds around infected herd.
  - B. Ring of 2 negative herds around infected herd.
  - C. Radius of 1 mile around infected herd.
  - D. Radius of 2 miles around infected herd.
  - E. Test of adjacent herds only.
  - F. Other zone testing (*specify*).
  - G. None - Give reasons in remarks.
- 9-11. Self-explanatory.

INSTRUCTIONS ON REVERSE OF PART 6 **YOU ARE MAKING 5 COPIES — PRESS HARD** BE SURE TO ATTACH. REGISTRATION CERTIFICATES CONTINUATION SHEETS (VS FORM 1-23A)

3. DATE ANIMALS/MATERIALS APPRAISED (MONTH AND YEAR) \_\_\_\_\_ 4. ALL INDENT NUMBERS \_\_\_\_\_

5. DATE ANIMALS/MATERIALS DESTROYED \_\_\_\_\_ 6. DATE OF ALL OTHER PRODUCTIONS \_\_\_\_\_

7. PROPER NAME OF DISEASE INVOLVED \_\_\_\_\_

8. IF JOINT OWNERSHIP GIVE FULL NAME OF ALL OWNERS IN SAME AS Item 6, in order (This is necessary if 4 or 5 is checked)

9. STATE OF PROPERTY WHERE APPRAISAL MADE (Different from Item 6)

NO.	SPECIES	IDENTIFICATION OR PAGE NO. OF VS FORM 1-23A (Animals: Brand, Tag No., Tattoo, Band or other Material's-Id., Bk., Tonz, Beard Post, etc.)	APPRAISAL			TOTAL APPRAISAL		SALVAGE (If Item No. 24)	DIFFER ENCL.	UNIT STATE	COUNT			
			VALUE PER UNIT	UNIT (BAND, TONZ, ETC.)	WEIGHT OR NO. UNITS	VALUE ANIMALS/MATERIALS	PURCHASED ANIMALS							
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
GRAND TOTALS (Basis For Payment) (Includes all attached VS Forms 1-23A)							\$	\$	\$	\$	\$	\$	\$	\$

10. IF SPECIAL DATA AND/OR SPECIAL FACTORS AFFECTING VALUE OF ANIMALS AND/OR MATERIALS

**CERTIFICATION AND APPRAISAL CERTIFICATE**

I certify that animals and/or materials listed above are properly identified and are eligible for indemnity and animals and/or materials requiring appraisals are appraised as individuals unless all animals or materials in a group are of equal value.

1. SIGNATURE OF GOVERNMENT APPRAISER \_\_\_\_\_ 2. TITLE \_\_\_\_\_

3. SIGNATURE OF SPECIAL EXPERT APPRAISER \_\_\_\_\_ 4. TITLE \_\_\_\_\_

5. STATE CERTIFICATE (Specify that the amount shown in Item 24 is due from the State Agency to borrow and return. Attach the form of the State Agency.) \_\_\_\_\_ 6. DATE \_\_\_\_\_

7. NAME AND ADDRESS OF MORTGAGEE (Include zip code) \_\_\_\_\_ 8. SIGNATURE OF MORTGAGEE OR AUTHORIZED REPRESENTATIVE (If Item 24 is checked) \_\_\_\_\_ 9. DATE SIGNED \_\_\_\_\_

10. TITLE (Signed by Agent Representative) \_\_\_\_\_ 11. DATE \_\_\_\_\_

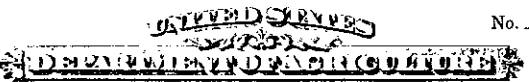
12. TITLE OF CLAIMANT (If joint, co-owner, manager, Vice President, etc.) \_\_\_\_\_

13. IF MORTGAGEE OR LEGAL INDEMNITY CHECKER WILL BE SAUNN ON PAYMENT OF MORTGAGE (See Instructions on Reverse of Form 24)  OWNER (Mortgagee in Item 8)  MORTGAGEE (In Item 7)

14. APPROVED \$ \_\_\_\_\_ 15. BY (SIGNATURE) \_\_\_\_\_ 16. TITLE \_\_\_\_\_ 17. DATE \_\_\_\_\_

VS FORM 1-23A (Continuation Sheet) Approved by the Secretary, Dept. of Agriculture, U.S. (In Lieu of SF-1074) PAGE 1-4 OF 1-4

**Certified Herd**  
**Cooperative Brucellosis Eradication**

  
 ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
 VETERINARY SERVICES  
 AND THE STATE OF \_\_\_\_\_

No. \_\_\_\_\_

This is to certify that the herd, consisting of \_\_\_\_\_  
(Number and description)  
 owned by \_\_\_\_\_  
(Name) \_\_\_\_\_ (Address)  
 Having passed the required number of tests, and the owner having complied with other requirements, is hereby declared a certified brucellosis-free herd for a period of one year ending \_\_\_\_\_ unless this certificate is re-  
 voked at an earlier date

Name \_\_\_\_\_ (State this state) Name \_\_\_\_\_  
(Veterinary Services)

Title \_\_\_\_\_ Title **VETERINARIAN IN CHARGE**

**DON'T GAMBLE WITH YOUR HERD**

1. Have all replacement, if possible.
2. If you must buy animals, purchase only from known, clean herd.
3. Immediately segregate any aborting animal and consult your veterinarian.
4. Maintain regular herd testing.
5. Any time there is a question about what you should do, don't do it until you have obtained good advice.
6. For your own protection, support official brucellosis eradication in your community.

No. \_\_\_\_\_

Name of herd \_\_\_\_\_

Address \_\_\_\_\_

Date of test \_\_\_\_\_

Number of animals \_\_\_\_\_

Description of animals \_\_\_\_\_

Method of testing \_\_\_\_\_

Test applied by \_\_\_\_\_

Date of certificate \_\_\_\_\_

Termination of certificate \_\_\_\_\_

\_\_\_\_\_  
 Veterinarian in Charge

VS FORM 4-13 (11-72) REPLACES FORM ANH 4-13, WHICH IS OBSOLETE

REGISTER OF REGULATIONS  
 92 JUN 10 AM 10:23

HERD HISTORY CARD									
NAME			REGISTRATION NO.						
COUNTY			LOCATION						
FAD			92 JUN 10 11:10:23						
DATE	TEST			RESULTS				INSPECTOR	REMARKS: Includes dates vaccinated, disposition of carcass, milk plant, certification date, etc.
	BR	TR	DR	TOTAL	NEG	S	R		

VS FORM 1-2 APR. 1973      REPLACES ANH FORM 1-2, OCT. 1966, WHICH MAY BE USED.      USDA - APHIS

DATE	TEST			RESULTS				INSPECTOR	REMARKS: Includes dates vaccinated, disposition of carcass, milk plant, certification date, etc.
	BR	TR	DR	TOTAL	NEG	S	R		

VS FORM 1-2 (REVERSE)

# Proposed Regulations

This permit identifies restricted animals moved for quarantine/slaughter purposes. The information is needed to identify disease infected/restricted animals that are moved to specific locations in order to control and prevent spread of the disease (16 CFR 71 through 85).

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
VETERINARY SERVICES

FORM APPROVED  
OMB NO. 0579-0051

PERMIT FOR MOVEMENT OF RESTRICTED ANIMALS

USE A SEPARATE FORM FOR EACH SPECIES

1. NAME AND ADDRESS OF SHIPPER OR CONSIGNOR (Include Zip Code)

2. CONSIGNEE (Destination Name and Address, include Zip Code)

3. MOVED FROM (Name and Location of Premise if other than item 1 above)

4. NAME AND ADDRESS OF OWNER AT THE CONDITION DIAGNOSED

5. SEAL NO.

6. STATUS OF AREA OF ORIGIN

7. SPECIES (Use Only)

8. VEHICLE REQUIRED TO BE CLEARED & DISINFECTED AT DESTINATION

9. YES (16PS-22, 23 and 24 are Applicable)

10. ANIMALS TO BE MOVED

11. COMPLETE EAR TAG NO.

12. DISEASE BRAND

13. BREED

14. SEX

15. OTHER IDENTIFICATION (Complete No.)

16. SIGNATURE OF OWNER ON SHIPPER

17. DATE ISSUED

18. DATE

19. TIME

20. TIME

21. TIME

22. TIME

23. TIME

24. TIME

25. TIME

26. TIME

27. TIME

28. TIME

29. TIME

30. TIME

31. TIME

32. TIME

33. TIME

34. TIME

35. TIME

36. TIME

37. TIME

38. TIME

39. TIME

40. TIME

1. SUBMITTED BY:

2. SUBMITTED TO:

3. STREET ADDRESS

4. COUNTY

5. DATE SUBMITTED

6. TEST DATES

7. PLATE - TUBE

8. TEST DATES

9. PLATE - TUBE

10. AREA

11. RUMEN

12. OTHER RESULTS

13. DATE REMOVED FROM FARM

14. ISOLATIONS (Include with date)

15. MCI

16. BRT

17. ABSORTIONS

18. STRAIN IS CV HISTORY

19. CONTACT HERDS

20. ECONOMIC IMPACT ON HERD/OWNER IF NOT DEPOPULATED

21. IMPACT ON HOURS IN STATE IF NOT DEPOPULATED

22. NO ADULT

23. NO CALVES

24. STEERS

25. ESTIMATED

26. SIGNATURE OF STATE OFFICIAL

27. SIGNATURE OF FEDERAL OFFICIAL

28. SIGNATURE OF FEDERAL DIRECTOR

29. TITLE

30. TITLE

31. TITLE

32. DATE

33. DATE

34. DATE

35. DATE

36. DATE

37. DATE

38. DATE

39. DATE

40. DATE

41. DATE

42. DATE

43. DATE

44. DATE

45. DATE

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**Title of Regulation:** VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia. REPEALED.

**Title of Regulation:** VR 115-02-12:1. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia.

**Statutory Authority:** §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

**Public Hearing Date:** September 30, 1992 - 1 p.m.  
(See Calendar of Events section for additional information)

**Summary:**

The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions governing the importation of cervidae—most varieties of deer; (ii) repealing provisions requiring a permit for the importation of psittacine (parrot-like) birds and repealing provisions requiring that they be treated for psittacosis; (iii) repealing provisions requiring South American camelids of the genus *Lama* to be tested for bluetongue; (iv) requiring rabies vaccination for cats entering the Commonwealth; (v) adding importation requirements for bison, to treat them more consistently with cattle; and (vi) relaxing certain requirements pertaining to feeder cattle.

VR 115-01-12:1. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia.

**§ 1. Definitions.**

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

"Accredited-free state" means "accredited-free state" as defined in 9 CFR § 77.1.

"Accredited herd" means "accredited herd" as defined in 9 CFR § 77.1.

"Accredited veterinarian" means "accredited veterinarian" as defined in 9 CFR § 160.1.

"Approved diagnostic center" means a laboratory or institution authorized by state or federal law to conduct diagnostics, research, teaching, or clinical studies.

"Approved laboratory" means a laboratory approved by

the United States Department of Agriculture or the State Veterinarian to conduct official pseudorabies tests.

"Approved slaughter market" means a livestock market approved by the United States Department of Agriculture where shipments of slaughter swine only are permitted in accordance with applicable state and federal regulations and from which no swine may be released except directly to another approved slaughter market, or to a recognized slaughter establishment for immediate slaughter.

"Breeder swine" means any swine used or intended to be used for reproductive purposes.

"Brucellosis test" means "official test" as defined in 9 CFR § 78.1, subject to the restriction on the use of any test contained in the definition of "official test"; where "official test" does not specify a test appropriate to a species subject to a "brucellosis test" in this regulation, then "brucellosis test" means any test authorized by the State Veterinarian, in the exercise of his sound veterinary-medical judgment, for that species.

"Certificate of veterinary inspection" means a written record of an animal's health status meeting the requirements of this regulation, executed on a form approved by the chief animal-health official of an animal's state of origin, which record:

1. Is issued by (i) an accredited veterinarian; (ii) a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture; or (iii) other veterinarian approved by the State Veterinarian; and

2. Contains (i) the name and complete address of the consignor; (ii) the name and complete address of the consignee; (iii) the complete address of the animal's destination; (iv) the results of every veterinary-medical test and every observation as to the animal's health required by this regulation for the animal to be shipped and the date the test was performed and any required observation made; and (iv) the health status of the herd from which the animal comes.

"Certified brucellosis-free herd" means "certified brucellosis-free herd" as defined in 9 CFR § 78.1.

"Cervidae" means all animals included in the family "cervidae," including but not limited to deer and elk, in the Linnean taxonomic system of nomenclature.

"Class A state or area" means "Class A state or area" as defined in 9 CFR § 78.1.

"Class B state or area" means "Class B state or area" as defined in 9 CFR § 78.1.

"Class C state or area" means "Class C state or area" as defined in 9 CFR § 78.1.

# Proposed Regulations

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"Class free state or area" means "Class free state or area" as defined in 9 CFR § 78.1.

"Commonwealth" means Commonwealth of Virginia.

"Farm of origin" means a farm on which an affected swine was born, or on which the swine has resided for at least 90 consecutive days immediately prior to shipment.

"Feeder pig" means any immature swine used for or intended to be used exclusively for feeding for slaughter.

"Hatching egg" means any chicken egg or any turkey egg that is, or that is intended to be used, for hatching purposes.

"Herd blood test" means "herd blood test" as defined in 9 CFR § 78.1.

"Horse" means any animal included in the family "equidae" in the Linnean taxonomic system of nomenclature.

"Monkey" means any nonhuman primate.

"Official pseudorabies serologic test" means an official pseudorabies test conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

"Official pseudorabies test" means "official pseudorabies test" as defined in 9 CFR § 85.1.

"Permit" means an official document issued by the State Veterinarian for and prior to the interstate shipment of any animal to the Commonwealth.

"Poultry" means any chicken or any turkey.

"Pseudorabies" means the contagious, infectious, and communicable viral disease of livestock and other animals, also known as "Aujeszky's disease," "mad itch," or "infectious bulbar paralysis."

"Pseudorabies-monitored herd" means a feeder-pig production herd that has been tested according to the provisions of § 2 C 1 of VR 115-02-16, Rules and Regulations Governing Pseudorabies in Virginia.

"Qualified pseudorabies negative herd" means a swine herd that satisfies the provisions of § 2 D 2 and 3 of VR 115-02-16, Rules and Regulations Governing Pseudorabies in Virginia.

"Recognized slaughter establishment" means a slaughter establishment operated under state or federal inspection.

"Ship" means to transport to, or to be caused to be transported to, Virginia.

"State Veterinarian" means the State Veterinarian or any veterinarian acting at his direction.

"Tuberculin test" means any of the tuberculin tests defined in VR 115-02-02:1, Rules and Regulations Governing the Prevention, Control, and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia, subject to the restriction on the use of any test contained in that regulation; where that regulation does not specify a tuberculin test appropriate to a species subject to a "tuberculin test" in this regulation, then "tuberculin test" means any test authorized by the State Veterinarian, in the exercise of his sound veterinary-medical judgment, for that species.

## § 2. General provisions regarding shipment.

### A. Disease-carrying animals prohibited; exceptions.

Except as otherwise provided by this regulation or except when the State Veterinarian has issued a permit authorizing shipment (which permit the State Veterinarian may grant in the exercise of sound veterinary-medical judgment when the health of animals the State Veterinarian is charged with protecting will not be jeopardized), no person may ship any animal that is infected with any infectious or contagious disease.

### B. Certificate of veterinary inspection required; exception.

Except for a person shipping an animal to immediate slaughter to a recognized slaughter establishment or except as otherwise provided, no person may ship any animal unless the shipment is accompanied by a certificate of veterinary inspection, which certificate of veterinary inspection shall be:

1. Attached to the shipment's waybill; or
2. In the possession of the person carrying the animal.

C. Unless otherwise provided in this regulation, no certificate of veterinary inspection shall have effect more than 10 days after it is issued. No person may use an expired certificate of veterinary inspection to ship an animal.

D. Any person shipping an animal for exhibition purposes shall satisfy the requirements of this regulation governing shipment of that animal for exhibition purposes; if there is no express requirement governing shipment of the animal for exhibition purposes, the shipper shall satisfy the requirements governing an animal of that kind as if the animal were shipped for breeding purposes; if there is no express requirement governing shipment of the animal for either exhibition or breeding purposes, the shipper shall satisfy any and all requirements contained in this regulation governing an animal of that kind.

E. In addition to any penalties authorized by law for the violation of this regulation, any person shipping an animal in violation of this regulation shall be subject to having the animal quarantined by the State Veterinarian, and the

animal, while under quarantine:

1. Returned to the state of origin under permit;
2. Sent under permit directly to slaughter;
3. Destroyed;
4. Tested at the owner's expense until the shipment complies with requirements of this regulation for shipment; or
5. Disposed of by means necessary or appropriate, in the State Veterinarian's sound veterinary-medical judgment, to protect the health of animals the State Veterinarian is charged with protecting.

F. Nothing in this regulation shall apply to any person shipping an animal to an approved diagnostic center.

### § 3. Permits.

A. If the State Veterinarian has issued a proclamation prohibiting shipment pursuant to § 3.1-734 of the Code of Virginia no person may ship: (i) any animal; or (ii) any "product" as defined in the meat and poultry inspection regulations of the United States Department of Agriculture or in the Virginia Meat and Poultry Products Inspection Act, the Virginia Milk and Cream Law, or any other applicable Virginia statute in contravention of the proclamation issued by the State Veterinarian, except by permit issued by the State Veterinarian.

B. Unless otherwise provided by this regulation, no permit, whether issued pursuant to subsection A or otherwise, shall have effect more than 10 days after it is issued. No person may use an expired permit to ship an animal.

### § 4. Common carriers; trucks.

Any person who is a common carrier or who owns any conveyance carrying any animal governed by this regulation shall keep every vehicle used for carrying any animal governed by this regulation in a sanitary condition, and shall, when required by the State Veterinarian in the exercise of his sound veterinary-medical judgment, clean and disinfect any vehicle required to be cleaned and disinfected.

### § 5. Cattle.

No person may ship any cattle that does not satisfy the requirements of subsections A, B, and C of this section.

#### A. Tuberculosis.

No person may ship any cattle for dairy or breeding purposes, unless the animal:

1. Originates directly from:

- a. An accredited-free state;
  - b. An accredited herd; or
  - c. A herd that has been tested and found negative to a tuberculin test within the past 12 months;
2. If more than six months of age and does not satisfy the requirements of subdivision A 1 of this section, is negative to a tuberculin test no more than 60 days prior to shipment; or
  3. Is shipped to immediate slaughter at a recognized slaughter establishment, under permit issued by the State Veterinarian.

#### B. Brucellosis.

No person may ship any cattle unless the person satisfies the requirements of this subsection relating to brucellosis.

1. No person may ship any cattle for dairy or breeding purposes from a Class A state or area unless the animal:

- a. Originates from a herd tested for and found negative to a herd blood test within the past 12 months or from a certified brucellosis-free herd; or

- b. Is individually tested for and found negative to a brucellosis test no more than 30 days prior to entering the Commonwealth.

2. No person may ship any cattle for dairy or breeding purposes from a Class B state or area unless the State Veterinarian has issued a permit authorizing the shipment and the animal:

- a. Originates from a herd tested for and found negative to a herd blood test within the past 12 months or from a certified brucellosis-free herd;

- b. Is individually tested for and found negative to a brucellosis test no more than 30 days prior to entering the Commonwealth; and

- c. Is quarantined at the premises of destination and retested no less than 45 and no more than 120 days after entering the Commonwealth.

3. No person may ship any cattle for dairy or breeding purposes from a Class C state or area unless the State Veterinarian has issued a permit authorizing the shipment and the animal:

- a. Originates from a certified brucellosis-free herd;

- b. Is individually tested and found negative to a brucellosis test no more than 30 days prior to entering the Commonwealth; and



# Proposed Regulations

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c. Is quarantined at the premises of destination and retested no less than 45 and no more than 120 days after entering the Commonwealth.

4. When an individual brucellosis test is required on any cattle by this regulation, no test is required for:

a. Any female cattle of the dairy breeds under 20 months of age, if the animal has been officially calfhood vaccinated in the state of origin, and if the vaccination status is recorded on the certificate of veterinary inspection;

b. Any female cattle of the beef breeds under 24 months of age, if the animal has been officially calfhood vaccinated in the state of origin, and if the vaccination status is recorded on the certificate of veterinary inspection;

c. Any nonvaccinated female cattle under eight months of age (an official calfhood vaccinate that is parturient or postparturient is test eligible regardless of age); and

d. Any male cattle under eight months of age.

5. No person may ship any female bovine animal, unless the female bovine animal has been officially calfhood vaccinated by an accredited veterinarian, which veterinarian shall record the animal's vaccination status on the certificate of veterinary inspection. The official calfhood vaccination requirement shall not apply to any female bovine animal that:

a. Is shipped to immediate slaughter at a recognized slaughter establishment;

b. Originates from a certified brucellosis-free herd, or from a Class Free state or area;

c. Is spayed;

d. Is a feeder animal, but only if the animal:

(1) Does not originate from a Class B state or area or Class C state or area; and

(2) Does not originate from a quarantined herd; or

e. Originates from a Class A state or area and is destined for sale through a Virginia livestock auction market.

## C. Feeder cattle.

1. No person may ship for feeding purposes:

a. Any nonvaccinated heifer 18 months of age or older originating from a Brucellosis Class A area or state, unless the heifer:

(1) Is negative to a brucellosis test within 30 prior to entering the Commonwealth; or

(2) Originates from a certified brucellosis-free herd.

b. Any cattle if any animal in the shipment originates in an area other than a tuberculosis accredited-free state, unless each animal in the shipment is individually identified on the certificate of veterinary inspection.

2. Except for shipments governed by § 5 C 1, nothing in this regulation shall apply to any shipment of feeder cattle, except that:

a. Each animal in the shipment shall be individually identified on the certificate of veterinary inspection; or

b. The certificate of veterinary inspection specifies the total number of animals in the shipment, as well as the breed, sex, and either average age or average weight of the animals in the shipment.

## § 6. Bison.

No person may ship any bison that does not satisfy the requirements of § 5 B 5 of this regulation and of subsections A, B and C of this section.

### A. Tuberculosis.

No person may ship any bison for breeding or feeding purposes, unless the bison:

1. If more than six months of age, has been tested and found negative to a tuberculin test within 60 days prior to entry and has been quarantined after shipment and retested not less than 60 days after the most recent individual tuberculin test; or

2. Is shipped to immediate slaughter at a recognized slaughter establishment, under permit issued by the State Veterinarian.

### B. Brucellosis.

1. No person may ship any bison for breeding or feeding purposes, unless the bison:

a. Originates from a herd negative to a herd blood test or from a certified brucellosis-free herd;

b. Is individually tested for and found negative to a brucellosis test no more than 30 days prior to entering the Commonwealth; and

c. Is quarantined at the premises of destination and retested no less than 45 and no more than 120 days after entering the Commonwealth.

2. When an individual brucellosis test is required on any bison under this regulation, no test is required for:

a. Any female bison under 24 months of age, if the bison has been officially calfhood vaccinated in the state of origin, and if the vaccination status is recorded on the certificate of veterinary inspection;

b. Any nonvaccinated female bison under eight months of age; and

c. Any male bison under eight months of age.

C. No person may ship any bison unless the bison:

1. If from a Class Free state or area, Class A state or area, or Class B state or area, satisfies the requirements for a Class B state or area; and

2. If from a Class C state or area, satisfies the requirements for a Class C state or area.

## § 7. Sheep.

A. Feeding or breeding sheep.

No person may ship any sheep for feeding or breeding purposes unless the sheep originates directly from a state officially designated scabies-free by the United States Department of Agriculture.

B. Slaughter sheep.

No person may ship any sheep for immediate slaughter except to a recognized stockyard or to a recognized slaughter establishment.

## § 8. Swine.

No person may ship any swine unless the swine meets the requirements of subsections A and B of this section:

A. Brucellosis.

1. No person may ship any swine over four months of age intended for breeding purposes unless the swine:

a. Originates from an officially validated brucellosis-free herd;

b. Originates from a herd in which all breeding swine over four months of age were negative to a brucellosis test conducted in a state or federal laboratory within 12 months prior to the date of entering Virginia; or

c. Has been individually tested and found negative to an official brucellosis test conducted in a state or federal laboratory within 30 days prior to entering the Commonwealth.

2. The certificate of veterinary inspection on the swine shall indicate the official herd status or the negative test.

B. Pseudorabies.

1. Vaccinated swine. No person may ship any swine that has been vaccinated against pseudorabies, except for slaughter purposes.

2. Feeder pigs.

a. No person may ship any feeder pig unless the feeder pig is identified as required in § 8 B 2 b and:

(1) Originates directly from a pseudorabies monitored herd;

(2) Originates directly from a qualified pseudorabies negative herd; or

(3) Has been individually tested and found negative to a test for pseudorabies within 30 days prior to entering Virginia.

b. Identification of feeder-pig-production-herd swine. Any swine that is tested for pseudorabies from a feeder pig production herd shall be individually identified by eartag, tattoo, or standard ear notch that has been recorded in the book of record of any purebred registry association, or by any other method approved by the State Veterinarian in the exercise of his sound veterinary-medical judgment.

3. Breeder swine.

a. No person may ship any breeder swine unless the breeder swine is identified as required in § 8 B 3 b and:

(1) Originates from a qualified pseudorabies negative herd and is quarantined and isolated at the premises of destination, and retested no fewer than 30 and no more than 60 days after entering the Commonwealth; or

(2) Is negative to an official pseudorabies serologic test conducted no more than 30 days prior to entering the Commonwealth and is quarantined and isolated at the premises of destination, and retested no fewer than 30 and no more than 60 days after entering the Commonwealth.

b. Identification of breeder swine. Any breeder swine tested for pseudorabies shall be individually identified by eartag, tattoo, or standard ear notch that has been recorded in the book of record of a purebred registry association, or by any other method approved by the State Veterinarian in the exercise of his sound veterinary medical judgment.

# Proposed Regulations

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## 4. Slaughter swine.

a. No person may ship any swine for slaughter that is known to be infected with or exposed to pseudorabies or that has been vaccinated for pseudorabies, unless the swine for slaughter is identified as required in § 8 B 4 b and:

(1) Is shipped directly to a recognized slaughter establishment accompanied by a permit; and

(2) Is shipped in a sealed vehicle or individually identified on the permit. Any person carrying swine for slaughter that is known to be infected or exposed to pseudorabies or that has been vaccinated for pseudorabies into Virginia shall clean and disinfect the vehicle carrying the swine after the swine is offloaded but prior to the vehicle's leaving the recognized slaughter establishment.

b. No person may ship any swine for slaughter not known to be infected with or exposed to pseudorabies, unless the person carrying the animal carries on his person a waybill, bill of lading, bill of sale, or other document that identifies the swine to the swine's farm of origin, unless the swine is identified as required in § 8 B 4 c, or unless the swine is shipped directly to:

(1) A recognized slaughter establishment;

(2) An approved slaughter market and from the approved slaughter market directly to a recognized slaughter establishment; or

(3) A livestock market and then directly to:

(a) An approved slaughter market and from there directly to a recognized slaughter establishment; or

(b) A recognized slaughter establishment.

Nothing in this § 8 B 4 b shall be deemed to require a certificate of veterinary inspection.

c. Identification of slaughter swine. All slaughter swine, except slaughter swine shipped under seal, shall be individually identified by eartag, tattoo, or standard ear notch that has been recorded in the book of record of a purebred registry association, or by any other method approved by the State Veterinarian in the exercise of his sound veterinary medical judgment.

## 5. Exhibition swine.

a. No person may ship any swine for exhibition unless the swine:

(1) Originates from a qualified pseudorabies negative herd; or

(2) Is negative to an official pseudorabies serologic test conducted no more than 30 days prior to entering the Commonwealth.

b. If any swine shipped for exhibition remains in the Commonwealth for breeding purposes, the swine's owner shall:

(1) Isolate the swine at the premises where the swine is kept, under quarantine of the State Veterinarian; and

(2) Have the swine retested for pseudorabies no fewer than 30 and no more than 60 days after entering the Commonwealth.

c. If any swine shipped for exhibition is to be slaughtered in the Commonwealth, the swine's owner shall meet the requirements of § 8 B 4 b.

d. Any swine shipped for exhibition tested for pseudorabies shall be individually identified by eartag, tattoo, or standard ear notch that has been recorded in the book of record of a purebred registry association, or by any other method approved by the State Veterinarian in the exercise of his sound veterinary-medical judgment.

## § 9. Horses.

No person may ship any horse if the horse:

1. If more than six months of age, has not been officially tested and found negative for equine infectious anemia;

2. Originates from a premises that is infected with equine infectious anemia, unless the State Veterinarian issues a permit authorizing the horse's shipment; or

3. If a mare over 731 days of age or a stallion over 731 days of age, originates from or has passed through a country where contagious equine metritis is known to exist, unless:

a. The State Veterinarian issues a permit authorizing the horse's shipment; and

b. The owner isolates the horse under quarantine of the State Veterinarian until the State Veterinarian, in the exercise of his sound veterinary-medical judgment, is satisfied that the horse poses no health threat to any horse in the Commonwealth.

## § 10. Poultry.

A. No person may ship any hatching egg or any poultry unless the egg or poultry:

1. Originates from a flock participating in the National Poultry Improvement Plan (NPIP) (9 CFR Parts 145

and 147) under the supervision of the chief animal-health official of the state of origin authorized to certify the egg or poultry to be free of pullorum-typhoid;

2. Originates from a flock that is designated free of *Mycoplasma gallisepticum* by the chief animal-health official of the state of origin authorized to certify the health of the egg or poultry; and

3. Has been granted an approval number from the State Veterinarian, which approval number shall appear on each shipping label or on each container of hatching eggs or poultry entering the Commonwealth. Any person seeking an approval number shall make application for the approval number on a form provided by the State Veterinarian, and shall provide on the form the following information about the flock from which the hatching egg or poultry originates:

- a. The name and address of the flock owner;
- b. The species (i. e., chicken or turkey), and the number of birds in each flock;
- c. The date of the most recent pullorum-typhoid and mycoplasma tests on the flock;
- d. The total number, or the percentage, of positive reactors in the flock to the most recent pullorum-typhoid and mycoplasma tests;
- e. The pullorum-typhoid and mycoplasma status of the flock; and
- f. Such additional information as the State Veterinarian may require, in the exercise of his sound veterinary-medical judgment, necessary to protect the health of animals in the Commonwealth.

The person completing the form shall forward the form to the chief animal-health official of the state of origin authorized to certify the health of the egg or poultry.

B. Nothing in this regulation shall apply to poultry shipped for immediate slaughter to a recognized slaughter establishment.

## § 11. Goats.

No person may ship any goat for dairy or breeding purposes unless:

### 1. The goat:

- a. Originates directly from a herd in which all animals were negative to a tuberculin test no more than 12 months before the goat enters the Commonwealth; or
- b. Is individually tested and found negative to a

tuberculin test no more than 30 days prior to entering the Commonwealth;

### 2. The goat:

a. Originates directly from a herd in which all animals were negative to a brucellosis test within 12 months prior to the goat's entering the Commonwealth; or

b. Is individually tested and found negative to a brucellosis test within 30 days prior to entering the Commonwealth; and

3. The goat is free of clinical signs of caseous lymphadenitis. "Clinical signs," with reference to caseous lymphadenitis, means abscesses of the lymph nodes, whether draining or not.

## § 12. Dogs and cats.

A. No person may ship any dog or any cat unless the certificate of veterinary inspection on the dog or cat states that the dog or cat:

1. Was in apparent good health at the time of veterinary-medical examination;
2. Did not originate in any area under quarantine for rabies;
3. Has not been exposed to rabies; and
4. With the exception of any dog under four months of age or any cat under four months of age, has been vaccinated against rabies not more than one year (when an inactivated virus vaccine is used) and not more than three years (when an attenuated virus vaccine is used) prior to entering the Commonwealth.

## § 13. Monkeys.

A. No person may ship any monkey unless the certificate of veterinary inspection on the monkey states that:

1. The monkey was in apparent good health at the time of veterinary-medical inspection;
2. The veterinary-medical examination found no evidence of disease lesions or inflammatory processes of the oral mucosa; and
3. The monkey is negative to a tuberculin test no more than 30 days prior to entering the Commonwealth. The certificate of veterinary inspection shall indicate the kind and amount of tuberculin used, the date and hour that it was injected into the monkey, and the date and hour that no response of any kind or degree was observed.

# Proposed Regulations

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B. No person may ship any monkey that has been exposed to or that originates in a monkey colony or group in which any other monkey in the colony or group has shown a response to a tuberculin test, unless all monkeys in the colony or group shall have passed two consecutive tuberculin tests, made not less than 30 days apart.

## § 14. Lamas.

No person may ship any South American camelid of the genus *Lama* (including, but not limited to llamas, alpacas, guanacos, and vicunas) four months of age or older unless the animal is:

1. Individually identified by an ear tattoo, with the tattoo number recorded on the certificate of veterinary inspection or by any other method approved by the State Veterinarian in the exercise of his sound veterinary-medical judgment, with the identification recorded on the certificate of veterinary inspection; and

2. Tested not more than 30 days prior to entering the Commonwealth and found negative to a:

- a. Brucellosis test; and
- b. Tuberculin test.

## § 15. Cervidae.

No person may ship any animal that is a member of the family cervidae unless:

1. The animal is shipped only for immediate slaughter to a recognized slaughter establishment; or

2. The State Veterinarian has issued a permit for shipping the animal, the shipper has obtained a Fallow Deer Farmer Permit from the Virginia Department of Game and Inland Fisheries, and the animal:

a. Is individually identified with an eartag or tattoo, and the eartag or tattoo is recorded on the certificate of veterinary inspection on the animal;

b. If the animal is six months of age or older, is tested using a:

(1) Brucellosis test and is found negative to the brucellosis test no more than 30 days prior to entering the Commonwealth; and

(2) Single cervical tuberculin test; and

c. The animal:

(1) Originates from a herd that has had a negative complete herd single cervical tuberculin test of all animals in the herd over six months of age within the year preceding the date of the animal's entering

the Commonwealth, to which herd there have been no animals (other than by birth in the herd) added that have not been tested and found negative to a single cervical tuberculin test; or

(2) Is held in isolation for no less than 90 days and no more than 120 days after entering the Commonwealth and is, at the end of isolation, retested and found negative to a single cervical tuberculin test.

**CERTIFICATE OF VETERINARY INSPECTION**  
For Use Only in Shipping Equine, Equine for Export, Equine for Show, Equine for Sale, Equine for Training, Equine for Breeding

CERTIFICATE NUMBER: **12736**

**COMMONWEALTH OF VIRGINIA**  
DEPARTMENT OF AGRICULTURE AND FORESTRY  
DIVISION OF ANIMAL HEALTH  
1100 BANK STREET, ROOM 100  
RICHMOND, VIRGINIA 23219  
8-1-1989 (REV. 7/81)

**A. NAME AND MAILING ADDRESS OF SHIPPER**  
NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**B. NAME AND MAILING ADDRESS OF RECEIVER**  
NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**REGISTRAR OF REGULATIONS**  
92 JUN 10 AM 10:24

**C. DATE OF ISSUE**  
DATE: \_\_\_\_\_

**D. SPECIFY USE (A-E)**  
 BREEDING  
 TRAINING  
 SHOW  
 SALE  
 MARKET  
 FARM

**E. OTHER INFORMATION**  
 BREEDING  
 TRAINING  
 SHOW  
 SALE  
 MARKET  
 FARM

**F. SPECIES**  
 HORSE  
 MARE  
 STALLION  
 OTHER

**G. HEAD OR FLOCK STATUS**  
 ACCREDITED  
 CERTIFIED  
 QUALIFIED  
 VALIDATED

**H. ORIGIN OF SHIPMENT (GIVE NAME)**  
 COUNTY: \_\_\_\_\_  
 FARM: \_\_\_\_\_  
 MARKET: \_\_\_\_\_  
 SALE: \_\_\_\_\_

**I. TUBERCULIN TEST**  
 DATE: \_\_\_\_\_  
 TIME: \_\_\_\_\_  
 RESULTS: \_\_\_\_\_

**J. BRUCELLOSIS**  
 DATE TESTED: \_\_\_\_\_  
 RESULTS: \_\_\_\_\_

**K. OTHER TESTS**  
 DATE: \_\_\_\_\_  
 RESULTS: \_\_\_\_\_

**L. EAR TAG NUMBERS, TATTOO OR OTHER PERMANENT IDENTIFICATION**

NO.	1	2	3	4	5	6	7	8
1								
2								
3								
4								
5								
6								
7								
8								

**M. OWNER OR AGENT CERTIFICATION:** The animals in this shipment are those certified to and listed on this certificate.  
 DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**N. VETERINARY CERTIFICATION:** I certify, as an accredited veterinarian, that the information furnished on this Certificate has been inspected by me and that they are not manifesting signs of infectious, contagious or communicable disease. The vaccinations, treatments and results of tests are as indicated on the Certificate. To the best of my knowledge, the animals listed on this Certificate meet the health requirements of the state or country of destination.  
 DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**WARNING:** It is a felony to forge a public record, certificate, or attestation, or to utter a forged public record, certificate, or attestation.  
 VACS 00023 (4-88)

CERTIFICATE NUMBER: **19960**

**COMMONWEALTH OF VIRGINIA**  
DEPARTMENT OF AGRICULTURE AND FORESTRY  
DIVISION OF ANIMAL HEALTH  
1100 BANK STREET, ROOM 100  
RICHMOND, VIRGINIA 23219  
8-1-1989 (REV. 7/81)

**A. NAME AND MAILING ADDRESS OF SHIPPER**  
NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**B. NAME AND MAILING ADDRESS OF RECEIVER**  
NAME: \_\_\_\_\_  
STREET: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**REGISTRAR OF REGULATIONS**  
92 JUN 10 AM 10:24

**C. DATE OF ISSUE**  
DATE: \_\_\_\_\_

**D. SPECIFY USE (A-E)**  
 BREEDING  
 TRAINING  
 SHOWING  
 FARM

**CERTIFICATE OF VETERINARY INSPECTION**  
For Use Only in Shipping Equine  
Certificate Void After 30 Days of Issue

**E. ORIGIN OF SHIPMENT (GIVE NAME)**  
 COUNTY: \_\_\_\_\_  
 FARM: \_\_\_\_\_  
 MARKET: \_\_\_\_\_  
 SALE: \_\_\_\_\_

**F. EQUINE'S NAME**

NO.	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
6							
7							

**G. IMMUNIZATION RECORD (GIVE VACCINATION DATE)**

NO.	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
6							
7							

**H. DATE OF NEGATIVE TEST FOR EQUINE INFECTIOUS ANEMIA**  
 DATE: \_\_\_\_\_

**I. OWNER OR AGENT CERTIFICATION:** The equine in this shipment are those certified to and listed on this certificate.  
 DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**J. VETERINARY CERTIFICATION:** I certify, as an accredited veterinarian, that the identified equine listed on this Certificate have been inspected by me and that they are not manifesting signs of infectious, contagious or communicable disease. The vaccinations, treatments and results of tests are as indicated on the Certificate. To the best of my knowledge, the equine listed on this Certificate meet the health requirements of the state or country of destination.  
 DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**WARNING:** It is a felony to forge a public record, certificate, or attestation, or to utter a forged public record, certificate, or attestation.  
 VACS 00024 (4-88)

# Proposed Regulations

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 52A E 604111  
 DIVISION OF ANIMAL HEALTH + BUREAU OF VETERINARY SERVICES  
 WASHINGTON BUILDING SUITE 600 1100 BANK STREET  
 RICHMOND, VIRGINIA 23219

## OFFICIAL SHIPPING CERTIFICATE AND VACCINATION RECORD FOR SMALL ANIMALS

CONSIGNOR \_\_\_\_\_ CONIGNED TO \_\_\_\_\_ 92 JUN 10 AM 10: 24  
 STREET ADDRESS \_\_\_\_\_ STREET ADDRESS \_\_\_\_\_  
 CITY, STATE \_\_\_\_\_ CITY, STATE \_\_\_\_\_  
 TO BE SHIPPED VIA:  AIR  CAR  OTHER

### DESCRIPTION OF ANIMALS

SPECIES	BREED	SEX	AGE	COLOR AND MARKINGS	TAG NO.

### IMMUNIZATION DATA

Rabies Vaccination (State Type Used) \_\_\_\_\_ Date \_\_\_\_\_  
 Distemper Immunization (Vaccine or Anti-Serum) \_\_\_\_\_ Date \_\_\_\_\_  
 Hepatitis Immunization (Vaccine or Anti-Serum) \_\_\_\_\_ Date \_\_\_\_\_  
 Other Methods \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that I have examined the above described animal(s) and find same to be free from visible symptoms of contagious, infectious, or communicable disease and to the best of my knowledge have not been exposed to Distemper, Rabies, other communicable diseases, and did not originate within Rabies quarantined area. NOTE: Subject to health requirements of State to which shipment is destined.

DATE CERTIFICATE ISSUED \_\_\_\_\_ SIGNATURE OF LICENSED VETERINARIAN \_\_\_\_\_

\_\_\_\_\_"Pet(s) are traveling with owner on vacation." APPROVED \_\_\_\_\_ STATE VETERINARIAN  
 All copies must be filled out completely and be legible. The Veterinarian will furnish the owner the pink copy of the certificate. The goldenrod copy retained by the Veterinarian. The white and yellow copies to the Virginia State Veterinarian within five days of issuance.

VDACS - 02/04 (Revised 8/94)

REGISTRAR OF REGULATIONS

92 JUN 10 AM 10: 23

## COMMERCIAL DEER FARM CONTRACT

### VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES

1. Fallow Deer Farmer Permit (\$12.50) - Permittee must obtain an annual Fallow Deer Farmer Permit as required by the Department of Game and Inland Fisheries (VDGIF) and comply with all conditions of that permit. No permit will be issued until the facilities have been inspected and approved by VDGIF personnel. Specific requirements of the Game Holder's Permit regarding deer farming are included below.
2. The Fallow Deer Farmer permit shall serve as authorization for the permittee to obtain animals from other permittees within the Commonwealth and to import animals into Virginia. Any animals imported under the Fallow Deer Farmer Permit shall be accompanied by a certificate from a licensed, accredited veterinarian indicating that the animal or animals are apparently free of contagious diseases. All animals imported under this permit must meet the Virginia Department of Agriculture and Consumer Services (VDACS) requirements for disease and parasite testing. All fallow deer permittees must comply with all applicable state and federal regulations governing the health, movement and confinement of farmed deer. Fallow deer permittees shall be required to report deer imported or otherwise acquired, sold, slaughtered or lost within sixty (60) days of the close of the calendar year on forms supplied by the Department.
3. All deer will be individually identified with U.S.D.A. metal ear tags, tattooing, freeze branding, or other method as approved by the Department.
4. Deer farm permittees are responsible for the recovery of all animals which may escape. Deer which escape from confinement may be destroyed by the VDGIF or the Virginia Department of Agriculture and Consumer Services (VDACS) without indemnity, after the above listed agencies contact the owner. In any case, free-ranging fallow deer will be destroyed after a period of 30-days following escape.
5. The carcasses of all accidental losses shall be removed from the enclosure within a 24-hour period and either rendered or incinerated as recommended by the State Veterinarian's office. Any animal losses where disease or parasites are confirmed as contributing factors will require notification of the State Veterinarian's office within forty-eight (48) hours.

Commercial Deer Farm Contract - 2

- 6. Inspections and record keeping - agents of VDGIF shall have access to all deer farming operations for the purpose of inspection and ensuring compliance with the terms or conditions of the contract and permit for deer farming. No live animal sales shall be made to any individual or corporation in Virginia that does not possess a valid permit for fallow deer farming. Records on the current inventory and disposition of all cervid stock must be maintained and such records shall be retained for at least two years. Records will be open to inspection by authorized department personnel at any reasonable time. The permittee shall be responsible for providing annually to the VDGIF, no later than 60 days following the end of the calendar year, a report summarizing the total number of deer on inventory and the disposition of any stock which has been sold, transferred, or slaughtered during the report period. A standardized reporting form from VDGIF will be used for reporting.
- 7. Animals must be slaughtered according to rules or regulations of the Virginia Department of Agriculture and Consumer Services or the United States Department of Agriculture currently in force for the product. The meat or by-product must bear an official inspection mark, tag, or package label of the state or federal government when inspected, or a label of farm origin if not inspected.
- 8. Specific requirements for confinement - deer farm fence construction, replacement or repairs shall comply with the following minimum specifications:
  - A.) Minimum herd size - there shall be a minimum herd size of 15 fallow deer. The permittee shall inspect and maintain the integrity of the perimeter fence by removing dead or dying trees or limbs which threaten the fence.
  - B.) Fence height - perimeter or boundary fence 72 inches in height is required for all Virginia fallow deer farms.
  - C.) Fencing material - minimum of 72 inches in height of woven wire high tensile game or deer fence with 14 line wires and not larger than 36 square inch mesh opening. The bottom wires of all deer pen fences shall be as close to the ground as possible with no greater space than 75 mm between the ground and the bottom wire. Single strand high tensile wire may be used to increase fence height above 72 inches.
  - D.) Posts - installation of posts must meet specifications of wire manufacturer. All wires to be fastened on the inside of the posts or securely fastened with barbed staples.

Commercial Deer Farm Contract - 3

- E.) Gates (perimeter) - 72 inches in height and constructed of wood or metal. Must be covered with same wire mesh as approved for perimeter fence or other approved game fencing. Gates shall be securely fastened on closing and have provision for locking with a key or combination lock.
- 9. General Provisions: Any violation of this agreement pertaining to fallow deer farming by the owner, lessee or their employees, or any violation knowingly permitted by any of them shall constitute a violation of the permit and may serve as basis for revocation of the permit and penalties as provided by DGIF regulations. Violations must be corrected within 30 days of notice of violation to prevent revocation of the fallow deer farm permit.

\*\*\*\*\*

IMPORTANT - READ CAREFULLY BEFORE SIGNING

I have read and understand the above contractual requirement for the operation of a commercial deer farm and hereby agree to abide by them as a condition of receiving a permit. I also understand that failure to abide by any of the contract provisions will result in the revocation of my commercial deer farm permit and I will have to show cause as to why I should be issued any license after revocation.

Signature of Applicant \_\_\_\_\_

Owner ( ) Lessee ( ) Officer of the Named Corporation ( )

Date \_\_\_\_\_



# Proposed Regulations

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Commercial Deer Farm Costing - 4

## RECOMMENDATIONS

1. Existing fallow deer farmers will be allowed a 12-month period beginning with the adoption of these guidelines to comply with all requirements. Permits will be issued for fallow deer farming provided all facility requirements are met and any fallow deer imported to Virginia have been tested using the single cervical test for bovine tuberculosis and have been tested for brucellosis prior to shipping. Intra-state transfer of fallow deer from existing herd will be permitted.
2. Establish a license and fee structure via the legislature to allow the agency to recover costs associated with the inspection and monitoring of the deer farming industry in Virginia.
3. White-tailed deer farming should not be permitted.

12/1/91

## DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-10-9001. Commercial Driver Training School Regulations. REPEALED.

Title of Regulation: VR 485-10-9001:1. Commercial Driver Training School Regulations.

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia

Public Hearing Date: August 31, 1992 - 9:30 a.m.  
(See Calendar of Events section for additional information)

### Summary:

Pursuant to § 46.2-1703 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles intends to repeal existing regulations (VR 485-10-9001) and adopt new regulations pertaining to commercial driver training schools.

The proposed regulations will establish the licensing and regulatory provisions for commercial driver training schools and instructors. These regulations may affect any person, group or organization involved or associated with commercial driver training school instruction.

The proposed regulations address a number of issues that have not previously been clear to the licensee, such as local business license and zoning compliance, record keeping, and equipment requirements. These revisions also clarify the administrative and regulatory responsibility for DMV. Specifically, the provisions include school or instructor license revocation for DUI, reckless driving, sexual assault convictions, etc.

VR 485-10-9001:1. Commercial Driving Training School Regulations.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Definitions.

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

"Class A licensee" means a school which provides occupational training in the operation of tractor-trailer or motor vehicles in excess of 20,000 pounds, exclusive of any load.

"Class B licensee" means a school which provides training in the operation of any type of motor vehicle other than those included in Class A licensure.

"Commercial driver training school" or "school" means

a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. "Commercial driver training school" or "school" does not mean any college, university, school established pursuant to § 46.2-1314 of the Code of Virginia, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bonafide religious institutions, or by the Commonwealth or any political subdivision thereof, or schools accredited by accrediting associations approved by the Department of Education.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Department" means the Department of Motor Vehicles (DMV) of the Commonwealth.

"Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for such school for compensation, who teaches, conducts class, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.

### PART II. ENTRY REQUIREMENTS.

#### § 2.1. School requirements.

A. Schools seeking a license shall file a completed copy of an application for a commercial driver training school license.

B. Schools seeking a license shall file with the Department of Motor Vehicles (DMV) evidence of insurance on all of its vehicles with a company licensed to do business in the Commonwealth of Virginia, in the minimum amounts as required by § 46.2-472 of the Code of Virginia. The policy shall include uninsured motorist coverage.

The school shall provide and maintain evidence of insurance coverage on a Certificate of Insurance or similar form with the department. The certificate shall be filed upon initial application and at other times of the licensure period which is on or before the expiration of any previous certificate. The certificate shall stipulate the specific motor vehicles covered and that the department will be notified by the insurance carrier 10 days before the policy expires or if the policy is canceled or not maintained in full force.

Each school shall provide written notice to the commercial driver training school section of the DMV in the event that any motor vehicle is added or deleted from the insurance policy during the coverage period. The notice shall include the make, model, year, vehicle

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identification number and the license plate number. The notice shall be received by DMV prior to using such motor vehicle for driver education instruction.

C. The owner or manager of a commercial driver training school shall submit with their application a criminal background check provided by their local law-enforcement agency. The DMV may refuse to approve any application in which the owner or manager has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other state or under the laws of the United States of America or a conviction of any offense included in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other state or of the United States.

D. To avoid any conflict of interest, DMV shall not approve any Class A school license for any applicant that is certified by DMV as a Third Party Tester for the commercial driver's license (CDL) skills testing.

E. The location of a school's place of business or classroom and practice driver training area shall be a distance of at least 1500 feet from any property owned, leased or maintained by DMV for examining motor vehicle operators. Such distance shall be measured along the public streets by the nearest route from the commercial driver training school place of business or classroom. This section shall not apply to school locations that were licensed on or before October 1, 1992.

No school, instructor or representative of a school shall knowingly use, or permit its instructors to use, any DMV driving test routes or sites for driver licensing skills examinations for the purpose of instructions or practice during the normal business hours of the DMV branch office. No school, instructor or representative of a school shall park any school vehicle on DMV owned, leased or maintained property after regular business hours without written approval from the branch office manager.

F. No school shall provide behind-the-wheel instruction to any student holding an instruction permit until such student has received at least two hours of classroom instruction. This requirement may be waived by the school in the event that the student provides documentation showing that they have previously held a permanent driver's license.

G. The fee for a school license is \$100 per year. The license shall expire on the last day of the 12th month succeeding the date that the license was issued. Commercial driver training schools may elect to secure a two-year license for \$200 which shall expire the last day of the 24th month succeeding the date that the license was issued. At the discretion of the commissioner fees may be prorated. All fees are nonrefundable.

H. Any school applying to provide a motorcycle driver

training course shall be considered in accordance with §§ 46.2-1188 through 46.2-1192 and the Regulations pertaining to the Motorcycle Rider Safety Training Center Program.

I. All schools licensed to conduct commercial driver training school business shall file with the Department of Motor Vehicles a surety bond in the sum of \$100,000 for a Class A license and \$5,000 for a Class B license, payable to the Commonwealth of Virginia, issued by a corporation licensed to transact surety business in the Commonwealth. The surety bond shall be filed with each application and must provide coverage for the entire licensure period.

J. The application fee, certificate of insurance, the surety bond and background check(s) must accompany the application. If applicable, the application package shall also include a copy of a notarized statement pertaining to oral contracts as provided under § 2.4 E of these regulations. All proper applications will be either approved or denied within 30 days of receipt.

K. The application package should be submitted to the Commercial Driver Training School section of the Department of Motor Vehicles, Post Office Box 27412, Richmond, Virginia 23269-0001.

## § 2.2. Place of business.

A. No license shall be issued to any school unless an established place of business is maintained within the Commonwealth which is owned or leased by a principal, where a substantial portion of the business is routinely conducted and which:

1. Satisfies all local business licensing and zoning regulations;
2. Has office space devoted exclusively to the commercial driver training school;
3. Houses all records that are required under the provisions of these regulations;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the school and working utilities;
5. Has adequate restroom facilities; and
6. Complies with federal, state and local health, fire and building code requirements.

In the event that a post office box number is used for postal delivery, the school shall also provide the street address or physical address of the established place of business.

Any commercial driver training school licensed at their current site on or before October 1, 1992, shall be considered to be in compliance with the provisions of §§ 2.2 A and 2.2 A 2.

B. Each commercial driver training school licensed to teach students shall maintain, in addition to space for business operations, a classroom. Any such classroom shall provide a minimum of 10 square feet per student attending at a given time.

The classrooms used for teaching students shall be equipped as follows:

1. Seating arrangements and writing surfaces for each student;
2. Adequate blackboard(s) which shall be visible from all seating positions;
3. A library of driver education reference books, including appropriate text books for each student;
4. Appropriate audio/video equipment and screen;
5. Adequate restroom facilities; and
6. Compliance with federal, state and local health, fire and building code requirements.

Any school licensed at their current site on or before October 1, 1992, shall be considered to be in compliance with the provisions of subdivisions 1 through 5 of § 2.2 B.

In addition to the established place of business address, all addresses or physical locations of classrooms, driving range facilities or any other facility used by the school shall be provided to DMV in writing.

C. Each school business office shall be open to the general public a minimum of eight hours per week. Such hours shall be posted in a conspicuous location at the place of business.

D. The current schedule of fees and charges shall be prominently posted at the established place of business.

E. The school license shall be prominently posted at the established place of business.

F. Each school licensed by the department must notify DMV, in writing, 30 days prior to a change of address. The school shall return the current license to DMV so that a revised license may be issued. There is a \$3.00 processing fee for a change of address.

G. There will be a \$25 processing fee to process a request to upgrade a school license during the licensure period in order to be certified to teach students under 19 years of age as provided in § 2.7 of these regulations. The expiration on any upgraded license issued shall be the same as the current license.

## § 2.3. Nature of business records to be maintained.

The following records shall be maintained by each

licensed school:

1. A record of each student showing name, address, telephone number, driver's or permit license number, dates of instruction, fees paid, name of the instructor providing instruction, testing materials or records, a copy of the Commercial Driver Education Certificate and, if applicable, a copy of the contract;
2. The records for students under 19 must distinguish the number of periods of classroom instruction, the number of periods of behind-the-wheel driving and the number of periods of behind-the-wheel observation. Such record shall also indicate the names of any other student(s) in the vehicle completing the required observation instruction;
3. It shall be the responsibility of the commercial driver training school to determine the successful completion of any student under 19 years of age in the theoretical and practical driving instruction by means of established, written performance measurements of the student's theoretical and practical skills knowledge. The results of such measurements shall be maintained with each respective student's records.

Schools shall issue within five working days of the final lesson all appropriate documentation to any student upon successful completion of the instruction requirements.

All schools teaching students under 19 years of age may provide additional instruction to students in order to bring their skills up to a passing level. Any fees associated with such additional instruction shall be posted as provided in § 3.1 I 2 of these regulations or referenced in the oral or written contract;

4. Copies of all insurance policies, surety bonds, local business license and any necessary zoning documentation; and

5. A personnel file on each instructor. The file shall include the instructor's name, address, driver's license number, commercial driver training school instructor number and, as required, a copy of the college transcript as required under § 3.1 I 2 of these regulations or a valid Virginia teaching license.

## § 2.4. Driver training school contracts.

A. All written contracts or agreements between any Class B school and any individual or group for the sale, purchase, barter or exchange of any driving instruction or any classroom instruction, or the preparation of an applicant for an examination given by the DMV for a driver's license or instruction permit must contain the following:

1. Any school certified to teach students under 19

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years of age must include a statement indicating the specific number of periods of classroom instruction that is required for any student under 19 years;

2. Any school certified to teach students under 19 years of age must include a statement indicating the specific number of periods of behind-the-wheel instruction that is required for any student under 18 years of age;

3. A statement indicating the contract price per period, lesson or as a package, and the terms of the payment;

4. A statement disclosing if there is an additional charge for the use of the school vehicle in taking a driving test to obtain a driver's license from DMV;

5. A statement indicating the specific date and time when instruction is to begin for students taking classroom instruction; and

6. Licensees shall include a statement that the attendance at a commercial driver training school is not required for students over 19 years of age in order to secure a driver's license;

7. The name and address of the school and the name and address of the student; and

8. All contracts shall be signed by a school representative and the student. In addition, any contract between a Class B commercial driver training school with a student under 18 years of age shall be signed by a parent or legal guardian.

B. All contracts for services offered by a Class A commercial driver training school shall be in writing.

The written contract by a Class A licensee shall include the provisions of subdivisions 3, 4, 5, 7 and 8 of § 2.4 A of these regulations.

C. Notwithstanding the language of the contract, a refund of any fees or tuition or any part of fees or tuition must be provided upon request unless the school is capable or willing to perform its part of the contract within a reasonable time period.

D. All written contracts shall state that the instruction provided does not guarantee that any student will pass the state license examination or that the student can secure a license, or that the student will be guaranteed employment upon completion of any course instruction.

E. If there is no written contract by a Class B school, the school shall provide the student or their legal guardian a written notice containing information regarding the provisions of subdivisions 1 through 6 of § 2.4 A, § 2.4 C and § 2.4 D and shall file with DMV a notarized, written statement indicating that the school is providing such

notice and that all of the school's oral contracts and agreements have complied, and will comply, with these subdivisions and subsections. Such statement shall be filed at the time of initial application and with subsequent renewal applications.

## § 2.5. Notice required to DMV.

A. Each school shall notify the commercial driver training school section of DMV in writing no later than the 15th of the month, following the month of termination of employment of any licensed instructor. The school shall also return to DMV such instructor's license.

B. In the event of cessation of business, the commercial driver training school shall submit to the commercial driver training school section of DMV, within 15 days of such date, a written statement explaining the reason for closing, the school license, all instructors' licenses and the past six months of students' records.

## § 2.6. Availability of records.

A. All records shall be kept at the established place of business for a period of at least three years.

B. All records as provided in § 2.3 of these regulations shall be open and available for inspection by any officer or employee of DMV or any law-enforcement officer during normal business hours. In the event that copies of such records are not readily available, DMV may secure and remove, for a period of three business days, these records for the purpose of photocopying.

## § 2.7. Certification to teach students under 19 years of age.

A. All schools teaching students under 19 years of age for purposes of securing a driver's license or instruction permit under the provisions of §§ 46.2-323, 46.2-334 and 46.2-335 of the Code of Virginia are required to offer a course that is of comparable content and quality to that offered in the public schools. Schools certified by DMV to teach students under 19 years of age shall comply with the classroom and behind-the-wheel instructional standards established by the Department of Education through the Curriculum Guide for Driver Education in Virginia which is incorporated by reference in these regulations.

B. All schools certified to teach students under 19 years of age shall employ at least one instructor that is certified under the requirements set out in § 3.1 I of these regulations.

C. The minimum hours of instruction for students under 18 years of age shall comply with the provisions of the Curriculum Guide for Driver Education in Virginia.

The minimum hours of instruction for students between 18 and 19 years of age shall comply with the provisions of the Curriculum Guide for Driver Education in Virginia.

D. The course shall include specific information regarding the influence of alcohol and drugs as they relate to driving a motor vehicle.

E. The course shall include specific attention to the laws of the Commonwealth regarding safety belt use. The instruction shall consist of information on basic safety belt use, passive restraint systems, automatic shoulder harness systems with manual lap belts and child safety seats.

F. For purposes of teaching behind-the-wheel instruction to students under 18 years of age, the number of persons in a vehicle during behind-the-wheel instruction shall be limited to no more than four, including the driver and the instructor, or the maximum passenger capacity of the vehicle (i.e., the number of safety belts), whichever is smaller.

## § 2.8. Class A license curriculum.

A. All schools issued a Class A license shall provide theoretical and practical instruction in the operation of tractor-trailers or motor vehicles in excess of 20,000 pounds, exclusive of any load.

B. The theoretical instruction shall include, but need not be limited to, the following areas:

1. State motor vehicle laws;
2. Virginia Motor Carrier Act;
3. Federal Motor Carrier Safety rules and regulations relating to the operation of trucks, commercial tractors, trailers, and semi-trailers, and motor vehicles transporting flammable or hazardous cargo;
4. Special stops required (e.g., railroad crossings);
5. Virginia laws relating to equipment, brake systems, lightings, and display of emergency equipment;
6. Registration and licensing laws;
7. Special taxes;
8. Accident reporting and safety responsibility laws;
9. Safe and courteous driving practices;
10. Routine service and pretrip safety check;
11. Use of occupant protection devices, including their benefits and effectiveness in motor vehicle collisions.

C. Not more than 30% of the total classroom hours may be devoted to the showing of slides or films.

D. The practical instruction shall include, but need not be limited to, the following areas;

1. Starting;
2. Stopping;
3. Turning;
4. Braking;
5. Parking;
6. Docking;
7. Hooking-up and unhooking trailers and semi-trailers;
8. Display of emergency equipment;
9. Use of hazard lighting system;
10. Checking and servicing all the component parts of such vehicles;
11. Pretrip inspection.

E. For the purposes of behind-the-wheel instruction by a Class A licensee, there may be no more than five persons, including the driver and instructor in the passenger portion of the vehicle.

## § 2.9. Equipment.

A. Every school shall provide all necessary equipment and materials required for classroom and behind-the-wheel instruction, including motor vehicles that are in safe mechanical condition.

B. Each vehicle used for driver education in a school with a Class B license shall have dual controls consisting of dual brakes, dual inside rearview mirror, dual clutch (if it has standard transmission) and right and left-hand outside mirrors. Any training vehicle(s) used for Class B license instruction shall not be more than eight model years old.

C. In addition to equipment required by the Motor Carrier Safety rules and regulations, each vehicle used for driver education in a school with a Class A license shall have dual braking capability. The cab of such vehicle shall be designed to have safety belts for each individual in the tractor-trailer.

D. All passenger vehicles shall be marked by a rooftop sign in bold letters not less than two inches in height, clearly visible 100 feet from both the front and rear, stating "Student Driver," "Learner," "New Driver," or "Caution - Student" when engaged in driver education. All vehicles used for driver instruction in a school with a Class A license shall have similar signs with letters of not less than four inches affixed to the rear, sides and front of the vehicle.

All passenger vehicles and vehicles used in a school

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with a Class A license shall display the name of the school as shown on the license on the outside of the vehicle when engaged in driver education. For passenger vehicles, the name of the school may be included on the rooftop sign or it may be affixed to both sides of the vehicle.

E. The Department of Motor Vehicles may exempt any school teaching disabled individuals from the requirement to provide motor vehicles, on a case-by-case basis. The school may use the student's vehicle for their behind-the-wheel instruction in the event that it is cost prohibitive for the school to maintain certain specialized equipment or if such equipment is not readily installed and removed or if it provides necessary practical experience for the student in their own vehicle. When using a student's vehicle, the school shall photocopy the current insurance policy covering such vehicle and maintain with the student's file. The school shall also send a written notice to the commercial driver training school section for the DMV stipulating the reasons for using the student's vehicle and the anticipated dates of instruction as well as a copy of the insurance policy prior to beginning instruction.

Any school that uses a disabled student's motor vehicle must ensure that the vehicle is equipped with a dual brake and such vehicle is required to utilize a rooftop sign as specified under subsection D of this section.

F. No motor vehicle may be used for driver education unless it displays a current and valid Virginia safety inspection sticker or, alternatively, in the case of vehicles over 20,000 pounds, has a valid federal highway administration inspection.

G. No motor vehicle may be used for commercial driver education unless it is owned or leased in the name of a commercial driver training school licensed by DMV or the school owner as indicated on the application for the commercial driver training school license, except as provided in subsection E of this section.

H. Any motor vehicle used by a commercial driver training school for the purposes of providing behind-the-wheel instruction or used for the purposes of taking the DMV skills examination shall contain a current and valid registration in the vehicle.

I. All schools that rent their motor vehicles to individuals that are not bonafide students for purposes of taking the driving examination at the Department of Motor Vehicles shall comply with the renters' certificate of registration as set out in § 58.1-2400 et seq. of the Code of Virginia.

## § 2.10. Advertising, guarantees, soliciting business, name.

A. A school shall not use any name other than that shown on its license.

B. Any school that utilizes "Department of Motor Vehicles" or "DMV" in any form of advertising including but not limited to telephone directories shall use only the words "Licensed by the Department of Motor Vehicles of the Commonwealth of Virginia."

C. Schools shall not use false, deceptive or misleading information in any advertisement.

D. No school, instructor or representative of a school shall assert or imply that it will guarantee that any student will pass the state license examination or that the student can secure a license, or that the student will be guaranteed employment upon completion of any course of instruction.

E. No school, instructor or representative of a school shall transact or solicit driver training school business on property owned, rented or maintained by the Department of Motor Vehicles.

F. No school, instructor, or representative of a school shall provide translation services for the purposes of any individual who is taking the DMV written examination.

## § 2.11. School license renewal required.

A. The department will make every effort to mail a renewal notice to the licensee outlining the procedures for renewal at least 45 days prior to the expiration of their license. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

B. Each licensed school applying for renewal shall return the renewal application, certificate of insurance, surety bond, background check(s) and fee of \$100 for a one-year license or \$200 for a two-year license to the Department of Motor Vehicles, Commercial Driver Training Schools section, Post Office Box 27412, 2300 West Broad Street, Richmond, Virginia 23269-0001, on or before the 15th day of the month in which the current license expires. If applicable, the package shall also include a copy of a notarized statement pertaining to oral contracts as provided under § 2.4 E of these regulations.

C. No school will be permitted to continue operation upon the expiration of its license. In the event that a school fails to apply for renewal of the school license within 30 days following the expiration date, a penalty of \$100 shall be assessed in addition to the renewal fee. This penalty provision shall apply for the duration of the current licensure period.

## § 2.12. School licenses not transferable.

A. A change in ownership requires an application for an original license along with the documents and fees required under § 2.1 J of these regulations to be submitted to DMV at least 30 days in advance of the effective date of the change. The school shall not operate under the new or different individual, association, partnership or

corporation until and unless an original license has been issued reflecting the change.

B. Commercial driver training school licenses shall not be sold, loaned, bartered or given by a licensee or an agent of a licensee to another individual, association, partnership or corporation.

### PART III. INSTRUCTOR LICENSING.

#### § 3.1. Instructor requirements.

A. Instructors seeking a license shall file a completed application for a commercial driver training school instructor.

B. Instructors seeking a license shall be employed by a licensed school. No instructor shall be employed by more than one school, unless the schools are owned by the same person. Instructors employed by more than one school will be required to submit an application and appropriate fees for each school. Any instructor licensed on or before October 1, 1992, at more than one school not owned by the same person shall be deemed in compliance with this section.

DMV will consider instructor application(s) filed simultaneously with an original school application.

C. Instructors seeking a license shall have at least five years driving experience, two years of which shall be experience in the United States or a territory thereof. In the event that an applicant uses documents from a foreign country to substantiate five years of driving experience, the records must exhibit the individual's name, the license number, the date of issue, the date of expiration and notation of any violations.

D. Instructors seeking a license to teach passenger vehicle instruction shall hold a valid driver's license from their state of domicile at the time of licensing and throughout the entire licensure period. Instructors seeking a license to teach at a school with a Class A license shall hold a valid commercial driver's license from their state of domicile at the time of licensing and throughout the licensure period. If such licenses are from another state, the licensee must provide a copy of their driving record from that jurisdiction upon application and on a quarterly basis.

E. Instructors seeking a license to teach at a school with a Class A or Class B license shall upon licensing and throughout the licensure period maintain a driving record not exceeding six demerit points. In the event that the driving record is from another state or foreign country the department will apply Virginia's equivalent demerit points. Furthermore, instructors seeking a license to teach at a Class A licensed school shall upon licensing and throughout the licensure period maintain a driving record with no more than one serious traffic violation as defined in §

46.2-341.20 of the Code of Virginia during the preceding three-year period.

F. Instructors seeking a license shall submit with their application a criminal background check provided by their local law-enforcement agency. The DMV may refuse to approve any application in which the instructor has been convicted of a felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other state or under the laws of the United States of America or a conviction of any offense included in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other state or of the United States.

G. Instructors seeking a license shall submit two photographs (black and white or color), 1-1/2 inches by 1-1/2 inches square or passport size showing neck, shoulders and uncovered head, taken not more than 30 days prior to such application. (Do not permanently attach photographs to any material.)

H. Instructor applicants shall not be issued a license if they have a conviction of driving under the influence (DUI), reckless driving, refusal to submit to a breath or blood test under § 18.2-268 of the Code of Virginia or vehicular homicide or of any similar ordinances of any county, city or town or of any other state within 18 months of the date of receipt of the application.

I. In addition to other requirements, instructors seeking certification to teach students under 19 years of age shall:

1. Have at least a high school diploma or equivalent.

2. Submit, with their application, a certified copy of a transcript(s) from an accredited college or university showing successful completion of three semester hours of "Introduction to Driver Education: Driver Task Analysis" and three semester hours of "Instructional Principles of Teaching Driver Education" or similar such courses as approved by the Department of Education. In lieu of college transcripts, submission of a valid Virginia teaching license with a driver education endorsement may be acceptable.

3. Any instructor that has been certified as a paraprofessional by the Department of Education in the public school system may be certified to provide instruction to students under 19 years of age for behind-the-wheel instruction only. Such applicants shall be required to submit along with their application appropriate verification from the Virginia Department of Education.

J. In addition to other requirements, instructors seeking certification to teach students over 19 years of age in Class B schools shall submit, with their application, a copy of a transcript from an accredited college or university showing successful completion of three semester hours of



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*"Introduction to Driver Education: Driver Task Analysis."* This provision shall not apply to any instructor who was licensed to teach students over 19 years of age on or before October 1, 1992.

This provision may be waived by DMV and a license issued if such instructor is seeking a license to work for a school which employs at least one instructor meeting this educational requirement and submission of proof of enrollment in such a college course. This waiver is valid for the duration of a one-year licensure period. In the event that the college course is canceled or has not concluded by the end of a year DMV may grant one subsequent waiver to the same individual.

K. The fee for an instructor license shall be \$50 per year. The instructor's license period shall coincide with the expiration of the respective school license expiration. Instructors may elect to secure up to a two-year license for \$100. The expiration of any such license shall coincide and not exceed the respective school license expiration. At the discretion of the commissioner fees may be prorated on a monthly basis. All fees are nonrefundable.

L. The application fee, photographs and background check shall accompany the application. Any appropriate documentation for teaching students over or under 19 shall be submitted with the original application. Any instructor relying on a Virginia teaching license shall submit a valid copy of such license upon original application and upon renewal of the license. All proper applications will be either approved or denied within 30 days of receipt.

M. The application package should be submitted to the Commercial Driver Training School Section of the Department of Motor Vehicles, Post Office Box 27412, Richmond, Virginia 23269-0001.

N. All licensed instructors shall have their instructor's license in their possession at all times while providing commercial driver training school instruction.

O. Each school instructor licensed by the department shall notify the commercial driver training school section, in writing, within 30 days of moving to a new residential address.

P. In the event that the school licensed by the department changes the school address, the instructor shall return the current license to DMV so that a revised license may be issued. There is a \$3.00 processing fee for a change of address.

Q. There will be a \$10 processing fee to process a request to upgrade an instructor license during the licensure period in order to be certified to teach students under 19 years of age as provided in § 3.1 I of these regulations.

R. Instructors shall maintain their current residential address on their driver's license.

S. Any instructor applying as a motorcycle instructor shall be considered in accordance with §§ 46.2-1188 through 46.2-1192 and the regulations pertaining to the Motorcycle Rider Safety Training Center Program.

## § 3.2. Instructor license renewal required.

A. The department will make every effort to mail a renewal notice outlining the procedures for renewal at least 45 days prior to the expiration of the license to the licensee at the established place of business. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

B. Each licensed instructor applying for renewal shall return the renewal application, background check and fee of \$50 for a one-year license or \$100 for a two-year license to the Department of Motor Vehicles, Commercial Driver Training School Section, Post Office Box 27412, 2300 West Broad Street, Richmond, Virginia 23269-0001 on or before the 15th day of the month in which the current license expires. Each instructor's license will expire on the same date as the respective school license.

C. No instructor will be permitted to continue instructing students upon the expiration of their instructor's license. In the event that an instructor fails to apply for a renewal license within 30 days following the expiration date, a penalty fee of \$50 shall be assessed in addition to the renewal fee. This penalty shall apply through the duration of the current licensure period. DMV shall not issue a renewal instructor license in the event that the school license is not renewed or approved.

## § 3.3. Transfer of instructor license.

Commercial driver training school instructor licenses shall not be transferred from the current school to another school without the expressed written approval and relicensing by the DMV. All transfers shall be requested in writing by the instructor. Such instructors shall submit a completed application for a commercial driver training school instructor as well as other documents requested. There will be a \$25 processing fee to transfer an instructor license from one school to another.

## PART IV. STANDARDS OF PRACTICE.

### § 4.1. Discipline.

A. The Department of Motor Vehicles may refuse to license a school or instructor and may cancel, suspend, revoke or refuse to renew a license and may impose a civil penalty for any licensee for any of the following:

1. Giving prospective students false, misleading, or fraudulent information relating to the school;
2. Failure to provide instruction within a reasonable period following enrollment in a driver education

course;

3. Failure to provide a consumer, upon request, with information regarding the address and telephone number of the commercial driver training school section of DMV for purposes of filing a complaint on the school or an instructor;

4. Failure to comply with any provisions of these regulations;

5. Failure for a school or instructor licensed to teach students under 19 years of age to comply with the teaching standards of the Curriculum Guide for Driver Education in Virginia;

6. Failure of a school to comply with written or oral driver training school contracts;

7. Contractual, oral or implied business practice of indicating that a student under 18 years of age has successfully completed classroom instruction on the condition that such student completes the behind-the-wheel instruction with that school or any school designated by such school;

8. Payment of any fee associated with commercial driver training school program by a personal or corporate check on an account with insufficient funds or on a closed account;

9. Providing translation services for any individual who is taking the DMV written examination;

10. Employing or otherwise engaging an instructor not properly licensed by the Department of Motor Vehicles;

11. Providing instruction in the operation of a type of vehicle which the instructor is not licensed to operate;

12. Failure of an instructor with an out-of-state driver's license or commercial drivers license to submit a copy of their driving record on or about February 15, May 15, August 15 and November 15 each year;

13. Exceeding the maximum allowance of violations on an instructor's driving record as provided in § 3.1 E of these regulations;

14. Failure to maintain driver education equipment in a safe condition;

15. Failure to equip motor vehicles with proper signage;

16. Not providing the minimum number of hours of classroom or behind-the-wheel instruction for students under 19 years of age;

17. Permitting more than one student 18 years of age

or older in a passenger vehicle under his control while teaching driver education, except when the licensee is training driving instructors or providing instruction as a Class A licensee;

18. Falsification of information on the application, the college transcripts, the Virginia teaching license, surety bond, or of the insurance documentation;

19. Falsification of any form, certificate or document required for a student to obtain their driver's license or used in connection with teaching driver education;

20. Possession, use, sale or giving of any Department of Motor Vehicle test materials or test answers;

21. Assisting or facilitating the creation of false identification for individuals;

22. Violation or conviction of the owner, manager or instructor of a commercial driver training school of any felony, including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth of Virginia or any other state or the laws of the United States of America or of any offense included in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or of any similar laws of any other state or of the United States;

23. Upon conviction of refusal to submit to a breath or blood test as prescribed under § 18.2-268 of the Code of Virginia;

24. Violation or conviction of state or federal safety regulations or the laws of the Commonwealth including without limitation those of the Departments of Motor Vehicles, Education and State Police;

B. The commissioner may immediately suspend, revoke or refuse to renew a license based upon a finding that the instructor's driver's license or commercial driver's license has been suspended, revoked, or disqualified, or upon receiving a record of a conviction of serious motor vehicle related offenses punishable as a misdemeanor or felony including driving under the influence or reckless driving. In addition to other provisions of these regulations, the commissioner may immediately suspend, revoke or refuse to renew license of an instructor based upon a finding of a conviction of Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 of the Code of Virginia (Criminal Sexual Assault) or any similar laws of any other state or of the United States.

C. The department may, in addition to other provisions, assess a civil penalty not to exceed \$1,000 for each violation or any provision of the laws or regulations related to commercial driver training schools.

D. For the purposes of § 4.1 of these regulations, if a school licensee is an individual, association, partnership or corporation, it shall be sufficient cause for the

# Proposed Regulations

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*cancellation, suspension, revocation or refusal to renew a school license in the event that any officer, director, instructor, employee, or any trustee or member of a partnership or corporation has committed any act or omitted any duty which would be cause for canceling, suspending, revoking, or refusing to renew a license issued to him as an individual under the laws and regulations pertaining to commercial driver training schools. Furthermore, each school licensee owner or manager shall be responsible for the acts of any instructor or employee while acting as his agent, if the licensee approved of those acts or had knowledge of those acts or other similar acts and after such knowledge retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.*

## DEPARTMENT OF STATE POLICE

**Title of Regulation:** VR 545-01-03. Standards and Specifications for the Stickers or Decals Used by Cities, Counties and Towns in Lieu of License Plates.

**Statutory Authority:** §§ 46.2-1052 and 52-8.4 of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted until August 28, 1992.

(See Calendar of Events section for additional information)

### Summary:

*This amendment to the standards and specifications for stickers and decals used in lieu of license plates, restricts the placement of such stickers. These stickers or decals may be placed to the right of the Official Inspection sticker when viewed through the windshield from inside the vehicle or at the option of the motor vehicle's owner, affixed at the upper edge of the center of the windshield.*

VR 545-01-03. Standards and Specifications for the Stickers or Decals Used by Cities, Counties and Towns in Lieu of License Plates.

These standards and specifications are promulgated in compliance with ~~Section 46-1-291~~ § 46.2-1052 of the Code of Virginia.

### ~~1-0~~ § 1. Purpose.

The purpose of this standard is to establish specifications for the size and placement location of stickers or decals used by counties, cities, and towns in lieu of license plates.

### ~~2-0~~ § 2. Size.

The size of the sticker or decal shall not exceed three inches in height and three inches in length. The shape of the sticker or decal is optional.

### ~~3-0~~ § 3. Placement.

The sticker or decal shall be placed on the windshield adjacent to the left or right side of the official inspection sticker when viewed through the windshield from inside the vehicle. The top edge of the sticker or decal shall not extend upwards more than three inches from the bottom of the windshield. The side edge adjacent to the official inspection sticker shall not be more than 1/4 inch from the edge of the official inspection sticker. At the option of the motor vehicle's owner, the sticker or decal may be affixed at the upper edge of the center of the windshield.

### ~~4-0~~ Effective date

These regulations shall be effective on and after July 1, 1976, and until amended or rescinded.

### ~~5-0~~ Amended:

May 1, 1976:

# 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 CRIMINAL JUSTICE SERVICES (BOARD OF)

Title of Regulation: VR 240-04-2. Rules Relating to the Forfeited Drug Asset Sharing Program.

Statutory Authority: §§ 19.2-386.4, 19.2-386.10 and 19.2-386.14 of the Code of Virginia.

Effective Date: July 29, 1992.

### Summary:

These rules outline the procedures required to participate in the Forfeited Drug Asset Sharing Program. This program is administered by the Department of Criminal Justice Services and 90% of the proceeds of forfeited drug assets are returned to the law-enforcement community.

VR 240-04-2. Rules Relating to the Forfeited Drug Asset Sharing Program.

### § 1. Definitions.

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

"Agency" means any federal, state or local agency or office that directly participated in the investigation or other law-enforcement activity which led, directly or indirectly, to the seizure and forfeiture.

"Agency administrator" means any chief of police, sheriff, commonwealth's attorney or agency head of a federal, state or local agency or office.

"Asset" means any property or interest in property, whether tangible or intangible, real or personal.

"Board" means the Criminal Justice Services Board.

"Chief administrative officer" means the officer vested with the administrative and executive function of a political subdivision (e.g., city manager, county manager, etc.), or in the case of an executive branch agency, the director, administrator, superintendent or other equivalent position as provided by law, unless such agency operates under a supervisory board as defined in § 9-6.25:3 of the Code of Virginia, in which case the chairman of the supervisory board shall be deemed "chief administrative officer."

[ "Committee" means the Forfeited Asset Distribution Committee of the Criminal Justice Services Board, sometimes referred to as "FADC." ]

"Department" or "DCJS" means the Department of Criminal Justice Services.

"Designated seizing agency" means the agency or office which initiates the seizure, or which retains possession of the seized property. Designated seizing agency may include the agency chosen by mutual decision of the participating agencies.

"Director" means the chief administrative officer of the Department of Criminal Justice Services.

"In-kind property" in this context means the actual property other than cash seized, forfeited and returned to the seizing agency for law-enforcement purposes. In-kind property includes property which is [ ~~exchanged~~ received in exchange ] for original in-kind property.

"Proceeds" means actual cash forfeited, and the cash value returned from the sale of forfeited property, including property that may have been returned "in-kind" and sold during a one-year period for a value greater than \$250.

### § 2. Applicability.

This regulation applies to all agencies or offices, insofar as they participate in the seizure and forfeiture of drug assets under Virginia law.

### § 3. Asset seizure.

A. Property subject to seizure under § 18.2-249 [ of the Code of Virginia ], that is seized with the intent to forfeit to the Commonwealth and retain the property or proceeds for law-enforcement use pursuant to Chapter 22.1 of Title 19.2, shall be reported to the department provided that the property or cash value exceeds \$100.

B. The agency administrator of the designated seizing agency will file a DCJS Form 998, Asset Seizure Reporting Form, within 21 days of seizure [ with intent to forfeit pursuant to § 18.2-249 ]. This form calls for detailed information regarding the description and location of property. If more than one agency participates in the seizure, the names, addresses and agency administrators of all participating agencies or offices shall be reported to the department on Form 998.

### § 4. Report of proceeds, costs and asset sharing

# Final Regulations

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agreements.

Once the court has ordered disposition of the forfeited asset(s) pursuant to § 19.2-386.11, the designated seizing agency will file a DCJS Form 999, Seized Property Disposition/Sharing Decision Form, with the department. This form should be accompanied by:

1. Copy of the court order;
2. Petition for in-kind property;
3. List of costs incurred to manage seized assets;
4. Cashier's check or money order in the amount of the net forfeited proceeds (total proceeds minus amount for costs incurred that are allowable under § 19.2-386.12 or other costs if approved by the court) made payable to the Treasurer of Virginia [ . ]

## § 5. Remission of innocent property interests.

Petitions for remission by innocent property holders or innocent lien holders shall be filed [ within 21 days of the court order of forfeiture (§ 19.2-386.10) ] with the Department of Criminal Justice Services at 805 East Broad Street, 10th Floor, Richmond, VA 23219.

Petitions for remission shall contain such information as will allow the department to identify the forfeiture involved, including the name of the circuit court from which the forfeiture was ordered. The petition shall clearly and specifically allege the grounds upon which petitioner seeks remission, and the statutory basis for relief.

## § 6. Valuation of in-kind property for purposes of distribution.

A. Valuation of in-kind property shall be done in [ all those ] cases of distribution upon which there is not agreement among participating jurisdictions.

B. Evidence of value shall be submitted by the agency seeking possession of the property, and may be submitted by any participating agency.

C. Evidence of value may be submitted in any form, including appraisals, assessments, references to "book" value, etc., as the submitting agency deems necessary to establish the fair market value (FMV) of the property.

D. Final determination of fair market value shall be made by the Criminal Justice Services Board based upon a review of all evidence of value presented to it.

E. The cost of an appraisal will be recognized as a cost incident to the custody, preservation and management of the property, and may be reimbursed to the agency submitting the appraisal from total forfeiture funds prior to the distribution of net proceeds. If there are no

proceeds to be distributed, the cost of appraisal will not be reimbursed.

## § 7. Distribution [ ~~procedures~~ procedure ] for in-kind property and for proceeds.

A. Distribution of in-kind property when all parties are in agreement.

1. The submission of a DCJS Form 999 with all [ ~~attachments~~ attachment(s) ], including the agreement between the law-enforcement agencies, shall constitute a petition for return of in-kind property when there is agreement between the agencies as to the disposition of such in-kind property. These petitions shall be treated by the department as approved, provided that the clear and reasonable law-enforcement need for the forfeited property has been demonstrated (§ 19.2-386.14 C (ii)) in the petition.

2. If the department cannot ascertain the "clear and reasonable law-enforcement need for the forfeited property," it may seek such additional information as will allow it to make the determination.

3. If the department is unable to determine the "clear and reasonable law-enforcement need for the forfeited property," it shall submit the question to the next regularly scheduled meeting of the Criminal Justice Services Board for determination.

B. Distribution of disputed in-kind property.

1. Any participating agency or office may petition the department for the return of any forfeited motor vehicle, boat or aircraft, or other tangible personal property within 10 days of the court's finding of compliance with § [ ~~19.2-386.14~~ 19.2-386.11 ] A (iii).

2. The petition for return of in-kind property shall be on the petitioning agency's letterhead and shall contain the name, address, telephone number, and name of the agency administrator [ and ] of all other participating agencies or offices known to have been involved in the seizure and forfeiture.

3. Petitions shall be filed with the department at 805 East Broad Street, 10th Floor, Richmond, VA 23219.

4. Upon receipt of a disputed petition for distribution of in-kind property, the department shall notify the Chairman of the Criminal Justice Services Board, and the process for resolution contained in [ ~~subsection E of this section relating to joint agency sharing of forfeited assets~~ § 7 C of these regulations ] shall be implemented. This shall include the mailing of notices for responsive petitions.

5. Findings by the committee or the board shall include without limitation the following:

a. A determination of the fair market value of the in-kind property [ - ; ]

b. A determination of the proportional share due to each participating agency or office involved in the forfeiture [ - ; ]

c. An amount, if any, which a participating agency must pay to the department to keep the property, and set a reasonable time for the agency to pay that amount to the department [ - ; and ]

d. A determination of the "clear and reasonable law-enforcement need for the forfeited property."

### C. Joint agency sharing of forfeited assets.

[ 1. ] In all cases in which there is agreement between participating agencies for the distribution of proceeds or in-kind property, distribution shall be made by the department according to the terms of the agreement contained on Form 999, or evidence of agreement attached to that form, subject to a petition challenging the agreement and subject to concurrence by the board of a reasonable law-enforcement need for the in-kind property pursuant to § 7 A 3.

[ 2. 1. ] Any agency or office not in agreement as to the distribution of forfeited proceeds may petition the Criminal Justice Services Board for a proportional share of the proceeds.

[ 3. 2. ] The petition shall be filed on the letterhead of the petitioning agency and shall identify [ all ] other participating agencies or offices.

[ 4. 3. ] The petition shall identify the proportional share of proceeds to which the petitioning agency believes it is entitled, and the grounds upon which it relies for that determination.

[ 5. 4. ] The petition shall be filed [ at with ] the Department of Criminal Justice Services, [ at ] 805 E. Broad Street, 10th Floor, Richmond, VA 23219.

[ 6. 5. ] The petition shall be filed within 21 days of the entry of the court's forfeiture order in the case.

[ 7. 6. ] Upon receipt of the petition for participation in distribution, the department shall forward copies of the petition to all known participating agencies or offices with a request for a responsive petition.

[ 8. 7. ] Responsive petitions shall be filed at DCJS within 14 days of receipt [ of request for responsive petition ] by the agency administrator.

[ 9. 8. ] Upon receipt at DCJS of all petitions related to a particular forfeiture, or upon expiration of the time for receipt of all petitions, DCJS shall prepare a decision package for the forfeited assets distribution

committee.

### D. Hearing.

1. Upon receipt of a petition raising any question or contesting any distribution within the authority of these regulations, the petition shall be referred to the chairman of the forfeited assets distribution committee (FADC) of the Criminal Justice Services Board.

2. The chairman of the FADC shall designate a time and place of the meeting of the committee.

3. Meetings shall be held no later than 45 days after receipt of a petition for contested distribution, unless continued from time to time as required.

4. All participating agencies or offices shall be notified of the time and place of the meeting.

5. The FADC or board shall consider the following criteria in reviewing petitions before it:

a. General. The degree of participation in the law-enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law-enforcement effort with respect to the violation of law on which the forfeiture is based.

b. Specific.

(1) Whether the agency or office originated the information that led to the seizure, and whether the agency obtained such information by use of its investigative assets, or through fortuitous events;

(2) Whether the agency provided unique or indispensable assistance;

(3) Whether the agency initially identified the asset for seizure;

(4) Whether the agency seized other assets during the course of the same investigation and whether such seizures were made pursuant to state law;

(5) Whether the agency could have achieved forfeiture under federal law, with favorable consideration given to an agency which could have forfeited the assets on its own, but joined forces with another agency to produce a more effective investigation;

(6) Upon reviewing all petitions and arguments in the case, and after weighing the factors and criteria listed in these regulations, the FADC or board shall determine by majority vote the proportional share of the proceeds, and shall direct the department to distribute the proceeds according to law;

# Final Regulations

(7) A decision of the FADC will be final for purposes of distribution of forfeited assets, unless, within 10 days of the FADC decision, a participating agency notifies the department of an appeal to the Criminal Justice Services Board;

(8) Appeals of FADC decisions shall be placed on the agenda of the next Criminal Justice Services Board meeting;

(9) Appeals of FADC decisions will be heard by the full board upon the report of the committee, and upon such additional evidence and information as introduced during the meeting by participating agencies or offices;

(10) The decision on appeal by the Criminal Justice Services Board shall be final.

§ 8. [ ~~Certification; maintenance of records; financial statement~~ Audit and certification requirements ] .

A. Prior to disbursement of proceeds by the department, the chief administrative officer of the participating jurisdiction shall sign on its official stationery the following certification:

"I certify that the proceeds applied for and any income or interest derived therefrom will be used for law-enforcement purposes, and will not be used to supplant existing funds from any source whatsoever."

B. Agencies or offices which participate in the distribution of property or proceeds under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, agree to maintain records of the use and handling of the respective proceeds or property and any income or interest derived therefrom for a period of three years from receipt. The department may audit the records of the forfeited assets at any time during those three years, and shall report the findings of any such audit to the Criminal Justice Services Board.

C. The department requires that all participants in the Forfeited Asset Sharing Program submit an annual financial statement of receipts and expenditures related to the program, certifying that the proceeds applied for and any income or interest derived therefrom was used for law-enforcement purposes and was not used to supplant existing funds from any source. This certification and a financial statement shall be submitted to the department six months after the close of the designated fiscal year.



DCJS 999

<b>SEIZED PROPERTY DISPOSITION/ SHARING DECISION FORM</b>	
<small>Please type or use ball point pen to complete and press firmly. To be filed with DCJS with court order and petition for in-kind property.</small>	
1. Seizing Agency _____	
2. Seizing Agency Case No. _____	3. DCJS Seizure No. _____
4. Disposition of Property Seized: (see reverse) _____	5. Date of Court Disposition: _____
6. Conditions of Disposition: (see reverse) _____	
7. Contact Officer: (Print)	
Name _____ Title _____	Case _____
Signature _____	
8. Multiple Agencies: <input type="checkbox"/>	9. Joint Agency Sharing Decision: _____
10. Certification: I certify the above information is true and accurate, that the property transferred will be used for the law enforcement purposes stated and that all monies received pursuant to this request will be deposited and accounted for consistent with applicable state laws, regulations and court orders.	
Chief/Sheriff/Superintendent: (Print)	
Name _____ Name _____ Name _____	
Title _____ Title _____ Title _____	
Signature _____ Signature _____ Signature _____	
11. CJS Board Decision Required: Yes <input type="checkbox"/> No <input type="checkbox"/>	12. Intended Law Enforcement Use of Property: (see reverse)
13. Fiscal Officer(s) to Receive Forfeited Proceeds: (Print)	
Name _____ Title _____	Address _____ Telephone _____
Name _____ Title _____	Address _____ Telephone _____
Name _____ Title _____	Address _____ Telephone _____

Original to DCJS • Yellow to Commonwealth Attorney • Blue to originating agency

Rev. 10/01

**CODES**

Disposition of Property Seized

- F = Forfeiture
- D = Dismissal
- RL = Release to innocent lien holder
- RO = Release to innocent owner

Intended Law Enforcement Use

- A = Salaries
- B = Purchase vehicles
- C = Purchase equipment
- D = Place into official use
- E = Other (please explain)

**INSTRUCTIONS**

1. Enter lead agency processing seized property.
2. Enter internal case number assigned by lead agency.
3. Enter assigned DCJS Seizure No.
4. Enter appropriate code.
5. Enter date from court order of disposition.
6. Enter any special conditions ordered by the court *(attach copy)*
7. Print name and title of contact officer with his/her signature and date.
8. Check box if seizure was a combined effort among jurisdictions
9. Enter sharing agreement between agencies that participated jointly in the seizure. (Percentage split of cash, vehicles to be placed in service, etc.) *(attach copy)*
10. Print name and title of certifying Police Chief, Sheriff, or Superintendent of State Police with his/her signature and date.
11. Check yes if an agreement can not be made among agencies as to the sharing percentage.
12. Enter appropriate code.
13. Enter name, title, address and telephone number of agency fiscal officer.

**ATTACHMENTS**

- 1) Check for all proceeds made payable to *Treasurer of Virginia*
- 2) Copy of Court Order
- 3) Supplement to Form 999 if necessary
- 4) Copy of multiple agency sharing agreement on departmental letterhead stationery

**FORWARD TO:**

Department of Criminal Justice Services  
 805 East Broad Street, 10th floor.  
 Richmond, Virginia 23219



Supplement to Form 999  
**COSTS INCURRED TO MANAGE SEIZED ASSETS**

*Record all costs below including storage, repair, property management, etc.*  
*(Attach to DCJS Form 999)*

Date	Purpose/Reference	Cost

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<p><b>DCJS 999</b></p> <p><b>ASSET SEIZURE REPORTING FORM</b> Please type or use ball point pen to complete and press down firmly. To be filed with DCJS within 21 days of seizure.</p>	
1. Seizing Agency:	2. Seizing Agency Case No.:
3. DCJS Seizure No.:	4. Date of Seizure for Filing:
5. Property Seized: (see reverse for codes)	
6. Location Where Seizure Took Place:	
7. Legal Grounds for Seizure: <b>A</b>	
8. Detailed Description of Property: (see reverse)	
9. Seized from:	
10. Lien/Mortgage holder(s):	
11. Property stored at:	
12. Joint Seizure Participating Agencies: (see reverse)	
13. Contact Officer:	
14. Chief/Sheriff/Supervisor:	



Department of Criminal Justice Services

DCJS 999

**CODES**

5. Property Seized  
 A = Vehicle  
 B = Currency/Other Financial Instruments  
 C = Real Property/Business  
 D = Vessel  
 E = Jewelry  
 F = Weapons  
 G = Jewelry  
 H = Electronic Equipment  
 I = Firearms  
 J = Knives  
 K = Animals/Livestock  
 L = Other

7. Legal Grounds  
 A = Code of Virginia 18.2-210

8. Detailed Property Description  
 Currency = Cash, Chequing/Savings Account, Certificate of Deposit, Savings Certificate, Stock, Bond, Treasury Bill, Letter of Credit, Money Order, etc.  
 Vehicle = Year, Make, Model, VIN, Color, License, State, Make, Cylinders, Suitable for Use.  
 Real Property = Cash, Chequing/Savings Account, Certificate of Deposit, Savings Certificate, Stock, Bond, Treasury Bill, Letter of Credit, Money Order, etc.  
 DT = Detached Residential  
 TC = Townhouse/Condo  
 CR = Commercial  
 BA = Business (no real property)  
 LA = Land (vacant)

Vessel = Year, Make, Model, Type of Cargo, Vessel Name, Registration #, Home Port, Length, Country of Registry.  
 Aircraft = Year, Make, Model, Serial #, Tail # and Type of Engine. (piston, jet, other), Hours logged.

**INSTRUCTIONS**

1. Enter lead agency processing seized property.
2. Enter internal case number assigned by lead agency.
3. Assigned by DCJS.
4. Enter date property was seized for forfeiture.
5. Enter appropriate code.
6. Enter address location where property was seized.
7. Enter appropriate code.
8. Enter appropriate code and/or detailed description of property, or attach a copy of your internal department seizure form.
9. Enter name of person from whom property was seized.
10. Enter name and address of lien holder having a monetary interest in the property.
11. Enter known participating agencies.
12. Print name and title of contact officer with his/her signature and date.
13. Print name and title of police chief, sheriff, or superintendent of State Police with his/her signature and date.
14. Print name and title of police chief, sheriff, or superintendent of State Police with his/her signature and date.

**FORWARD TO:**  
 Department of Criminal Justice Services  
 805 East Broad Street, 10th floor  
 Richmond, Virginia 23219

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**Title of Regulation:** VR 355-34-400. Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings.

**Statutory Authority:** §§ 32.1-12, 32.1-163 and 32.1-164 of the Code of Virginia.

**Effective Date:** July 30, 1992.

### Summary:

These regulations establish criteria for permitting, constructing and operating sewage treatment systems serving single family homes that discharge into state waters and are permitted under the State Water Control Board's general permit. Prior to the effective date of these regulations, systems of this type were permitted under emergency regulations promulgated by the Department of Health. Prior to the emergency regulation the State Water Control Board regulated these discharges in their entirety under the VPDES program.

The regulations create three classes of discharging system approvals: experimental, preliminary and general. Experimental systems have little or no formal data or testing to support their capability to operate satisfactorily. Systems with preliminary approval have limited formal data available on their in-situ performance to treat residential wastewater. Such data may include NSF/ANSI International Standard 40 test results. Systems that have general system approval have demonstrated their capability to treat effluent reliably under actual residential conditions.

Land owners wishing to install an alternative discharging system must register their point of discharge with the SWCB under the General Permit program and apply for a permit from the Department of Health. These regulations establish setback distances, slope requirements, dilution criteria and other standards necessary for the department to issue a construction permit. The regulations also establish criteria whereby a health director can prohibit discharges to waters which receive significant primary contact use.

Once installed, the regulations create operating, monitoring and maintenance criteria. The regulations establish how systems are to be monitored for compliance with the SWCB's general permit and mandate that maintenance contracts and monitoring arrangements be in place for all systems. The responsibility for monitoring and maintaining systems lies with the homeowner and is accomplished by the private sector through maintenance contracts and, in the case of monitoring, through contracts or by the homeowner. Provisions are also made to allow for trained individuals to collect their own samples.

Owners of individual systems failing to meet the discharge standards of the General Permit are required to make appropriate repairs and demonstrate through testing that the repairs have been effective. Systems of one type or design, that routinely fail to meet the discharge limits, can have their approval suspended or approved.

VR 355-34-400. Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings.

## PART I. GENERAL FRAMEWORK FOR REGULATIONS.

### Article 1. General Provisions.

#### § 1.1. Authority for regulations.

Title 32.1 of the Code of Virginia and specifically §§ 32.1-12, 32.1-163 and 32.1-164 provide that the State Board of Health, hereinafter referred to as the board, has the duty to protect the public health and the environment. In order to discharge this duty, the board is empowered to supervise and regulate the construction, location and operation of alternative discharging sewage treatment systems with flows less than or equal to 1,000 gallons per day on a yearly average for an individual single family dwelling within the Commonwealth when such a system is regulated by the Virginia State Water Control Board pursuant to a Virginia Pollutant Discharge Elimination System General Permit.

#### § 1.2. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

1. Ensure that discharging systems are permitted, constructed, and operated in a manner which protects the environment and protects the public welfare, safety and health;
2. Guide the State Health Commissioner in his determination of whether a permit for construction and operation of a discharging system should be issued or denied;
3. Guide the owner or his agent in the requirements necessary to secure a permit for construction of a discharging system;
4. Guide the owner or his agent in the requirements necessary to secure an operation permit following construction;
5. Guide the owner or his agent in the requirements necessary to operate and maintain a discharging system;
6. Guide the State Health Commissioner in his

# Final Regulations

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determination of whether a discharging system is being operated in a manner which protects public health and the environment; and

7. Guide the State Health Commissioner in determination of what actions are appropriate to correct violations of these regulations.

## § 1.3. Scope of regulations.

### A. Systems served.

These regulations apply to all alternative discharging sewage treatment systems constructed and operated to serve an individual single family dwelling with flows less than or equal to 1,000 gallons per day on a yearly average. This includes the following systems:

1. New construction. All new discharging systems described above when such system is regulated by the State Water Control Board pursuant to a Virginia Pollutant Discharge Elimination System General Permit.

2. Existing systems with individual VPDES permits. All existing discharging sewage treatment systems, as described above, constructed prior to [ the effective date of these regulations July 30, 1992, ] and which were permitted by the State Water Control Board under their VPDES permit program shall be governed by these regulations [ , except as to the monitoring requirements noted below, ] effective upon the expiration date of their individual VPDES permit and approval of the owner's registration statement by the SWCB under the General Permit. [ Upon approval under the General Permit, the owners of such systems need only to comply with the monitoring requirements of the General Permit, and not §§ 3.11 and 3.12 of this regulation, until (i) a change in ownership or (ii) the discharging system violates the effluent limitations of the General Permit for two consecutive quarters, whichever occurs first. After either event, the owner shall comply with §§ 3.11 and 3.12. ]

3. Existing systems without individual VPDES permits. All existing discharging sewage treatment systems as described above which were operating without a valid VPDES permit on [ the effective date of these regulations July 30, 1992, ] shall be governed by these regulations after the owner receives registration statement approval from the SWCB under the General Permit.

### B. Upgrading of existing systems.

Location criteria contained in these regulations shall not apply to systems legally installed prior to these regulations. When extensive repairs, modifications, or replacement are required to bring a system into compliance with the discharge requirements of the General Permit, a construction permit and temporary operation permit must

be obtained by the system owner. The construction permit and temporary operation permit shall be valid for the time specified on its face, at which time the repairs, modifications, or replacement must be completed.

### C. Evaluation of other options required.

The department will not issue a permit to construct a discharging system, unless all options for onsite sewage treatment and disposal have been evaluated and found unsatisfactory. The consideration of all options include site evaluation(s) by the department and when appropriate, a report prepared by a person having a special knowledge of soil science as defined in § 54.1-2200 of the Code of Virginia and the methods and principles of soil evaluation as acquired by education or experience in the formation, description and mapping of soils indicating that no sewage disposal site exists on that property. Options include a conventional onsite septic system using a pump, low pressure distribution (LPD), or an elevated sand mound or other systems which may be approved by the department under the Sewage Handling and Disposal Regulations.

## § 1.4. Relationship to the Virginia Sewage Handling and Disposal Regulations.

These regulations are supplemental to the Sewage Handling and Disposal Regulations which govern the treatment and disposal of sewage utilizing onsite systems. The Sewage Handling and Disposal Regulations shall govern the materials and construction practices used to install alternative discharging sewage treatment systems and all appurtenances associated with systems including but not limited to pipes and fittings whenever specifications are not contained in these regulations.

## § 1.5. Relationship to the proposed Sewage Collection and Treatment Regulations.

The proposed Sewage Collection and Treatment Regulations, upon final adoption, shall be used to establish design and construction criteria for systems, and portions of systems, not otherwise explicitly regulated within these regulations or the Sewage Handling and Disposal Regulations. [ Prior to the adoption of the Sewage Collection and Treatment Regulations, the Sewerage Regulations shall be used in their place. ]

## § 1.6. Relationship to the State Water Control Board.

These regulations contain administrative procedures and construction, location, monitoring and maintenance requirements which are supplementary to the State Water Control Board's VPDES General Permit Regulation for domestic sewage discharges less than or equal to 1,000 gallons per day. These regulations apply only to individual single family dwellings with flows less than or equal to 1,000 gallons per day on a yearly average registered under this General Permit. Single family dwellings are a subset of the systems regulated by the State Water Control Board under this General Permit.

## § 1.7. Relationship to the Uniform Statewide Building Code.

These regulations are independent of, and in addition to, the requirements of the Uniform Statewide Building Code. All persons having obtained a construction permit under these regulations shall furnish a copy of the permit to the local building official, upon request, when making application for a building permit. Prior to obtaining an occupancy permit, an applicant shall furnish the local building official with a copy of the operation permit demonstrating the system has been inspected and approved by the district or local health department.

## § 1.8. Administration of regulations.

These regulations are administered by the following:

1. State Board of Health. The State Board of Health has the responsibility to promulgate, amend, and repeal regulations necessary to ensure the proper construction, location and operation of discharging systems.

2. State Health Commissioner. The State Health Commissioner, hereinafter referred to as the commissioner, is the chief executive officer of the State Department of Health. The commissioner has the authority to act, within the scope of regulations promulgated by the board, and for the board when it is not in session. The commissioner may delegate his powers under these regulations in writing to any subordinate, with the exception of (i) his power to issue variances under § 32.1-12 of the Code of Virginia and § 2.7 of these regulations, (ii) his power to issue orders under § 32.1-26 of the Code of Virginia and §§ 2.4 and 2.5 B of these regulations, and (iii) the power to suspend or revoke construction and operation permits under § 2.18 of these regulations, which may only be delegated pursuant to § 32.1-22 and § 2.23.

The commissioner has final authority to adjudicate contested case decisions of subordinates delegated powers under this section prior to appeal of such case decisions to the circuit court.

3. State Department of Health. The State Department of Health, hereinafter referred to as the department, is designated as the primary agent of the commissioner for the purpose of administering these regulations.

4. District or local health departments. The district or local health departments are responsible for implementing and enforcing the regulatory activities required by these regulations.

## § 1.9. Right of entry and inspections.

In accordance with the provisions of §§ 32.1-25 and 32.1-164 of the Code of Virginia, the commissioner or his designee shall have the right to enter any property to

ensure compliance with these regulations.

## Article 2. Definitions.

### § 1.10. Definitions.

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

"Aerobic treatment unit" or "ATU" means any mechanical sewage treatment plant, designed to treat sewage from a single family dwelling utilizing the process of extended aeration [ with or without a means to return sludge to the aeration chamber ] .

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

"All weather stream" means any stream which will, at all times, dilute point source discharge effluent (from a pipe) at least 10:1 as measured during a 7 consecutive day average of a 10 year low flow (7-Q-10).

"Alternative discharging sewage treatment system" or "discharging system" means any device or system which results in a point source discharge of treated sewage for which the Department of Health may issue a permit authorizing construction and operation when such system is regulated by the SWCB pursuant to a general VPDES permit issued for an individual single family dwelling with flows less than or equal to 1,000 gallons per day on a yearly average. Such a system is designed to treat sewage from a residential source and dispose of the effluent by discharging it to an all weather stream, [ a wet weather an intermittent ] stream, a dry ditch, or other location approved by the department.

"Commissioner" means the State Health Commissioner or his subordinate who has been delegated powers in accordance with § 1.8 2 of these regulations.

"Disinfection" means the [ destruction of all reduction of ] pathogenic organisms [ to a level that complies with the discharge limits of the general permit ] .

"District health department" means a consolidation of local health departments as authorized in § 32.1-31 C of the Code of Virginia.

"Division" means the Division of Sanitarian Services.

"Dry ditch" means a naturally occurring (i.e., not man made) swale or channel which ultimately leads to an all weather stream. A dry ditch may have observable flow during or immediately after a storm event or snow melt. For the purposes of these regulations all dry ditches shall have a well defined natural channel with sides that have at least a 1:10 (rise:run) slope.

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

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

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

"Failing alternative discharging sewage treatment system" means any alternative discharging sewage treatment system which either fails to discharge due to exfiltration or discharges effluent having a BOD<sub>5</sub>, suspended solids, pH, [ chlorine residual, dissolved oxygen ] or fecal coliform greater than allowed by the General Permit as measured at the outfall. [ However, chlorine residual and dissolved oxygen content shall not be used for the purposes of determining whether a particular class of discharging systems complies with the requirements of § 2.28 ] .

"Failing onsite sewage disposal system" means an onsite sewage disposal system that is backing up in a house, or is discharging untreated or partially treated effluent on the ground surface, into surface waters, or into ground water.

"Five-day biochemical oxygen demand (BOD<sub>5</sub>)" means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20° C under specified conditions and expressed as milligrams per liter (mg/l).

"General Permit" means a Virginia Pollutant Discharge Elimination System ("VPDES") General Permit for domestic sewage discharges less than or equal to 1,000 gallons per day on a yearly average issued by the State Water Control Board.

"Generic system design" means nonsite specific plans and specifications for a system designed to treat sewage flows of 1,000 GPD or less, or an equivalent BOD<sub>5</sub> loading rate, which have been reviewed and approved by the division for uses governed by these regulations.

"Income" means total cash receipts of the family before taxes from all sources. These include money wages and salaries before any deductions, but do not include food or rent in lieu of wages. These receipts include net receipts from nonfarm or farm self-employment (e.g., receipts from own business or farm after deductions for business or farm expenses). They include regular payments from public assistance (including Supplemental Security Income), social security or railroad retirement, unemployment and worker's compensation, strike benefits from union funds, veterans' benefits, training stipends, alimony, child support, and military family allotments or other regular support

from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payment; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. These receipts further include funds obtained through college work study programs, scholarships, and grants to the extent said funds are used for current living costs. Income does not include the value of food stamps, WIC checks, fuel assistance, money borrowed, tax refunds, gifts, lump sum settlements, inheritances or insurance payments, withdrawal of bank deposits, earnings of minor children, or money received from the sale of property. Income also does not include funds derived from college work study programs, scholarships, loans, or grants to the extent such funds are not used for current living costs.

"Intermittent sand filter system" means a system designed to treat sewage by causing the sewage to be dosed through a properly designed bed of graded sand media.

"Intermittent stream" means any stream which cannot, at all times, dilute point source discharge effluent (from a pipe) at least 10:1 as measured during a 7 consecutive day average of a 10 year low flow (7-Q-10).

"Local health department" means the department established in each city and county in accordance with § 32.1-30 of the Code of Virginia.

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

"Owner" means any person, who owns, leases, or proposes to own or lease an alternative discharging sewage treatment system.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the law of this Commonwealth or any other state or country.

"Proprietary system design" means any group of discharging sewage treatment systems manufactured and installed following substantially similar engineering plans and specifications designed to treat a specific volume of sewage or BOD<sub>5</sub> loading rate as determined by the division.

"Pump and haul" means the temporary (less than one year) disposal of sewage conducted under a valid pump and haul permit issued in accordance with the Sewage Handling and Disposal Regulations.

"Recirculating sand filter system" means a system which treats sewage effluent by repeatedly passing the sewage through a pump chamber and sand filter to achieve

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alternating wetting and drying cycles.

"Sanitary survey" means an investigation of any condition that may effect public health.

"Settleable solids" means solids which settle after 30 minutes and expressed as milligrams per liter (mg/l).

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

"Sewer" means any sanitary or combined sewer used to convey sewage or municipal or industrial wastes.

"Site sketch" means a scale drawing of a proposed site for a discharge system, with pertinent distances shown. The scale shall typically be 1" = 50' for lots of three acres or less and 1" = 100' for larger lots. Site sketches may be made by the homeowner or any agent for the homeowner.

"Subdivision" [ means the division of land creating two or more new lots from a single parcel; means multiple building lots derived from a parcel(s) of land in conformance with local zoning or subdivision requirements. ]

"Subsurface soil absorption" means a process which utilizes the soil to treat and dispose of sewage effluent.

"SWCB" means the State Water Control Board and its designees.

"Total suspended solids" means solids in effluent samples which can be removed readily by standard filtering procedures in a laboratory and expressed as mg/l.

"Variance" means a conditional waiver of a specific regulation which is granted to a specific owner relating to a specific situation or facility and may be for a specified time period.

"VPDES permit" means a Virginia Pollutant Discharge Elimination System permit issued by the SWCB under the authority of the federal NPDES program.

"Well" means any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is intended to be artificially drawn; provided this definition shall not include wells drilled for the following purposes: (i) exploration or production of oil or gas, (ii) building foundation investigation and construction, (iii) elevator shafts, (iv) grounding of electrical apparatus, or (v) the modification or development of springs.

## PART II. PROCEDURAL REGULATIONS.

### Article I. Procedures.

#### § 2.1. Compliance with the Administrative Process Act.

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

#### § 2.2. Powers and procedures of regulations not exclusive.

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

#### § 2.3. Effective date of regulations.

[ These The ] effective date of these regulations is July 30, 1992. [ Those permits issued under the emergency regulation VR 355-34-400 are hereby recognized as modified, valid and covered by this regulation. ]

#### § 2.4. Emergency order.

If an emergency exists the commissioner may issue an emergency order as is necessary for preservation of public health, safety, and welfare or to protect environmental resources. The emergency order shall state the reasons and precise factual basis upon which the emergency order is issued. The emergency order shall state the time period for which it is effective. Emergency orders will be publicized in a manner deemed appropriate by the commissioner. The provisions of §§ 2.5 C and 2.5 D shall not apply to emergency orders issued pursuant to this section.

#### § 2.5. Enforcement of regulations.

##### A. Notice.

Subject to the exceptions below, whenever the commissioner or the district or local health department has reason to believe a violation of any of these regulations has occurred or is occurring, the alleged violator shall be notified. Such notice shall be made in writing, shall be delivered personally or sent by certified mail, shall cite the regulation or regulations that are allegedly being violated, shall state the facts which form the basis for believing the violation has occurred or is occurring, shall include a request for a specific action by the recipient by a specified time and shall state the penalties associated with such violation. When the commissioner deems it necessary, he may initiate criminal prosecution or seek civil relief through mandamus or injunction prior to giving notice.

##### B. Orders.

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Pursuant to the authority granted in § 32.1-26 of the Code of Virginia, the commissioner may issue orders to require any owner, or other person, to comply with the provisions of these regulations. The order shall be signed by the commissioner and may require:

1. The immediate cessation and correction of the violation;
2. Appropriate remedial action to ensure that the violation does not recur;
3. The submission of a plan to prevent future violation to the commissioner for review and approval;
4. The submission of an application for a variance; or
5. Any other corrective action deemed necessary for proper compliance with the regulations.

#### C. Hearing before the issuance of an order.

Before the issuance of an order described in § 2.5 B, a hearing must be held, with at least 30 days notice by certified mail to the affected owner or other person of the time, place and purpose thereof, for the purpose of adjudicating the alleged violation or violations of these regulations. The procedures at the hearing shall be in accordance with § 2.8 A or § 2.8 B of the regulations and with §§ 9-6.14:11 through 9-6.14:14 of the Code of Virginia.

#### D. Order - when effective.

All orders issued pursuant to § 2.5 B shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of the owner or person violating these regulations. Violation of an order is a Class 1 misdemeanor. See § 32.1-27 of the Code of Virginia.

#### E. Compliance with effective orders.

The commissioner may enforce all orders. Should any owner or other person fail to comply with any order, the commissioner may:

1. Apply to an appropriate court for an injunction or other legal process to prevent or stop any practice in violation of the order;
2. Commence administrative proceedings to suspend or revoke the applicable permit;
3. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or
4. Request the commonwealth attorney to bring a criminal action.

#### F. Not exclusive means of enforcement.

Nothing contained in § 2.4 or § 2.5 shall be interpreted to require the commissioner to issue an order prior to commencing administrative proceedings or seeking enforcement of any regulations or statute through an injunction, mandamus or criminal prosecution.

#### § 2.6. Suspension of regulations during disasters.

If, in the case of a man-made or natural disaster, the commissioner finds that certain regulations cannot be complied with and that the public health is better served by not fully complying with these regulations, he may authorize the suspension of the application of the regulations for specifically affected localities and institute a provisional regulatory plan until the disaster is abated.

#### § 2.7. Variances.

Only the commissioner or the deputy commissioners may grant a variance to these regulations. (See §§ 32.1-12 and 32.1-22 of the Code of Virginia and § 1.8 2 of these regulations.) The commissioner or the deputy commissioners shall follow the appropriate procedures set forth in this subsection in granting a variance.

##### A. Requirements for a variance.

The commissioner may grant a variance if a thorough investigation reveals that the hardship imposed by these regulations outweighs the benefits that may be received by the public. Further, the granting of such a variance shall not subject the public to unreasonable health risks or jeopardize environmental resources.

##### B. Application for a variance.

Any owner who seeks a variance shall apply in writing within the time period specified in § 2.11 B. The application shall be signed by the owner, addressed and sent to the commissioner at the State Department of Health in Richmond. The application shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical results including results of relevant tests conducted pursuant to the requirements of these regulations;
4. Statements or evidence why the public health and welfare and environmental resources would not be degraded if the variance were granted;
5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare or environmental resources;
6. Other information, if any, believed pertinent by the

applicant; and

7. Such other information as the district or local health department or commissioner may require.

### C. Evaluation of a variance application.

1. The commissioner shall act on any variance request submitted pursuant to § 2.7 B within 60 calendar days of receipt of the request.

2. In the evaluation of a variance application, the commissioner shall consider the following factors:

a. The effect that such a variance would have on the construction, location, or operation of the discharging system;

b. The cost and other economic considerations imposed by this requirement;

c. The effect that such a variance would have on protection of the public health;

d. The effect that such a variance would have on protection of environmental resources; and

e. Such other factors as the commissioner may deem appropriate.

### D. Disposition of a variance request.

1. The commissioner may deny any application for a variance by sending a denial notice to the applicant by certified mail. The notice shall be in writing and shall state the reasons for the denial.

2. If the commissioner proposes to grant a variance request submitted pursuant to § 2.7 B the applicant shall be notified in writing of this decision. Such notice shall identify the variance, discharging system covered, and shall specify the period of time for which the variance will be effective. The effective date of a variance shall be as stated in the variance.

3. No owner may challenge the terms or conditions set forth in the variance after 30 calendar days have elapsed from the effective date of the variance.

### E. Posting of variances.

All variances granted to any discharging sewage treatment system are transferable from owner to owner unless otherwise stated. Each variance shall be attached to the permit to which it is granted. Each variance is revoked when the permit to which it is attached is revoked.

### F. Hearings on disposition of variances.

Subject to the time limitations specified in § 2.11,

hearings on denials of an application for a variance or on challenges to the terms and conditions of a granted variance may be held pursuant to § 2.8 A or § 2.8 B, except that informal hearings under § 2.8 A shall be held before the commissioner or his designee.

### § 2.8. Hearing types.

Hearings before the commissioner or the commissioner's designees shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved.

#### A. Informal hearings.

An informal hearing is a meeting with a district or local health department with the district or local health director presiding and held in conformance with § 9-6.14:11 of the Code of Virginia. The district or local health department shall consider all evidence presented at the meeting which is relevant to the issue in controversy. Presentation of evidence, however, is entirely voluntary. The district or local health department shall have no subpoena power. No verbatim record need be taken at the informal hearing. The local or district health director shall review the facts presented and based on those facts render a decision. A written copy of the decision and the basis for the decision shall be sent to the appellant within 15 work days of the hearing, unless the parties mutually agree to a later date in order to allow the department to evaluate additional evidence. If the decision is adverse to the interests of the appellant, an aggrieved appellant may request an adjudicatory hearing pursuant to § 2.8 B.

#### B. Adjudicatory hearing.

The adjudicatory hearing is a formal, public adjudicatory proceeding before the commissioner, or a designated hearing officer, and held in conformance with § 9-6.14:12 of the Code of Virginia. An adjudicatory hearing includes the following features:

1. Notice. Notice which states the time and place and the issues involved in the prospective hearing shall be sent to the owner or other person who is the subject of the hearing. Notice shall be sent by certified mail at least 15 calendar days before the hearing is to take place.

2. Record. A record of the hearing shall be made by a court reporter. A copy of the transcript of the hearing, if transcribed, will be provided within a reasonable time to any person upon written request and payment of the cost.

3. Evidence. All interested parties may attend the hearing and submit oral and documentary evidence and rebuttal proofs, expert or otherwise, that are material and relevant to the issues in controversy. The admissibility of evidence shall be determined in accordance with § 9-6.14:12 of the Code of Virginia.



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4. *Counsel.* All parties may be accompanied by and represented by counsel and are entitled to conduct such cross-examination as may elicit a full and fair disclosure of the facts.

5. *Subpoena.* Pursuant to § 9-6.14:13 of the Code of Virginia, the commissioner or hearing officer may issue subpoenas on behalf of himself or any person or owner for the attendance of witnesses and the production of books, papers or maps. Failure to appear or to testify or to produce documents without adequate excuse may be reported by the commissioner to the appropriate circuit court for enforcement.

6. *Judgment and final order.* The commissioner may designate a hearing officer or subordinate to conduct the hearing as provided in § 9-6.14:12 of the Code of Virginia, and to make written recommended findings of fact and conclusions of law to be submitted for review and final decision by the commissioner. The final decision of the commissioner shall be reduced to writing and will contain the explicit findings of fact upon which his decision is based. Certified copies of the decision shall be delivered to the owner affected by it. Notice of a decision will be served upon the parties and become a part of the record. Service may be by personal service or certified mail return receipt requested.

## § 2.9. Request for hearing.

A request for an informal hearing shall be made by sending the request in writing to the district or local health department. A request for an adjudicatory hearing shall be made in writing and directed to the commissioner at the State Department of Health in Richmond. Requests for hearings shall cite the reason(s) for the hearing request and shall cite the section(s) of these regulations involved.

## § 2.10. Hearing as a matter of right.

Except as provided in § 2.23, any owner or other person whose rights, duties, or privileges have been, or may be affected by any decision of the board or its subordinates in the administration of these regulations shall have a right to both informal and adjudicatory hearings. The commissioner may require participation in an informal hearing before granting the request for a full adjudicatory hearing. Exception: No person other than an owner shall have the right to an adjudicatory hearing to challenge the issuance of either a construction permit or operation permit unless the person can demonstrate at an informal hearing that the minimum standards contained in these regulations have not been applied and that he will be injured in some manner by the issuance of the permit.

## § 2.11. Appeals.

Any appeal from a denial of a construction or operation

permit for a discharging system must be made in writing and received by the department within 60 days of the date of the denial.

A. Any request for hearing on the denial of an application for a variance pursuant to § 2.7 D 1 must be made in writing and received within 60 days of receipt of the denial notice.

B. Any request for a variance must be made in writing and received by the department prior to the denial of the discharging system permit, or within 60 days after such denial.

C. In the event a person applies for a variance within the 60-day period provided by subsection B above, the date for appealing the denial of the permit, pursuant to subsection A of this section, shall commence from the date on which the department acts on the request for a variance.

D. Pursuant to the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) an aggrieved owner may appeal a final decision of the commissioner to an appropriate circuit court.

## § 2.12. Permits - general.

### A. Construction permit required.

After [ ~~the effective date of these regulations July 30, 1992~~ ], no person shall construct, alter, rehabilitate, modify or extend a discharging system or allow the construction, alteration, rehabilitation, or extension of a discharging system, without a written construction permit from the commissioner. Furthermore, except as provided in §§ 1.3 A 2 and 2.12 B, no person or owner shall cause or permit any discharging system to be operated without a written operation permit issued by the commissioner which authorizes the operation of the discharging system. Conditions may be imposed on the issuance of any construction or operation permit and no discharging system shall be constructed or operated in violation of those conditions.

### B. Operation permit required.

Except as provided in § 2.21, no person shall place a discharging system in operation, or cause or allow a discharging system to be placed in operation, without obtaining a written operation permit [ ~~pursuant to §§ 2-20 and 2-22~~ ].

### C. Construction permits validity.

Except as provided in §§ 1.3 B, 2.18 and 2.19, construction permits for a discharging system with general or preliminary system approval shall be deemed valid for a period of 54 months from the date of issuance. Construction permits for discharging systems with experimental approval shall be valid for 30 days except as

provided in §§ 1.3 B, 2.18 and 2.19.

#### D. Operation permit validity.

Except as provided for in § 2.18, operation permits shall be valid for a period of time [ ~~concurrent~~ with not longer than ] the General Permit and the maintenance contract required pursuant § 3.12 B [ ~~and~~ or the monitoring contract required pursuant to § 3.11 F, whichever expires first. The operation permit ] may be renewed upon written proof of a new or renewed maintenance contract [ or monitoring contract provided they are all valid for not less than 24 months. The period of renewal shall coincide with the expiration date of the document with the shortest period of validity. ]

#### E. Permits not transferable.

Construction and operation permits for discharging systems shall not be transferable from one person to another or from one location to another. Each new owner shall make a written application for a permit. Application forms are available at all local health departments.

#### § 2.13. Procedures for obtaining a construction permit.

The process for obtaining a construction permit for a discharging system consists of two steps. These are filing an application with fee to determine the suitability of a site and filing plans for the type of system being proposed.

##### A. Application fees.

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

1. Waiver of fees. An owner whose income of his family is at or below the 1988 Poverty Income Guidelines For All States (Except Alaska and Hawaii) And The District of Columbia established by the Department of Health and Human Services, 53 Fed. Reg. 4213(1988), or any successor guidelines, shall not be charged a fee for filing an application for an alternative discharging sewage treatment system permit.

##### 2. Determining eligibility.

a. An owner seeking a waiver of an application fee shall request the waiver on the application form. The department will require information as to income, family size, financial status and other

related data. The department shall not process the application until final resolution of the eligibility determination for waiver.

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

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

##### B. Written application required.

Construction permits are issued by the authority of the commissioner. All requests for construction permits for discharging systems shall be by written application, signed by the owner or his agent, and shall be directed to the district or local health department. All applications shall be made on the application form set out in Appendix I.

##### C. Application completeness.

An application shall be deemed complete upon receipt by the district or local health department of a signed and dated application, together with the appropriate fee, containing the following information:

1. The property owner's name, address, and telephone number;
2. The applicant's name, address, and phone number (if different from subdivision 1 of this subsection);
3. A statement signed by the property owner, or his agent, granting the Health Department access to the site for the purposes of evaluating the suitability of the site for a discharging system and allowing the department access to inspect the construction, maintenance and operation of the discharging system after it is installed. The applicant must secure and produce written permission for the department to enter on any property necessary to evaluate the application;
4. A site sketch showing the location of existing or proposed houses, property boundaries, existing and proposed wells, actual or proposed discharging systems within 600 feet of the discharge point, recorded easements, [ the slope and side slope of any proposed dry ditch channels, setback distances of proposed

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system components (such as ATU's, sandfilters, and dry ditches) to property lines, wells and other discharging systems ] public water supply intakes, and swimming or recreational water use areas within five miles. [ The drawing should be approximately to scale (plus or minus 10%) or drawn on a United States Geological Survey 7.5 minute topographic map; ]

5. A written statement from the SWCB that the owner's registration statement has been approved under the General Permit regulation;

6. Copies of all easements required by § 3.7 B; however, at the discretion of the district health director or the district sanitarian, the submission of easements may be postponed until submission of the construction plan if the property owner submits the name, address and property location of each person that must grant an easement to the owner; and

7. Other information which the department deems necessary to comply with the intent of these regulations.

## D. Application assistance.

It is the policy of the department to assist persons applying for a discharging system permit by maintaining a supply of all appropriate forms in each local office. Department personnel will assist individuals in understanding how to fill out the form and provide information on the administrative process and technical requirements involved in obtaining a permit.

## E. Site review.

Upon receipt of a completed application the department will conduct a site review to determine if the site meets the minimum siting criteria contained in Part III of these regulations. Upon completing the site evaluation the department will advise the owner in writing of the results of the evaluation.

1. Satisfactory site found. When a satisfactory site is found for a discharging system, the written notice to the applicant shall include the type of discharge point found (i.e., all weather stream, intermittent stream, or dry ditch).

2. No satisfactory site found. When no satisfactory site is found the owner shall be notified of all limiting factors restricting the use of a discharging system. Further, the applicant shall be notified of his right to appeal and what steps are necessary to initiate the process.

## § 2.14. Construction plan.

After a satisfactory site for a discharging system has been found, the applicant shall submit a construction plan. The purpose of the construction plan is to demonstrate

how the effluent limitations established by the SWCB and the remaining criteria of these regulations can be met. At a minimum the construction plan must show the following:

1. Type of system. The type of system and, where applicable, the manufacturer, model number, NSF approval, and hydraulic capacity and capacity in pounds of BOD<sub>5</sub> per day;

2. Location. The specific location of the property including the county tax map number (where available), a copy of the United States Geological Survey 7.5 minute topographic map showing the discharge point and down stream for one mile, and directions to the property;

3. Grades. The elevation of the house sewer line where it exits the house and the elevation of the inlet and outlet ports or tees on all treatment units. Where discharges are to dry ditches or intermittent streams the site plan shall show the elevation of the discharge point, the point 500' downgrade from the discharge point and points every 50 feet between the discharge point and 500' downstream. This requirement may be met by drawing a flow diagram showing all elements listed above;

4. Distances. The distance between all elevation points required by § 2.14 3 so that the grade and setback distances can be established;

5. Pump specifications. If a pump is proposed, specifications must be provided which include the manufacturer, model number, and a pump curve;

6. Flood plain. The location of the 100-year flood plain. All portions of a discharging system, except for the discharge pipe and step type post aeration, if required, shall be located above the 100-year flood plain;

7. Plans and specifications. Plans and specifications showing compliance with subsections B through N (inclusive) of § 3.9.

## § 2.15. Issuance of the construction permit.

A construction permit shall be issued to the owner by the commissioner after receipt and review of a complete application submitted under § 2.13 and a satisfactory site and construction plan review and approval under § 2.14. The construction permit shall note whether the permitted system has experimental, preliminary, or general approval. Further, the construction permit will indicate that the operation and maintenance of the system is the owner's responsibility and that discharges in excess of the limits established by the General Permit, now or in the future, may cause the department to mandate the repair, expansion or replacement of the discharging system.

## § 2.16. Exception for failing onsite sewage disposal

systems.

When a failing onsite sewage disposal system is identified, and the site location criteria in these regulations cannot be met, the site location criteria in Article 1 of Part III [ and §§ 2.14 F, 3.9 H and the dimensions of the easement specified in 3.7 B ] of these regulations may be waived, provided the following conditions are met.

#### A. Reduce health hazard or environmental impact.

The issuance of a discharging system permit will reduce an existing health hazard or will improve or negate environmental impacts associated with the existing discharge. This determination shall be made by the district health director or the district sanitarian manager.

#### B. No increase in waste load.

There will be no increase in the waste load generated by any additions to the dwelling except when necessary to provide for minimum facilities necessary for good sanitation. The minimum facilities for a single family dwelling are: a water closet, a bathroom sink, a bathtub or shower or both, and a kitchen sink. More than one bathroom may be added to a dwelling provided the potential occupancy of the structure is not increased.

#### C. Minimum facilities.

Where a failing onsite sewage disposal system already has more than the minimum facilities described above, the discharging system may be designed and permitted to accommodate the entire existing sewage flow. In no event shall the system designed and permitted exceed the existing sewage flow unless all conditions and criteria of these regulations are met.

### § 2.17. Denial of a construction or operation permit.

#### A. Construction permit.

If it is determined that the proposed site does not comply with these regulations or that the design of the system would preclude the safe and proper operation of a discharging system, or that the installation and operation of the system would create an actual or potential health hazard or nuisance, or the proposed design would adversely impact the environment, the permit shall be denied and the owner shall be notified in writing, by certified mail, of the basis for the denial. The notification shall also state that the owner has the right to appeal the denial.

#### B. Operation permit.

In addition to the grounds set forth in § 2.17 A, the operation permit shall be denied if the discharging system is not constructed in accordance with the construction permit or the owner has failed to provide the completion statement required by § 2.20, or a copy of a valid

maintenance contract required by § 3.12 [ or a valid monitoring contract as required in § 3.11 F ] . The owner shall be notified in writing, by certified mail, of the basis for the denial. The notification shall also state that the owner has the right to appeal the denial.

### § 2.18. Suspension or revocation of construction permits and operation permits.

The commissioner may suspend or revoke a construction permit or operation permit for any of the following reasons:

1. Failure to comply with the conditions of the permit including, but not limited to, the monitoring and maintenance requirements in Article 4 of Part III of these regulations and the payment of the inspection fee under § 2.22;
2. Failure to keep a maintenance contract in force in accordance with § 3.12, or keep a monitoring contract in force in accordance with § 3.11 F;
3. Violation of any of these regulations for which no variance has been issued;
4. Facts become known which reveal that an actual or potential health hazard has been or would be created or that the environmental resources may be adversely affected by allowing the proposed discharging system to be installed or operated; or
5. Failure to comply with the effluent limitations set forth by the SWCB in the General Permit as determined by the monitoring required by Article 4 of Part III.

### § 2.19. Voidance of construction permits.

#### A. Null and void.

All discharging system construction permits are null and void when any of the following conditions occur:

1. Conditions such as house location, well location, discharging system location, discharge point, discharge system design, topography, drainage ways, or other site conditions are changed from those shown on the application or site plan;
2. Conditions are changed from those shown on the construction permit;
3. More than 54 months elapse from the date the permit was issued; or
4. The suspension, revocation or expiration of the General Permit or of the owner's approved registration by the SWCB.

#### B. Reapplication.

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Reapplication for the purposes of having an expired construction permit reissued shall be the responsibility of the owner, and such reapplication shall be handled as an initial application and comply fully with § 2.13.

## § 2.20. Statement required upon completion of construction.

Upon completion of the construction, alteration, or rehabilitation of a discharging system, the owner or agent shall submit to the district or local health department a statement, signed by the contractor, upon the form set out in Appendix [ *HH II* ], that the system was installed and constructed in accordance with the permit, and further that the system complies with all applicable state and local regulations, ordinances and laws.

## § 2.21. Inspection and correction.

No discharging system shall be placed in operation, except for the purposes of testing the mechanical soundness of the system, until inspected by the district or local health department, corrections made if necessary, and the owner has been issued an operation permit by the district or local health department.

## § 2.22. Issuance of the operation permit.

Upon satisfactory completion of the requirements of §§ 2.20, 2.21 [ , 3.11 F ] and 3.12 B, the commissioner shall issue an operation permit to the owner. The issuance of an operation permit does not denote or imply any warranty or guarantee by the department that the discharging system will function for any specified period of time. The operation permit shall note whether the permitted system has experimental, preliminary, or general approval. Further, the operation permit will indicate that the operation and maintenance of the system is the owner's responsibility and that discharges in excess of the limits established by the General Permit, now or in the future, may cause the department to mandate the repair, expansion or replacement of the discharging system.

### A. Inspection fees.

A fee of \$50 shall be charged to the owner for each mandatory monitoring inspection of an alternative discharging sewage treatment system conducted by the department in accordance with §§ 3.11 C [ ~~or~~ , ] 3.11 D [ or § 3.11 E ] . The fee shall be paid to the Virginia Department of Health by the owner or his agent prior to receipt of the inspection results from the department. Each inspection fee shall apply to one site specific inspection of only one discharging system.

### B. Waiver of fees.

An owner whose income of his family is at or below the 1988 Poverty Income Guidelines For All States (Except Alaska and Hawaii) And The District of Columbia established by the Department of Health and Human Services, 53 Fed. Reg. 4213(1988), or any successor

guidelines, shall not be charged a fee for mandatory monitoring inspection of an alternative discharging sewage treatment system conducted by the Department of Health in accordance with §§ 3.11 C [ , ~~or~~ ] 3.11 D [ , or § 3.11 E ] .

### C. Determining eligibility.

1. An owner seeking a waiver of an inspection fee shall request the waiver in writing. The department will require information as to income, family size, financial status and other related data.

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

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

## § 2.23. Suspension of an operation permit.

### A. Suspension.

The district health director or district sanitarian manager may suspend the operation permit held by the owner of any discharging system which discharges effluent in violation of the effluent limitations set forth in the General Permit provided the following conditions have been met:

1. The owner has received written notification, either in person or by certified mail, of the violation at least seven working days prior to the suspension;

2. The owner has been advised of the nature of the violation and, if known, what actions are necessary to correct the violation;

3. The owner has been advised of his right to a hearing pursuant to § 2.8 B to appeal the suspension of the operation permit;

4. The owner has taken no significant demonstrable action to identify and correct the problem causing the system to fail; and

5. The owner has been issued an emergency pump and haul permit, or given another alternative method of sewage disposal, at least 24 hours prior to the suspension of the operation permit.

## B. Discharge suspended.

Upon suspension of an operation permit the owner shall immediately cease discharging effluent until corrections have been made to the discharging system which may be expected to bring the system into compliance with these regulations. The owner shall demonstrate to the health department that interim sewage disposal methods are in compliance with all federal, state and local laws governing public health and the environment. When pump and haul is utilized to prevent a discharge from occurring, the owner shall comply with the emergency pump and haul requirements found in the Sewage Handling and Disposal Regulations and provide the local health department with the name, address and phone number of the hauler and the frequency of pumping prior to initiating the emergency pump and haul process.

## C. Modifications, alterations, or extensions.

In addition to the remedies under §§ 2.23 A and 2.23 B, when any individual discharging system has exceeded its permitted discharge limitations three times in any one year or five times in any two consecutive years, the district health director or district sanitarian manager may require modifications, alterations or extensions to the system in order to improve the effectiveness of the system.

### § 2.24. Reinstatement of an operation permit.

Upon completion of repairs, modifications, alterations, or extensions to the discharging system, which may be reasonably expected to correct the cause of the violation, the department shall reinstate the operation permit. Upon reinstating the operation permit, the pump and haul permit shall be rescinded. The notice of reinstatement of the operation permit and rescinding of the pump and haul permit shall be made in writing and delivered in person or by certified mail.

### § 2.25. System approval.

Discharging systems will be classified by the division according to the data available to indicate the performance limits and reliability of various discharging systems. Systems may be classified as having an experimental system approval, a preliminary system approval, or a general system approval. The type and frequency of testing for each class of approval is designed to reflect the certainty with which the system has demonstrated its ability to meet the limits of the General Permit. Approval of generic system designs or of individual proprietary systems will be made by the division.

#### A. Experimental system approval.

Experimental system approval indicates that a system, process, technology, or design has not been rigorously tested and proven capable of meeting either the discharge

limits of the General Permit or the standards for Class 1 systems as defined by ANSI/NSF (American National Standards Institute/National Sanitation Foundation) International Standard 40, revised July 1990 ("Standard 40") hereby incorporated by reference. Products which have not been field tested or demonstrated in use as described in § 2.25 B or § 2.25 C shall be considered experimental.

1. Notification of owner. All owners proposing experimental discharging systems shall sign a waiver of liability relieving, and agreeing to indemnify, the Department of Health and its employees for all liability associated with the design, operation, and performance of the system. Further, the owner shall agree to replace the experimental system with a system that has either general approval or preliminary approval in the event the experimental system fails and cannot be repaired. The cost of all repairs to, or replacement of, any experimental system shall be the responsibility of the system owner and shall not lie with the department.

2. Limit of 25 systems. A maximum of 25 experimental discharging systems of any one type or design may be installed at any one time in the Commonwealth.

3. Time limit for experimental system status. Experimental approval shall not extend for more than 18 months after the 15th experimental system of one type or design has been installed. After 18 months the experimental process, technology or design shall be reviewed by the division and either granted preliminary system approval or the experimental approval shall be revoked. Preliminary system approval shall be granted if the system complies with the requirements of § 2.25 B 1 c.

#### B. Preliminary system approval.

Preliminary approval of a particular model of a discharging system indicates that the specific model uses a method, technology, process or combination of methods, technologies or processes that has been demonstrated in full scale systems under controlled test conditions. The results of these tests indicate that the system may have the potential to treat residential sewage under actual residential conditions to the level required by the General Permit. Demonstrated in situ performance, to the level of treatment required by the General Permit, is necessary to maintain system approval.

1. A discharging system may receive preliminary system approval by one of three methods:

a. ANSI/NSF testing. A system may be tested by an entity accredited by the American National Standards Institute and demonstrated to comply with Standard 40; or

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b. *Accepted engineering practice.* System designs such as intermittent dosed sand filters, recirculating sand filters, and other system concepts which use design concepts and loading rates proven in accordance with accepted industry standards and practices and which have been routinely used and have associated test results meeting or exceeding those required for experimental systems to receive preliminary approval, may be granted preliminary approval by the division; or

c. *Successful experimental system testing.* A system may receive preliminary system approval by successfully demonstrating as an experimental system it can meet the following requirements:

(1) *Replicates.* At a minimum 15 systems of the same type or design shall be tested under residential conditions for a minimum period of one year each (i.e., no individual system shall be tested for less than one year);

(2) *Data collection.* Data shall be collected and reported to the Division for each system in accordance with the requirements of § 3.11; and

(3) *Results.* The data shall demonstrate that during the previous year, not less than 95% of all systems of any one type or design were functioning properly during any quarter. That is, during the previous one year there were no data indicating the need to suspend the preliminary system approval.

2. *Time limit for preliminary system approval.* Preliminary system approval shall not extend for more than 60 months after the 25th preliminary system of one type or design has been installed. After 60 months the preliminary system approval status shall be reviewed by the division and the system either granted general system approval or the preliminary system approval shall be revoked. General system approval shall be granted if the system complies with the requirements of § 2.25 C.

## C. General system approval.

Systems that have demonstrated in actual residential use that they can consistently meet the limits of the General Permit shall be eligible for general system approval. To meet the intent of this section the system shall meet the following requirements:

1. *Replicates.* At a minimum 25 systems shall be tested under residential conditions for a minimum period of five years each (i.e., no individual system shall be tested for less than five years);

2. *Data collection.* Data shall be collected and reported to the district health department for each system in accordance with the requirements of § 3.11; and

3. *Results.* The data shall demonstrate that during the previous five years, not less than 95% of all systems of any one type or design were functioning properly during any quarter. That is, during the previous five years there were no data indicating the need to suspend the preliminary system approval. All systems installed and tested at the time of evaluation shall be included in the review. Nothing shall limit the department to basing its evaluation only on the first 25 systems installed.

## § 2.26. Product registration.

All aerobic treatment units shall be registered with the Division of Sanitarian Services in order to receive preliminary approval. In order to register a product, the manufacturer shall submit documentation showing the results of the Standard 40 testing and detailed plans and specifications of the product. Detailed plans and specifications shall include at a minimum a plan view of the ATU, a cross section of the ATU and any supplementary views which together with the specification and general installation guidelines will provide sufficient information for sanitarians to issue permits.

### A. Health department review.

The Division of Sanitarian Services will review requests for preliminary approval within 30 work days of receipt and respond to the applicant in writing. The department may approve, deny, conditionally approve, or request additional information on any request. When additional information is requested the division shall respond to the additional information within 30 days of receipt.

### B. Certification mark or seal.

All Class I ATU's in compliance with ANSI/NSF International Standard 40 shall have a registered certification mark or seal which must be affixed in a conspicuous location on the unit.

## § 2.27. Submission of plans.

### A. Intermittent sand filter.

All plans for an intermittent sand filter must use a design prepared by a professional engineer licensed to practice in Virginia, except for generic system designs which have been approved by the division. All plans and specifications shall bear the name, address, and occupation of the author and date of design.

### B. Recirculating sand filter.

All recirculating sand filters must use a design prepared by a professional engineer licensed to practice in Virginia, except for generic system designs which have been approved by the division. All plans and specifications shall bear the name, address, and occupation of the author and date of design.

**C. Constructed wetlands.**

Constructed wetlands are considered experimental and will be considered on a case by case basis by the department. All constructed wetland systems shall be designed to meet or exceed 10 mg/l BOD5 and 10 mg/l suspended solids.

**§ 2.28. Suspension and revocation of system approval.**

**A. General.**

The experimental and preliminary approval of systems cited in § 2.25 is based on the capability, or theoretical capability, of a particular method, technology or design to treat sewage under controlled conditions. Designs having general system approval have demonstrated their ability to meet the discharge limits of the General Permit; however, these systems still require routine maintenance and attention to their proper use such that they operate in a safe and sanitary manner. In order to protect public health and the environment, these systems must also be capable working properly under normal field conditions.

**B. Suspension of approval.**

Anytime more than 5.0%, as measured statewide, of the discharging systems of any approved generic system or of any approved proprietary system design are found to be failing for two consecutive quarters, the approval of that design or model shall be suspended. Failure for the purposes of this section means the discharge of effluent that does not meet the effluent limitations set forth in the State Water Control Board's General Permit for all constituents except residual chlorine [ and dissolved oxygen ] .

1. When less than 100 systems of a single design have been installed, Table 2.1 shall be used determine the maximum acceptable failure rate. The 5.0% rule shall not apply because a small number of failures, or even a single failure, may violate this percentage without unduly endangering public health or the environment.

2. When the approval of a system has been suspended, no additional systems of that design or model shall be installed or approved unless construction or installation is already in progress and the system or materials to construct the system are already on the job site.

Table 2.1

Number of systems Installed in VA	# not to exceed for suspension	# not to exceed for revocation
0-10	1	3
11-25	2	6
26-50	3	9
51-75	4	12
76-99	5	15

**C. Reinstatement of approval for a suspended system.**

The approval of a system under suspension may be reinstated by the division after the following conditions have been met:

1. Repairs have been made to all failing systems, and
2. Follow-up testing, performed in accordance with § 3.11 D 1, reveals that less than 2.0% of the systems are failing. When less than 100 systems have been installed, approval may be reinstated when repairs and testing as described above has been completed on all failing systems and the number of failures is less than that shown in Table 2.1.

**D. Revocation of approval.**

Anytime more than 15%, as measured statewide, of the discharging systems of any approved generic system or of any approved proprietary system design are found to be failing for two consecutive quarters, the approval of that design shall be revoked. Failure for the purposes of this section means the discharge of effluent that does not meet the effluent limitations set forth in the State Water Control Board's General Permit for all constituents except residual chlorine [ and dissolved oxygen ] . Further, the division shall revoke the approval of any Class I ATU which fails to meet Standard 40 upon retesting for continued certification, when such testing has been performed by NSF or other third party which has been accredited by the American National Standards Institute.

1. When less than 100 systems of a single design have been installed, Table 2.1 shall be used determine the maximum acceptable failure rate. The 15% rule shall not apply because a small number of failures, or even a single failure, may violate this percentage without unduly endangering public health or the environment.
2. When the approval of a system has been revoked, no additional systems of that type shall be installed or approved.

**E. Reinstatement of a revoked system.**

The approval of a system that has had its approval revoked may be reinstated by the division after the following conditions have been met:

1. Design flaws which led to the excessive failure rate have been corrected;
2. Repairs have been made to all systems to correct the design flaws;
3. Follow-up testing, performed in accordance with § 3.11 D 1 reveals that less than 2.0% of the systems are failing. When less than 100 systems have been installed, approval may be reinstated when repairs



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and testing as described above has been completed on all failing systems and the number of failures is less than that shown in Table 2.1; and

4. Retesting and recertification of any Class I ATU under Standard 40.

F. Notification by the department.

When the approval for a system is suspended, or is revoked, the department will send notice of the suspension to all regional and district offices of the Health Department, the manufacturer (if applicable), and other interested parties who have notified the department in writing that they wish to be notified. The notice shall include the system name, failure rate, location of failing systems and what actions are necessary to return to an approved status.

## PART III. LOCATION, DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE CRITERIA.

### Article 1. Site Requirements.

#### § 3.1. General.

All discharging systems shall be located so that the treatment system, the point of discharge, all appurtenances, and the effluent leaving the system are sited in a manner that protects public health and minimizes environmental impacts.

#### § 3.2. Classifications of discharge point.

The nature of the discharge point will determine what precautions must be taken to protect public health and environmental resources. These regulations identify two classifications of discharge points.

##### A. All weather stream required if possible.

The preferred point of discharge is an all weather stream where effluent can be readily diluted at least 10:1 as measured during a 7 consecutive day average of a 10 year low flow (7-Q-10) and thereby minimize public health and water quality impacts. Where an all weather stream is available for use it shall be used rather than discharging to an intermittent stream or dry ditch.

[ B. Intermittent streams or dry ditches. Discharges into intermittent streams or dry ditches which do not have the dilution capability cited in § 3.2 A shall be located entirely within the owner's property, or within a recorded easement as described in § 3.7 B or a combination of the two.

1. Average slope. The average slope for any intermittent stream or dry ditch discharge receiving effluent from a discharging system shall be between

4% and 15% for the first 500 feet from the point of discharge.

2. Minimum slope. In order to prevent ponding, the minimum slope shall not be less than 2% at any point. ]

[ C. B. ] Stream type identification on USGS maps.

An all weather stream may generally be identified by a solid blue line on the most recently published 7.5 minute United States Geologic Survey (U.S.G.S.) topographic map. The site evaluation shall include a review to verify that the stream is flowing at the time of the site evaluation. The USGS map shall not be the sole and final factor used to determine if a stream is an all weather stream when the department observes otherwise. Intermittent streams may be identified by a dotted and dashed blue line on the most recently published 7.5 minute United States Geologic Survey topographic map.

[ D. C. ] Other means of determining stream flow.

An owner may submit to the division additional hydrologic data, including but not limited to stream records and anecdotal evidence of long time residents, to support that a stream can provide a dilution ratio of 10:1. When in the opinion of the division, the evidence warrants a change, the division may determine that a stream is an all weather stream for the purposes of these regulations.

[ D. Intermittent streams or dry ditches.

Discharges into intermittent streams or dry ditches which do not have the dilution capability cited in § 3.2 A shall be located entirely within the owner's property, or within a recorded easement as described in § 3.7 B or a combination of the two.

1. Average slope. The average slope for any intermittent stream or dry ditch discharge receiving effluent from a discharging system shall be between 2.0% and 30% for the first 500 feet from the point of discharge.

2. Minimum slope. In order to prevent ponding, the minimum slope shall not be less than 1.0% at any point.

3. Grading of slopes. All slope measurements described in subdivisions 1 and 2 of this subsection shall be made prior to initiating any grading and are intended to reflect naturally occurring swales and drainageways. Nothing contained herein however, is intended to prohibit a property owner from making minor grading improvements to prevent ponding in areas with minimal slopes. ]

#### § 3.3. Subdivisions.

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## A. Existing subdivisions.

Discharging systems may be permitted in existing subdivisions [ ~~when the system discharges to an all weather stream. This limitation shall not apply to repair of a failing on-site sewage disposal system. in accordance with these regulations. ]~~

[ ~~B. New Subdivisions. ] No discharging system shall be permitted in any subdivision created after [ the effective date of these regulations July 30, 1992, ] when a central sewer system is available or may be permitted to serve the subdivision. If the SWCB determines that no central sewage facilities are reasonably available or may be permitted, and each proposed site is eligible for registration under the General Permit, then the locality, in which the proposed subdivision is located, may request that the department review the plan for compliance with these regulations. [ No plan will be considered unless all discharging systems will discharge to an all weather stream. An environmental analysis and impact of all proposed discharges on surface and ground waters may be required from the locality by the Department prior to its review of the proposed subdivision. When subdivisions are proposed utilizing individual discharging systems and dry ditch discharges, the use of easements shall be prohibited for multiple systems discharging to a single dry ditch or intermittent stream unless the owner(s) take necessary action to prevent access by children, animals, or other vectors. ]~~

## § 3.4. Setback distances.

### A. Water supply intakes and recreational uses.

Discharges proposed within one mile (upstream or up channel) of any public water intake or one mile (upstream or up channel) of any area explicitly designated for public swimming shall not be permitted. [ When any river, stream, or other potential discharge area appears to receive significant primary contact use, such as, but not limited to, swimming, water skiing, tubing, or wet-wading, so that the discharge will pose a significant threat to public health or create a nuisance, the district health director may prohibit discharges into specified portions of the river, stream, or other potential discharge area. Prior to taking such action, the health director shall take the following steps:

1. Publish a notice announcing the department's intention to consider areas for restricting the use of discharging systems, establishing the date, time and location(s) of the public meeting(s), and soliciting public comment on the proposed area or areas being reviewed;

2. Request the opinion of the local governing body and other appropriate government agencies concerning proposed restrictions to be submitted before the close of the public comment period;

3. Have a public comment period on the proposal of not less than 30 days;

4. Hold at least one public meeting, 30 days or more after publication of the notice specified in subdivision 1 of this section; and

5. Evaluate the public comments received and staff evaluations regarding the use of the proposed area or areas for primary contact uses.

When in the best professional opinion of the health director the area or areas under consideration receives, for 30 days or more per year, significant primary contact uses, such that the discharge will pose a significant threat to public health or create a nuisance, the director may designate areas where discharge systems are prohibited. Prohibited discharge areas may include areas upstream in the main channel and tributaries, from the area under review, for distances up to one mile if warranted by the evidence. Prohibited discharge areas shall be clearly defined in writing and delineated on a United States Geological Survey 7.5 minute topographic map. The prohibition on discharges, if any are found necessary, shall be effective upon notice after completion of the elements contained in this section. ]

### B. Private and public water supplies.

The treatment system (ATU, sandfilter etc.), discharge point and the channel of treated effluent flow shall be located in accordance with the distances given in Table 3.1 from private and public water supplies. The set back distances between the water supply and the downstream channel established in Table 3.1 shall apply for 50 feet downstream of the discharge point for all weather streams and 500 feet downstream for intermittent stream or dry ditch discharges.

### C. Springs.

No discharging system nor any portion of the channel carrying the treated effluent flow shall be within 100 feet of a spring. Further no discharging system shall discharge within 1,500 feet upstream or [ ~~250~~ 100 ] feet downstream of any spring used for human consumption.

### D. Sink holes.

Discharging systems are prohibited from discharging into sink holes, streams or other waterways that flow into sink holes within [ ~~one mile~~ 1,500 feet ] from the point of discharge, and dry ditches that flow into sink holes within one mile from the point of discharge.

### [ E. Limestone outcrops.

Dry ditch discharges to swales or drainage ways which have limestone outcrops within 25 feet of the dry ditch channel bottom are prohibited. This provision shall apply for the entire distance required for ownership or easement

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in § 3.7 B. ]

[ E. F. ] Proximity to other discharge points.

The department will not approve discharging systems except where discharge points will be at least 500 feet apart. If the proposed system utilizes aerobic biological treatment followed by sand filtration this distance may be reduced to 250 feet apart.

[ F. G. ] Shellfish waters.

No discharge shall be permitted under these regulations which will result in the condemnation of shellfish waters or the continued condemnation of shellfish waters closed only because of inadequate water quality.

Table 3.1

Setback Distances from  
Private and Public Water Supplies  
(All distances are in feet)

Type of Water Channel Supply Stream	Point of Discharge	Downstream Channel With 7-Q-10	Downstream Intermittent or Dry Ditch
Class II <sup>1</sup>	100	100	100
Class IIIA	50	50	50
Class IIIB	50	50	50
Class IIIC	100	50	100
Class IV	100	25	50
Cistern	100	50	100

<sup>1</sup> Class II well specifications are found in the Waterworks Regulations. All other well specifications may be found in the Private Well Regulations.

## Article 2. Design Requirements.

### § 3.5. Performance requirements.

#### A. Discharge limits.

All systems operated under these regulations shall meet the effluent limitations set forth by the State Water Control Board in the General Permit.

#### B. Bypass flow.

No system shall be approved for use which provides a bypass pipe, or otherwise allows untreated or partially treated effluent to discharge in the event of a system failure.

### § 3.6. Factors affecting system design.

Each type of discharging system has its own unique advantages and disadvantages. These unique characteristics define the situations where a system may be used to advantage. The design of the system must be appropriate for the intended use and the site conditions

where it is placed.

#### A. Discharge to a dry ditch or intermittent stream.

When a discharge is proposed to a dry ditch, the department shall require restricted access to the dry ditch or intermittent stream to protect public health.

#### B. Intermittent use.

Intermittent use for the purposes of these regulations constitutes use of the system for less than three consecutive months. Systems serving weekend cottages, or other intermittent uses will not reliably treat effluent prior to discharge. Therefore, the use of discharging systems for dwellings subject to intermittent use is prohibited.

#### C. Infiltration.

When a discharging system is proposed to be located in an area subject to infiltration by surface water or shallow ground water, the department may require additional protection from infiltration, including placement of the system above natural grade.

#### D. Erosion.

Erosion must be controlled by the owner of the discharging system in accordance with any local erosion control ordinances or the Soil Conservation Services recommendations.

#### E. Sewage design flows.

All systems shall normally be designed to treat the BOD5 loading rate of 0.4 lbs/day per bedroom for systems up to three bedrooms. Systems serving single family dwellings having more than three bedrooms shall be permitted and designed to treat the anticipated loading rate based on BOD5 and be capable of handling anticipated peak loading rates. When a system is permitted with a design less than the maximum capacity of the dwelling, the owner shall have the construction permit recorded and indexed in the grantor index under the owner's name in the land records of the clerk of the circuit court having jurisdiction over the site of the discharging system.

### § 3.7. Criteria for the use of intermittent streams or dry ditches.

All owners of systems discharging to an intermittent stream or dry ditch shall ensure the following conditions are met:

1. Restricted access. Direct contact between minimally diluted effluent and humans must be restricted for the life of the system. This will be achieved by reducing the chance of ponding and run-off and limiting access to the effluent. The department shall require fencing, rip-rap, or other barriers to restrict access to effluent

discharging to a dry ditch [ or intermittent stream ] as deemed necessary to protect public health. This determination shall be made by the district health director or district sanitarian on a case by case basis. The restricted access area shall begin at the point where the effluent is discharged and continue for 500 feet or until the effluent discharges into an all weather stream.

2. *Ownership and easements.* When effluent is discharged to a dry ditch or intermittent stream, the owner shall either own the land or have an easement to discharge on all land below the point of discharge for the distance shown in Table 3.2. [ To allow for construction and repair of the restricted access area, as well as to facilitate monitoring, the width of the easement shall be 25 feet on either side of the low point of the dry ditch or intermittent stream for the entire length of the restricted access area. ] All easements must be in perpetuity and shall be recorded with the clerk of the circuit court prior to issuance of the construction permit. For the purposes of complying with this regulation, a CE-7 permit issued by the Virginia Department of Transportation shall be considered as equivalent to an easement in perpetuity recorded by the clerk of the circuit court.

Table 3.2

Process	Requirements for Ownership or Easements Downstream from Discharging Systems	
	Downstream or Down Channel Distance (feet)	
	No spring below	Spring below
Sandfilter, Aerobic System (w/post filtration), Constructed Wetland, or other single process system	500'	1,500'
Aerobic system w/sand filter, or other combination process with equal treatment	250'	1,500'

3. *Public health and environmental impact reduction and nuisance abatement.* Each [ dry ditch discharge discharging ] system [ which discharges to a dry ditch or intermittent stream ] must receive additional treatment beyond that required by the General Permit in order to reduce the increased potential for public health and nuisance problems which may result when partially treated effluent is not diluted. Such additional treatment shall be capable of producing an effluent with a quality of 10 mg/l of BOD<sub>5</sub>, 10 mg/l of suspended solids and a fecal coliform level of less than or equal to 100 per 100 ml.

§ 3.8. *Disinfection.*

All discharging systems shall be equipped with a means

of disinfecting the effluent which is acceptable to the division.

A. All discharging systems utilizing chlorine as a disinfectant shall be equipped with a chlorinator and contact chamber [ . The chlorine contact chamber shall have a length to width ratio of 20:1 and shall be ] capable of maintaining a total chlorine residual between 1.0 mg/l and 3.0 mg/l in the effluent within the chlorine contact chamber for 30 minutes [ based on peak hourly flow, or 60 minutes based on peak daily flow. The length to width ratio may be reduced on a case by case basis when increased chlorine contact times are utilized ] .

B. All chlorine used to disinfect effluent from a discharging system shall be approved by the Environmental Protection Agency for use as a sewage disinfectant.

C. Other methods of disinfection for the removal of bacteria and viruses, which have been demonstrated effective under field use, may be approved by the division.

Article 3.  
Construction Requirements.

§ 3.9. *Installation review.*

A. *General.*

No portion of any system may be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized in writing by the local health department. All applicable sections contained in the Sewage Handling and Disposal Regulations shall be used to establish design and construction criteria not contained in these regulations.

B. *Slope.*

Gravity sewer lines and lines between components of the system shall be schedule 40 pipe and shall have a minimum grade of 1.25" per 10' for 3" and 4" sewer lines. Discharge lines after primary or secondary treatment units shall have a minimum grade of 6" per 100'. Where minimum grades cannot be maintained, detailed pump specifications shall be shown on the site plan in accordance with Article 4 of Part IV of the Sewage Handling and Disposal Regulations.

C. *Location.*

The treatment unit and all piping and appurtenances shall be located in conformance with the approved plans. All changes in location shall be approved by the local department prior to the installation of the system.

D. *Pumps.*

All pumps and appurtenances to the pump shall be

# Final Regulations

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installed according to the plans and specifications approved by the department and referenced in the permit.

## E. Electrical.

All wiring shall be approved by the local building official and shall be weather tight and permanent in nature (hard wired).

## F. Controls.

The control panel for the system shall be located within 15 feet of the treatment unit and shall be provided with a manual override switch. Each pumping station shall be provided with controls for automatically starting and stopping the pumps based on water level. When float type controls are utilized they shall be placed so as to be unaffected by the flow entering the wet well.

## G. Alarm.

All mechanical treatment units shall be provided with an alarm system on a separate electrical circuit from the remainder of the treatment unit. The alarm shall be both audio and visual and shall be located in an inhabited portion of the dwelling.

[ 1. Sand filter systems. All sand filters shall be equipped with a high water alarm over the sand bed to alert the occupant when the sand has become clogged.

2. Aerobic treatment units. ] All ATU's shall be equipped with an alarm that detects aerator failure and a high water alarm to warn against the back-up or overflow of sewage.

## H. Flood plain.

Except for the discharge pipe, and step type post aeration if required, no portion of the discharging system may be located in the 100-year flood plain.

## I. Sampling ports.

All discharging systems shall be equipped with a six-inch (or larger) sampling port connected to an approved effluent collection box [ after at ] the chlorine contact chamber [ after the 30- or 60-minute contact time (i.e., the sampling port shall be located at the outlet end of the chamber ) ]. Additionally, a separate sampling port shall be required after the dechlorination unit. Other sampling ports may be required elsewhere on a case by case basis as required by the system design.

## J. Clean out port.

All discharging systems shall have a clean out port, accessible from the surface of the ground within 10' of the influent invert of the treatment unit.

## K. Ventilation.

Positive ventilation shall be provided at pumping stations when personnel are required to enter the station for routine maintenance.

## L. Filter liners.

Sand filter liners shall be constructed of clay having a permeability of 10-6 cm/sec. or less, a 28 mil vinyl or PVC plastic liner, concrete, or other material approved by the division. A watertight seal shall be provided where underdrain piping exits the filter.

## M. Filter materials.

Sandfilter materials shall meet the specifications described in § 26.04.02 of the Sewerage Regulations, or as amended.

## N. Posting of discharge pipe.

The owner of each discharging system that discharges to state waters, including either an all weather stream or an intermittent stream, shall post a sign with the following notice: This pipe carries treated sewage effluent and is not suitable for human consumption. This system is owned by (FULL NAME OF PERMIT HOLDER) and is maintained by (NAME AND PHONE NUMBER OF MAINTENANCE PROVIDER IN MAINTENANCE CONTRACT). The sign shall be posted within three feet of the discharge pipe and shall be plainly visible to the public. All lettering shall be at least one-inch high and shall be clearly legible. [ The sign shall have black letters on a white background (or be painted in other contrasting colors) and be plainly visible at a distance of 25 feet to a person with normal vision. ] Failure to maintain this sign shall be grounds for suspending the owner's operation permit.

## § 3.10. Compliance with plans.

Prior to the issuance of an operation permit all discharging systems must be inspected by the health department and found to substantially comply with the intent of the regulations. Minor deviations from the permit or proposed plans and specifications (excluding the manufacturer's design and installation specifications) that do not affect the quality of the sewage treatment process or endanger public health or the environment may be approved. [ Where engineering plans were submitted and were incorporated in the construction permit, the design engineer, or other professional engineer designated by the design engineer, shall inspect the installation and submit written comments concerning the compliance of the installation with the design specifications prior to the issuance of the operation permit. ]

## Article 4.

### Monitoring and Maintenance Requirements.

## § 3.11. Monitoring.

### A. General.

Discharging systems that discharge improperly treated effluent can endanger public health and threaten environmental resources. All discharging systems shall be routinely inspected and the effluent sampled to determine compliance with the effluent limitations set forth by the State Water Control Board in the General Permit. All testing requirements contained in these regulations are the responsibility of the system owner to have collected, analyzed, and reported to the department.

### B. Types of testing.

There are two types of testing recognized by these regulations: formal compliance testing and informal testing. Formal testing is conducted to determine either compliance or noncompliance with these regulations. Informal testing is conducted to determine compliance with these regulations and to determine when additional formal compliance testing is necessary. Informal testing may support but shall not be the sole basis for suspending an operation permit pursuant to § 2.23 or to suspend or revoke the approval of the system pursuant to § 2.28 of these regulations.

1. *Formal compliance testing.* Effluent from all discharging systems shall be tested for the following parameters at a frequency specified in Table 3.4: Five-day biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids, fecal coliform bacteria, dissolved oxygen and total chlorine residual (measured at the outfall and in the chlorine contact chamber if dechlorination is required). The tests shall be analyzed by a laboratory certified by the E.P.A. or the SWCB to conduct self-monitoring analysis to determine compliance limits for VPDES permit discharge limits. Samples shall be collected, stored, transported and analyzed in accordance with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in 40 CFR Part 136 (July 1, 1991).

2. *Informal testing.* The following tests will be conducted on the effluent, except as noted, at a frequency specified in Table 3.4: 30 minute settleable solids (conducted on the mixed liquor suspended solids), odor, color, pH, and chlorine (after the chlorine contact chamber). In addition, systems requiring effluent dechlorination shall be tested for dechlorination at the point of discharge. These tests shall be run in the field during routine monitoring inspections. The criteria for satisfactory informal testing are contained in Table 3.3.

Table 3.3

Informal Testing Criteria

(for all classes of discharging systems)

Settleable solids	less than [ 45% 65% ] mixed liquor suspended solids)
Odor	Slight musky odor (MLSS) not septic)
Color	less than 15 units (measured at outfall - no solids present
pH	Same as formal compliance test limits
Chlorine	1.0 mg/l 3.0 mg/l (measured after chlorinator) None detected (measured at the outfall [ of Class A systems ] )

### C. Frequency of mandatory testing.

1. *Formal compliance testing.* Formal compliance testing as described in § 3.11 B 1, shall be conducted at the frequency listed in Table 3.4 for all discharging systems for all constituents listed under § 3.11 B 1. Additionally, formal compliance testing may be required anytime informal testing indicates a discharging system appears to be discharging effluent that exceeds the effluent limitations set forth in the State Water Control Board's General Permit. Compliance monitoring conducted pursuant to the SWCB General Permit requirements may be submitted for one of the mandatory tests to comply with these regulations.

2. *Informal testing.* Informal testing, as described in 3.11 B 2, shall be used as an inexpensive screening method to identify systems that are potentially in violation of the effluent limitations set forth in the State Water Control Board's General Permit. Informal testing shall be conducted monthly for at least six consecutive months beginning the second full month after the issuance of the operation permit. After a discharging system has met the permit limits for six consecutive months the testing shall be conducted at the frequency listed in Table 3.4.

Table 3.4

System Approval	Frequency of Mandatory Testing Beginning Six Months After System Start-up	
	Formal Testing	Informal Testing
Experimental <sup>1</sup>	Quarterly <sup>2</sup>	Monthly
Preliminary	Semi-Annually <sup>2</sup>	Quarterly
General	Annually <sup>2</sup>	Semi-Annually

<sup>1</sup> Testing on systems with experimental approval shall begin 3 months after installation and continue for 12 or more consecutive months. The initial sample testing at 3 months shall be formal testing and the formal testing shall continue quarterly from that time forward.

<sup>2</sup> Also see § 3.11 D 1.

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## D. Nonroutine mandatory testing and inspection.

The district health director or district sanitarian manager may require additional formal compliance testing or informal testing, or both, as necessary to protect public health and the environment. Additional testing shall be based on observed problems and shall not be implemented routinely on all discharging systems.

1. Anytime a discharging system is found to exceed the effluent limitations of the General Permit, follow-up formal compliance testing shall be repeated between 45 and 90 days after the original samples were collected and the results reported to the local health department. This follow-up formal compliance testing shall constitute a subsequent consecutive quarter for the purposes of determining compliance with §§ 2.28 B and 2.28 D.

2. Anytime an informal test reveals an apparent problem, additional formal or informal testing may be conducted to review the effectiveness of any repairs or adjustments.

3. Anytime the results of two consecutive formal compliance tests as specified in 3.11 B 1 result in a violation of the effluent limitations of the General Permit, informal testing shall revert to monthly frequency until satisfactory results are obtained for six consecutive months. Nothing in this section shall preclude requiring the collection of samples for formal compliance testing as described in §§ 3.11 B 1 and 3.11 C 1 to determine compliance with the effluent limitations set forth in the General Permit.

## E. Responsibility for testing.

The owner of each system is responsible for ensuring that the collection, analysis, and reporting of all effluent sample tests are completed in a timely fashion and in accordance with §§ 3.11 and 3.13. In addition to the mandated testing requirements contained in these regulations, the department shall conduct, at a minimum, [ an ] annual [ ~~informal testing~~ inspection, which may include formal or informal testing at the option of the department ] . Nothing contained herein shall be construed to prohibit the department from mandating additional formal and informal testing as deemed appropriate by the department. [ Further, the department at its discretion may require split samples be collected at any time (i.e., for routine or nonroutine testing). ]

## [ F. Monitoring contract.

In order to assure monitoring is performed in a timely and competent fashion, the owner of each system shall have a contract for the performance of all mandated sampling with a person capable of performing the sampling and analysis of the samples. This requirement may be met by including the performance of all testing and monitoring as part of the maintenance contract in

accordance with § 3.12 C 1. Failure to obtain or renew a monitoring contract shall result in the suspension or revocation of the operation permit as described in § 2.18 of these regulations. When the district health director or the sanitarian manager find that the homeowner is capable of collecting and transporting samples to an approved laboratory in compliance with these regulations, the requirement for having a valid monitoring contract may be waived. Waiving of this requirement shall be done only on an individual basis and shall reflect the competency of the individual based on profession, training or other educational experience. In the event the individual for whom this section is waived fails to collect three or more of any of the required samples in any five-year period, the district sanitarian or the health director may reinstate the requirement for a monitoring contract. ]

## § 3.12. Maintenance.

### A. General.

Due to the potential for degrading surface water and ground water quality or jeopardizing the public health, or both, routine maintenance of discharging systems is required. In order to assure maintenance is performed in a timely manner a maintenance contract between the permit holder and a person capable of performing maintenance is required.

### B. Maintenance contract.

A maintenance contract shall be kept in force at all times. Failure to obtain or renew a maintenance contract shall result in the suspension or revocation of the operation permit as described in § 2.18 of these regulations. The operation permit holder shall be responsible for ensuring that the local health department has a current copy of a valid maintenance agreement. When a maintenance contract expires or is canceled or voided, by any party to the contract, the owner shall report the occurrence to the local health department within 10 work days.

### C. Elements of a maintenance contract.

1. Performance of all testing required in § 3.11 B of these regulations [ , unless the owner maintains a separate monitoring contract in accordance with § 3.11 F ] .

2. Full and complete repairs to the system within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed [ ~~\$200.00~~ \$500 ] in any given year for repairs (including parts and labor).

3. Twenty-four months of consecutive coverage shall be the minimum time period a maintenance contract may be valid.

*D. Public utility.*

*In localities where a public service authority, sanitary district, or other public utility exists which monitors [ and or ] maintains the systems [ , or monitors and maintains the systems, ] permitted under these regulations, the requirements for [ a the monitoring or ] maintenance contract [ or both ] may be waived by the division provided the owner of the system subscribes to the service and the utility meets the minimum elements described in §§ [ 3.11 and ] 3.12. [ ~~C.1 and 3.12.C.2.~~ ]*

*monitoring results as required in §§ 3.11 and 3.13 may result in the suspension or revocation of the owner's operation permit.*

*E. Qualifications to perform maintenance.*

*In order to competently evaluate system performance, collect and interpret sample results, as well as repair and maintain discharging systems, an individual must be knowledgeable in sewage treatment processes. Therefore, after July 1, 1994, all individuals who perform maintenance on discharging systems [ ; and individuals who collect mandated samples ] pursuant to § [ ~~3.11-B~~ 3.12 ], are required to hold a valid Class IV [ wastewater works operator ] license issued by the Board for Waterworks and Wastewater Works Operators. Until July 1, 1994, individuals that can demonstrate two years of practical experience with discharging systems, with flows under 1,000 GPD, may conduct maintenance on all systems.*

*§ 3.13. Information to be reported.*

*A. Who is responsible for reporting.*

*All owners issued an operation permit for a discharging system are responsible for reporting the results of all mandated testing to the department.*

*B. What must be reported.*

*All formal compliance testing, informal testing, repairs, modifications, alterations, expansions and routine maintenance must be reported.*

*C. When reports are due.*

*All reports and test results must be submitted within 15 working days of the sample collection.*

*D. Where to report results.*

*All reports and test results shall be submitted to the local or district office of the health department. [ When formal testing indicates a discharge limit established in the General Permit is being exceeded or when informal testing indicates a discharging system may be in violation of the General Permit requirements, the maintenance provider shall be notified by the owner within 24 hours. ]*

*§ 3.14. Failure to submit information.*

*Failure to conduct mandatory monitoring or to report*



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Appendix I

Note: This application combines the VDH and SWCB applications and supercedes the version of appendix I originally published.

COMBINED APPLICATION

VIRGINIA DEPARTMENT OF HEALTH  
DISCHARGING SYSTEM APPLICATION  
FOR SINGLE FAMILY DWELLINGS DISCHARGING SEWAGE  
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

and

State Water Control Board  
Virginia Pollutant Discharge Elimination System  
General Permit Registration Statement  
For Domestic Sewage Discharges Less Than or  
Equal to 1,000 Gallons Per Day

County or City Health Department Date: \_\_\_\_\_, 19\_\_\_\_

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Types of Application:       New             Repair             Other (explain)      

\* Name of Facility/Residence \_\_\_\_\_

\* Owner(s) of Property or Facility: \_\_\_\_\_ Phone \_\_\_\_\_

Address of owner \_\_\_\_\_

Street City State Zip

Phone: \_\_\_\_\_

Home Work

Name of Purchaser (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Real Estate

Agent: \_\_\_\_\_

Location of Property or Facility (city or county): \_\_\_\_\_

\_\_\_\_\_ Tax Map # \_\_\_\_\_

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Subdivision: \_\_\_\_\_ Sect/Block: \_\_\_\_\_ Lot #: \_\_\_\_\_

- \* Size of Parcel: \_\_\_\_\_ acres
- \* Proposed Use ( # of bedrooms): \_\_\_\_\_
- \* Proposed volume of discharge (gallons per day): \_\_\_\_\_ gpd
- \* Proposed Type of System: \_\_\_\_\_ (ANSI Int. Standard 40 Class 11 Aerobic Treatment Unit)
  - \_\_\_\_\_ Septic Tank & (Buried Lined) Biological Sand filter
  - \_\_\_\_\_ Septic Tank & Recirculating Biological Sand filter
  - \_\_\_\_\_ Aerobic Treatment Plant & Lined Biological Sand filter
  - \_\_\_\_\_ Other
- \* Type of System Approval \_\_\_\_\_ General \_\_\_\_\_ Preliminary \_\_\_\_\_ Experimental
- \* Name of proposed receiving stream: \_\_\_\_\_  
(ex. Dry ditch leading to an unnamed tributary of Deep Creek)

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\* Location of discharge (stream into which the discharge occurs) \_\_\_\_\_

- \_\_\_\_\_ Yes No
1. Are central sewage facilities available to this site/facility? \_\_\_\_\_  
If yes, explain: \_\_\_\_\_
  2. Does the residence/facility (existing or proposed) currently have a separate VPDES permit? \_\_\_\_\_  
If yes, please provide the VPDES permit number \_\_\_\_\_
  3. Will any pollutants other than domestic sewage be treated or discharged? \_\_\_\_\_  
If yes, please indicate what: \_\_\_\_\_
  4. Has property been denied a permit for a septic tank system? \_\_\_\_\_  
Sanitarian: \_\_\_\_\_ Date of Denial \_\_\_\_\_  
Consultant: \_\_\_\_\_ SD: \_\_\_\_\_

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Yes/No/N/A

2.5. Have all possible onsite sewage treatment systems been considered? \_\_\_\_\_

Specifically: Pump System? \_\_\_\_\_

Low Pressure Distribution System? \_\_\_\_\_

Elevated sand mound? \_\_\_\_\_

Conditional permit requiring:

Limit on Number of Occupants? \_\_\_\_\_

Water Saving Plumbing Devices? \_\_\_\_\_

Easement to Adjacent Property? \_\_\_\_\_

If the answers to questions 4 and 5 are affirmative please attach a statement from the Department of Health that an on-site sewage disposal system permit has been applied for and that the Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.

2.6. Is this application for a system to replace a failing septic system? \_\_\_\_\_

4.7. Is this property a new subdivision (2 or more lots from 1 parcel)? \_\_\_\_\_

5. Is this property in an existing subdivision? \_\_\_\_\_

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6.8. Will discharge be directly to a year-round, all-weather stream? \_\_\_\_\_

7.9. If discharge is to an intermittent or seasonal stream or to a dry ditch, how far will discharge flow before leaving this property? \_\_\_\_\_ ft

8.10. If discharge is to an intermittent or seasonal stream or to a dry ditch and discharge will flow less than 500 feet (250 feet if NSF Class I aerobic plant and sand filter are used together) on this property, can an easement be obtained for the portion of the first 500 feet (250 feet) not on this property? \_\_\_\_\_

9.11. If discharge is to an intermittent stream or to a dry ditch, what is the (percent) slope in % for each fifty foot distance in the first 500 feet of the discharge path?

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_  
6) \_\_\_\_\_ 7) \_\_\_\_\_ 8) \_\_\_\_\_ 9) \_\_\_\_\_ 10) \_\_\_\_\_

Does the slope exceed 1% for all of the fifty foot segments? \_\_\_\_\_

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Is the average slope more than 2%?

Is the average slope not more than [4% 30%]?

10-12. In the first 500 feet will path of wastewater flow within  
100 feet of any well or domestic water supply?

13. Are there any springs used for human consumption within 1500  
feet downstream, or 100 feet upstream, from the discharge point?

14-14. Is there any public water supply intake within one mile  
downstream from the proposed discharge point?

12-15. Is there any public water supply intake within five miles  
downstream from the proposed discharge point?

Yes/No/N/A

19-16. Is there any designated public swimming areas area designated for public  
or prohibited discharge areas use within one mile downstream from the  
proposed discharge point?

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14-17. Would this discharge result in the condemnation of any shellfish  
water?

16-18. Are there any other existing or proposed VPDES discharges within  
500 feet (250 feet if aerobic plant and sand filter are used together)  
of this proposed discharge point?

17-19. Will any part of the proposed treatment system (excluding the  
discharge pipe and any aeration steps) be within the 100 year  
flood plain?

18-20. Will any part of the proposed treatment system (excluding the  
discharge pipe and any aeration steps) be in a topographically  
low, wet, or swampy area?

19-21. Will the building served by this system be used seasonally, just  
on weekend, or be subject to frequent interruptions in power?

20-22. Name of Proposed Receiving Stream:

23. As a requirement of the State Water Control Board's Regulation VR 680-14-09, the owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPOES permit must attach to this Registration Statement notification from the governing body of the county, city or town in which the discharge is to take place that the location and operation of the discharging facility is consistent with all ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1 of the Code of Virginia.

3-4. THE IMPORTANT TOPOGRAPHIC FEATURES OF THE SITE (drainways, sinkholes, ponds, lakes, streams) INCLUDING THE LIMITS OF THE 100-YEAR FLOOD PLAIN.

4-5. THE PATH OF WASTEWATER FLOW TO THE RECEIVING YEAR-ROUND STREAM.

~~5. A WRITTEN STATEMENT FROM THE SWCB THAT THE OWNER'S REGISTRATION STATEMENT HAS BEEN APPROVED UNDER THE GENERAL PERMIT REGULATION.~~

PLEASE ATTACH A SITE SKETCH TO THIS APPLICATION SHOWING:

6. A diagram of the existing or proposed sewage treatment system, including the location of the residence/facility and the individual sewage treatment units.

1. THE BOUNDARIES OF THE PROPERTY.

7. The elevation of the discharge point and the elevation and slope every fifty feet for five hundred feet downstream along the discharge path. Also include the slope of the channel sides every fifty feet for five hundred feet downstream along the discharge path.

2. THE SPECIFIC LOCATION OF THE PROPERTY INCLUDING THE COUNTY TAX MAP NUMBER (where available), A COPY OF THE UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE TOPOGRAPHIC MAP SHOWING THE DISCHARGE POINT AND DOWNSTREAM FOR FIVE MILES, AND DIRECTIONS TO THE PROPERTY.

3. THE LOCATION AND DISTANCE TO ANY EXISTING OR PROPOSED BUILDINGS, WELLS, SEWAGE TREATMENT SYSTEMS, VPOES DISCHARGES, WATER SOURCES, WATER LINES, EASEMENTS, OR UTILITIES WITHIN 600 FEET OF ANY PART OF THE PROPOSED SEWAGE DISPOSAL SYSTEM, WHICH INDICATES THE DISCHARGE POINT, PROPERTY BOUNDARIES, WELLS, DOWNSTREAM SOURCES, ETC. FOR 0.5 MILES DOWNSTREAM.

I hereby give permission to the Health Department to enter onto the above referenced property for the purpose of processing this application. I certify that the property lines and the proposed location of the treatment system and discharge point are clearly marked and that the property is sufficiently visible to see the topography.

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REGULATIONS FOR INDIVIDUAL SINGLE FAMILY DWELLINGS

\_\_\_\_\_  
Signature of Property Owner Date

As the applicant for a construction permit on the above referenced property, I certify that, to the best of my knowledge, the above information is and the attached site sketch and topographic map are true, correct, and complete. I understand that if the department finds a satisfactory site in response to this application that I will be required to submit a site plan and correct plans and specifications for the treatment system prepared by an engineer, certified copies of any necessary easements, and a letter from the local governing body (county or city) stating that they have no objection to this discharge.

\_\_\_\_\_  
Signature of Applicant Date

As the applicant for an alternative discharging system construction and operations permit on the above referenced property, I hereby give permission to the Health Department, or their authorized agent, to enter onto the above referenced property for the purpose of inspecting the construction of and monitoring the operation and quality of effluent from my sewage treatment plant.

\_\_\_\_\_  
Signature of Applicant Date

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SWCB CERTIFICATION

I hereby grant to duly authorized agents of the State Water Control Board, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Signature of Applicant Date

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Telephone: \_\_\_\_\_

Owner's  
Name: \_\_\_\_\_  
\_\_\_\_\_

Owner's Address:  
\_\_\_\_\_  
\_\_\_\_\_

Location of Installation: Lot \_\_\_\_\_  
Block \_\_\_\_\_  
Section: \_\_\_\_\_ Subdivision:  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

Completion Statement  
Commonwealth of Virginia  
Virginia Department of Health

Health Department  
Identification Number: \_\_\_\_\_  
\_\_\_\_\_ Health Department

Name of  
Company/Corporation/Individual: \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_

VIRGINIA BOARD OF HEALTH PAGE 106 OF 106  
ALTERNATIVE DISCHARGING SEWAGE TREATMENT SYSTEM  
REGULATIONS FOR INDIVIDUAL SINGLE FAMILY DWELLINGS

I hereby certify that the discharging system has been installed (and constructed) in accordance with the construction permit issued (date)

\_\_\_\_\_ and is in compliance with Part III of the Alternative Discharging Sewage Treatment System Regulations for Individual Single Family Dwellings and further that the system complies with all applicable state and local regulations, ordinances and laws.

Date

Signature and Title

I certify that this regulation is full, true, and correctly stated.



Robert B. Stroube, M.D., M.P.H.  
State Health Commissioner  
Department of Health

Date: 6-10-92



# Final Regulations

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## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**REGISTRAR'S NOTICE:** The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

**Title of Regulation:** VR 380-03-05. Policies and Procedures for the Virginia Graduate and Undergraduate Assistance Program.

### § 1. Introduction:

In 1990, the General Assembly created the Virginia Graduate and Undergraduate Assistance Program. The program is designed to provide student financial assistance funded from a combination of endowment income and state general fund appropriations. Full-time students who attend a Virginia public four-year or two-year college or university are eligible for the assistance. The general fund appropriation for this program will be made to the Council of Higher Education, which will allocate the funds directly to the institutions of higher education. The Council of Higher Education administers this program.

### § 2. Endowment funds eligible under program:

The following restrictions govern the receipt of endowment funds under the Virginia Graduate and Undergraduate Assistance Program:

1. The effective date of this program is July 1, 1991. Income earned by endowment funds created prior to July 1, 1991, is ineligible.
2. To qualify for the Virginia Graduate and Undergraduate Assistance Program, gifts to institutions or their tax-exempt foundations must be restricted by donors to establish a true endowment for the sole and specific purpose of generating income for student financial assistance under the Virginia Graduate and Undergraduate Assistance Program.
3. True endowment funds are funds received from a donor or donors with the restriction that the principal is not expendable on a current basis. Qualifying income related to each endowment will be a function of the spending policies adopted by the institutions. Growth in the endowment corpus may occur through increase in market value, receipt of additional restricted and qualified gifts to a specific, qualified endowment fund, or through the return of qualifying endowment income to corpus under a board-approved spending plan that maintains the purchasing power of the original gift.
4. Documentation of a gift establishing a qualifying endowment will be maintained by the institution or its tax-exempt foundation. The documentation shall show

the donor's intent to establish a true endowment and state clearly that the income from the true endowment is to be used for the sole and specific purpose of providing student financial assistance under this program. Documentation held by a tax-exempt foundation shall be available to the institution for audits.

5. Institutions may seek an exception for gifts that do not meet these restrictions by submitting supporting material to the council staff for its review and certification of eligibility.

### § 3. Use of funds:

The following restrictions govern the use of funds under the Virginia Graduate and Undergraduate Assistance Program:

1. The first matching awards under the program will be made after July 1, 1992, subject to appropriations from the General Assembly.
2. Requests for matching funds shall be based upon actual or anticipated income on endowment funds already received by the institution or its tax-exempt foundation. No estimates based on anticipated endowment gifts may be included.
3. Full-time graduate, first professional, and undergraduate students in Virginia state-supported colleges and universities are eligible to receive awards under this program.
4. At least 50 percent of the recipients designated by an institution under this program shall be awarded to persons eligible to be classified as Virginia domiciliary resident students.
5. Awards shall be made on a competitive basis to outstanding graduate, first professional, and undergraduate students. Each institution shall determine the criteria by which outstanding academic achievement is determined.
6. Awards under this program shall be used only to pay tuition, fees, room, board, or other educational expenses, unless restricted further by the donor.

### § 4. Allocation procedures:

A. The appropriation of state funds under the Virginia Graduate and Undergraduate Assistance Program will be made to the Council of Higher Education. The funds subsequently will be distributed to institutions, based on the council's allocation plan. In order to receive state matching funds under this program, institutions will file with council a statement that contains the following information:

1. An estimate of the corpus of eligible endowment

funds at the end of the fiscal year preceding the year for which the request is being made. (This provision will not apply in the 1992-93 allocation.)

2. Statement of actual income on the endowment for the preceding fiscal year. The statement should include the amount expended under the program, the amount returned to the fund to preserve spending power under an approved spending plan, and expendable balance.

3. Estimated income for future years, containing the same information described in subdivision 2 above. Estimated income should be calculated using an assumed rate of return equal to or less than the actual rate during the previous fiscal year on this class of funds. Supporting detail on each separate fund, if applicable, shall be made available upon request.

4. The total request for state matching funds.

5. A certification statement, signed by the president or vice president of financial affairs, that the request conforms to the eligibility requirements contained in these regulations, the Code of Virginia, and the governing board of the institution.

B. Funds for the Virginia Graduate and Undergraduate Assistance Program will be distributed annually. All distributions of state matching funds are subject to the availability of funds and will be subject to the following guidelines:

1. Subject to the availability of funds, in each year of the biennium each institution participating in the program will be allocated an amount equal to the lesser of its actual expenditures under the program for the preceding fiscal year or its request for state funds for the upcoming fiscal year. (In 1992-93, the allocation will be determined by the council under a separate implementation plan.)

2. Remaining funds will be allocated to institutions pro rata based on the institutions' unmet requests after the application of the first step, subject to the reasonableness of the request.

3. To receive matching funds, institutions shall submit to the Council of Higher Education a copy of DPB Form 27, a copy of the deposit certificate showing that matching endowment income has been deposited with the state treasurer, and any other material requested by the Council or its officers.

## § 5. Reporting requirements:

Each institution participating in the Virginia Graduate and Undergraduate Assistance Program will submit annually to the Council of Higher Education a report on program activities during that year. The report will

contain the following information:

1. The total number of recipients under the program, by level and domiciliary status.

2. The total dollar value of awards expended under the program, by level and domiciliary status.

3. The criteria used for awarding the scholarships and fellowships.

4. Other information that may contribute to an understanding of the effectiveness of the program.

Reports, certifications, documentation, and other material necessary to administer this program will be maintained by the institutions in accordance with their standard retention programs. These documents will be subject to routine review by the Council of Higher Education and to audit by the Auditor of Public Accounts.

These policies and procedures are subject to amendment by the Council of Higher Education.

## § 6. Virginia Graduate and Undergraduate Assistance Program

### A. § 23-38.19:1 of the Code of Virginia.

From such funds as may be appropriated and from other funds as might be received on its behalf, a program of tuition assistance is hereby established in the form of grants and fellowships awarded on a competitive basis to outstanding graduate and undergraduate students who are enrolled in or accepted for enrollment in any accredited, degree-granting public institution of higher education in Virginia. The program shall be administered by the State Council on [sic] Higher Education for Virginia through such regulations as the Council may deem necessary and appropriate.

The full amount of each scholarship awarded to each recipient shall be used only for payment of charges for tuition, fees, room, board, or other educational expenses.

### B. § 23-38.19:2 of the Code of Virginia, Amount and use of awards; terms and conditions.

Funds for these grants and fellowships shall be apportioned to institutions of higher education to equal interest earned by institutional endowment funds created specifically for this purpose after June 30, 1991. The Virginia Graduate and Undergraduate Assistance Program shall be developed by the Council to be phased in over a four-year period, the first awards to be made after July 1, 1992.

Only students who are enrolled or accepted as full-time graduate or undergraduate students in an eligible institution and have demonstrated scholarship and achievements in a postsecondary institution shall be

# Final Regulations

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eligible to compete for and receive such awards.

# EMERGENCY REGULATIONS

## ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: VR 125-01-7. Other Provisions.

Statutory Authority: §§ 4-11, 4-15 and 9-6.14:9 of the Code of Virginia.

Effective Dates: July 1, 1992 through June 30, 1993.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD  
RICHMOND

### ORDER ADOPTING EMERGENCY REGULATION NO. A-255

Effective July 1, 1992, § 4-15 of the Code of Virginia permits the Virginia Alcoholic Beverage Control Board ("Board") to adopt regulations which allow government stores to accept credit or debit cards from consumers for the purchase of alcoholic beverages. Regulations submitted during the 1992 rulemaking process will not become effective until January 13, 1993.

Board revenue projections for the 1992-94 biannual budget were based on acceptance of credit and debit cards beginning July 1, 1992. An emergency regulation is needed to comport with the Appropriations Act.

IT IS ORDERED that, pursuant to the provisions of §§ 4-11(a), 4-15 and 9-6.14:9, of the Code of Virginia, the following regulation be, and the same is hereby adopted, effective July 1, 1992.

#### VR 125-01-7 § 17. Credit and debit cards.

*Government stores may accept credit or debit cards from consumers for the retail purchase of alcoholic beverages. The Board may establish policies to set purchase requirements, determine the credit or debit cards that will be accepted, provide for the collection of related fees, penalties or service charges where appropriate, establish credit procedures for returned merchandise and make any other decisions to carry out the purpose of this regulation.*

In accordance with Virginia Code § 9-6.14:4.1, C,5, this emergency regulation shall be limited in duration and shall remain in effect through June 30, 1993, unless modified or repealed by regulation or legislation.

IT IS FURTHER ORDERED that this order be filed in the manner prescribed by the Code of Virginia and that appropriate notice be given to interested parties of the Commonwealth.

The Board will receive, consider and respond to petitions by any interested persons at any time for reconsideration or revisions of this regulation.

ENTER: VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

/s/ George Hampton  
Chairman  
Date: June 1, 1992

ATTEST:

/s/ Robert N. Swinson  
Secretary  
Date: June 2, 1992

APPROVED:

/s/ O. Randolph Rollins  
Secretary of Public Safety  
Date: June 2, 1992

APPROVED:

/s/ L. Douglas Wilder  
Governor  
Date: June 4, 1992

FILED:

/s/ Ann M. Brown  
Deputy Registrar of Regulations  
Date: June 10, 1992

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF) AND CHILD DAY-CARE COUNCIL

Title of Regulation: VR 615-36-01 and 175-10-01. Regulation for Criminal Record Checks for Homes for Child Welfare Agencies.

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

Effective Dates: July 1, 1992 through June 30, 1993.

Preamble:

The Department of Social Services requested amendments to §§ 19.2-389, 63.1-196.04, 63.1-198 and 63.1-198.1 of the Code of Virginia regarding the criminal record checks requirements during the 1992 General Assembly session. The purpose of the request was twofold: To provide additional protection to children receiving out-of-home day care in small family day care homes and group family day care homes; and, to streamline the criminal record check process by eliminating the Department of Social Services' role in the processing of requests. The Department currently receives criminal record reports and issues criminal record check certificates to facilities indicating that new employees have not committed any crimes which would prohibit employment. The changes in the law will allow

# Emergency Regulations

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facilities to request criminal record check information directly from the Department of State Police.

This regulation establishes the criminal record check procedures that applicants for employment or volunteer service, registered small family day care providers, other adults living in the group family day care homes, or homes approved by family day care systems, and foster and adoptive parent applicants of private child placing agencies must follow.

The regulation includes the following topics:

Legal Base and Subjectivity; Sworn Disclosure Statements; Validity of Criminal Record Reports; Maintenance of Criminal Record Reports; and Requirements for Board Members.

## Summary

### CHILDREN'S PROGRAMS:

Effective July 1, 1992 child welfare agencies subject to licensure and small family day care homes subject to registration as defined by law and administrators or Board Presidents of child welfare agencies are required to receive either the original criminal record clearance with respect to specified offenses or the original criminal record history from the Central Criminal Records Exchange:

This report must also be secured for all employees, volunteers, foster home applicants, adoptive home applicants, family day care homes providers and all adults living in the home of the family day care home. A sworn disclosure statement must also be obtained.

The Division of Licensing Programs, as the agent of the Commissioner of Social Services, will enforce the provisions of §§ 63.1-198 and 63.1-198.1. The Central Criminal Records Exchange, Department of State Police, will issue criminal record reports as required by law. Any facility's failure to obtain a criminal record report for each designated individual shall be grounds for denial or revocation of the registration or license (§ 63.1-198.1 of the Code of Virginia). A license or registration shall not be granted to any applicant as a child welfare agency who has been convicted of any offense specified in § 63.1-198.1 of the Code of Virginia (§ 63.1-199 of the Code of Virginia).

Child welfare agencies are prohibited from hiring or using as volunteers any persons who have been convicted of any offense specified in § 63.1-198.1. Child placing agencies are prohibited from approving foster and adoptive home applicants who have been convicted of a barrier crime. Family Day Care Systems are prohibited from approving a family day care home if the caretaker has been convicted of a

barrier crime. Family Day Care Systems are required to obtain a criminal record clearance or an original criminal history record report from the Central Criminal Records Exchange for all family day-care providers and any other adult living in the home of the family day care providers. Contract agencies are prohibited from recommending registration or continued registration for any small family day care home if the caretaker or other adults living in the home, has been convicted of a barrier crime.

VR 615-36-01 and 175-10-01. Regulation for Criminal Record Checks for Homes for Child Welfare Agencies.

## PART I. INTRODUCTION.

### Article I. Definitions.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning:

"Applicant for licensure or registration" means all agents of child welfare agencies and small family day care homes, including owners, partners or officers of the governing board of a corporation or association, who have applied for licensure or registration.

"Barrier crimes" means certain crimes which automatically act as barriers to employment or volunteer services at child welfare agencies. It also prevents persons screened as adoptive or foster parents by child-placing agencies, and caretakers approved by family day care systems, from assuming such a role. These crimes, as specified by § 63.1-198.1 of the Code of Virginia, are: murder; abduction for immoral purposes; sexual assault; pandering; crimes against nature involving children; taking indecent liberties with children; abuse and neglect of children, including failure to secure medical attention for an injured child; and obscenity offenses.

"Central criminal records exchange" means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police through which the criminal history record request form is processed.

"Contracting organization" means the agency which has been designated by the Department of Social Services to administer the voluntary registration program for small family day care providers.

"Criminal history clearance request" means the Department of Social Services form to be submitted to the Department of the State Police identifying the individual for whom clearance of barrier crimes needs to be established. This request generates a criminal record report which discloses conviction data related to crimes which prohibit employment.

# Emergency Regulations

"Criminal history record request" means the Department of State Police form used to authorize the State Police to generate a criminal record report on an individual. This report discloses all known conviction data.

"Criminal record report" means report generated by the Criminal History Clearance Request Form or the Criminal History Record Request Form that is issued by the Central Criminal Records Exchange, Department of State Police. Use of the Criminal Record Clearance Report Form provides conviction data only related to barrier crimes. Use of the Criminal History Record Report Form provides a criminal record report which discloses all known conviction data.

"Employee" means all personnel hired at a facility regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.

"Facility" means a child welfare agency as defined in § 63.1-195 of the Code of Virginia and subject to licensure or registration by the Department of Social Services.

"Officer of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.

"Small family day care home" means any private family home in which no more than five children, except children related by blood or marriage to the person who maintains the home are received for care, protection, and guidance during only a part of the day. Further, a family day care home which accepts no more than ten children, at least five of whom are school age and not in the home for longer than three hours immediately before and three hours immediately after school each day, may also voluntarily register as a small family day care home.

"Sworn disclosure statement" means the statement to be completed, signed, notarized and submitted by the applicant for licensure or registration and applicants for employment or volunteer service, applicants for foster home and adoptive home approval, and adults living in the family day care home. The statement indicates that the individual has neither a conviction nor pending charges in, or outside, the Commonwealth of Virginia of those crimes which act as barriers to employment at or approval of the indicated facilities. This is required as specified in § 63.1-198.1 of the Code of Virginia.

"Volunteer" means anyone who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities occurring at the facility location or sponsored by the licensed facility. This also includes volunteer staff counted for purposes of maintaining required ratios for the appropriate program.

## Article 2.

## Legal Base and Applicability.

§ 1.2. Sections 63.1-198 and 63.1-198.1 of the Code of Virginia require all employees, volunteers, and applicants for licensure or registration of a child welfare agency as defined by Section 63.1-195 of the Code of Virginia, to obtain a criminal record report from the Department of State Police. This includes caretakers approved by family day care systems, all adults living in the family day care home, and those individuals approved by child-placing agencies as foster or adoptive parents.

Exception: (As set forth in § 63.1-198.1 of the Code of Virginia) "The provisions of this section shall not apply to a parent-volunteer of a child attending such licensed facility whether or not such parent-volunteer will be alone with any child in the performance of his duties."

A "parent volunteer" is someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section or § 63.1-198.2 of the Code of Virginia.

§ 1.3. Section 63.1-198.1 of the Code of Virginia requires all employees, volunteers, foster or adoptive parents, and applicants for licensure or registration as a child welfare agency as defined by law (Section 63.1-195), shall provide the hiring or approving authority facility or agency with a sworn disclosure statement. This includes caretakers approved by family day care systems, all adults living in the family day care home, and those individuals approved by child-placing agencies as foster or adoptive parents.

## PART II. THE SWORN DISCLOSURE STATEMENT.

§ 2.1. The sworn disclosure statement shall be completed prior to employment or commencement of volunteer service, registration, or approval.

§ 2.2. Any person making a false statement on the sworn disclosure statement shall be guilty of a Class 1 misdemeanor.

§ 2.3. The sworn disclosure statement shall be attached and filed with the criminal record report.

## PART III. THE CRIMINAL RECORD REPORT.

### Article 1. General Requirements.

§ 3.1. Prior to the issuance of an initial license or registration, the criminal record report for the applicant(s) for licensure shall be made available to the Commissioner's representative.

# Emergency Regulations

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§ 3.2. The criminal record report shall be obtained on or prior to the 21st day of employment or volunteer service for individuals participating in the operation of a facility.

Exception: The criminal record report shall be obtained prior to approval of foster and adoptive homes by private child-placing agencies.

§ 3.4. Any person required by these standards and regulations to obtain a criminal record report shall be ineligible for employment, volunteer service or any facility related activity, if the report contains convictions of the specified barrier crimes.

§ 3.5. If a criminal history record report is requested, it shall be the responsibility of the licensee to ensure that the employee has not been convicted of any of the specified barrier crimes.

§ 3.6. A criminal record report issued by the State Police shall not be accepted by the facility, registration or contract agency if the report is dated more than 90 days prior to the date of employment or volunteer service at the facility or date of application for approval as a foster home, adoptive home, or family day care home.

## Article 2. Validity of Criminal Record Reports

§ 3.7. Contract agencies or facility staff shall accept only the original criminal record report. Photocopies will not be acceptable.

Exception:

A. Facilities using temporary agencies for the provision of relief staff shall request a letter from the agency containing the following information:

1. The name of the relief staff person;
2. The date of employment;
3. A statement verifying that the criminal record report has been obtained within 21 days of employment, is on file at the temporary agency, and does not contain barrier crimes.

B. This letter shall have the same maintenance and retention requirements of a criminal record report.

§ 3.8. Each criminal record report shall be verified by the contract agency or operator of the facility by matching the name, social security number and date of birth to establish that all information pertaining to the individual cleared through the Central Criminal Record Exchange is exactly the same as another form of identification such as a driver's license. If any of the information does not match, a new criminal history request must be submitted to the Central Criminal Record Exchange with correct information.

§ 3.9. A criminal record report remains valid as long as the employee, volunteer, foster parents, or family day care home provider remains in continuous service at the same facility.

§ 3.10. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by another entity, the criminal record report secured for the prior facility shall not be valid for the new facility. A new criminal record report and sworn disclosure statement shall be required.

Exceptions:

A. When an employee transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new criminal record report shall not be required. The file at the previous facility shall contain a statement in the record of the former employee indicating that the original criminal record report has been transferred, or forwarded to the new location.

B. A criminal record report for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired, a new criminal record report and sworn disclosure statement is required.

## Article 3. Maintenance of Criminal Record Reports.

§ 3.11. The original report shall be maintained at the facility where the person is employed, volunteers or approved.

§ 3.12. Criminal record reports conforming to the requirements for all employed staff or utilized volunteers, and approved homes shall be maintained in the files of the facility during the time the individual is employed, volunteering or approved and for one year after termination.

Criminal record reports shall be made available by the facility to the licensing representative or the representative of the contract agency.

Exception: See § 3.10 Subsection A

§ 3.13. When an employee is rotated among several facilities owned and operated by the same entity, the original criminal record report shall be maintained at the primary place of work or designated facility location. A copy of the criminal record report shall be on file at the facility where the employee is actively working which has a notation of where the original report is filed.

§ 3.14. Criminal record reports shall be maintained in locked files. These files shall be accessible only to the following facility related staff: the licensee; administrator; provider; board president; or their designee.

*Article 4.  
Requirements for Board Members.*

*§ 3.15. When an individual becomes an officer of the board which serves as the licensee of a facility, a criminal record report shall be obtained by the facility within 21 days after the board member assumes the position.*

*§ 3.16. When a board officer changes position within a board, a new criminal record report is not required.*

*§ 3.17. Officers of advisory boards are not required to obtain criminal record reports.*

*/s/ Larry D. Jackson  
Commissioner  
Date: May 27, 1992*

*/s/ L. Douglas Wilder  
Governor  
Date: June 8, 1992*

*/s/ Joan W. Smith  
Registrar  
Date: June 10, 1992*



CHILD WELFARE AGENCIES

DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF LICENSING PROGRAMS

**CRIMINAL HISTORY CLEARANCE REQUEST**

A CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO "VIRGINIA STATE POLICE" FOR \$15.00 MUST ACCOMPANY THIS REQUEST BEFORE A FILE SEARCH WILL BE INITIATED.

(SEE INSTRUCTIONS ON REVERSE SIDE.)

MAIL REQUEST TO: VIRGINIA STATE POLICE RECORDS MANAGEMENT DIVISION CENTRAL CRIMINAL RECORDS EXCHANGE P. O. BOX C-65076 RICHMOND, VIRGINIA 23261-7472	FOR OFFICE USE ONLY <input type="checkbox"/> CHARGE <input type="checkbox"/> PAID <input type="checkbox"/> CJA <input type="checkbox"/> No Charge
1. PERSON NAMED IN RECORD	
LAST NAME                      FIRST                      MIDDLE                      SEX                      RACE                      DATE OF BIRTH	PLACE OF BIRTH - County or City                      PLACE OF BIRTH-State or Country                      Social Security Number
2. As provided for in Section 19.2-389, Code of Virginia, I hereby request criminal record information on the individual named above pertaining to the following offenses as specified in Section 63.1-198.1: murder; abduction of children for immoral purposes; sexual assault; pandering; crimes against nature involving children; taking indecent liberties with children; abuse and neglect of children; failing to secure medical attention for an injured child; or obscenity offenses.	
3. AUTHORIZED AGENT MAKING REQUEST	
MAIL REPLY TO: Authorized Agent	
NAME _____ STREET/RFD _____ CITY _____ STATE _____ ZIP CODE _____	ACCOUNT NUMBER _____
4. I hereby swear or affirm that I am authorized by Section 19.2-389, Code of Virginia, to request and receive the criminal record information specified in section 2 above and will not further disseminate the information received, except as provided by law.	
_____ Signature of Authorized Agent	
State of _____ County/City of _____, to wit	
Subscribed and sworn to before me this _____ day of _____, 19____	
My commission expires _____, 19____ _____ Signature of Notary Public	

**NOTICE**

RESPONSE BASED ON COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST A MASTER NAME INDEX CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CENTRAL CRIMINAL RECORDS EXCHANGE ONLY.

NO CONVICTION DATA                       NO CRIMINAL RECORD - NAME SEARCH ONLY

Department of State Police, Central Criminal Records Exchange

Date \_\_\_\_\_ By \_\_\_\_\_

CHILD WELFARE AGENCIES

**INSTRUCTIONS**

The Criminal History Clearance Request Form is to be used when requesting a criminal record search for clearance of the specified offenses as outlined in Section 63.1-198.1, Code of Virginia. This request does not require the notarized signature of the individual for whom the search is requested. However, it does require the notarized signature of the authorized agent making the request. Section 19.2-389, Code of Virginia, permits release of this information to facility administrators, board presidents, and applicants for licensure or registration ONLY.

To receive all conviction data on an individual, the State Police Criminal History Record Request (SP-167) must be submitted.

Complete the Criminal History Clearance Request Form by completing the information required in the appropriate blocks.

**Section One:** Complete name and address of the person named in the record, including sex, race, date of birth, place of birth, and Social Security number.

**Section Three:** Complete the name, street address, and city, state and zip code for the authorized agent to receive the information. If your facility has an account with the State Police, fill in the account number in this section. PLEASE PRINT LEGIBLY. This form will be returned using this block in a window envelope.

**Section Four:** The authorized agent must sign in the presence of a Notary Public.

The appropriate fee must be attached to each request if an account has not been established with the State Police.

The original and copy must be forwarded to the address shown on the front of this form. The State Police will return the original to the authorized agent after processing the request.

# Emergency Regulations

CHILD WELFARE  
AGENCIES

REGISTRAR OF REGULATIONS  
JUN 10 PM 12:15

DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF LICENSING PROGRAMS

## SWORN DISCLOSURE STATEMENT

**INSTRUCTIONS:**

Effective July 1, 1992 Sections 63.1-198 and 63.1-198.1, Code of Virginia, require that a sworn disclosure statement or affirmation be completed by each applicant for licensure or registration as a child welfare agency prior to licensure or registration, each applicant for employment or volunteer service prior to employment or volunteer service, each foster home or adoptive home applicant prior to approval, and each caretaker, and other adults living in the home of a family day care home prior to approval, licensure, or registration.

Please print the information required in section one.

Convictions of the felony offenses specified in section two prohibit licensure, registration, employment or approval.

Please read carefully and sign where indicated in the presence of a notary.

Applicants for licensure or registration must provide this statement to the Department of Social Services' licensing representative.

This statement must be provided to and maintained at the child welfare agency for all applicants for employment or volunteer service and applicants for approval as a foster home, adoptive home, and family day care home through a family day care system.

PLEASE PRINT:

1. LAST NAME	FIRST	MIDDLE	Social Security Number		
Current Mailing Address		Street or P.O. Box No., Apt. No.	City	State	Zip
Name of licensed facility/provider		Street	City	State	Zip

**2. SWORN DISCLOSURE STATEMENT**

The disclosure statement must be signed in the presence of a notary by the individual requesting clearance.

I HAVE NOT been convicted of and I AM NOT the subject of pending charges for the following offenses: murder; abduction of children for immoral purposes; sexual assault; pandering; crimes against nature involving children; taking indecent liberties with children; abuse and neglect of children including failure to secure medical attention for an injured child; obscenity offenses, within the Commonwealth or any equivalent offense outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class I Misdemeanor.

\_\_\_\_\_  
Signature of person named above

County/City of \_\_\_\_\_; State of \_\_\_\_\_

subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My commission expires \_\_\_\_\_, 19\_\_\_\_ Notary Public

# Emergency Regulations

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**Title of Regulation:** VR 615-37-01. Regulation for Criminal Record Checks for Homes for Adults and Adult Day Care Centers.

**Statutory Authority:** § 63.1-174 of the Code of Virginia.

**Effective Dates:** July 1, 1992 through June 30, 1993.

**Preamble:**

This regulation was developed in response to legislation approved by the Governor during the 1992 General Assembly session (Senate Bill 399). The law mandates criminal record reports for all compensated employees of homes for adults, district homes for adults and adult day care centers hired July 1, 1992 and after. The purpose of the law is to protect vulnerable adults in out-of-home care from persons already charged or convicted of certain crimes. Persons convicted of the crimes specified in the law are prohibited from employment.

This regulation establishes the criminal record check procedures to be followed by home for adults and adult day care center applicants for employment.

The regulation includes the following topics:

**Legal Base and Subjectivity; Sworn Disclosure Statements; Validity of Criminal Record Reports; and Maintenance of Criminal Record Reports.**

**Summary:**

This regulation requires the following licensed facilities to secure an original criminal record clearance with respect to specified offenses or an original criminal history record from the Central Criminal Records Exchange for all compensated employees hired July 1, 1992 and after.

Homes for Adults  
District Homes for Adults  
Adult Day Care Centers

A sworn disclosure statement must also be obtained prior to the commencement of work at the facility.

The Division of Licensing Programs as the agent of the Commissioner of Social Services, will enforce the provisions of 63.1-174, and 63.1-189.1. The Central Criminal Records Exchange, Department of State Police, will issue criminal record reports as required by law. Any facility's failure to obtain a criminal record report for each designated individual shall be grounds for denial or revocation of the licensee (63.1-179 of the Code of Virginia).

VR 615-37-01. Regulation for Criminal Record Checks for

Homes for Adults and Adult Day Care Centers.

**PART I.  
INTRODUCTION**

**Article 1.  
Definitions.**

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning:

"Barrier crimes" means certain crimes which automatically act as barriers to employment at a licensed home for adults or adult day care center. These crimes, as specified by §§ 63.1-173.2, 63.1-189.1, and 63.1-194.1 of the Code of Virginia, are: murder; abduction for immoral purposes; sexual assault; pandering; obscenity offenses; crimes against the person; crimes against property; crimes involving fraud; crimes involving health and safety; crimes involving morals and decency; and abuse of aged and incapacitated adults.

"Central criminal records exchange" means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police, through which the criminal history record request form is processed.

"Criminal history clearance request" means the Department of Social Services form to be submitted to the Department of the State Police identifying the individual for whom clearance of barrier crimes needs to be established. This request generates a criminal record report which discloses conviction data related to crimes which prohibit employment.

"Criminal history record request" means the Department of State Police form used to authorize the State Police to generate a criminal record report on an individual. This report discloses all known conviction data.

"Criminal record report" means the report generated by the Criminal History Clearance Request Form or the Criminal History Record Request Form that is issued by the Central Criminal Records Exchange, Department of State Police. Use of the Criminal Record Clearance Report Form provides conviction data related to barrier crimes only. Use of the Criminal History Record Report provides a criminal record report which discloses all conviction data.

"Employee" means compensated personnel working at a facility regardless of role, service, age, function or duration of employment at the facility. Employee also includes those individuals hired through a contract to provide services for the facility.

"Facility" means a home for adults, district home for adults or adult day care center subject to licensure by the Department of Social Services.

"Sworn disclosure statement" means the statement to be completed, signed, notarized and submitted for employment. The statement indicates that the individual has neither a conviction nor pending charges in, or outside, the Commonwealth of Virginia of those crimes which act as barriers to employment at the indicated facilities. This is required as specified in § 63.1-173.2. of the Code of Virginia.

## Article 2. Legal Base and Applicability

§ 1.2. Sections 63.1-173.2, 63.1-189.1, and 63.1-194.1 of the Code of Virginia require all employees of homes for adults, district homes for adults, and adult day care centers as defined by Section 63.1-174 of the Code of Virginia, to obtain a criminal record report from the Department of State Police.

Exception: (As set forth in sections 63.1-173.2. and 63.1-189.1 of the Code of Virginia) The provisions of this section shall not apply to volunteers who work with the permission or under the supervision of a person who has received a criminal record report.

§ 1.3. Sections 63.1-173.2 and 63.1-189.1 of the Code of Virginia require all employees of homes for adults, district homes, and adult day care centers to provide the hiring facility with a sworn disclosure statement.

## PART II.

### THE SWORN DISCLOSURE STATEMENT.

§ 2.1. The sworn disclosure statement shall be completed prior to employment.

§ 2.2. Any person making a false statement on the sworn disclosure statement shall be guilty of a Class 1 misdemeanor.

§ 2.3. The sworn disclosure statement shall be attached and filed with the criminal record report.

## PART III. THE CRIMINAL RECORD REPORT.

### Article 1. General Requirements

§ 3.1. The criminal record report shall be obtained on or prior to the 30th day of employment for each employee.

§ 3.2. Any person required by these standards and regulations to obtain a criminal record report shall be ineligible for employment if the report contains convictions of the specified barrier crimes.

§ 3.3. If a criminal history record report is requested, it shall be the responsibility of the licensee to ensure that the employee has not been convicted of any of the

specified barrier crimes.

§ 3.4. Criminal record reports shall be kept confidential. Reports on employees shall only be received by the facility administrator, licensee, board president, or their designee.

§ 3.5. A criminal record report issued by the State Police shall not be accepted by the facility if the report is dated more than 90 days prior to the date of employment.

§ 3.6. Any applicant denied employment because of convictions appearing on his criminal record report shall be provided a copy of the report by the hiring facility.

## Article 2. Validity of Criminal Record Reports

§ 3.7. Facility staff shall accept only the original criminal record report. Photocopies will not be acceptable.

Exception:

A. Facilities using temporary agencies for the provision of relief staff shall request a letter from the agency containing the following information:

1. The name of the relief staff person.

2. The date of employment.

3. A statement verifying that the criminal record report has been obtained within 30 days of employment, is on file at the temporary agency, and does not contain barrier crimes.

B. This letter shall have the same maintenance and retention requirements of a criminal record report.

§ 3.8. Each criminal record report shall be verified by the operator of the facility by matching the name, social security number and date of birth to establish that all information pertaining to the individual cleared through the Central Criminal Record Exchange is exactly the same as another form of identification such as a driver's license. If any of the information does not match, a new criminal history request must be submitted to the Central Criminal Record Exchange with correct information.

§ 3.9. A criminal record report remains valid as long as the employee remains in continuous service at the same facility.

§ 3.10. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by another entity, the criminal record report secured for the prior facility shall not be valid for the new facility. A new criminal record report and sworn disclosure statement shall be required.

Exceptions:

# Emergency Regulations

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A. When an employee transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new criminal record report shall not be required. The file at the previous facility shall contain a statement in the record of the former employee indicating that the original criminal record report has been transferred, or forwarded to the new location.

B. A criminal record report for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired, a new criminal record report and sworn disclosure statement is required.

## Article 3.

### Maintenance of Criminal Record Reports

§ 3.11. The original report shall be maintained at the facility where the person is employed.

§ 3.12. Criminal record reports conforming to the requirements for all employed staff shall be maintained in the files of the facility during the time the individual is employed or volunteering and for one year after termination of work.

Exception: See § 3.10 Subsection A

§ 3.13. Criminal record reports shall be made available by the facility to the licensing representative.

§ 3.14. When an employee is rotated among several facilities owned and operated by the same entity, the original criminal record report shall be maintained at the primary place of work or designated facility location. A copy of the criminal record report shall be on file at the facility where the employee is actively working which has a notation of where the original report is filed.

§ 3.15. Criminal record reports shall be maintained in locked files accessible only to the licensee, administrator, board president, or their designee.

/s/ Larry D. Jackson  
Commissioner  
Date: May 27, 1992

/s/ L. Douglas Wilder  
Governor  
Date: June 4, 1992

/s/ Joan W. Smith  
Registrar  
Date: June 11, 1992

ADULT FACILITIES

DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF LICENSING PROGRAMS

**CRIMINAL HISTORY CLEARANCE REQUEST**

REGISTRAR OF REGULATIONS  
22 JUN - 2

A CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO "VIRGINIA STATE POLICE" FOR \$10.00 MUST ACCOMPANY THIS REQUEST BEFORE A FILE SEARCH WILL BE INITIATED. 23

(SEE INSTRUCTIONS ON REVERSE SIDE.)

MAIL REQUEST TO: VIRGINIA STATE POLICE RECORDS MANAGEMENT DIVISION CENTRAL CRIMINAL RECORDS EXCHANGE P. O. BOX C-85076 RICHMOND, VIRGINIA 23261-7472		FOR OFFICE USE ONLY <input type="checkbox"/> CHARGE <input type="checkbox"/> PAID <input type="checkbox"/> CJA <input type="checkbox"/> No Charge	
1. PERSON NAMED IN RECORD (Please print clearly)			
LAST NAME FIRST	MIDDLE	SEX	RACE DATE OF BIRTH
PLACE OF BIRTH - County or City	PLACE OF BIRTH - State or Country	Social Security Number	
2. As provided for in Section 19.2-389, Code of Virginia, I hereby request criminal record information on the individual named above pertaining to the following offenses as specified in Section 63.1-173.2 and 63.1-189.1: murder; abduction of children for immoral purposes; sexual assault; pandering; crimes against nature involving children; taking indecent liberties with children; abuse and neglect of children; including failure to secure medical attention for an injured child; obscenity offenses; crimes against the person; crimes against property; crimes involving fraud; crimes involving health and safety; crimes involving morals and decency; and abuse of the aged and incapacitated adults.			
3. AUTHORIZED AGENT MAKING REQUEST			
MAIL REPLY TO: Authorized Agent			
NAME		ACCOUNT NUMBER	
STREET/RFD			
CITY	STATE	ZIP CODE	
4. I hereby swear or affirm that I am authorized by Section 19.2-389, Code of Virginia, to request and receive the criminal record information specified in section 2 above and will not further disseminate the information received, except as provided by law.			
Signature of Authorized Agent			
State of _____ County/City of _____, to wit			
Subscribed and sworn to before me this _____ day of _____, 19 _____			
My commission expires _____, 19 _____			
Signature of Notary Public			

PLEASE FOLD REPLY AT MARKS INDICATED

**NOTICE**

RESPONSE BASED ON COMPARISON OF REQUESTOR FURNISHED INFORMATION AGAINST A MASTER NAME INDEX CONTAINED IN THE FILES OF THE VIRGINIA STATE POLICE CENTRAL CRIMINAL RECORDS EXCHANGE ONLY.

NO CONVICTION DATA       NO CRIMINAL RECORD - NAME SEARCH ONLY

Department of State Police, Central Criminal Records Exchange

Date \_\_\_\_\_ By \_\_\_\_\_

ADULT FACILITIES

**INSTRUCTIONS**

The Criminal History Clearance Request Form is to be used when requesting a criminal record search for clearance of the specified offenses as outlined in Sections 63.1-173.2 and 63.1-189.1, Code of Virginia. This request does not require the notarized signature of the individual for whom the search is requested. However, it does require the notarized signature of the authorized agent making the request. The authorized agent is the facility administrator or Board president. Section 19.2-389, Code of Virginia, permits release of this information to licensed homes for adults, licensed district homes for adults, and licensed day-care centers for adults for the conduct of investigations of applicants for compensated employment.

To receive all conviction data on an individual, the State Police Criminal History Record Request (SP-167) must be submitted.

Complete the Criminal History Clearance Request Form by completing the information required in the appropriate blocks.

Section One: Complete name and address of the person named in the record, including sex, race, date of birth, place of birth, and Social Security number.

Section Three: Complete the name, street address, and city, state and zip code for the authorized agent of the hiring facility to receive the information. If your facility has an account with the State Police, fill in the account number in this section. PLEASE PRINT LEGIBLY. This form will be returned using this block in a window envelope.

Section Four: The authorized agent of the hiring facility must sign in the presence of a Notary Public.

The appropriate fee must be attached to each request if an account has not been established with the State Police.

The original and copy must be forwarded to the address shown on the front of this form. The State Police will return the original to the authorized agent after processing the request.



COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

MEMORANDUM

REGISTRAR OF REGULATIONS  
92 JUN -9 AM 11:23

Supreme Court Building  
101 North Eighth Street  
Richmond, Virginia 23219  
804-785-2071

Mary Sue Terry  
Attorney General

ADULT FACILITIES

DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF LICENSING PROGRAMS

SWORN DISCLOSURE STATEMENT

REGISTRAR OF REGULATIONS  
92 JUN -9 AM 11:23

INSTRUCTIONS:

Effective July 1, 1992 Sections 63.1-273.2 and 63.1-189.1, Code of Virginia, require that prior to employment a sworn disclosure statement or affirmation be completed by each applicant for employment at a licensed home for adults, licensed adult day care center, and licensed district home for adults when the duties of the employee will require them to be alone with patients.

Please print the information required in section one.

Convictions of the felony offenses specified in section two prohibit employment. Please read carefully and sign where indicated in the presence of a notary.

This statement must be provided to and maintained at the licensed adult facility.

PLEASE PRINT:

1. LAST NAME	FIRST	MIDDLE	Social Security Number		
Current Mailing Address		Street or P.O. Box No., Apt. No.	City	State	Zip
Name of licensed facility/provider			Street	City	Zip

2. SWORN DISCLOSURE STATEMENT

The disclosure statement must be signed in the presence of a notary by the individual requesting clearance.

I HAVE NOT been convicted of and I AM NOT the subject of pending charges for the following offenses: murder; abduction for immoral purposes; sexual assault; pandering; obscenity offenses; crimes against the person; crimes against property; crimes involving fraud; crimes involving health and safety; crimes involving morals and decency; and abuse of the aged and incapacitated adults within the Commonwealth or any equivalent offenses outside the Commonwealth. Any person making a materially false statement regarding any such offenses shall be guilty upon conviction of a Class 1 misdemeanor.

Signature of person named above

County/City of \_\_\_\_\_; State of \_\_\_\_\_

subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My commission expires \_\_\_\_\_, 19\_\_\_\_

Notary Public

TO: CHERYL W. WORRELL, Program Development Supervisor  
Division of Licensing Programs  
Department of Social Services

FROM: ROGER L. CHAFFE  
Senior Assistant Attorney General

DATE: May 20, 1992

SUBJECT: REQUEST FOR ASSURANCE OF STATE BOARD AUTHORITY TO REVISE REGULATIONS

By now you have received Gaye Lynn Taxey's memorandum of May 19 on the above.

Subject to her comments and to those set out in my May 15 memorandum to you, the Board has the authority to promulgate the regulations attached to your May 8 memorandum to me, provided the changes necessitated by the 1992 legislation referenced by Gaye Lynn are not effective before July 1.

It is my understanding that the prior approval of the Governor will be sought to promulgate these as emergency regulations, consistent with the provisions of § 9-6.14:4.1(C)(5) of the Code.

If you need more or would like to discuss, please advise.

64m451  
17-16-9

cc: Larry D. Jackson  
Peggy Friedenber  
Gaye Lynn Taxey

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# STATE CORPORATION COMMISSION

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STATE CORPORATION COMMISSION

AT RICHMOND, MAY 28, 1992

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS860166

Ex Parte: In the matter of  
determination of activation of  
joint underwriting association

## ORDER APPROVING PLAN OF DISSOLUTION

ON A FORMER DAY came the Virginia Medical Malpractice Joint Underwriting Association ("Association"), by counsel, and, pursuant to Commission order, filed with the Clerk of the Commission a Plan of Dissolution (the "Plan"); and

THE COMMISSION, having considered the Plan, the recommendation of the Bureau of Insurance that the Plan be approved and the law applicable hereto, is of the opinion that the Plan should be approved;

THEREFORE, IT IS ORDERED that the Plan of Dissolution of the Virginia Medical Malpractice Joint Underwriting Association, which is attached hereto and made a part hereof, be, and it is hereby, APPROVED.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Donald G. Owens, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122, Counsel for the Association; and the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister.

### Plan of Dissolution

1. Purpose of Plan. The purpose of this plan of dissolution ("Plan") is to provide for the termination of the underwriting operations of the Virginia Medical Malpractice Joint Underwriting Association ("Association") and, after such operations have terminated, to provide for the orderly dissolution of the Association.

2. Authority for Plan. This Plan has been prepared in accordance with the order of the State Corporation Commission ("Commission") dated February 5, 1992 ("February 5, 1992 Order") in Case No. INS860166, the Association's Plan of Operations, and the provisions of Chapter 28 of Title 38.2 of the Code of Virginia.

3. Adoption and Approval of Plan. The Plan was approved by the Board of Directors of the Association on March 26, 1992. The Plan shall be submitted to the Commission for its consideration and approval, and when approved by order of the Commission, shall be the plan of

dissolution for the Association.

4. Termination of Underwriting Operations. In accordance with the Commission's order of December 9, 1991, the Association ceased accepting new business on January 1, 1992. Since that date the only underwriting operations of the Association have been the renewal of policies outstanding prior to January 1, 1992, and issuance of extended reporting period and endorsements for policies that have not been renewed. With the approval of the commission, the Association shall cease all underwriting operations on or before November 30, 1993. The Association shall not renew any policy for more than one year and shall not renew any outstanding policy after November 30, 1992, and thereafter shall issue only extended reporting period and endorsements to its policyholders. No extended reporting period endorsement shall be issued after December 18, 1993.

5. Notification of Policyholders. In accordance with the February 5, 1992 Order, upon approval of this Plan by order of the Commission, the Association shall notify policyholders and their agents of the contents of this Plan, including the dates after which it shall not issue policy renewals or extended reporting period endorsements, and of any changes in this Plan that the Commission may direct.

6. Transfer of Policies In Force/Alternative Coverage. In conjunction with the termination of its underwriting operations, the Association shall seek to transfer by November 30, 1992 all outstanding policies, including any for which the extended reporting period has not expired (all such policies being referred to collectively herein as "policies in force") to one or more carriers approved by the Commission and have such carrier or carriers assume such policies. To accomplish such transfers, the Association may engage such brokers, agents, actuaries, consultants, and others, may offer to pay the reasonable expenses of prospective carriers, and may pay such premiums or other compensation to any carrier or carriers assuming such insurance, all as the Board of Directors of the Association may from time to time determine to be appropriate. Should the Association not be able to transfer all policies in force, the Association shall endeavor to assist individual policyholders in securing alternative sources of coverage by providing prospective insurers with such relevant information as the Association is authorized to provide. The Association may refund to any policyholder who surrenders his policy all or any portion of the premium which has been paid thereon as its Board of Directors may deem appropriate.

If the Association is unable to transfer policies in force to an approved carrier or carriers by November 30, 1992, subject to the provisions of paragraph 4 of this Plan, it shall continue to provide coverage under all policies in force until such later time as the policies in force can be transferred to another approved carrier or carriers or until such time as all applicable statutory limitation for potential liabilities under the extended reporting period



# State Corporation Commission

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endorsements have expired.

7. Valuation of Assets and Liabilities. In response to the February 5, 1992 Order, the attached documents are included for the purpose of showing the value of the assets and liabilities of the Association:

- i) Annual Statement for the year ended December 31, 1991, as filed with the Commission,
- ii) Unaudited financial statements dated February 29, 1992, prepared by The Medical Protective Company,
- iii) Reserve study dated January 27, 1992, prepared by Ernst & Young,
- iv) Financial examination report dated December 13, 1991, prepared by the Bureau of Insurance.

The Association expects that an actuarial study will be performed in connection with any proposed offer to transfer policies in force to an approved carrier or carriers.

8. Actions After Termination of Underwriting Operations. Once the Association has ceased all underwriting operations by order of the Commission, it shall be subject during its continued existence to the following:

- i) the Association shall remain in existence for the sole purpose of completing its orderly dissolution,
- ii) the Association shall pay its debts and other monetary obligations, including claims made against policies in force that have not been transferred,
- iii) to the extent funds are available after paying its debts and other monetary obligations, the Association shall refund to all of its members all preliminary assessments, contributions and other funds paid by the members to the Association that have not been reimbursed prior to dissolution, with such refunds to be made ratably (based upon the aggregate amount of such assessments and other payments) to the extent sufficient funds are not available to refund all such amounts, and
- iv) the Board of Directors of the Association shall satisfy and discharge the Association's other obligations and, subject to the approval of the Commission, shall do all other acts required to conclude its business affairs, including but not limited to, transfer of its policies in force to approved carriers.

9. Disbursement of Funds Upon Dissolution. Upon dissolution, all moneys remaining in the Association, after final disposition of all claims, expenses and liabilities against the Association and payment of other amounts specified in paragraph 8 of this Plan, shall, upon the determination of the Board of Directors of the Association, be paid to the Stabilization Reserve Fund for the benefit

of the policyholders.

10. Dissolution. The Association shall notify the Commission in writing when it has met its obligations incident to the termination of its business. Upon a finding by the Commission that the Association has met its obligations incident to the termination of its business, the Commission shall, pursuant to Va. Code § 38.2-2802B, issue a certificate of dissolution and thereupon the Association shall be dissolved and the existence of the Association shall cease.

11. Revocation or Amendment of Plan. With the approval of the Commission, this Plan may be revoked or amended at any time prior to the issuance of the certificate of dissolution by the Commission by action of the association's Board of Directors.

12. Tax Returns. Prior to or after the termination of the existence of the Association, the Chairman of the Association shall execute and file all tax returns and other documents required under applicable law to be filed by the Association in connection with its dissolution.

## PROPOSED REGULATION

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 4, 1992

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI920237

Ex Parte, in re: Adoption of  
a revised regulation governing non-  
profit debt counseling agencies,  
pursuant to Va. Code § 6.1-363.1

### ORDER DIRECTING NOTICE AND SETTING A HEARING

The Commissioner of Financial Institutions gave notice April 2, 1992, to interested persons of a proposed regulation, "Non-profit Debt Counseling Agencies", which is attached to and made part of this Order. The proposed regulation would revise and replace an existing Regulation, VR225-01-1001, which implements Va. Code § 6.1-363.1. A copy of the proposed regulation was attached to the Commissioner's notice, which invited comments and requests for a hearing. Now it appearing appropriate to do so,

IT IS ORDERED:

(1) That a hearing on the proposed regulation be held July 21, 1992 at 2:00 p.m. in the Commission's Courtroom, Jefferson Building, Bank and Governor Streets, Richmond, Virginia, at which time and place any interested person may appear and be heard;

(2) That notice of the hearing be published in the Richmond Times Dispatch not later than June 30, 1992, with information about obtaining a copy of the proposed regulation;

(3) That the proposed regulation and notice of the hearing be published in the Virginia Register of Regulations; and

(4) That those persons who previously received notice of the proposed regulation be informed of the date and time of the hearing.

AN ATTESTED COPY of this Order shall be sent to each licensed debt counseling agency and to such others as the Commissioner of Financial Institutions may deem appropriate.

## VIRGINIA REGULATION 225-01-1001

### NON-PROFIT DEBT COUNSELING AGENCIES

#### PROPOSED

JUNE 3, 1992

#### I. ACTIVITY REQUIRING A LICENSE; POWERS AND LIMITATIONS OF LICENSED AGENCIES

Debt counseling agencies engage, generally, in educating the public regarding the use of credit and in giving advice to individuals and families about the management of personal finances; these activities alone do not require a license. However, Virginia Code § 54.1-3905 provides:

The furnishing of advice or services for compensation to a debtor in connection with a debt-pooling plan pursuant to which the debtor deposits funds for the purpose of distributing them among his creditors, except as authorized for nonprofit agencies pursuant to § 6.1-363.1, shall be deemed to be practicing law. Any person or agency not so authorized or who is not a member of the Virginia State Bar who furnishes or offers to furnish such advice or services for compensation shall be guilty of a Class 1 misdemeanor.

A non-profit debt counseling agency that has been issued a license pursuant to Va. Code § 6.1-363.1 and this regulation is thus permitted to devise, negotiate, and administer debt-pooling plans without being deemed to engage in the unauthorized practice of law. Beyond what § 54.1-3905 expressly allows, a licensed debt counseling agency may not perform legal services or give legal advice. An agency may not charge a fee to a debtor or receive any compensation from a debtor whom it renders services. See Va. Code § 6.1-363.1.

#### II. LICENSING

##### A. Qualifications for a license; procedure

An application for a license to operate a debt counseling agency shall be submitted on a form prescribed by the Bureau of Financial Institutions. The form is to be completed in accordance with instructions and filed with the applicable fee.

Upon receiving a completed application, the Bureau will conduct an investigation. A license will be issued if, from the application and the report of investigation, the Commissioner of Financial Institutions finds:

(1) that the applicant is (or will be) a non-profit organization,

(2) that the applicant will be under the direction of individuals who are qualified by experience, reputation, ability and general fitness to direct the affairs of a debt counseling agency,

(3) that the day-to-day operation of the applicant will be managed by one or more individuals who are qualified by experience, business ability, financial responsibility, and character to perform such duties,

(4) that the applicant has arranged for adequate financial support and for sufficient bond coverage, and

(5) that the applicant has made acceptable provision for the avoidance of conflicts of interest.

A license will not be issued to a collection agency, or to any creditor or association of creditors, or to any credit-granting organization or association of such organizations. No more than one-third of the members of an agency's board of directors may be associated with creditors or credit-granting organizations as officers, directors, or employees. For purposes of this regulation the term "creditor or credit-granting organization" does not include doctors, lawyers, or other professionals who receive payment for their services in installments, nor does the term include persons whose only participation in a credit transaction is to honor a credit card.

If a license is not issued, the fee will be refunded.

##### B. Additional licenses; relocation of an office.

Licenses for additional offices may be obtained upon application to, and approval by, the Commissioner. An application for an additional office shall be submitted on a prescribed form and filed with the applicable license fee.

Upon receiving a completed application, the Bureau will make an investigation. If it appears that the record of the licensee warrants belief that it will operate the additional office fairly, honestly, and in accordance with law, and that the licensee is capable of managing the expanded operation, an additional license will be issued.

# State Corporation Commission

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The relocation of an office of an agency will be treated as an application for an additional office.

## C. Annual renewal.

A licensee shall request renewal in writing by March 25 of each year for each of its licenses; however, the requirement that a license be renewed annually shall not begin until the license has been issued for at least one year. Such a request must be accompanied by (a) a financial statement of the licensee as of December 31 of the preceding calendar year, (b) a list of licensed locations for renewal, (c) a list of the directors and officers of the licensee showing their position and business address, and (d) the required license fee for each location. The payment accompanying a request for annual renewal will constitute the license fees for the fiscal year ending the next June 30.

The Commissioner will renew the licenses, as requested, unless he finds that the licensee lacks the general fitness calculated to command the confidence of the public and warrant belief that it will operate fairly, honestly, and in accordance with law. If a license is not renewed, the fee for renewal will be refunded.

## D. Licensing authority delegated.

The authority to grant or deny licenses to operate non-profit debt counseling agencies has been delegated to the Commissioner of Financial Institutions, subject to review by the Commission. (See VR 225-01-0001.)

E. Posting of licenses; closing an office; change in officers or directors.

A license shall be posted prominently in each place of business of the licensee.

A licensee shall notify the Commissioner in writing within 10 days of the closing of any office. A licensee shall notify the Commissioner in writing of the name, address and position (or, occupation or profession) of each new office manager or director within 10 days after his appointment or election. It shall provide such other information with respect to any such change as the Commissioner may reasonably require.

## F. Use of Assumed Name

A licensee may transact business using an assumed name, if the licensee first notifies the Bureau of the assumed name under which it will transact business, and if it also has complied with the requirements of Va. Code § 59.1-69.

G. Transfer of a license prohibited; suspension or revocation.

A license may not be transferred or assigned. The Commission may revoke or suspend a license, if it finds

that a licensee has violated an applicable law or regulation.

## III. OPERATION

### A. Personnel.

A licensee must be a non-profit organization, and it must maintain appropriate safeguards against conflicts of interest in the conduct of its counseling activities. A debt counseling agency shall not employ any person who is employed at the same time by a creditor or collection agency.

If any officer, director or employee of a licensed agency is convicted of any crime other than a misdemeanor under the Motor Vehicle Code, or if any such person makes an assignment for the benefit of creditors or seeks the protection of the bankruptcy laws, the agency shall advise the Commissioner of the facts in the matter, in writing, within ten (10) days of the occurrence.

### B. Trust Account.

The operating monies of a debt counseling agency shall be kept separate from the funds entrusted by debtors to such agencies for disbursement to creditors. Debtors' funds shall be kept in a trust account, held in the name of the licensee by an insured depository institution.

### C. Handling of Funds and Information.

Employees of a debt counseling agency shall be bonded in an amount commensurate with the sums with which they are entrusted in the ordinary course of business. As far as is practicable, checks and money orders - not cash - should be used. Receipts must be given in the case of cash transactions. Good business practices should be observed as to (1) internal controls, and (2) the security of funds.

Licensees shall, insofar as may be in accordance with law, preserve the confidentiality of information pertaining to a debtor, and release such information to creditors (or others) with authorization from the debtor and in furtherance of the debtor's interests. Information concerning a debtor or his affairs shall be protected even after his relationship with an agency has ended.

### D. Records, reports, examinations.

An agency shall keep for five years its accounts, correspondence, papers, and other records. In addition to the information provided on annual renewal of licenses (Section II C, above), an agency shall make such other reports as may be required by the Bureau.

The Bureau may inspect at any time all accounts, correspondence, papers, and other records of an agency for the purpose of determining whether it is in compliance with applicable laws and regulations. The Bureau shall

inspect each agency at least once every three years.

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# STATE LOTTERY DEPARTMENT

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## DIRECTOR'S ORDER NUMBER FOURTEEN (92)

### "FULL THROTTLE"; PROMOTIONAL GAME AND DRAWING RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Full Throttle" promotional game and drawing rules for the kickoff events which will be conducted at various lottery retailer locations throughout the Commonwealth on Thursday, June 4, 1992. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until June 30, 1992, unless otherwise extended by the Director.

/s Kenneth W. Thorson  
Director  
Date: May 22, 1992

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## DIRECTOR'S ORDER NUMBER FIFTEEN (92)

### "RED HOT SUMMER CASH"; VIRGINIA LOTTERY RETAILER SALES PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Red Hot Summer Cash" Virginia Lottery Retailer Sales Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, July 20, 1992 through Sunday, September 27, 1992. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: May 27, 1992

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## DIRECTOR'S ORDER NUMBER SIXTEEN (92)

### VIRGINIA'S TWENTY-SEVENTH INSTANT GAME LOTTERY; "FULL THROTTLE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's twenty-seventh instant game lottery, "Full Throttle." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: June 1, 1992

## EMERGENCY REGULATION

Title of Regulation: VR 447-02-2. On-Line Game Regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Dates: June 4, 1992 through June 3, 1993.

### Preamble:

*The State Lottery Department recommends approval of the Department's request to adopt an emergency regulation to amend its on-line game regulations to reduce the potential of the purchase of large blocks of on-line lottery tickets. The regulation eliminates the requirement that only lottery-issued playslips be used. However, it does stipulate that any playslip used must be manually marked and not marked by any electro-mechanical, electronic printing or other automated device. Any playslips marked by other means and any tickets produced using those playslips are invalid and subject to seizure by the department.*

*The Governor's approval of this emergency regulation will allow the State Lottery Department to enhance current procedures and to serve the general public better. As provided in the Code of Virginia, §*

9-6.14:4.1, subsection C, paragraph 5, the agency shall receive, consider, and respond to petition by any interested person at any time with respect to reconsideration or revision.

## VR 447-02-2. On-Line Game Regulations.

### PART I. ON-LINE GAMES.

#### § 1.1. Development of on-line games.

The director shall select, operate, and contract for the operation of on-line games which meet the general criteria set forth in these regulations. The board shall determine the specific details of each on-line lottery game after consultation with the director. These details include, but are not limited to:

1. The type or types of on-line lottery games;
2. Individual prize amounts and overall prize structure;
3. Types of noncash prizes, if any;
4. The amount and type of any jackpot or grand prize which may be awarded and how awarded; and
5. Chances of winning.

#### § 1.2. General definitions for on-line games.

*"Auto pick"* means the same as "easy pick."

*"Breakage"* means the fraction of a dollar not paid out due to rounding down and shall be used exclusively to fund prizes.

*"Cancelled ticket"* means a ticket that (i) has been placed into the terminal, whereupon the terminal must read the information from the ticket and cancel the transaction or (ii) whose validation number has been manually entered into the terminal via the keyboard and cancelled.

*"Certified drawing"* means a drawing in which a lottery official and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination has occurred.

*"Drawing"* means a procedure by which the lottery randomly selects numbers or items in accordance with the specific game rules for those games requiring random selection of number(s) or item(s).

*"Duplicate ticket"* means a ticket produced by any means other than by an on-line terminal with intent to imitate the original ticket.

*"Easy pick"* means computer generated numbers or

items.

*"On-line game"* means a lottery game, the play of which is dependent upon the use of an on-line terminal in direct communication with an on-line game main frame operated by or at the direction of the department.

*"On-line lottery retailer"* means a licensed lottery retailer who has entered an agreement with the department to sell on-line tickets.

*"On-line system"* means the department's on-line computer system consisting of on-line terminals, central processing equipment, and a communication network.

*"On-line terminal"* means computer hardware through which a combination of numbers or items is selected or generated and through which on-line tickets are generated and claims may be validated.

*"On-line ticket"* means a computer-generated ticket issued by an on-line lottery retailer to a player as a receipt for the numbers, or items or combination of numbers or items the player has selected.

*"Play"* means a wager on a single set of selected numbers.

*"Player-selected item"* means a number or item or group of numbers or items selected by a player in connection with an on-line game. Player-selected items include selections of items randomly generated by the computer on-line system. Such computer-generated numbers or items are also known as "auto picks," "easy picks" or "quick picks."

*"Quick pick"* means the same as "easy pick."

*"Retailer,"* as used in these on-line game regulations, means a licensed on-line lottery retailer, unless the context clearly requires otherwise.

*"Roll stock"* means the paper roll placed into the lottery retailer terminals from which a unique lottery ticket is generated by the computer, displaying the player selected item(s) or number(s).

*"Share"* means a percentage of ownership in a winning ticket.

*"Subscription game"* means a lottery game in which the player can purchase on-line game tickets through the mail, for a specific period of time, and for which the player is automatically entered in each on-line drawing during the period for which the subscription is purchased.

*"Subscription ticket"* means an on-line ticket which provides the ability to play a specific number of games utilizing the same numbers, selected by the player, for a period of consecutive weeks as specified on the ticket.

# State Lottery Department

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"Validation" means the process of determining whether an on-line ticket presented for payment is a winning ticket.

"Validation number" means a unique number assigned by the on-line central computer and printed on the front of each on-line ticket which is used for validation.

"Winning combination" means two or more items or numbers selected by a drawing.

## § 1.3. Prize structure.

The prize structure for any on-line game shall be designed to return to winners approximately 50% of gross sales.

A. The specific prize structure for each type of on-line game shall be determined in advance by the board.

B. From time to time, the board may determine temporary adjustments to the prize structure to account for breakage or other fluctuations in the anticipated redemption of prizes.

## § 1.4. Drawing and selling times.

A. Drawings shall be conducted at times and places designated by the director and publicly announced by the department.

B. On-line tickets may be purchased up to a time prior to the drawing as specified in the on-line drawing rules. That time will be designated by the director.

## § 1.5. Ticket price.

A. The sale price of a lottery ticket for each game will be determined by the board. These limits shall not operate to prevent the sale of more than one lottery play on a single ticket. Unless authorized by the board, lottery retailers may not discount the sale price of on-line game tickets or provide free lottery tickets as a promotion with the sale of on-line tickets. This section shall not prevent a licensed retailer from providing free on-line tickets with the purchase of other goods or services customarily offered for sale at the retailer's place of business; provided, however, that such promotion shall not be for the primary purpose of inducing persons to participate in the lottery. (see § 1.9)

B. This section shall not apply to the redemption of a winning on-line game ticket the prize for which is another free ticket.

## § 1.6. Ticket cancellation.

A ticket may be cancelled and a refund of the purchase price obtained at the request of the bearer of the ticket under the following conditions:

1. To be accepted for cancellation, the ticket must be presented to the lottery retailer location at which the ticket was sold, prior to the time of the drawing and within the same business day it was purchased.

2. Cancellation may only be effected by the following two procedures:

a. Inserting the ticket into the lottery terminal, whereupon the terminal must read the information from the ticket and cancel the transaction.

b. After first determining that the preceding procedure cannot be utilized successfully to cancel the ticket, the terminal operator may cancel the ticket by manually entering the ticket validation number into the terminal via the keyboard.

Any ticket which cannot be cancelled by either of these procedures remains valid for the drawing for which purchased. Any ticket which is mutilated, damaged or has been rendered unreadable, and cannot be inserted into or read by the lottery terminal or whose validation number cannot be read and keyed into the terminal, cannot be cancelled by any other means.

3. The cancelled ticket must be surrendered by the bearer to the retailer.

4. On a case-by-case basis, credit may be provided to retailers for tickets which could not be cancelled by either of the two methods described in § 1.6 2. Such credit may be given provided unusual, verifiable circumstances are present which show that the department's computer system could not accept the cancellation within the same day the ticket was purchased or that the ticket was produced by an unusual retailer error. The retailer must notify the department's Hotline prior to the time of the drawing and within the same business day the ticket was purchased.

5. The director may approve credit for other cancellation requests not described in this section.

6. The lottery's internal auditor will audit cancelled tickets on a sample basis.

## § 1.7. Chances of winning.

The director shall publicize the overall chances of winning a prize in each on-line game. The chances may be printed in informational materials.

## § 1.8. Licensed retailers' compensation.

A. Licensed retailers shall receive 5.0% compensation on all net sales from on-line games. "Net sales" are gross sales less cancels.

B. The board shall approve any bonus or incentive system for payment to retailers. The director will publicize any such system by administrative order. The director may then award such cash bonuses or other incentives to retailers.

## § 1.9. Retailers' conduct.

A. Retailers shall sell on-line tickets at the price fixed by the board, unless the board allows reduced prices or ticket give-aways.

B. All ticket sales shall be for cash, check, cashier's check, traveler's check or money order at the discretion of and in accordance with the licensed retailer's policy for accepting payment by such means. A ticket shall not be purchased with credit cards, food stamps or food coupons.

C. All ticket sales shall be final. Retailers shall not accept ticket returns except as allowed by department regulations or policies, or with the department's specific approval.

D. Tickets shall be sold during all normal business hours of the lottery retailer when the on-line terminal is available unless the director approves otherwise.

E. Tickets shall be sold only at the location listed on each retailer's license from the department.

F. On-line retailers must offer for sale all lottery products offered by the department.

G. An on-line game ticket shall not be sold to, purchased by, given as a gift to or redeemed from any individual under 18 years of age.

H. On-line retailers shall furnish players with proper claim forms provided by the department.

I. On-line retailers shall post winning numbers prominently.

J. On-line retailers and employees who will operate on-line equipment shall attend training provided by the department and allow only trained personnel to operate terminals.

K. Unsupervised retailer employees who sell or otherwise vend lottery tickets must be at least 18 years of age. Employees not yet 18 but at least 16 years of age may sell or vend lottery tickets so long as they are supervised by the manager or supervisor in charge at the location where the tickets are being sold.

## § 1.10. End of game; suspension.

The director may suspend or terminate an on-line game without advance notice if he finds that this action will serve and protect the public interest.

## PART II.

### LICENSING OF RETAILERS FOR ON-LINE GAMES.

#### § 2.1. Licensing.

##### A. Generally.

The director may license persons as lottery retailers for on-line games who will best serve the public convenience and promote the sale of tickets and who meet the eligibility criteria and standards for licensing.

B. For purposes of this part on licensing, "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies and instrumentalities of the Commonwealth, including its counties, cities, and towns.

#### § 2.2. Eligibility.

##### A. Eighteen years of age and bondable.

Any person who is 18 years of age or older and who is bondable may be considered for licensure, except no person may be considered for licensure:

1. Who will be engaged primarily in the business of selling lottery tickets; or
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as board member, officer or employee of the department; or
3. Who is a vendor to the department of instant or on-line lottery tickets or goods or data processing services, whose tickets, goods or services are provided directly to the lottery department, or whose business is owned by, controlled by, or affiliated with a vendor of instant or on-line lottery tickets or goods or data processing services whose tickets, goods or services are provided directly to the lottery department.

##### B. Form submission.

The submission of forms or data for licensure does not in any way entitle any person to receive a license to act as an on-line lottery retailer.

#### § 2.3. General standards for licensing.

##### A. Selection factors for licensing.

The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing



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or renewing a license:

1. The financial responsibility and integrity of the retailer, to include:

a. A credit and criminal record history search or when deemed necessary a full investigation of the retailer;

b. A check for outstanding delinquent state tax liability;

c. A check for required business licenses, tax and business permits; and

d. An evaluation of physical security at the place of business, including insurance coverage.

2. The accessibility of his place of business to public, to include:

a. The hours of operation compared to the on-line system selling hours;

b. The availability of parking including ease of ingress and egress to parking;

c. Public transportation stops and passenger traffic volume;

d. The vehicle traffic density, including levels of congestion in the market area;

e. Customer transaction count within the place of business;

f. Other factors indicating high public accessibility and public convenience when compared with other retailers; and

g. Adequate space and physical layout to sell a high volume of lottery tickets efficiently.

3. The sufficiency of existing lottery retailers to serve the public convenience, to include:

a. The number of and proximity to other lottery retailers in the market area;

b. The expected impact on sales volume of potentially competing lottery retailers;

c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers; and

d. The population to terminal ratio, compared to other geographical market areas.

4. The volume of expected lottery ticket sales, to include:

a. Type and volume of the products and services sold by the retailer;

b. Dollar sales volume of the business;

c. Sales history of the market area;

d. Sales history for instant tickets, if already licensed as an instant retailer;

e. Volume of customer traffic in place of business; and

f. Market area potential, compared to other market areas.

5. The ability to offer high levels of customer service to on-line lottery players, including:

a. A history demonstrating successful use of lottery product related promotions;

b. Volume and quality of point of sale display;

c. A history of compliance with lottery directives;

d. Ability to display jackpot prize amounts to pedestrians and vehicles passing by;

e. A favorable image consistent with lottery standards;

f. Ability to pay prizes less than \$600 during maximum selling hours, compared to other area retailers;

g. Commitment to authorize employee participation in all required on-line lottery training; and

h. Commitment and opportunity to post jackpot levels near the point of sale.

B. Additional factors for selection.

The director may develop and, by director's order, publish additional criteria which, in the director's judgment, are necessary to serve the public interest and public trust in the lottery.

C. Filing of forms with the department.

After notification of selection as an on-line lottery retailer, the retailer shall file required forms with the department. The retailer must submit all information required to be considered for licensing. Failure to submit required forms and information within the times specified in these regulations may result in the loss of the opportunity to become or remain a licensed on-line retailer. The forms to be submitted shall include:

1. Signed retailer agreement;

2. Signed EFT Authorization form with a voided check or deposit slip from the specified account; and

3. Executed bond requirement.

## § 2.4. Bonding of lottery retailers.

### A. Approved retailer to secure bond.

A lottery retailer approved for licensing shall obtain a surety bond in the amount of \$10,000 from a surety company entitled to do business in Virginia. If the retailer is already bonded for instant games, a second bond will not be required. However, the amount of the original bond must be increased to \$10,000. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$10,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.

2. Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "On-Line License Approval Notice" to the State Lottery Department to be filed with his record.

### B. Continuation of surety bond on annual license review.

A lottery retailer whose license is being reviewed shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the annual license review period; and

2. Submit the surety company's letter or certificate with the required annual license review fee to the State Lottery Department.

### C. Sliding scale for surety bond amounts.

The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded. Such sliding scale may require a surety bond amount either greater or lesser than the amount fixed by subsection A of this section.

### D. Effective date for sliding scale.

The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety

bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next renewal action.

## § 2.5. Lottery bank accounts and EFT authorization.

### A. Approved retailer to establish lottery bank account.

A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the automatic clearing house (ACH) system. A single bank account may be used for both on-line and instant lottery business.

### B. Retailer's use of lottery account.

The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed by or due to the retailer from the sale of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

### C. Retailer responsible for bank charges.

The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

### D. Retailer to authorize electronic funds transfer.

Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "On-Line Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department recording the establishment of his account.

### E. Change in retailer's bank account.

If a retailer finds it necessary to change his bank account from one bank account to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

### F. Director to establish EFT account settlement schedule.

The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

§ 2.6. Deposit of lottery receipts; interest and penalty for late payment; dishonored EFT transfers or checks.

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## A. Payment due date.

Payments shall be due as specified by the director in the instructions to retailers regarding the settlement of accounts.

## B. Penalty and interest charge for late payment.

Any retailer who fails to make payment when payment is due will have his on-line terminal inactivated. The retailer will not be reactivated until payment is made by cashiers check, certified check or wire transfer. Additionally, interest will be charged on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954, as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

## C. Service charge for dishonored EFT transfer or bad check.

In addition to the penalty authorized by subsection B of this section, the director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

## D. Service charge for debts referred for collection.

If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt incurred by the department and the agencies to which the debt is referred.

## E. Service charge, interest and penalty waived.

The service charge, interest and penalty charges may be waived when the event which would otherwise cause a service charge, interest or penalty to be assessed is not in any way the fault of the lottery retailer. For example, a waiver may be granted in the event of a bank error or lottery error.

## § 2.7. License term and annual review.

### A. License term.

A general on-line license for an approved lottery retailer shall be issued on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board. A general on-line license requires the retailer to sell both on-line and instant lottery tickets.

### B. Annual license review.

The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license reviews and allow for the proration of annual license fees. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

### C. Amended license term.

The annual fee for an amended license will be due on the same date as the fee for the license it replaced.

### D. Special license.

The director may issue special licenses. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest.

### E. Surrender of license certificate.

If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

## § 2.8. License fees.

### A. License fee.

The fee for a lottery retailer general license to sell on-line game tickets shall be \$25. Payment of this fee shall entitle the retailer to sell both on-line and instant game tickets. The general license fee to sell on-line game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

### B. Annual license fee.

The annual fee for a lottery retailer general license to sell on-line game tickets shall be an amount determined by the board at its November meeting or as soon thereafter as practicable for all reviews occurring in the next calendar year. The fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The fee shall be paid for each location for which a license is. This fee is nonrefundable. The fee shall be submitted within the 30 days preceding a retailer's anniversary date.

### C. Amended license fee.

The fee for processing an amended license for a lottery retailer general license shall be an amount as determined by the board at its November meeting or as soon thereafter as practicable for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license shall be submitted in cases where a

business change has occurred.

## § 2.9. Fees for operational costs.

### A. Installation fee.

The fee for initial terminal telecommunications installation for the on-line terminal shall be \$275. This fee may be subject to change based upon an annual cost review by the department.

1. If the retailer has purchased a business where a terminal is presently installed or telecommunication service is available, a fee of \$25 per year shall be charged upon issuance of a new license.

2. No installation fee will be charged if interruption of service to the terminal has not occurred.

### B. Weekly on-line telecommunications line charge.

Each retailer shall be assessed a weekly charge of \$15 per week. This fee may be subject to change based upon an annual cost review by the department.

## § 2.10. Transfer of license prohibited; invalidation of license.

### A. License not transferrable.

A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

### B. License invalidated.

A license shall become invalid in the event of any of the following circumstances:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship);
3. Change in the business owners listed on the original personal data forms for which submission of a personal data form is required under the license procedure.

### C. Amended personal data form required.

A licensed lottery retailer who anticipates any change listed in subsection B must notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended personal data form. The director shall review the changed factors in the same manner that would be required for a review of an original personal data form.

## § 2.11. Denial, suspension, revocation or of license.

### A. Grounds for refusal to license.

The director may refuse to issue a license to a person if the person does not meet the eligibility criteria and standards for licensing as set out in these regulations or if:

1. The person has been convicted of a felony;
2. The person has been convicted of a crime involving moral turpitude;
3. The person has been convicted of any fraud or misrepresentation in any connection;
4. The person has been convicted of bookmaking or other forms of illegal gambling;
5. The person has been convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;
6. The person's place of business caters to or is frequented predominantly by persons under 18 years of age;
7. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;
8. The nature of the person's business is not consonant with the probity of the Commonwealth; or
9. The person has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery.

### B. Grounds for refusal to license partnership or corporation.

In addition to refusing a license to a partnership or corporation under subsection A of this section, the director may also refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A of this section.

### C. Appeals of refusal to license.

Any person refused a license under subsection A or B may appeal the director's decision in the manner provided by VR 447-01-02, Part III, Article 2, § 3.4.

### D. Grounds for suspension, revocation or refusal to continue license.

The director may suspend, revoke, or refuse to continue a license for any of the following reasons:

1. Failure to properly account for on-line terminal

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ticket roll stock, for cancelled ticket, for prizes claimed and paid, or for the proceeds of the sale of lottery tickets;

2. Failure to file or maintain the required bond or the required lottery bank account;

3. Failure to comply with applicable laws, instructions, terms or conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;

4. Conviction, following the approval of the license, of any of the offenses cited in subsection A;

5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules or regulations of the department or board;

6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;

7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers. This failure may be determined by comparison of the retailer's sales to a sales quota established by the director;

8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing process;

9. Failure to comply with lottery game rules;

10. Failure to meet minimum point of sale standards;

11. The person's place of business caters to or is frequented predominantly by persons under 18 years of age;

12. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons; or

13. The nature of the person's business is not consonant with the probity of the Commonwealth.

E. Notice of intent to suspend, revoke or deny continuation of license.

Before taking action under subsection C, the director will notify the retailer in writing of his intent to suspend, revoke or deny continuation of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for

requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

F. Temporary suspension without notice.

If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

G. Surrender of license and lottery property upon revocation or suspension.

A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final accounting of his lottery activities by the date specified by the director.

§ 2.12. Responsibility of lottery retailers.

Each retailer shall comply with all applicable state and federal laws, rules and regulations of the department, license terms and conditions, specific rules for all applicable lottery games, and directives and instructions which may be issued by the director.

§ 2.13. Display of license.

License displayed in general view. Every licensed lottery retailer shall conspicuously display his lottery license in an area visible to the general public where lottery tickets are sold.

§ 2.14. Display of material.

A. Material in general view.

Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

B. Prior approval for retailer-sponsored material.

A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

C. Removal of unapproved material.

The director may require removal of any licensed retailer's lottery promotional material that has not been approved for use by the department.

§ 2.15. Inspection of premises.

Access to premises by department. Each lottery retailer

shall provide access during normal business hours or at such other times as may be required by the director or state lottery representatives to enter the premises of the licensed retailer. The premises include the licensed location where lottery tickets are sold or any other location under the control of the licensed retailer where the director may have good cause to believe lottery materials or tickets are stored or kept in order to inspect the lottery materials or tickets and the licensed premises.

## § 2.16. Examination of records; seizure of records.

### A. Inspection, auditing or copying of records.

Each lottery retailer shall make all books and records pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

### B. Records subject to seizure.

All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

## § 2.17. Audit of records.

The director may require a lottery retailer to submit to the department an audit report conducted by an independent certified public accountant on the licensed retailer's lottery activities. The retailer shall be responsible for the cost of only the first such audit in any one license term.

## § 2.18. Reporting requirements and settlement procedures.

Instructions for ordering on-line terminal ticket roll stock, reporting transactions and settling accounts. Before a retailer may begin lottery sales, the director will issue to him instructions and report forms that specify the procedures for (i) ordering on-line terminal ticket roll stock; (ii) reporting receipts, transactions and disbursements pertaining to on-line lottery ticket sales; and (iii) settling the retailer's account with the department.

## § 2.19. Training of retailers and their employees.

Retailer training. Each retailer or anyone that operates an on-line terminal at the retailer's location will be required to participate in training given by the department for the operation of each game. The director may consider nonparticipation in the training as grounds for suspending or revoking the retailer's license.

## § 2.20. License termination by retailer.

Voluntary termination of license. The licensed retailer may voluntarily terminate his license with the department by first notifying the department in writing at least 30

calendar days before the proposed termination date. The department will then notify the retailer of the date by which settlement of the retailer's account will take place. The retailer shall maintain his bond and the required accounts and records until settlement is completed and all lottery property belonging to the department has been surrendered.

## PART III.

### ON-LINE TICKET VALIDATION REQUIREMENTS.

## § 3.1. Validation requirements.

To be valid, a Virginia lottery on-line game ticket shall meet all of the validation requirements listed here:

1. The original ticket must be presented for validation.
2. The ticket validation number shall be presented in its entirety and shall correspond using the computer validation file to the selected numbers printed on the ticket.
3. The ticket shall not be mutilated, altered, or tampered with in any manner. (see § 3.4)
4. The ticket shall not be counterfeited, forged, fraudulently made or a duplicate of another winning ticket.
5. The ticket shall have been issued by the department through a licensed on-line lottery retailer in an authorized manner.
6. The ticket shall not have been cancelled.
7. The ticket shall be validated in accordance with procedures for claiming and paying prizes. (see §§ 3.10 and 3.12)
8. The ticket data shall have been recorded in the central computer system before the drawing, and the ticket data shall match this computer record in every respect.
9. The player-selected items, the validation data, and the drawing date of an apparent winning ticket must appear on the official file of winning tickets and a ticket with that exact data must not have been previously paid.
10. The ticket may not be misregistered or defectively printed to an extent that it cannot be processed by the department.
11. The ticket shall pass any validation requirement contained in the rules published and posted by the director for the on-line game for which the ticket was issued.
12. The ticket shall pass all other confidential security

# State Lottery Department

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checks of the department.

*13. Playslips may be used to select a player's number or numbers to be played in an on-line game. If a playslip is used to select the player's number or numbers for an on-line game, the playslip number selections shall be manually marked and not marked by any electro-mechanical, electronic printing or other automated device. Any playslip marked by methods other than those authorized by these regulations is invalid and subject to seizure by the department if presented for play at any lottery terminal. Any tickets produced from the use of invalid playslips are also invalid and subject to seizure by the department.*

## § 3.2. Invalid ticket.

An on-line ticket which does not pass all the validation requirements listed in these regulations and any validation requirements contained in the rules for its on-line game is invalid. An invalid ticket is not eligible for any prize.

## § 3.3. Replacement of ticket.

The director may refund the purchase price of an invalid ticket. If a defective ticket is purchased, the department's only liability or responsibility shall be to refund the purchase price of the defective ticket.

## § 3.4. When ticket cannot be validated through normal procedures.

If an on-line ticket is partially mutilated or if the ticket cannot be validated through normal procedure but can still be validated by other validation tests, the director may pay the prize for that ticket.

## § 3.5. Director's decision final.

All decisions of the director regarding ticket validation shall be final.

## § 3.6. Prize winning tickets.

Prize winning on-line tickets are those that have been validated in accordance with these regulations and the rules of the department and determined to be official prize winners. Criteria and specific rules for winning prizes shall be published for each on-line game and available for all players. Final validation and determination of prize winning tickets remain with the department.

## § 3.7. Unclaimed prizes.

A. Except for free ticket prizes, all claims for on-line game winning tickets must be postmarked or received for payment as prescribed in these regulations within 180 days after the date of the drawing for which the ticket was purchased. In the event that the 180th day falls on a Saturday, Sunday or legal holiday, a claimant may redeem

his prize-winning ticket on the next business day only at a lottery regional office.

B. Any on-line lottery cash prize which remains unclaimed after 180 days following the drawing which determined the prize shall revert to the State Literary Fund. Cash prizes do not include free ticket prizes or other noncash prizes such as merchandise, vacations, admissions to events and the like.

C. All claims for on-line game winning tickets for which the prize is a free ticket must be postmarked or received for redemption as prescribed in these regulations within 60 days after the date of the drawing for which the ticket was purchased. In the event that the 60th day falls on a Saturday, Sunday or legal holiday, a claimant may only redeem his prize-winning ticket for a free ticket at an on-line lottery retailer on or before the 60th day. Except for claims for free ticket prizes mailed to lottery headquarters and postmarked on or before the 60th day, claims for such prizes will not be accepted at lottery regional offices or headquarters after the 60th day.

## § 3.8. Using winners' names.

The department shall have the right to use the names of prize winners and the city, town or county in which they live. Photographs of prize winners may be used with the written permission of the winners. No additional consideration shall be paid by the department for this purpose.

## § 3.9. No prize paid to people under 18.

No prize shall be claimed by, redeemed from or paid to any individual under 18 years of age.

## § 3.10. Where prizes claimed.

Winners may claim on-line game prizes from any licensed on-line retailer or the department in the manner specified in these regulations. Licensed on-line retailers are authorized and required to make payment of all validated prizes of less than \$600.

## § 3.11. Validating winning tickets.

Winning tickets shall be validated by the retailer or the department as set out in these regulations and in any other manner which the director may prescribe in the specific rules for each type of on-line game.

## § 3.12. How prize claim entered.

A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$600 or greater, the person or entity also shall furnish a tax identification number.

A. An individual shall provide his social security number if a claim form is required by these regulations. A

nonresident alien shall furnish their Immigration and Naturalization Service Number. This I.N.S. number begins with an A and is followed by numerical data.

B. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service. If the department or these regulations require that a claim form be filed, the FEIN must be shown on the claim form.

C. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

D. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate the individuals in whose names the claim shall be entered and those persons' social security numbers shall be furnished.

#### § 3.13. Right to prize not assignable.

No right of any person to a prize shall be assignable, except that:

A. The director may pay any prize to the estate of a deceased prize winner, and

B. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.

#### § 3.14. No accelerated payments.

The director shall not accelerate payment of a prize for any reason.

#### § 3.15. Liability ends with prize payment.

All liability of the Commonwealth, its officials, officers and employees, and of the department, the board, the director and employees of the department, terminates upon final payment of a lottery prize.

#### § 3.16. Delay of payment allowed.

The director may refrain from making payment of the prize pending a final determination by the director, under any of the following circumstances:

1. If a dispute occurs or it appears that a dispute may occur relative to any prize;
2. If there is any question regarding the identity of the claimant;

3. If there is any question regarding the validity of any ticket presented for payment; or

4. If the claim is subject to any set-off for delinquent debts owed to any agency eligible to participate in the Set-Off Debt Collection Act, when the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the State Lottery Department.

No liability for interest for such delay shall accrue to the benefit of the claimant pending payment of the claim.

#### § 3.17. When installment prize payment may be delayed.

The director may, at any time, delay any installment in order to review a change in circumstance relative to the prize awarded, the payee, the claim, or any other matter that has been brought to the department's attention. All delayed installments shall be brought up to date immediately upon the director's confirmation. Delayed installments shall continue to be paid according to the original payment schedule after the director's decision is given.

#### § 3.18. Ticket is bearer instrument.

A ticket that has been legally issued by a licensed lottery retailer is a bearer instrument until the ticket has been signed. The person who signs the ticket is considered the bearer of the ticket.

#### § 3.19. Payment made to bearer.

Payment of any prize will be made to the bearer of the validated winning ticket for that prize upon submission of a prize claim form, if one is required, unless otherwise delayed in accordance with these regulations. If a validated winning ticket has been signed, the bearer may be required to present proper identification.

#### § 3.20. Marking tickets prohibited; exceptions.

Marking of tickets in any way is prohibited except by a player to claim a prize or by the department or a retailer to identify or to void the ticket.

#### § 3.21. Penalty for counterfeit, forged or altered ticket.

Forging, altering or fraudulently making any lottery ticket or knowingly presenting a counterfeit, forged or altered ticket for prize payment or transferring such a ticket to another person to be presented for prize payment is a Class 6 felony in accordance with the state lottery law.

#### § 3.22. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.



# State Lottery Department

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The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information which demonstrates that the original ticket meets the following criteria and can be validated through other means. The exception does not apply to an on-line game ticket the prize for which is a free ticket.

1. The claim form and a photocopy of the ticket, or photocopy of the original claim form and ticket, are timely filed with the department;
2. The prize for which the claim is filed is an unclaimed winning prize as verified in the department's records;
3. The prize has not been claimed within the required redemption period; and
4. The claim is filed within 180 days of the drawing or within the redemption period, as established by game rules.

## § 3.23. Retailer to pay all prizes less than \$600.

Prizes less than \$600 shall be paid by any licensed on-line retailer, or by the department at the option of the ticket holder, or by the department when the ticket cannot be validated by the retailer.

## § 3.24. Retailers' prize payment procedures.

Procedures for prize payments by retailers are as follows:

1. Retailers may pay cash prizes in cash, by certified check, cashier's check, business check, or money order, or by any combination of these methods.
2. If a check for payment of a prize by a retailer to a claimant is denied for any reason, the retailer is subject to the same service charge for referring a debt to the department for collection and penalty payments that would apply if the check were made payable to the department. A claimant whose prize check is denied shall notify the department to obtain the prize.
3. Retailers shall pay claims for all prizes under \$600 during all normal business hours of the lottery retailer when the on-line terminal is operational and the ticket claim can be validated.
4. Prize claims shall be payable only at the location specified on the license.
5. The department will reimburse a retailer for prizes paid up to 180 days after the drawing date.

## § 3.25. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.

## § 3.26. No reimbursement for retailer errors.

The department shall not reimburse retailers for prize claims a retailer has paid in error.

## § 3.27. Retailer to void winning ticket.

After a winning ticket is validated and signed by the ticket holder, the retailer shall physically void the ticket to prevent it from being redeemed more than once. The manner of voiding the ticket will be prescribed by the director.

## § 3.28. Prizes of less than \$600.

A retailer shall pay on-line prizes of less than \$600 won on tickets validated and determined by the department to be official prize winners, regardless of where the tickets were sold. The retailer shall display special informational material provided by or approved by the department informing the public that the retailer pays all prizes of less than \$600.

## § 3.29. When prize shall be claimed from the department.

The department will process claims for payment of prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present the signed ticket and a completed claim form to the department regional office or mail both the signed ticket and a completed claim form to the department central office.
2. If a ticket holder is unable to return to any on-line retailer to claim a prize which the retailer otherwise would pay, the ticket holder may present the signed ticket at any department regional office or mail both the signed ticket and a completed claim form to the department central office.
3. If the prize amount is \$600 or more, the ticket holder may present the signed ticket and a completed claim form at any department regional office or mail both the signed ticket and a completed claim form to the department central office.

## § 3.30. Prizes of \$25,000 or less.

Prizes of \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in these regulations are met.

## § 3.31. Prizes of more than \$25,000.

Prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office in Richmond. The central office will pay cash prizes by check, after tickets are validated and after any other applicable requirements contained in these regulations are met.

## § 3.32. Grand prize event.

If an on-line game includes a grand prize or jackpot event, the following general criteria shall be used:

1. Entrants in the event shall be selected from tickets which meet the criteria stated in specific game rules set by the director consistent with § 1.1 of these regulations.
2. Participation in the drawing(s) shall be limited to those tickets which are actually purchased by the entrants on or before the date announced by the director.
3. If, after the event is held, the director determines that a ticket should have been entered into the event, the director may place that ticket into a grand prize drawing for the next equivalent event. That action is the extent of the department's liability.
4. The director shall determine the date(s), time(s) and procedures for selecting grand prize winner(s) for each on-line game. The proceedings for selection of the winners shall be open to members of the news media and to either the general public or entrants or both.

## § 3.33. When prize payable over time.

Unless the rules for any specific on-line game provide otherwise, any cash prize of \$100,001 or more will be paid in multiple payments over time. The schedule of payments shall be designed to pay the winner equal dollar amounts in each year, with the exception of the first, until the total payments equal the prize amount.

## § 3.34. Rounding total prize payment.

When a prize or share is to be paid over time, except for the first payment, the director may round the actual amount of the prize or share to the nearest \$1,000 to facilitate purchase of an appropriate funding mechanism.

## § 3.35. When prize payable for "life."

If a prize is advertised as payable for the life of the winner, only an individual may claim the prize. If a claim is filed on behalf of a group, company, corporation or any other type of organization, the life of the claim shall be 20 years.

## § 3.36. When claims form required.

A claim form for a winning ticket may be obtained from any department office or any licensed lottery retailer. A claim form shall be required to claim any prize from the department's central office. A claim form shall be required to claim any prize of \$600 or more from the department's regional offices.

## § 3.37. Department action on claims for prizes submitted to department.

The department shall validate the winning ticket claim according to procedures contained in these regulations.

1. If the claim is not valid, the department will promptly notify the ticket holder.
2. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be mailed to the winner.
3. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the bearer.

## § 3.38. Withholding, notification of prize payments.

When paying any prize of \$600 or more, the department shall:

1. File the appropriate income reporting form(s) with the Virginia Department of Taxation and the Federal Internal Revenue Service;
2. Withhold any moneys due for delinquent debts listed with the Commonwealth's Set-Off Debt Collection Program; and
3. Withhold federal and state taxes from any winnings over \$5,000.

## § 3.39. Director may postpone drawing.

The director may postpone any drawing to a certain time and publicize the postponement if he finds that the postponement will serve and protect the public interest.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

### BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-03. Nail Technician Regulations.

Governor's Comment:

The proposal would protect public health and safety by establishing official standards and procedures for regulating nail technicians and related salons and schools. Pending public comments, I recommend approval of the proposal.

/s/ Lawrence Douglas Wilder  
Governor  
Date: June 9, 1992

### DEPARTMENT OF HEALTH

Title of Regulation: VR 355-34-400. Alternative Discharging Sewage Treatment System Regulations for Single Family Dwellings.

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 comment.

/s/ Lawrence Douglas Wilder  
Governor  
Date: June 8, 1992

### VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

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

Governor's Comment:

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

/s/ Lawrence Douglas Wilder  
Governor  
Date: June 4, 1992

### DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

Title of Regulation: VR 486-01-02. Regulations to Govern the Certification of Minority Business Enterprises.

Governor's Comment:

The intent of this regulation is to provide safeguards for legitimate minority firms participating in minority business programs and those public and private organizations seeking to expand business contacts with minority firms. Pending public comment, I recommend the approval of this regulation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: June 5, 1992

### BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

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

Governor's Comment:

The intent of the proposal is to adjust certain fees of the Board for Waterworks and Wastewater Works Operators to cover the examination costs as required by state law. Pending public comment, I recommend approval of the proposal.

/s/ Lawrence Douglas Wilder  
Governor  
Date: June 9, 1992

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## GENERAL NOTICES

### NOTICE

Notices of Intended Regulatory Action are published as a separate section at the beginning of each issue of the Virginia Register.

#### ALCOHOLIC BEVERAGE CONTROL BOARD

##### 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, § 5.1 of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public hearing on October 28, 1992 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. General description of proposal, with recommendations for 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 or savings to regulated entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Draft language; and
9. 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 June 29, 1992.

B. Petitions for regulatory change should be sent to Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, Virginia 23261 or may be faxed (804) 367-1802 if the original paperwork is also mailed.

C. Applicable laws or regulations (authority to adopt regulations): Sections 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, § 5.1, Board Regulations.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

E. For further information contact the undersigned at the above address or by phone at (804) 367-0626.

/s/ Robert N. Swinson  
Secretary  
Virginia Alcoholic Beverage Control Board

#### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

##### † Notice to the Public

##### Fee Schedule for Facilities and Programs Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services

In accordance with the provision of § 37.1-181 of the Code of Virginia, the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall charge the following fee structure for programs and facilities licensed by the department. Fees, in some instances, are based on facility size.

# General Notices/Errata

Licensure Fee New Applicant Facilities

Facility Type	Review Fee	Review Fee Medium Facility 9 to 20 Beds	Review Fee Small Facility 1 to 8
Group Homes	\$1,000	\$750	\$500
Social Detoxification	\$1,000	\$750	\$500
General Hospital	\$1,250	\$1,250	\$1,250
Inpatient Substance Abuse	\$1,250	\$1,250	\$1,250
Psych Hospital	\$1,250	\$1,250	\$1,250
Medical Detoxification	\$1,250	\$1,250	\$1,250
Residential	\$1,000	\$750	\$500
ICF/MR	\$1,000	\$750	\$500
Supported Residential	\$750	\$750	\$750
Outpatient	\$750	\$750*	\$750*
Day Support	\$750	\$750	\$750

Licensure Fee Renewal Applicant Facilities

Facility Type	Review Fee	Review Fee Medium Facility 9 to 20 beds	Review Fee Small Facility 1 to 8 beds
Group Home	\$375	\$281	\$219
Social Detoxification	\$375	\$281	\$219
General Hospital	\$469	\$469	\$469
Inpatient substance Abuse	\$469	\$469	\$469
Psych Hospital	\$469	\$469	\$469
Medical Detoxification	\$469	\$469	\$469
Residential	\$375	\$281	\$219
ICF/MR	\$375	\$281	\$219
Supported Residential	\$250	\$250	\$250
Outpatient	\$250	\$250*	\$250*
Day Support	\$250	\$250	\$250

\* Outpatient - \$50 add'l per satellite

This fee structure applies to programs and facilities licensed under the following regulations:

VR 470-02-13. Rules and Regulations for the Licensure of Facilities and Programs Serving Mentally Ill, Mentally Retarded and Substance Abusing Persons

VR 470-02-11. Rules and Regulations for the Licensure of Residential Facilities

VR 470-02-10. Rules and Regulations for the Licensure of Day Support Programs

VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities

VR 470-02-08. Rules and Regulations for the Licensure of Supported Residential Programs and Residential Respite Care/Emergency Services Facilities

VR 470-02-07. Rules and Regulations for the Licensure of Correctional Psychiatric Facilities

VR 470-02-05. Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities

VR 470-02-03. Rules and Regulations for the Licensure of Private Psychiatric Facilities

## ONE-TIME APPEAL OF LICENSING RENEWAL FEES

Recognizing the licensing renewal fees, as approved by the State Mental Health, Mental Retardation, and Substance Abuse Services Board, may present a financial hardship for some currently licensed non-profit and government

operated entities, the Department has developed the following procedure for use at the time of license renewal. This appeal process is effective for one year, beginning July 1, 1992 and ending June 30, 1993.

1. The Department will grant a one-time waiver of the renewal fee for licensure when, in its opinion, payment of the entire fee will create a financial hardship for the licensee.

2. A written request for appeal from a licensed entity will specify the reasons or other evidence supporting the request for appeal. The request is to be submitted through the Office of Licensure.

3. A request for appeal will only be considered from non-profit or government operated entities.

4. Upon recommendation from the Office of Licensure, the Commissioner will make the final decision regarding approval or denial of a request for appeal.

5. If the Commissioner denies an appeal, the provisions of the Administrative Process Act (§ 9-6.14.1 et. seq. of the Code of Virginia) apply.

## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Change of Address:** Our new mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed copy. Our FAX number is: 371-0169.

### 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 AIR POLLUTION CONTROL

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Emission Standards for Volatile Organic Compounds and Nitrogen Oxides from Stationary Sources.

Publication: 8:18 VA.R. 2986-3009 June 1, 1992.

#### Correction to Proposed Regulation:

Page 2993, first column, number 2, second sentence, change "negligible-reactive" to "negligibly-reactive."

Page 3001, second column, section C, change "PO.67" to "P<sup>o</sup>.67."

Page 3002, first column, section D, first formula, change "PO.11" to "P<sup>o</sup>.11."

Page 3007, first column, definition of "Capacity factor," third line, after "to" add "be."

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Emission Standards for Petroleum Liquid Storage and Transfer Operations.

Publication: 8:18 VA.R. 3010-3021 June 1, 1992.

#### Correction to Proposed Regulation:

Page 3019, Appendix P, the title should read: "VOLATILE ORGANIC COMPOUNDS AND NITROGEN OXIDES EMISSIONS CONTROL AREAS."

Page 3019, Appendix P, second column, under A. Volatile Organic Compounds, add:

#### 3. Hampton Roads Emissions Control Area

Chesapeake City  
Hampton City  
Newport News  
Norfolk City  
Portsmouth News  
Suffolk City  
Virginia Beach City

Title of Regulation: VR 120-01. Regulations for the

Control and Abatement of Air Pollution - New and Modified Stationary Sources.

Publication: 8:18 VA.R. 3022-3029 June 1, 1992.

#### Correction to Proposed Regulation:

Page 3023, § 120-08-01, definition of "Reconstruction," subdivision 1 a, second line, after "capital" insert "cost."

Page 3027, § 120-08-01, subdivision G 1, third line, after "for" insert "a major stationary source."

Page 3030, § 120-08-01, subdivision K 1 c, last line, after "section" insert "from any governmental entity."

Page 3031, § 120-08-01, subdivision N 3, line 1, change "final decisions" to "final decision."

Page 3031, § 120-08-01, subdivision N 3 a, line 4, change "tentative decisions" to "tentative decision."

Page 3031, § 120-08-01, subdivision N 3 a, line 7, after "within three months of" insert "the."

Page 3039, § 120-08-02, subsection G, strike "§ 10-17.18(e) and (f)" and insert "§ 10.1-1307 E."

Page 3042, § 120-08-02, subdivision N 1 b, last word in paragraph, strike "effect" and insert "affect."

Page 3046, § 120-08-02, subdivision R 5, line 5 should read "subdivision R 3 of this section."

Page 3049, § 120-08-03, subdivision A 3, column 2, line 7, strike "has" and insert "had."

Page 3049, § 120-08-03, definition of "Actual emissions," subdivision (1), strike "form" and insert "from."

Page 3052, § 120-08-03, second column, subdivision (5)(b), after "particular" insert "change begins; and."

Page 3053, § 120-08-03, subdivision C 1, line 2 should read, "construction, reconstruction or modification of any."

Page 3055, § 120-08-03, subdivision E 1 d, line 2, after "subdivision" strike "K" and insert "J."

Page 3058, § 120-08-03, first paragraph, strike "have" and insert "has."

Page 3060, § 120-08-03, first paragraph, second line, after "construct" strike "if" and insert "is."

Page 3060, § 120-08-03, subdivision N 2 a, line seven, change "the" to "that."

# General Notices/Errata

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Page 3060, § 120-08-03, subdivision N 3, title, after "3. Modifications of" insert "major stationary sources emitting 100 tons per year or more of."

Page 3061, § 120-08-03, subdivision Q 1, strike "120-03-04" and insert "120-08-04."

Page 3062, § 120-08-03, subdivision S 1 a, strike "moths" and insert "months."

Page 3066, Appendix R, subdivision II P, unstrike and italicize "petroleum."

## DEPARTMENT OF GAME AND INLAND FISHERIES

Title of Regulation: VR 325-01. Definitions and Miscellaneous. VR 325-01-1. In General.

Publication: 8:19 3386-3387 June 15, 1992.

### Correction to Final Regulation:

Page 3386, column 2, after "Domestic dog (*Canis familiaris*)", strike "including hybrids with wolves (*canis lupus*)"

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: State Plan for Medical Assistance Relating to 1992 Appropriations Act Mandates. VR 460-02-4.1810. Charges Imposed on Medically Needy for Certain Services.

Publication: 8:18 VA.R. 3115 June 1, 1992.

### Correction to Final Regulation:

Page 3115, column 1, subsection A, lines 3 and 4, strike "§ 1905(a)(1) through (5) and (7) of the Act" and insert "42 CFR § 447.53."

Title of Regulation: VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Care: Inpatient Hospital Settlement Agreement.

Publication: 8:18 VA.R. 3120-3126 June 1, 1992.

### Correction to Final Regulation:

Page 3121, column 2, last paragraph, line 9, after "methodology" insert "in effect on June 30, 1992."

## DEPARTMENT OF THE TREASURY

Title of Regulation: VR 640-04-1. Regulations Governing Escheats.

Publication: 8:18 VA.R. 3219-3221 June 1, 1992.

### Correction to Final Regulation:

Page 3220, § 4, paragraph 2, last line, before "of" insert "or both."

Page 3221, first column, first paragraph, line 5, after "purchaser" change "from" to "for."

## STATE WATER CONTROL BOARD

Title of Regulation: VR 680-15-03. Surface Water Management Area Regulation.

Publication: 8:16 VA.R. 2641-2652 May 4, 1992.

### Correction to Final Regulation:

Page 2646, § 2.3, subdivision 2 a and 2 b(1) should read:

"described in subdivision 1 a, b, or c of this..."

Page 2650, § 4.1, subdivision 4 a, should read:

"Willfull noncompliance by the permittee..."

Page 2652, § 5.6, should read:

"In addition... subdivisions B 1 and 4 of § 2.5, subsection A of § 2.6,..."

# CALENDAR OF EVENTS

## Symbols Key

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

### NOTICE

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

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

VIRGINIA CODE COMMISSION

### EXECUTIVE



DEPARTMENT FOR THE AGING

#### Long-Term Care Ombudsman Advisory Council

**June 30, 1992 - 9:30 a.m. - Open Meeting**  
Virginia Department for the Aging, 700 E. Franklin Street,  
Richmond, Virginia.

Business will include continued discussion of an initiative with a local citizen's advocacy support group.

**Contact:** Mark C. Miller, State Ombudsman, 700 E. Franklin Street, 10th Floor, Richmond, VA 23219, telephone (804) 225-3141, toll-free 1-800-552-3402 or (804) 225-2271/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† **September 30, 1992 - 1 p.m. - Public Hearing**  
1100 Bank Street, 2nd Floor Boardroom, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services will consider adopting regulations entitled: **VR 115-02-02:1. Rules and Regulations Governing the Prevention, Control and Eradication of Tuberculosis in Bovidae, Cervidae, and Capridae in Virginia** and repealing existing regulations entitled **VR 115-02-02. Rules and Regulations Governing the Prevention, Control and Abatement of Bovine Tuberculosis of Cattle in Virginia**. The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of (a) all classes of bovidae (not just cattle), (b) all cervidae (many of the deer), and (c) all capridae (goats); (ii) considering alternative ways of disposing of tuberculosis-infected animals; and (iii) a proposal to shorten the time in which a report must be made to the State Veterinarian when tuberculosis is suspected.

### STATEMENT

Basis: Sections 3.1-724, 3.1-726, 3.1-730, and 3.1-737 of the Code of Virginia.

Purpose: The purpose of the proposed regulatory action is to review the regulation for effectiveness and continued need, and the purpose of the proposed amendments is to assure the regulation's effectiveness.

The proposed regulatory action will include, but not necessarily be limited to:

1. A proposal to add provisions to require testing and subjecting to other requirements within the regulation of (i) all classes of bovidae (not just cattle); (ii) all cervidae (many of the deer); and (iii) all capridae (goats).
2. A proposal to shorten the time in which a report must be made to the State Veterinarian when tuberculosis is suspected;
3. A proposal that would provide alternative ways of disposing of a tuberculosis-infected animal, including euthanizing the animal or sending it to an approved diagnostic center (a laboratory or institution authorized by law to conduct diagnostics, research, teaching, or clinical studies), rather than merely authorizing its destruction under federal or state meat inspection.



# Calendar of Events

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**Substance:** Requiring that not only cattle, but also other species in the family bovidae, be tested for tuberculosis and subjected to other requirements of the regulation, and requiring also that cervidae and capridae be tested for tuberculosis and subjected to other requirements of the regulation, is important in assuring that tuberculosis from cervidae and capridae (as well as from the remaining members of the family bovidae) do not infect Virginia's cattle.

Requiring reports of suspected cases of tuberculosis within 24 hours will enhance the Commonwealth's ability to continue to maintain its tuberculosis-free status.

In some instances it is not suitable to slaughter certain animals infected with tuberculosis under federal or state meat inspection. Authorizing the destruction of the animals by other means is therefore necessary.

Establishing provisions stating the circumstances under which an animal is to be tested for tuberculosis, something not stated in the present regulation, is important to the effectiveness of a regulation the purpose of which is the prevention, control, and eradication of tuberculosis.

The proposed amendment rewrites the entire regulation, so as to (i) identify parties to be held responsible for complying with the requirements of the regulation; and (ii) generally to edit and thereby clarify the language of the regulation.

**Issues:** The issues in amending this regulation are to assure that the regulation is effective and that there is a continued need for its requirements. Rewriting the regulation to identify who is to be held accountable for its requirements will help to assure its effectiveness. Also including a provision that states the circumstances under which an animal is to be tested for tuberculosis makes the regulation more effective. So long as tuberculosis exists as a disease of livestock, there will probably be a need for regulation. There certainly is a need at present to continue to regulate tuberculosis.

Tuberculosis is a serious disease that is readily transmissible from one family of livestock to another. The United States Department of Agriculture already has in place a program by which it monitors and rewards those states that are able to eradicate tuberculosis from their herds of cattle and bison and keep those herds free of tuberculosis. That agency restricts the shipment of cattle that come from states not free of tuberculosis in cattle. The United States Department of Agriculture is developing a similar program for cervidae.

Because tuberculosis is found in and can be transmitted from one kind of animal to another, it is important to regulate cervidae, and capridae as well, which are often found in close proximity to cattle.

**Impact:**

## 1. Number of persons affected:

There are at present approximately five herds of cervidae in commercial production in Virginia, under approximately as many known owners.

There are 250 capridae herds in Virginia, representing 250 owners.

There are approximately 50,000 herds of bovidae in Virginia, all but approximately five of which, herds of American bison, are already regulated under this regulation. This measure would thus affect at this time only approximately five additional persons owning bovidae—the owners of the herds of American bison.

## 2. Projected costs to regulated entities for implementation and compliance:

The present regulation authorizes the required testing to be done by state, federal, local, municipal, or accredited veterinarians. Under the proposed regulation, required testing would be performed by a state, federal, or accredited veterinarian. Since the accredited veterinarian is a veterinarian in private practice authorized to perform certain regulatory veterinary medical testing, his fees are paid by the livestock owner, and except in instances in which there were found to be a serious outbreak of tuberculosis would state or federal veterinarians become involved. No new costs will result from the proposed amendments to this regulation.

## 3. Projected cost to agency for implementation and enforcement:

Because any health-testing requirements imposed will have to be complied with by the livestock owner, there will be no cost to the agency for implementation and enforcement of this measure.

## 4. Source of funds:

General funds; the agency will be able to enforce the anticipated amendments using current funds.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

Written comments may be submitted until September 8, 1992.

Contact: Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

\* \* \* \* \*

† September 30, 1992 - 1 p.m. — Public Hearing  
1100 Bank Street, Washington Building, Room 204,  
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services will consider adopting regulations entitled: **VR 115-02-03:1. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Bovidae in Virginia and repealing existing regulations entitled VR 115-02-03. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia.** The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of all classes of bovidae (not just cattle), (ii) a proposal to add definitions to the regulation to be specific in terms of precisely which bovidae must be tested for brucellosis, (iii) a proposal to expand instances in which a test for brucellosis is required, not just when there is a change of ownership.

## STATEMENT

**Basis:** Sections 3.1-724, 3.1-726, 3.1-730, and 3.1-737 of the Code of Virginia.

**Purpose:** The purpose of the proposed amendments to the regulation is to review the regulation for effectiveness and continued need, and the purpose of the proposed amendments is to assure the regulation's effectiveness.

The proposed regulatory action will include, but not necessarily be limited to:

1. A proposal to add provisions to require testing and subjecting to other requirements within the regulation of all classes of bovidae (not just cattle).
2. A proposal to add definitions to the regulation to be specific in terms of precisely which bovidae must be tested for brucellosis;
3. A proposal to expand the number and kind of tests that may be used to test for brucellosis. At present, the regulation recognizes the use only of the agglutination tests; and
4. A proposal to expand the instances in which a test for brucellosis is required, not just when there is a change of ownership.

**Substance:** Requiring that not only cattle, but also other species in the family bovidae, be tested for brucellosis and subjected to certain other requirements of the regulation.

At present there are conflicting standards in various regulations as to the age at which cattle must be tested for brucellosis. There is a need for a consistent, clearly-stated standard.

Also, it is important to expand the number of kinds of

tests available for testing for brucellosis, especially since many of the newer tests are faster and more accurate than the agglutination tests.

The proposed amendment rewrites the entire regulation, so as (i) to identify parties to be held responsible for complying with the requirements of the regulation; and (ii) generally to edit and thereby clarify the language of the regulation.

**Issues:** Brucellosis is a serious disease that is readily transmissible from one genus of the family bovidae to another. The United States Department of Agriculture already has in place a program by which it monitors and rewards those states that are able to eradicate from their herds of cattle and keep those herds free of brucellosis. That agency restricts the shipment of cattle that come from states not free of brucellosis.

Because brucellosis is found in and can be transmitted from one kind of bovid to another, it is important to regulate all members of the family bovidae.

## Impact:

1. Number of persons affected:

There are approximately 50,000 herds of bovidae in Virginia, all but approximately five of which, herds of American bison, are already regulated under this regulation. This measure would thus affect at this time approximately only five additional persons owning bovidae—the owners of the herds of American bison.

2. Projected costs to regulated entities for implementation and compliance:

Amendments proposed to the regulation are expected to make clear that the required submitting of test samples can be done by an accredited veterinarian, a veterinarian in private practice authorized to perform certain regulatory veterinary medical testing, with his fees paid by the livestock owner.

3. Projected cost to agency for implementation and enforcement:

Because any health-testing requirements imposed will be carried out by the livestock owner, there will be no cost to the agency for implementation and enforcement of this measure.

4. Source of funds:

General funds; the agency will be able to enforce the anticipated amendments with current funds.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

Written comments may be submitted until September 8,

# Calendar of Events

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1992.

**Contact:** Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

\* \* \* \* \*

† **September 30, 1992 - 1 p.m.** — Public Hearing  
1100 Bank Street, Washington Building, Room 204,  
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services will consider adopting regulations entitled: **VR 115-02-12:1. Rules and Regulations Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds in Virginia** and repealing existing regulations entitled **VR 115-02-12. Rules and Regulations Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds in Virginia**. The purpose of this action is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions governing the importation of cervidae—most varieties of deer; (ii) repealing provisions requiring a permit for the importation of psittacine (parrot-like) birds and repealing provisions requiring that they be treated for psittacosis; (iii) repealing provisions requiring South American camelids of the genus *Lama* to be tested for bluetongue; (iv) requiring rabies vaccination for cats entering the Commonwealth; (v) adding importation requirements for bison, to treat them more consistently with cattle; and (vi) relaxing certain requirements pertaining to feeder cattle.

## STATEMENT

**Basis:** Sections 3.1-724, 3.1-726, 3.1-730, and 3.1-737 of the Code of Virginia.

**Purpose:** The purpose of the proposed regulatory action is to review the regulation for effectiveness and continued need, and the purpose of the proposed amendments is to assure the regulation's effectiveness. The proposed regulatory action will include, but not necessarily be limited to: (i) adding provisions governing the importation of cervidae—most varieties of deer; (ii) repealing provisions requiring a permit for the importation of psittacine (parrot-like) birds and repealing provisions requiring that they be treated for psittacosis; (iii) repealing the provision requiring South American camelids of the genus *Lama* to be tested for bluetongue; (iv) requiring rabies vaccination for cats entering the Commonwealth; (v) adding importation requirements for bison, to treat them more consistently with cattle; and (vi) relaxing certain requirements pertaining to feeder cattle.

**Substance:** It is important that regulations be reviewed to assure their effectiveness and continued need. This regulatory action is for the purpose of making that review.

Specific elements that the agency intends to address as a part of that review are discussed below:

Raising certain deer commercially for food for humans is a developing industry in the United States. It is important that deer imported into Virginia to stock such farms and for other purposes are healthy and that they do not imperil the health of other livestock already here. Approximately five parties are already raising fallow deer (*Dama*) commercially in Virginia, although some of their farms are under quarantine at this time, pending testing deer on these farms for tuberculosis and brucellosis.

Psittacosis is a disease of psittacine birds that can be spread to humans. The provisions of the present regulation are not but so effective, however. Chlortetracycline, the only medication approved for the treatment of psittacosis, is not a highly efficacious treatment for psittacosis. The requirement for a permit is also not an effective means of dealing with this disease. The board, therefore, is proposing deleting these requirements relating to psittacine birds.

The proposed regulation would delete the requirement that South American camelids of the genus *Lama* be tested for bluetongue before entering Virginia. There is serious doubt as to whether these camelids are capable of contracting bluetongue; if they cannot contract bluetongue, they cannot transmit it to other kinds of animals.

The proposed regulation would require that cats entering Virginia be vaccinated against rabies. The legislature has recently passed a law requiring cats in Virginia to be vaccinated against rabies; the proposed amendment to this regulation, which regulation is circulated nationally among animal exporters and animal-health officials in other states, will help to assure that Virginia's expectation that cats be vaccinated against rabies is widely known, lessening the likelihood that a cat will be brought into the Commonwealth unvaccinated.

The proposed regulation would establish certain requirements to treat bison more like cattle. Bison are members of the same family (bovidae) as cattle, and can spread diseases of cattle, such as brucellosis and tuberculosis, to cattle. Therefore, it is important to establish requirements for bison that will help to protect not only cattle, but also the fledgling bison industry in Virginia.

The present requirements pertaining to feeder cattle are too stringent, and do not accomplish a measure of animal-health protection that corresponds to the burdens the regulation places upon shippers of feeder cattle. Therefore, the board proposes to amend the regulation with respect to feeder cattle entering Virginia.

The proposed amendment rewrites the entire regulation, so as: (i) to identify parties to be held responsible for complying with the requirements of the regulation; and (ii) generally to edit and thereby clarify the language of the

regulation.

**Issues:** The issues in amending this regulation are to assure that the regulation is effective and that there is a continued need for its various requirements.

Rewriting the regulation to identify who is to be held accountable for its requirements (typically any person shipping any animal governed by the regulation to Virginia) will help to assure its effectiveness. As discussed under the "purpose" portion, above, some provisions are being relaxed or deleted (as in the case of psittacine birds and Lamas), with a concomitant reduction in regulatory burden; in some instances, some provisions are being added (as in the case of bison), which will help to assure the effectiveness of the regulation, the purpose of which is to protect Virginia animals from diseases that otherwise might be imported to the Commonwealth.

**Impact:**

1. Number and types of regulated entities or persons affected:

There are approximately five producers of fallow deer and others who may wish to import deer.

Dealers in birds and bird fanciers in Virginia, whose numbers are large but not known, favor repealing the provision requiring feeding chlortetracycline to imported psittacine birds.

Any person importing Lamas would experience reduced testing cost by virtue of the proposed elimination of the testing requirement for bluetongue. There are approximately 100 Lama owners in Virginia.

Any person importing a cat into Virginia would have to have the cat vaccinated against rabies.

There are approximately five herds of bison in Virginia at this time. The additional requirements for importation of bison contained in the proposed amendment to the regulation would, however, fall upon any person who wishes to import bison into Virginia.

Relaxed standards for the approximately 26,000 feeder cattle producers in Virginia will have the effect of increasing the profitability of the industry by eliminating unnecessary restrictions which had been placed on feeder cattle producers.

2. Projected costs to regulated entities for implementation and compliance:

The only known cost to be incurred by parties to be regulated under anticipated amendments to the regulation related to cervidae are the costs associated with testing for brucellosis and tuberculosis deer imported into Virginia.

The proposed amendment to the regulation relating to psittacine birds should result in considerable reduction in cost and labor to dealers in birds and bird fanciers. The 45-day period of administering medicated feed will no longer be required, resulting in a savings of \$25 per bird.

The repeal of the provision relating to testing South American camelids of the genus Lama for bluetongue should result in a savings of about \$1.50 per head imported into Virginia. From August 1990 to July 1991, there were 43 head imported into Virginia.

Typically, a rabies vaccination for a cat costs \$7.50. However, the proposed regulation imposes no regulatory burden not already to be contained in statute, because all cats under Virginia law will have to be vaccinated against rabies.

The costs for complying with the additional requirements for bison are borne by the exporter, which is a standard of the trade, at a cost of \$6.00 per head to the importer.

Reduced burdens associated with shipping feeder cattle will result in decreased costs for the exporter, which should be reflected in savings to the importer.

3. Projected cost to agency for implementation and enforcement:

Because any health-testing requirements imposed must be carried out by the exporter of animals, which is a standard of trade, there will be no cost to the agency for implementation and enforcement of this measure.

4. Source of funds:

General funds; the agency will be able to enforce the anticipated amendments using current funding.

Statutory Authority: §§ 3.1-724, 3.1-726, 3.1-730 and 3.1-737 of the Code of Virginia.

Written comments may be submitted until September 8, 1992.

Contact: Dr. W. M. Sims, Jr., State Veterinarian, P.O. Box 1163, Richmond, VA 23219, telephone (804) 786-2481.

## Board of Agriculture and Consumer Services

July 9, 1992 - 8 a.m. - Open Meeting  
Marriott Hotel, 900 Prices Fork Road, N.W., Blacksburg, Virginia. ☒

A meeting to discuss legislation, regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business,

# Calendar of Events

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the board will review public comments for a period not to exceed 30 minutes.

**Contact:** Roy E. Seward, Secretary to the Board, Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

## Virginia Apple Board

† **June 30, 1992 - 10 a.m.** – Open Meeting  
1219 Stoneburner Street, Staunton, Virginia.

A meeting to conduct matters of business affecting the Virginia Apple Industry. Public comment will be received at approximately 11:30 a.m. on June 30, 1992.

**Contact:** Clayton O. Griffin, Director, P.O. Box 718, Staunton, VA 24401, telephone (703) 332-7790.

## Virginia Cattle Industry Board

**July 9, 1992 - 10 a.m.** – Open Meeting  
Sheraton Red Lion Inn, Blacksburg, Virginia.

A meeting to review finances, hear research reports and updates on various ongoing projects. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

**Contact:** Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, P.O. Box 176, Daleville, VA 24083, telephone (703) 992-1009.

## Virginia Peanut Board

† **July 16, 1992 - 11 a.m.** – Open Meeting  
Cooperative Extension Office, Courtland, Virginia. ☒

A meeting to (i) review the chairman's report; (ii) review the 1992-93 budget; and (iii) elect officers for 92-93.

**Contact:** Russell C. Schools, Program Director, P.O. Box 149, Capron, VA 23829, telephone (804) 658-4573.

## Pesticide Control Board

† **July 17, 1992 - 10 a.m.** – Open Meeting  
† **July 18, 1992 - 9 a.m.** – Open Meeting  
Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. ☒

Committee meetings will be held on July 17. The full board will meet to conduct general business on July 18.

Portions of the meeting may be held in closed session, pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda at 9 a.m., July 18,

1992.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 371-6558.

## Virginia Winegrowers Advisory Board

**July 7, 1992 - 10 a.m.** – Open Meeting  
State Capitol Building, House Room 4, Richmond, Virginia.

A meeting to elect a new chairman and vice-chairman. In addition, the board will hear committee and project monitor reports.

**Contact:** Annette Ringwood, Secretary, Virginia Winegrowers Advisory Board, P.O. Box 1163, Richmond, VA 23209, telephone (804) 371-7685.

## STATE AIR POLLUTION CONTROL BOARD

**July 1, 1992 - 10 a.m.** – Public Hearing  
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Department of Air Pollution Control, State Capitol Regional Office, Arboretum V, Suite 250, 9210 Arboretum Parkway, Richmond, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

**July 1, 1992 - 10 a.m.** – Public Hearing  
Department of Air Pollution Control, Northern Virginia Regional Office, Springfield Corporate Center, Suite 310, 6225 Brandon Avenue, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents**

**Incorporated by Reference.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate recently promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), which are found in Rules 5-5 and 6-1, respectively. The proposed amendments will update as well the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations. The proposed amendments will incorporate the 1991-1992 edition of the American Conference of Governmental Industrial Hygienists' Handbook which forms the basis for the toxic pollutant rules, and three NSPS which were promulgated by EPA between July 1, 1990 and June 30, 1991.

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

Written comments may be submitted until July 17, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

**Contact:** Karen Sabasteanski, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1624.

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**July 8, 1992 - 10 a.m. – Public Hearing**  
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Virginia Western Community College, Whitman Auditorium, Business Science Building, 3095 Colonial Avenue, Roanoke, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Central Virginia Community College, Amherst Building Auditorium, Room 2123, 3506 Wards Road, Lynchburg, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

**July 8, 1992 - 10 a.m. – Public Hearing**  
Richard Byrd Library, Meeting Room, Fairfax County, 7250 Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments concern provisions covering new and modified stationary source permits. The proposed amendments revise the permit regulations for nonattainment areas (i) by redefining the definitions of "major stationary source," "net emissions increase," "nonattainment pollutant," and "significant"; (ii) by adding provisions concerning offsets, including the new offset ratios required; (iii) by adding provisions regarding de minimis increases and modification alternatives; and (iv) by making sources of nitrogen oxides subject to the same requirements as sources of volatile organic compounds. The proposed amendments also revise the permit regulations by expanding the opportunity for public participation for major source and major modification permit applications. Provisions have been added to the permit regulations concerning conformity with certain local ordinances, shutdown and reactivation of sources, transfer of permits, and revocation and enforcement of permits. The amendments also provide increases in some of the levels used to exempt certain sources.

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

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

**Contact:** Nancy S. Saylor, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

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**July 15, 1992 - 10 a.m. – Public Hearing**  
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

**July 15, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

**July 15, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia.

**July 15, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

**July 15, 1992 - 10 a.m. – Public Hearing**  
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

# Calendar of Events

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**July 15, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Hampton Roads  
Regional Office, Old Greenbrier Village, Suite A, 2010 Old  
Greenbrier Road, Chesapeake, Virginia.

**July 15, 1992 - 10 a.m. – Public Hearing**  
Richard Byrd Library, Meeting Room, Fairfax County, 7250  
Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments require owners of gasoline dispensing facilities, pumping more than 10,000 gallons per month, in certain localities in the Richmond and Northern Virginia areas to install and operate Stage II vapor recovery systems. An exemption has been allowed for facilities pumping 50,000 gallons per month or less that are owned by independent small business gasoline marketers. Stage II systems must be installed between January 1, 1993, and November 15, 1994, depending on date of facility construction and amount of gasoline pumped monthly.

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

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

**Contact:** Ellen Snyder, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-0177.

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**July 22, 1992 - 10 a.m. – Public Hearing**  
Board of Supervisors Meeting Room, 205 Academy Drive,  
N.W., Abingdon, Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Valley of Virginia  
Regional Office, Executive Office Park, Suite D, 5338  
Peters Creek Road, Roanoke, Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Central Virginia  
Regional Office, 7701-03 Timberlake Road, Lynchburg,  
Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Northeastern Virginia  
Regional Office, 300 Central Road, Suite B, Fredericksburg,  
Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Virginia War Memorial Auditorium, 621 South Belvidere  
Street, Richmond, Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Department of Air Pollution Control, Hampton Roads  
Regional Office, Old Greenbrier Village, Suite A, 2010 Old  
Greenbrier Road, Chesapeake, Virginia.

**July 22, 1992 - 10 a.m. – Public Hearing**  
Richard Byrd Library, Meeting Room, Fairfax County, 7250  
Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments concern provisions covering emission standards for volatile organic compounds (VOC) and nitrogen oxides (NOX) from stationary sources located in certain localities in the Northern Virginia, Richmond and Hampton Roads areas. The proposal (i) will require owners of stationary sources to report the levels of emissions from the sources in order to assess compliance with emission and air quality standards and (ii) will require owners of specified major stationary sources to limit VOC and NOX emissions to a level resultant from the use of reasonably available control technology (RACT) and necessary for the protection of public health and welfare.

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

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

**Contact:** Robert A. Mann, Director, Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789.

## ALCOHOLIC BEVERAGE CONTROL BOARD

† **July 8, 1992 - 10 a.m. – Open Meeting**  
2901 Hermitage Road, Richmond, Virginia. ☐

An advisory meeting to consider and discuss proposals to amend A.B.C. Regulations.

**Contact:** Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

## BOARD FOR ARCHITECTS, LAND SURVEYORS, PROFESSIONAL ENGINEERS AND LANDSCAPE ARCHITECTS

### Board for Land Surveyors

† **July 8, 1992 - 9 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

A meeting to (i) approve minutes from May 20, 1992, meeting; (ii) review enforcement files; (iii) review correspondence; and (iii) review applications.

† **July 9, 1992 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

Exam writing session.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

## ATHLETIC BOARD

**June 30, 1992 - 10 a.m.** – Open Meeting  
3600 West Broad Street, Conference Room, Richmond,  
Virginia.

An annual board meeting.

**Contact:** Glenna H. Henley, Executive Secretary, 3600 West Broad Street, Room 515, Richmond, VA 23230, telephone (804) 367-8507.

## ASAP POLICY BOARD - VALLEY

† **July 13, 1992 - 8:30 a.m.** – Open Meeting  
Augusta County School Board Office, Fishersville, Virginia.  
☒

A regular meeting to conduct business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

**Contact:** Mrs. Rhoda G. York, Executive Director, 2 Holiday Court, Staunton, VA 24401, telephone (703) 886-5616 or in Waynesboro (703) 943-4405.

## BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

**July 16, 1992 - 9:30 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regularly scheduled board meeting.

**Contact:** Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-7390.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**July 30, 1992 - 10 a.m.** – Public Hearing  
State Water Control Board Room, 4900 Cox Road,  
Innsbrook, Glen Allen, Virginia. ☒ (Interpreter for deaf  
provided upon request)

The board will hold a public hearing on the proposed uniform Natural Resources Public Participation Guidelines and will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be heard early in the meeting. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by July 23, 1992.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

## Central Area Review Committee

† **June 29, 1992 - 10 a.m.** – Open Meeting  
General Assembly Building, Senate Room B, 9th and Broad  
Streets, Richmond, Virginia. ☒ (Interpreter for deaf  
provided upon request)

† **July 13, 1992 - 10 a.m.** – Open Meeting  
General Assembly Building, Senate Room A, 9th and Broad  
Streets, Richmond, Virginia. ☒ (Interpreter for deaf  
provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

## Northern Area Review Committee

† **July 8, 1992 - 10 a.m.** – Open Meeting  
† **July 22, 1992 - 10 a.m.** – Open Meeting  
General Assembly Building, Senate Room B, 9th and Broad  
Streets, Richmond, Virginia. ☒ (Interpreter for deaf  
provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎



# Calendar of Events

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## Southern Area Review Committee

† July 16, 1992 - 10 a.m. - Open Meeting  
General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

† July 9, 1992 - 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 upon request)

A meeting to discuss issues, concerns and programs that impact child care centers, camps, school age programs, and preschool/nursery schools. The public comment period is 1 p.m. Call ahead of time for possible changes in meeting time.

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

## STATE BOARD FOR COMMUNITY COLLEGES

† July 22, 1992 - Time to be determined - Open Meeting  
Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia.

A state board committee meeting.

† July 23, 1992 - 9 a.m. - Open Meeting  
Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia.

A regularly scheduled state board meeting. Agenda available by July 8, 1992.

**Contact:** Joy Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION (BOARD OF)

### Chickahominy Scenic River Advisory Board

† July 2, 1992 - 7 p.m. - Open Meeting  
Henrico County Library Headquarters on Laburnum Avenue between Creighton and Nine Mile Roads, Richmond, Virginia.

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

## VIRGINIA COUNCIL ON COORDINATING PREVENTION

† July 17, 1992 - 10 a.m. - Open Meeting  
601 South Belvidere Street, Richmond, Virginia. ☒

A meeting to present the 1992 Awards for Prevention and reports made on prevention-related studies and system reform.

**Contact:** Sharyl Adams, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1530.

## BOARD OF CORRECTIONS

July 15, 1992 - 10 a.m. - Open Meeting  
August 19, 1992 - 10 a.m. - Open Meeting  
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

**Contact:** Mrs. Vivian Toler, Secretary to the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235.

### Liaison Committee

July 16, 1992 - 9:30 a.m. - Open Meeting  
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☒

The committee will continue to address and discuss criminal justice issues.

**Contact:** Mrs. Vivian Toler, Secretary to the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235.

## BOARD OF DENTISTRY

**July 8, 1992 - 8 a.m. – Open Meeting**  
**August 14, 1992 - 8 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Informal conferences.

**August 7, 1992 - 8 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Formal hearings.

**Contact:** Nancy Taylor Feldman, Executive Director, 1601  
Rolling Hills Drive, Richmond, VA, telephone (804)  
662-9906.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**July 30, 1992 - 8 a.m. – Open Meeting**  
James Monroe Building, 101 North Fourteenth 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 a regularly scheduled meeting.  
Business will be conducted according to items listed  
on the agenda. The agenda is available upon request.  
Public comment will not be received at the meeting.

**Contact:** Dr. Margaret Roberts, Executive Director, State  
Department of Education, P.O. Box 6-Q, Richmond, VA  
23216, telephone (804) 225-2540.

\* \* \* \* \*

**July 29, 1992 - 6 p.m. – Public Hearing**  
School of Education, Virginia Commonwealth University,  
Oliver Hall, Room 4084, 1015 West Main Street, Richmond,  
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the State Board of  
Education intends to repeal existing regulations  
entitled **VR 270-01-0052, Standards for Approval of  
Teacher Preparation Programs in Virginia**, and  
adopt new regulations entitled **VR 270-01-0052:1.  
Regulations Governing Approved Programs for  
Virginia Institutions of Higher Education**. The  
proposed regulations state the criteria for the approval  
of programs to train teachers, administrators, and  
other school personnel in Virginia colleges and  
universities. The current regulations, VR 270-01-0052,  
Standards for Approval of Teacher Preparation  
Programs in Virginia, are being repealed.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of  
Virginia.

Written comments may be submitted until August 29, 1992.

**Contact:** Dr. Thomas A. Elliott, Division Chief, Compliance  
Coordination, Department of Education, P.O. Box 6-Q,  
Richmond, VA 23216, telephone (804) 371-2522 or toll-free  
1-800-292-3820.

## LOCAL EMERGENCY PLANNING COMMITTEE - FAIRFAX COUNTY, THE CITY OF FAIRFAX, AND THE TOWNS OF HERNDON AND VIENNA

**July 9, 1992 - 10 a.m. – Open Meeting**  
John C. Wood Municipal Center, 3730 Old Lee Highway,  
Fairfax, Virginia. ☒

A general meeting.

**Contact:** Marysusan Giguere, 4100 Chain Bridge Road, 4th  
Floor, Fairfax, VA 22030, telephone (703) 246-3967.

## VIRGINIA EMPLOYMENT COMMISSION

### State Advisory Board

† **July 13, 1992 - Noon. – Open Meeting**  
† **July 14, 1992 - 8:30 a.m. – Open Meeting**  
Virginia Employment Commission, 703 East Main Street,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested)

A regular meeting.

**Contact:** Nancy L. Munnikhuisen, Chief of Marketing and  
Public Affairs, 703 E. Main Street, Richmond, VA 23219,  
telephone (804) 786-6004 or (804) 371-8050/TDD ☎

## BOARD OF GAME AND INLAND FISHERIES

† **July 16, 1992 - 9:30 a.m. – Open Meeting**  
4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter  
for deaf provided if requested)

Committees of the Board of Game and Inland  
Fisheries will meet with the Wildlife and Boat  
Committee, followed by the Planning Committee,  
Finance Committee, Law and Education Committee  
and ending with the Liaison Committee. Each  
committee will discuss topics appropriate to their  
authority. In addition to discussing the webless  
migratory game bird seasons proposal, general and  
administrative matters, as necessary will be presented  
for consideration, and possible board action at their  
meeting on Friday, July 17.

**Contact:** Belle Harding, Secretary to Bud Bristow, 4010 W.  
Broad Street, P.O. Box 11104, Richmond, VA 23230,  
telephone (804) 367-1000.

# Calendar of Events

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## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† July 28, 1992 - 9:30 a.m. -- Open Meeting  
† August 25, 1992 - 9:30 a.m. -- Open Meeting  
Blue Cross/Blue Shield of Virginia, 2015 Staples Mill Road,  
Virginia Room, Richmond, Virginia.

A regular monthly meeting.

Contact: Kim Schulte Barnes, Information Officer, 805 East  
Broad St., 6th Floor, Richmond, VA 23219, telephone (804)  
786-6371/TDD ☎

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July 20, 1992 -- 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 Health  
Services Cost Review Council intends to amend  
regulations entitled: **VR 370-01-001. Rules and  
Regulations of the Virginia Health Services Cost  
Review Council.** The proposed regulatory change to §§  
6.1 and 6.2 of the regulations would allow health care  
institutions which neither receive Medicare nor  
Medicaid reimbursement for patients to develop their  
own methodology to ascertain nursing home costs and  
to eliminate the requirement that these facilities  
utilize the allocation methodology used for cost reports  
filed with the Virginia Department of Medical  
Assistance Services or for the Medicare program.

Statutory Authority: §§ 9-158 and 9-164 of the Code of  
Virginia.

Written comments may be submitted until July 20, 1992, to  
G. Edward Dalton, Virginia Health Services Cost Review  
Council, 805 E. Broad St., Richmond, VA 23219.

Contact: John A. Rupp, Executive Director, 805 E. Broad  
St., 6th Floor, Richmond, VA 23219, telephone (804)  
786-6371. 1/3

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† July 14, 1992 - 9 a.m. -- Open Meeting  
Randolph Macon College, Ashland, Virginia.

A general business meeting. For more information  
contact the Council.

† July 14, 1992 - Immediately following council meeting  
-- Public Hearing  
Randolph Macon College, Ashland, Virginia.

A hearing on Liberty University's continued eligibility  
to participate in the Tuition Assistance Grant Program.

Contact: Anne M. Pratt, Associate Director, 101 North  
Fourteenth Street, 9th Floor, Monroe Building, Richmond,  
VA 23219, telephone (804) 225-2629.

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 7, 1992 - 9 a.m. -- Open Meeting  
Hopewell Community Center, Second & City Point Road,  
Hopewell, Virginia. ☒ (Interpreter for deaf provided if  
requested)

Local Emergency Preparedness Committee meeting on  
Emergency Preparedness as required by SARA Title  
III.

Contact: Robert Brown, Emergency Services Coordinator,  
300 North Main Street, Hopewell, VA 23860, telephone  
(804) 541-2298.

## VIRGINIA INTERAGENCY COORDINATING COUNCIL ON EARLY INTERVENTION

July 8, 1992 - 9 a.m. -- Open Meeting  
Department of Social Services, 8007 Discovery Drive, Blair  
Building, Conference Room A, Richmond, Virginia. ☒  
(Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council,  
according to PL 101-476, 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, Director, MR Children/Youth  
Services, Virginia Department of Mental Health, Mental  
Retardation and Substance Abuse Services, P.O. Box 1797,  
Richmond, VA 23214, telephone (804) 786-3710.

## DEPARTMENT OF LABOR AND INDUSTRY

July 16, 1992 - 10 a.m. -- Public Hearing  
General Assembly Building, House Room C, 910 Capitol  
Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Apprenticeship  
Council intends to amend regulations entitled: **VR  
425-01-26. Regulations Governing the Administration  
of Apprenticeship Programs in the Commonwealth of  
Virginia.** This amendment provides criteria and  
procedure for deregistration of apprenticeship  
programs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until July 6, 1992.

**Contact:** Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2381.

**July 16, 1992 - Immediately following public hearing beginning at 10 a.m. - Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A regular quarterly meeting.

**Contact:** Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2381.

### Migrant and Seasonal Farmworkers Board

† **July 29, 1992 - 10 a.m. - Open Meeting**  
State Capitol Building, House Room 1, Richmond, Virginia. ☒

A regular meeting. The Subcommittee on the Complaint Resolution Process will meet immediately following the regular board meeting.

**Contact:** Marilyn Mandel, Director, Office of Planning and Policy Analysis, Department of Labor and Industry, 13 South 13th St., Richmond, VA 23219, telephone (804) 786-2385.

### STATE COUNCIL ON LOCAL DEBT

† **July 15, 1992 - 11 a.m. - Open Meeting**  
101 North 14th Street, James Monroe Building, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to meeting date to ascertain whether or not the meeting is to be held as scheduled.

**Contact:** Art Bowen, Senior Debt Analyst, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4929.

### COMMISSION ON LOCAL GOVERNMENT

**NOTE: CHANGE IN MEETING DATE, TIME AND LOCATION**

**July 20, 1992 - 10 a.m. - Open Meeting**  
Commission on Local Government, 702 Eighth Street Office Building, Conference Room, Richmond, Virginia.

A regular meeting to consider such matters as may be

presented.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, July 10, 1992.

**Contact:** Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☒

**NOTE: CANCELLATION OF MEETING**

**July 20, 1992 - 7:30 p.m. - Cancelled**  
Site to be determined.

Public hearing regarding Town of Amherst's proposed annexation of 6.4 square miles of territory in Amherst County has been cancelled.

**Contact:** Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☒

**NOTE: CANCELLATION OF MEETING**

**July 20, 1992 - 11 a.m. - Cancelled**

**July 21, 1992 - 11 a.m. - Cancelled**

Site to be determined.

Oral presentations regarding Town of Amherst's proposed annexation of 6.4 square miles of territory in Amherst County has been cancelled.

**Contact:** Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☒

### LONGWOOD COLLEGE

#### Academic Affairs/Student Affairs Committee

**July 9, 1992 - 3 p.m. - Open Meeting**  
Longwood College, Board Room, East Ruffner, Farmville, Virginia. ☒

A meeting to conduct routine business.

**Contact:** William F. Dorrill, President, President's Office, 201 High Street, Longwood College, Farmville, VA 23909-1899, telephone (804) 395-2001.

#### Board of Visitors

**July 27, 1992 - 9 a.m. - Open Meeting**  
Longwood College, Virginia Room, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business of the board.

**Contact:** William F. Dorrill, President, President's Office, 201 High Street, Longwood College, Farmville, VA

# Calendar of Events

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23909-1899, telephone (804) 395-2001.

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## STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

† July 27, 1992 - 10 a.m. – Open Meeting  
† August 24, 1992 - 10 a.m. – Open Meeting  
State Lottery Department, 2201 West Broad Street,  
Richmond, Virginia. ☒

A regular 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, Staff Officer, 2201 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

\* \* \* \* \*

July 27, 1992 - 10 a.m. – Public Hearing  
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-01-2. Administration Regulations.** These proposed amendments will conform to legislative intent and make technical and housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

**Contact:** Barbara L. Robertson, Staff Officer, 2201 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

\* \* \* \* \*

July 27, 1992 - 10 a.m. – Public Hearing  
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-1. Instant Game Regulations.** These amendments promulgate emergency regulations regarding prize payments, conform to legislative intent, and address housekeeping and technical changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

**Contact:** Barbara L. Robertson, Staff Officer, 2201 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

July 27, 1992 - 10 a.m. – Public Hearing  
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-2. On-Line Game Regulations.** These amendments promulgate emergency subscription regulations, conform to legislative intent, and make housekeeping and technical changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

**Contact:** Barbara L. Robertson, Staff Officer, 2201 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

## MARINE RESOURCES COMMISSION

July 28, 1992 - 9:30 a.m. – Open Meeting  
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The commission will hear and decide fishery management items: regulatory proposals, fishery management plans, fishery conservation issues, licensing, shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues, and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

**Contact:** Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☒

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 17, 1992 – 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 Medical Assistance Services intends to amend regulations entitled: **VR 460-02-3.1400. Methods of Providing Transportation.** The purpose of the proposed action is to discontinue the prior authorization requirement for nonemergency transportation for recipients to and from other medical appointments.

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

Written comments may be submitted July 17, 1992, to C. Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

**BOARD OF MEDICINE**

**July 6, 1992** -- 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 Medicine intends to amend regulations entitled: **VR 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.** The proposed amendment is to establish biennial certification renewal to occur in the therapists' birth month each odd-numbered year, and to make grammatical corrections to be consistent with the language of the Code of Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-2954 of the Code of Virginia.

Written comments may be submitted until July 6, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9923.

**Credentials Committee**

† **August 15, 1992 - 8 a.m.** -- Open Meeting  
Department of Health Professions, Board Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general business; (ii) interview and review medical credentials of applicants applying for licensure in Virginia, in open and executive session; and (iii) discuss any other items which may come before the committee. Public comments will not be received.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

**Advisory Board on Physical Therapy**

**July 10, 1992 - 9 a.m.** -- Open Meeting  
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) review regulations, bylaws, and procedure manuals; (ii) receive reports; and (iii) discuss other items which may come before the advisory board. Public comments will be received at the pleasure of the chairperson.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

**DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD)**

**July 22, 1992 - 10 a.m.** -- Open Meeting  
Southwestern Virginia Training Center, Hillsville, Virginia. ☐

A regular monthly meeting. The agenda will be published on July 15 and may be obtained by calling Jane V. Helfrich.

Tuesday: Informal Session - 8 p.m.

Wednesday: Committee Meetings - 9 a.m.

Wednesday: Regular Session - 10 a.m.

See agenda for location.

**Contact:** Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

**MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD**

**June 29, 1992 - 7 p.m.** -- Open Meeting  
502 South Main Street #4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

# Calendar of Events

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**Contact:** Lisa Ann Peacock, Program Director, 502 South Main Street #4, Culpeper, VA 22701, telephone (703) 825-4562.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Division of Mined Land Reclamation

† **July 7, 1992 - 1 p.m.** – Open Meeting  
Department of Mines, Minerals and Energy, Conference Room 116, U.S. Route 23 North adjacent to Mountain Empire Community College Campus near Big Stone Gap, Virginia. ☒

A meeting to give interested persons an opportunity to be heard in regard to the second FY 1992 Virginia Abandoned Mine Land Emergency Grant application to be submitted to the Federal Office of Surface Mining.

**Contact:** Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer 900, Big Stone Gap, VA 24450, telephone (703) 523-8206.

## DEPARTMENT OF MOTOR VEHICLES

† **August 31, 1992 - 9:30 a.m.** – Public Hearing  
Department of Motor Vehicles, 2300 West Broad Street, Monticello Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to adopt regulations entitled: **VR 485-10-9001:1. Commercial Driver Training Schools Regulations and repeal VR 485-10-9001.** Pursuant to § 46.2-1703 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles intends to repeal existing regulations (VR 485-10-9001) and adopt new regulations, VR 485-10-9001:1, pertaining to commercial driver training schools. The proposed regulations will establish the licensing and regulatory provisions for commercial driver training schools and instructors. These regulations may affect any person, group or organization involved or associated with commercial driver training school instruction. Anyone wishing to comment on the proposed regulations may do so by contacting M. E. Smith, Program Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, or by calling (804) 367-2447 on or before August 3, 1992.

### STATEMENT

**Purpose:** The proposed action is to repeal the existing commercial driver training school regulations and adopt new regulations for this industry. The proposed regulations will establish the licensing and regulatory provisions for commercial driver training schools and instructors.

**Issues:** The proposed regulations address a number of

issues that have not previously been clear to the licensee, such as local business license and zoning compliance, record keeping, and equipment requirements. These revisions also clarify the administrative and regulatory responsibility for DMV. Specifically, the provisions include school or instructor license revocation for DUI, reckless driving, sexual assault convictions, etc.

**Basis:** DMV assumed responsibility of this program on July 1, 1990. The regulations have not been significantly modified since the mid-1970's. There has been an expansion of this industry during the past 10 years. The proposed regulations attempt to respond to input from the industry and address DMV's needs to effectively ensure public protection.

**Estimated Impact:** The proposed regulations will impact approximately 110 commercial driver training schools and 332 instructors. These schools have provided instruction to 10,000 to 14,000 teenage students per year during the last three calendar years.

**Statutory Authority:** §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Written comments may be submitted until August 28, 1992.

**Contact:** M. E. Smith, Program Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-2447.

### Medical Advisory Board

† **July 8, 1992 - 1 p.m.** – Open Meeting  
2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting.

**Contact:** Karen Ruby, Manager, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-0481.

## VIRGINIA MUSEUM OF NATURAL HISTORY

### Board of Trustees

† **July 25, 1992 - 9 a.m.** – Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia. ☒

This meeting will include reports from the executive, finance, outreach, marketing, personnel, planning/facilities, and research & collections committees. Public comment will be received following approval of the minutes of the May meeting.

**Contact:** Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, VA 24112, telephone (703) 666-8616 or (703) 666-8638/TDD ☎

**BOARD OF NURSING**

July 27, 1992 - 9 a.m. - Open Meeting  
July 28, 1992 - 9 a.m. - Open Meeting  
July 29, 1992 - 9 a.m. - Open Meeting  
Department of Health Professions, Conference Room 1,  
1601 Rolling Hills Drive, Richmond, Virginia. ☒  
(Interpreter for deaf provided upon request)

A meeting to consider matters related to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board.

Public comment will be received during an open forum session beginning at 11 a.m. on Monday, July 27, 1992.

Contact: Corinne F. Dorsey, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**Special Conference Committee**

June 29, 1992 - 8:30 a.m. - Open Meeting  
Department of Health Professions, Conference Room 3,  
1601 Rolling Hills Drive, Richmond, Virginia. ☒  
(Interpreter for deaf provided upon request)

A meeting to conduct informal conferences with licensees to determine what, if any, action should be recommended to the Board of Nursing.

Public comment will not be received.

Contact: Corinne F. Dorsey, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**BOARD OF NURSING HOME ADMINISTRATORS**

July 3, 1992 - 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 Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.** The board is amending regulations to delete outdated requirements, clarify continuing education requirements, provide an additional route to licensure, and revise reinstatement requirements.

Statutory Authority: §§ 54.1-2400 and 54.1-3101 of the Code of Virginia.

Written comments may be submitted until July 3, 1992.

Contact: Meredyth P. Partridge, Executive Director, 1601

Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9111.

**BOARD OF PHARMACY**

† July 28, 1992 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room #2, Richmond, Virginia.

Informal conferences.

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9911.

**BOARD OF PSYCHOLOGY**

June 29, 1992 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Informal hearing. No public comment.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229, telephone (804) 662-9913.

\* \* \* \* \*

July 22, 1992 - 9 a.m. - Public Hearing  
1601 Rolling Hills Drive, Conference Room 1, Richmond,  
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to amend regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology.** The proposed regulations establish requirements governing the practice of psychology in the Commonwealth. They include requirements necessary for licensure; criteria for the examinations; standards of practice; and procedures for the disciplining of psychologists. The proposed regulations respond to a biennial review conducted in accordance with Executive Order 5 (86) of Governor Gerald L. Baliles. The review of the regulations resulted in revisions to existing regulations. All relevant documents are available for inspection at the office of the Board of Psychology, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9913.

Statutory Authority: §§ 54.1-2400 and 54.1-3600 of the Code of Virginia.

Written comments may be submitted until August 15, 1992.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229, telephone (804) 662-9913.



# Calendar of Events

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† July 22, 1992 - 2 p.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Continuation of May 21, 1992 meeting.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling  
Hills Drive, Suite 200, Richmond, VA 23229, telephone  
(804) 662-9913.

† July 23, 1992 - -- Open Meeting  
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  
☒

A meeting to administer oral examinations and  
conduct general board business. No public comment  
will be received.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling  
Hills Drive, Suite 200, Richmond, VA 23229, telephone  
(804) 662-9913.

## Examination Committee

† July 24, 1992 - 9 a.m. - Open Meeting  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to discuss and prepare examinations. No  
public comment will be received.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling  
Hills Drive, Suite 200, Richmond, VA 23229, telephone  
(804) 662-9913.

## REAL ESTATE BOARD

† July 7, 1992 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Fifth  
Floor, Conference Room 3, Richmond, Virginia.

The board will meet to conduct a formal hearing: File  
No. 91-01251, Real Estate Board v. Patrick G.  
Carpenter.

Contact: Gayle Eubank, Hearings Coordinator, Department  
of Commerce, 3600 W. Broad Street, Fifth Floor,  
Richmond, VA 23230, telephone (804) 367-8524.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

July 15, 1992 - 2 p.m. - Open Meeting  
July 16, 1992 - if necessary - 9 a.m. - Open Meeting  
Department of Social Services, 8007 Discovery Drive,  
Richmond, Virginia. ☒

A work session and formal business meeting of the  
aforementioned board.

Contact: Phyllis Sisk, Staff Specialist, Department of Social

Services, 8007 Discovery Drive, Richmond, VA 23229,  
telephone (804) 662-9236, toll-free 1-800-552-3431 or  
1-800-552-7096/TDD ☒

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

July 6, 1992 - 10 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th  
Floor, Conference Room 1, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W.  
Broad Street, Richmond, VA 23230, telephone (804)  
367-8595.

## DEPARTMENT OF STATE POLICE

† August 28, 1992 - Written comments may be submitted  
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of State  
Police intends to amend regulations entitled: **VR  
545-01-03. Standards and Specifications for the  
Stickers or Decals Used by Counties, Cities and  
Towns in Lieu of License Plates.** This revision will  
make the standards and specifications for stickers and  
decals used in lieu of license plates consistent with  
existing state law and motor vehicle safety inspection  
rules and regulations with regards to placement.

## STATEMENT

Basis: To make these standards and specifications  
consistent with existing state law and motor vehicle safety  
inspection rules and regulations with regards to sticker and  
decals placement.

Purpose: To restrict the placement of local license stickers  
and decals to areas of motor vehicle windshields least  
affecting driver vision.

Substance: This revision will require local license stickers  
or decals to be placed to the right side of the official  
inspection sticker when viewed through the windshield  
from inside the vehicle. At the option of the motor  
vehicle's owner, the sticker or decal may be affixed at the  
upper edge of the center of the windshield. Such  
placement will provide at least instruction into the area of  
the windshield requisite for drivers visibility and still allow  
for prominent display of the stickers or decals for  
inspection by law enforcement and the vehicle's owner.

Issues: The proper placement of stickers and decals  
required by law and permitted by the Superintendent is  
essential to highway safety. Revision of this regulation will  
affect consistency in all rules governing such placement.

**Impact:** The cost of providing and disseminating this revision will be borne by the Department of State Police.

Statutory Authority: §§ 46.2-1052 and 52-8.4 of the Code of Virginia.

Written comments may be submitted until August 28, 1992.

**Contact:** Captain J. P. Henriess, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

## VIRGINIA COUNCIL ON TEENAGE PREGNANCY PREVENTION

† **August 6, 1992 - 10 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 Belvidere Street, Richmond, Virginia. ☒

A quarterly business meeting.

**Contact:** Harriet M. Russell, Director, PPLS, Department of Mental Health, Mental Retardation and Substance Services, 109 Governor Street, Richmond, VA 23230, telephone (804) 786-1530.

## DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† **July 15, 1992 - 2 p.m.** – Open Meeting  
Virginia Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**Contact:** John G. Milliken, Secretary of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

† **July 16, 1992 - 10 a.m.** – Open Meeting  
Virginia Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

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.

Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** John G. Milliken, Secretary of Transportation,

1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

\* \* \* \* \*

**August 10, 1992 - 1 p.m.** – Public Hearing  
Highway Auditorium, 1221 East Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities.** The Department of Transportation is authorized by §§ 33.1-12(3) and 33.1-49 of the Code of Virginia to regulate use of state highways and the interstate system to protect the safety to traffic. The proposed amendments to the Hazardous Materials Transportation Manual (i) change the regulations to allow vehicles which use natural gas (or gases with similar properties) as fuel to use the tunnel facilities in the Commonwealth; and (ii) change the regulations pertaining to the conditions under which low-pressure liquid oxygen can be transported through tunnel facilities in the Commonwealth.

Amending the manual allows Virginia to keep its regulations up-to-date with new chemicals and how they may be used or transported. Without these amendments, natural gas-powered vehicles and carriers of low-pressure liquid oxygen not in conformance with the amendments will be unable to use the tunnels.

Statutory Authority: §§ 33.1-12(3) and 33.1-49 of the Code of Virginia.

Written comments may be submitted until August 17, 1992, to Mr. J.L. Butner, Traffic Engineering Division, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219.

**Contact:** C.A. Abernathy, Transportation Engineer, Traffic Engineering Division, Virginia Department of Transportation, Room 206, Highway Annex, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-2889.

## TRANSPORTATION SAFETY BOARD

† **September 10, 1992 - 9:30 a.m.** – Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.

This meeting will deal exclusively with the distribution of USDOT Funds for approved grant requests.

**Contact:** William H. Leighty, Deputy Commissioner, Transportation Safety, DMV, 2300 West Broad Street, Richmond, VA 23219, telephone (804) 367-6614 or (804) 367-1752/TDD ☎

# Calendar of Events

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## TREASURY BOARD

† July 15, 1992 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd floor,  
Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting.

Contact: Belinda Blanchard, Assistant Investment Officer,  
Department of the Treasury, P.O. Box 6-H, Richmond, VA  
23215, telephone (804) 225-2142.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

July 25, 1992 - 11 a.m. - Open Meeting  
Administrative Headquarters, 397 Azalea Avenue,  
Richmond, Virginia. ☒ (interpreter for deaf provided upon  
request)

A meeting to advise the Virginia Board for the  
Visually Handicapped on matters related to services  
for blind and visually impaired citizens of the  
Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397  
Azalea Avenue, Richmond, VA 23227, telephone (804)  
371-3140/TDD ☎ or toll-free 1-800-622-2155.

## VIRGINIA VOLUNTARY FORMULARY BOARD

July 24, 1992 - 10 a.m. - Public Hearing  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia.

A public hearing to consider the proposed adoption  
and issuance of revisions to the Virginia Voluntary  
Formulary. The proposed revisions to the Formulary  
add and delete drugs and drug products to the  
Formulary that became effective on February 1, 1992,  
and the most recent supplement to that Formulary.  
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 July 24, 1992, will be  
made a part of the hearing record.

September 10, 1992 - 10:30 a.m. - Open Meeting  
1100 Bank Street, Washington Building, 2nd Floor Board  
Room, Richmond, Virginia.

A meeting to consider public hearing comments and  
review new product data for products pertaining to  
the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of

Pharmacy Services, 109 Governor Street, Room B1-9,  
Richmond, VA 23219, telephone (804) 786-4236.

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

July 15, 1992 - 7 p.m. - Public Hearing  
Upper Occoquan Sewage Authority, Board Room,  
Administration Building, 14631 Compton Road, Centreville,  
Virginia.

Pursuant to the requirements of Part VII, Permitting  
of Solid Waste Management Facilities, of the Virginia  
Solid Waste Management Regulations, the Department  
of Waste Management will hold a public hearing on  
the draft permit proposed for an Industrial Landfill  
which shall be located adjacent to the Upper  
Occoquan Sewage Authority Treatment Plant located in  
Fairfax County on Compton Road, Centreville, VA. The  
purpose of the public hearing will be to solicit  
comments regarding the technical merits of the draft  
permit pertaining to the landfill design, operation, and  
closure. The public comment period will extend until  
July 27, 1992. Copies of the proposed draft permit  
may be obtained from Aziz Farahmand, Department of  
Waste Management, 11th Floor, Monroe Building, 101  
N. 14th Street, Richmond, VA 23219. Comments  
concerning the draft permit must be in writing and  
directed to Hassan Vakili, Department of Waste  
Management, 11th Floor, Monroe Building, 101 N. 14th  
Street, Richmond, VA 23219.

Contact: Aziz Farahmand, Environmental Engineer  
Consultant, Virginia Department of Waste Management,  
11th Floor, Monroe Building, 101 N. 14th Street, Richmond,  
Virginia 23219, telephone (804) 371-0515 or (804)  
371-8737/TDD ☎

## THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

### Board of Visitors

June 30, 1992 - 9:30 a.m. - Open Meeting  
Blow Memorial Hall, Richmond Road, Williamsburg,  
Virginia. ☒

A called meeting to act on resolutions concerning  
faculty appointments for the 1992-93 academic year  
for the College of William and Mary and Richard  
Bland College. An informational release will be  
available four days prior to the board meeting for  
those individuals and organizations who request it.

Contact: William N. Walker, Director, Office of University  
Relations, James Blair Hall, Room 101C, College of  
William and Mary, P.O. Box 8795, Williamsburg, Virginia  
23187-8795, telephone (804) 221-1005.



## BOARD OF YOUTH AND FAMILY SERVICES

† July 9, 1992 - 10 a.m. - Open Meeting

Department of Youth and Family Services, 700 Centre, 7th and Franklin Streets, Richmond, Virginia.

August 24, 1992 - 10 a.m. - Open Meeting

Virginian Beach, Virginia.

A general business meeting.

Contact: Paul Steiner, Policy Coordinator, Department of Youth and Family Services, P.O. Box 3AG, Richmond, Virginia 23208-1108, telephone (804) 371-0700.

## VIRGINIA COMMISSION ON YOUTH

† August 24, 1992 - 1 p.m. - Public Hearing

Virginia Beach Center for the Arts, 2200 Parks Avenue, Price Auditorium, Virginia Beach, Virginia. ☒ (Interpreter for deaf provided upon request)

† September 22, 1992 - 1 p.m. - Public Hearing

Mary Washington College, 1301 College Avenue, Dodd Auditorium, Fredericksburg, Virginia. ☒ (Interpreter for deaf provided upon request)

A public hearing to solicit testimony relating to Juvenile Crime and Youth Prevention Programs. The Juvenile Crime testimony will be used as part of the study from HJR 36 on Serious Juvenile Offenders and the Youth Prevention Programs testimony will be used as background for the oversight of the Comprehensive Services Act for At-Risk Youth and Families (HB 935 and SB 171). A separate time slot has been set aside for each topic. The time slots are: 1 p.m.-3 p.m. Juvenile Crime and 4 p.m.-6 p.m. Youth Prevention Programs.

Contact: Mary Simmons, Staff Assistant, Commission on Youth, General Assembly Building, Suite 517 B, 910 Capitol Street, Richmond, VA 23219, telephone (804) 371-2481.

## LEGISLATIVE

### SUBCOMMITTEE #2 OF THE COMMITTEE ON AGRICULTURE TO STUDY CARRY OVER HOUSE BILL 853 AND 854 RELATING TO REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES.

† July 6, 1992 - 2 p.m. - Public Hearing  
Loudoun County Administration Building, King and Market Streets, Board of Supervisors Room, Leesburg, Virginia.

A public hearing to receive public comments regarding House Bills 853 and 854. House Bill 854 requires the Waste Management Board to provide for reasonable exemptions from the procedural and substantive permitting requirements for solid waste management facilities in order to encourage the development of composting materials which receive disease-free materials other than, or mixed with, yard waste. House Bill 853 provides a definition for what constitutes yard waste. (HB 853 and HB 854)

Those persons wishing to speak should contact: Lois V. Johnson, House of Delegates, Committee Operations, General Assembly Building, Richmond, VA 23219.

Contact: Deanna C. Sampson, Staff Attorney, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

### SUBCOMMITTEE OF THE COMMITTEE ON MINING AND MINERAL RESOURCES TO STUDY CARRYOVER HOUSE BILL 896 RELATING TO WATER SUPPLIES CONTAMINATED BY MINING ACTIVITIES

July 17, 1992 - 4 p.m. - Public Hearing  
Clinch Valley College, Wise, Virginia.

A meeting to receive comments from the residents of Southwest Virginia relating to water supplies contaminated by mining activities. (HB 896)

Those persons wishing to speak should contact Lois V. Johnson, House of Delegates, Committee Operations, General Assembly Building, Richmond, VA 23219.

Contact: Frank Munyan, Staff Attorney, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

### JOINT SUBCOMMITTEE STUDYING SCHOOL DROP OUT

† July 7, 1992 - 10 a.m. - Open Meeting  
General Assembly Building, Speakers Conference Room, 6th Floor, Richmond, Virginia.

The subcommittee will meet for the purpose of a Prevention and Retention work session.

# Calendar of Events

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**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

## VIRGINIA CODE COMMISSION

**July 15, 1992 - 9:30 a.m. -- Open Meeting**  
General Assembly Building, 6th Floor Conference Room, Richmond, Virginia.

A general business meeting, including a review of the draft revision of Title 24.1 (Election Laws).

**Contact:** Joan W. Smith, Virginia Code Commission, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### June 29

- † Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- Middle Virginia Board of Directors and the Middle Virginia Community Corrections Resources Board
- Nursing, Board of
- Special Conference Committee

#### June 30

- Aging, Department for the
- Long-Term Care Ombudsman Advisory Council
- † Agriculture and Consumer Services, Department of
- Virginia Apple Board
- Athletic Board
- William and Mary in Virginia, The College of
- Board of Visitors

#### July 2

- † Conservation and Recreation, Department of
- Chickahominy Scenic River Advisory Board

#### July 6

- Soil Scientists, Board for Professional

#### July 7

- Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
- Hopewell Industrial Safety Council
- † Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
- † Real Estate Board
- † School Drop Out, Joint Subcommittee Studying

#### July 8

- † Alcoholic Beverage Control Board
- † Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for

- Board for Land Surveyors
- † Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Dentistry, Board of
- Interagency Coordinating Council on Early Intervention, Virginia
- † Motor Vehicles, Department of
- Medical Advisory Board

#### July 9

- † Agriculture and Consumer Services, Department of
- Agriculture and Consumer Services, Board of
- Virginia Cattle Industry Board
- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Land Surveyors
- † Child Day-Care Center
- Emergency Planning Committee, Local - Fairfax County, The City of Fairfax, and the Towns of Herndon and Vienna
- Longwood College
- Academic Affairs/Student Affairs Committee
- Youth and Family Services, Board of

#### July 10

- Medicine, Board of
- Advisory Board on Physical Therapy

#### July 13

- † ASAP Policy Board - Valley
- † Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- † Employment Commission, Virginia
- State Advisory Board

#### July 14

- † Higher Education for Virginia, State Council of

#### July 15

- Code Commission, Virginia
- Corrections, Board of
- † Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
- † Local Debt, State Council on
- Social Services, State Board of
- † Transportation Board, Commonwealth
- † Treasury Board

#### July 16

- † Agriculture and Consumer Services, Department of
- Virginia Peanut Board
- Audiology and Speech Pathology, Board of
- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
- Corrections, Board of
- Liaison Committee
- Social Services, State Board of
- † Transportation Board, Commonwealth

#### July 17

- † Agriculture and Consumer Services, Department of

# Calendar of Events

- Pesticide Control Board
- † Coordinating Prevention, Virginia Council on
- † Game and Inland Fisheries, Board of
- July 18**
  - † Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- July 20**
  - Local Government, Commission on
- July 22**
  - † Chesapeake Bay Local Assistance Board
  - Northern Area Review Committee
  - † Community Colleges, State Board for
  - Mental Health, Mental Retardation and Substance
  - Abuse Services Board, State
  - † Psychology, Board of
- July 23**
  - † Community Colleges, State Board for
  - † Psychology, Board of
- July 24**
  - † Psychology, Board of
  - Examination Committee
- July 25**
  - † Museum of Natural History, Virginia
  - Board of Trustees
  - Visually Handicapped, Department for the
  - Advisory Committee on Services
- July 27**
  - Longwood College
  - Board of Visitors
  - † Lottery Department, State
  - Nursing, Board of
- July 28**
  - † Health Services Cost Review Council, Virginia
  - Marine Resources Commission
  - Nursing, Board of
  - † Pharmacy, Board of
- July 29**
  - Nursing, Board of
- July 30**
  - Education, Board of
- August 6**
  - † Teenage Pregnancy Prevention, Virginia Council for
- August 7**
  - Dentistry, Board of
- August 14**
  - Dentistry, Board of
- August 15**

- † Medicine, Board of
- Credentials Committee
- August 19**
  - Corrections, Board of
- August 24**
  - † Lottery Department, State
- August 25**
  - † Health Services Cost Review Council, Virginia
- September 10**
  - † Transportation Safety Board
  - Voluntary Formulary Board, Virginia

## PUBLIC HEARINGS

- July 1**
  - Air Pollution Control Board, State
- July 4**
  - Medicine, Board of
- July 6**
  - † Agriculture to Study Carry Over House Bill 853 and
  - 854 Relating to Requirements for Solid Waste
  - Management Facilities, Subcommittee #2 of the
  - Committee on
- July 8**
  - Air Pollution Control Board, State
- July 14**
  - † Higher Education for Virginia, State Council of
- July 15**
  - Air Pollution Control Board, State
  - Waste Management, Department of
- July 16**
  - Labor and Industry, Department of
  - Apprenticeship Council
- July 17**
  - Mining and Mineral Resources to Study Carry Over
  - House Bill 896 Relating to Water Supplies
  - Contaminated by Mining Activities, Subcommittee of
  - the Committee on
- July 22**
  - Air Pollution Control Board, State
  - Psychology, Board of
- July 24**
  - Voluntary Formulary Board, Virginia
- July 27**

# Calendar of Events

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Lottery Department, State

**July 29**

Education, Department of

**July 30**

Chesapeake Bay Local Assistance Board

**August 10**

Transportation, Department of

**August 24**

† Youth, Virginia Commission on

**August 31**

† Motor Vehicles, Department of

**September 22**

† Youth, Virginia Commission on

**September 30**

† Agriculture and Consumer Services, Board of