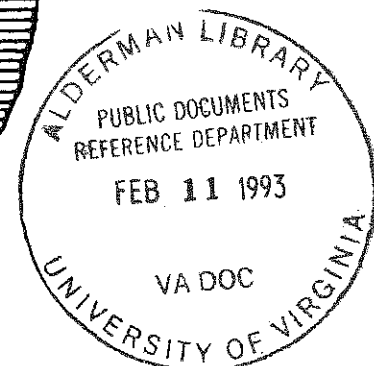
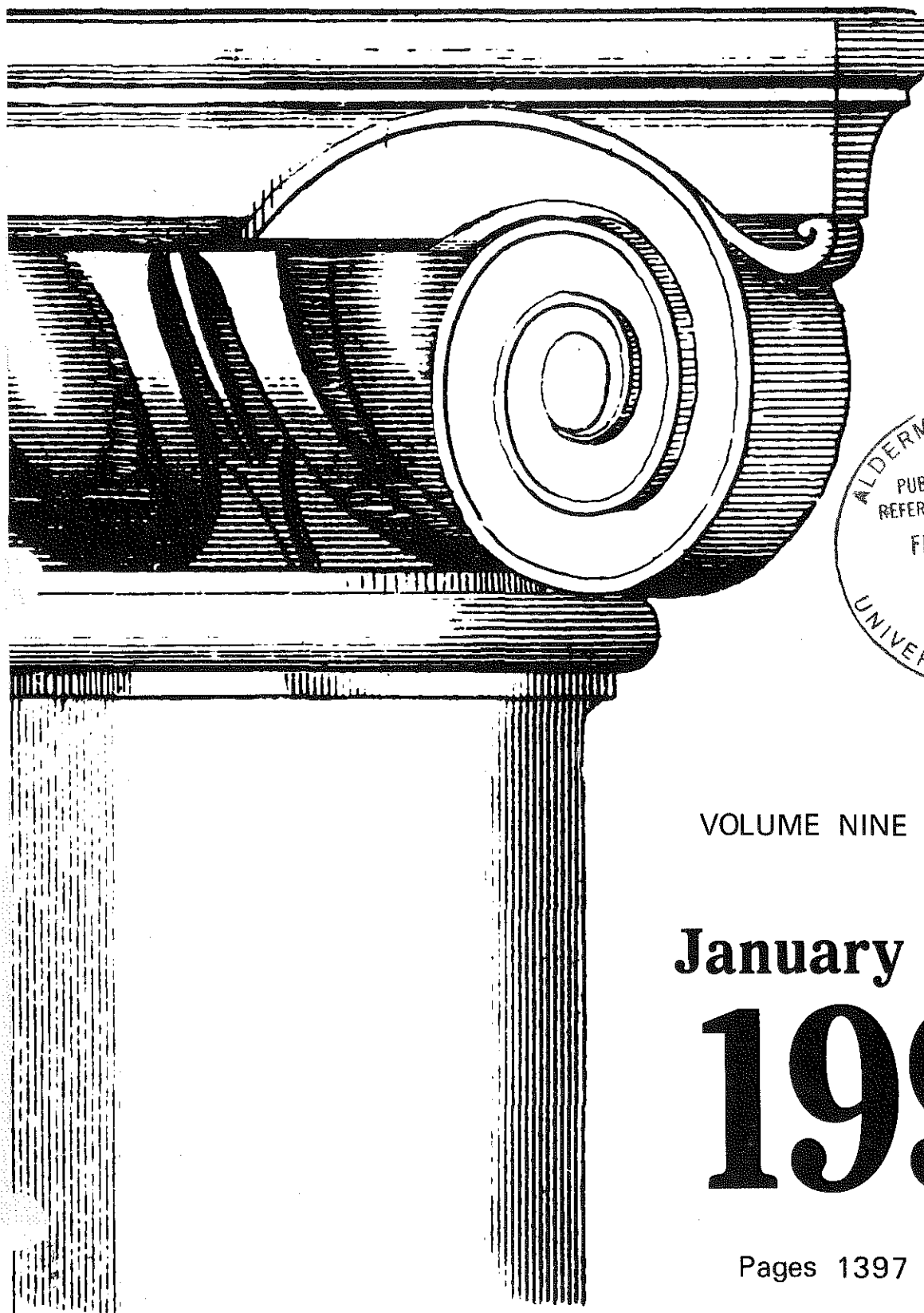


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THE VIRGINIA REGISTER

OF REGULATIONS

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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.

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Symbol Key †

† Indicates entries since last publication of the Virginia Register

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 115-04-01. Rules and Regulations Relating to the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to (i) review the regulation for effectiveness and continued need; (ii) consider listing seven rare plant species as endangered and two rare insect species as threatened; (iii) change one plant species listing from endangered to threatened; and (iv) remove one plant species from the endangered list under the Virginia Endangered Plant and Insect Species Act.

List endangered:

Aeschynomene virginica	Sensitive joint-vetch
Cardamine micranthera	Small-anthered bittercress
Clematis addisonii	Addison's leatherflower
Clematis vitacaulis	Millboro leatherflower
Echinacea laevigata	Smooth coneflower
Rudbeckia heliopsides	Sun-facing coneflower
Trifolium sp. 1	Leo's Clover

List threatened:

Cicindela dorsalis	Northeastern beach tiger
dorsalis	beetle
Tetragoneuria spinosa	Swamp Skimmer

Change listing from endangered to threatened:

Betula uber Virginia round-leaf birch

Remove from endangered list:

Bacopa stragula Mat forming water hyssop

Statutory authority: § 3.1-1025 of the Code of Virginia.

Written comments may be submitted until February 17, 1993.

Contact: John R. Tate, Endangered Species Coordinator, P.O. Box 1163, 1100 Bank Street, Room 703, Richmond, VA 23209, telephone (804) 786-3515.

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 115-04-12. Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need. Such review is necessary in the areas of labeling of dispensers, disclosure of information when petroleum products are transferred and specifications related to environmental requirements.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Written comments may be submitted until January 29, 1993.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, Office of Weights and Measures, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476.

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 (Revision GG).** The purpose of the proposed action is to establish an emission standard that will require the owners of municipal waste combustor (MWC) facilities to limit emissions of organics (such as dioxins/furans), metals (such as particulate matter), and acid gases (such as sulfur dioxide and hydrogen chloride) to a specified level necessary to protect public health and welfare.

A public meeting will be held by the department in Room D of the Monroe Building, 101 North 14th Street, Richmond, Virginia, at 10 a.m. on February 2, 1993, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Needs and issues involved: MWC emissions are a "designated" pollutant under Section 111(d) of the Clean Air Act. Designated pollutants are pollutants which are not included on a list published under Section 108(a) of the Act ("criteria" pollutants), or Section 112(b)(1)(A) ("hazardous" pollutants), but for which standards of

Notices of Intended Regulatory Action

performance for new sources have been established under Section 111(b). When the U.S. Environmental Protection Agency (EPA) establishes a new source performance standard, states are required to develop standards for existing facilities based on EPA emission guidelines. Designated pollutant controls are critical for two reasons. First, only a limited number of air pollutants potentially harmful to human health are regulated at the federal level. Second, health risks from small exposures to designated air pollutants can be high, depending on the substances involved.

EPA has determined that MWC facilities should be regulated under Section 111 (New Source Performance Standards) of the Clean Air Act because:

1. MWC emissions may be reasonably anticipated to contribute to the endangerment of public health and welfare.
2. The range of health and welfare effects and the range and uncertainties of estimated cancer risks do not warrant listing MWC emissions as a hazardous pollutant under Section 112 of the Act.
3. Section 112 of the Act could not be used to address particular constituents or subgroups of emissions (such as hydrogen chloride).
4. Section 111(d) of the Act would permit a more thorough evaluation of existing MWCs at the state level than would be feasible in a general rulemaking at the federal level.

Currently, over 160 municipal waste combustor (MWC) facilities operate throughout the United States, 10 of which are located in Virginia. An MWC is a combustion unit that burns more than 50% municipal solid waste; most MWC facilities have at least two, and often as many as four MWC units. Municipal solid waste includes household, institutional, municipal, and some industrial waste, as well as refuse-derived fuel. As a result of municipal solid waste combustion, many substances of concern are emitted to the atmosphere: organics (including dioxins and furans), metals (including particulate matter), and acid gases (including sulfur dioxide and hydrogen chloride). This mixture is considered a composite pollutant, MWC emissions. The reduction of emissions in accordance with the guidelines will reduce dioxins/furans from existing MWCs by over 90% and metal emissions (except mercury, which would be less) by 97%. An overall 73% reduction would be realized in acid gas emissions.

Failure to develop an adequate program to control MWC emissions will have adverse impacts on public health and welfare. For example:

1. Dioxins and furans are among the most toxic chemicals known. Excessive exposure to dioxin, for example, can cause severe dermatological, cardiovascular, respiratory, pancreatic, and urinary

disorders; dioxins and furans are also suspected carcinogens.

2. Particulate emissions can absorb heavy metals and organics and lodge in human lungs, acting as irritants and causing chronic health problems. Additionally, visibility deteriorates, due to haze, with increases of particulate matter emissions. This directly affects national parks, where clear visibility is at a premium.

3. In addition to causing eye and respiratory irritation, sulfur dioxide and hydrogen chloride also aggravate asthma and other chronic lung diseases. They may enhance the toxic effects of heavy metals. Acid gases also contribute to the development of acid rain, which has serious adverse effects on wildlife, vegetation, and property.

Regulatory alternatives:

1. Amend the regulations to satisfy the provisions of the Act and associated EPA regulations and policies.
2. Make alternative regulatory changes to those required by the Act, either one or more of the alternatives identified below:
 - a. Revise the regulations to include requirements more stringent than those required by the Act.
 - b. Revise the regulations to include requirements less stringent than the Act.or perhaps other suggested alternatives.
3. Take no action to amend the regulations.

Regulatory constraints: The 1990 Clean Air Act Amendments added a new Section 129 to the Act that applies to solid waste incinerators, including municipal waste combustors (MWCs), medical waste incinerators, and industrial waste incinerators. Section 129 of the Act and its associated standards were promulgated because EPA determined that incinerator emissions cause or contribute significantly to air pollution which may reasonably be expected to endanger public health and welfare. The intended effect of the standards and guidelines is to form a basis for state action to develop state regulations controlling MWC emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, non-air quality health and environmental impacts, and energy requirements.

Section 129 of the Act directs that the standards and guidelines for MWCs be broadened, and provides the schedule for this activity. First, Section 129 directs EPA to promulgate these standards and guidelines for individual MWC units with a larger than 250 tpd capacity. Second, Section 129 requires EPA to review and revise these promulgated standards and guidelines within one year, to be fully consistent with Section 129. This will result in a

Notices of Intended Regulatory Action

number of additions to the standards and guidelines, including the addition of numerical emission limits for mercury, cadmium, and lead emissions. Third, Section 129 directs that standards and guidelines, fully consistent with Section 129, be promulgated for MWCs with a less than 250 tpd capacity within two years.

Regulating MWC emissions for new sources under Section 111(b) of the Act (New Source Performance Standards) establishes MWC emissions as a designated pollutant, and requires the EPA to promulgate guidelines under Section 111(d) for states to use in developing regulations to control pollutants from existing MWCs. Emissions guidelines for existing MWCs that began construction on or before December 20, 1989, have been promulgated under Sections 111(d) and 129 of the Act. In order for Sections 111 and 129 to be effected, the specific guidelines are promulgated in the Code of Federal Regulations (CFR) (subpart Ca 40 CFR Part 60). State regulations must be at least as stringent as the guidelines.

The guidelines subcategorize the population of existing MWCs into two size categories relative to air emission levels: very large (existing MWC units larger than 250 tpd capacity that are located at MWC facilities with an aggregate capacity to combust more than 1,100 tpd of municipal solid waste); and large (existing MWC units larger than 250 tpd capacity that are located at MWC facilities with an aggregate capacity to combust more than 250 tpd of municipal solid waste, but less than or equal to 1,100 tpd of municipal solid waste).

MWC emissions are subcategorized as organic, metal, and acid gas emissions. The guidelines establish emission limits for organic emissions (measured as dioxins and furans), metal emissions (measured as particulate matter), and acid gas emissions (measured as sulfur dioxide and hydrogen chloride).

The guideline limits require emission reductions from existing MWCs larger than 250 tpd capacity in two ways. First, proper combustion of municipal solid waste is required for all MWCs. Second, the guidelines limit the composite pollutant, MWC emissions, through specific maximum emission levels for organic, metal, and acid gas emissions. Compliance testing specifications and a good combustion practice requirement are also included.

Tentative determinations: It has been tentatively determined that to meet the minimum requirements of the Act (as described in the regulatory constraints section), the following standards would have to be added to the regulations:

Emission Type	Guidelines	
	Large (less than or equal to 1,100 tpd)	Very Large (greater than 1,000 tpd)
Organics	50 gr/Bdscf (100 for RDF stokers)	24 gr/Bdscf

		and mixed fuels)
Metals	0.030 gr/dscf of PM and 10% opacity	.015 gr/dscf of PM and 10% opacity
Acid Gases		
HCl	50% reduction or 25 ppmv	90% reduction or 30 ppmv
SO2	50% reduction or 30 ppmv	70% reduction or 30 ppmv

gr/Bdscf = grams per billion dry standard cubic feet

RDF = refuse-derived fuel

PM = particulate matter

HCl = hydrogen chloride

SO2 = sulfur dioxide

ppmv = parts per million volume

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 Section 110 of the Federal Clean Air Act (42 USC 7401 et seq., 91 Stat 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 February 2, 1993 to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

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

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 (Revision LL)**. The purpose of the proposed action is to amend the regulations to provide the latest edition of referenced documents and to incorporate newly promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP).

A public meeting will be held by the department in Room D of the Monroe Building, 101 North Fourteenth Street,

Notices of Intended Regulatory Action

Richmond, Virginia, at 10 a.m. on February 3, 1993, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Needs and issues involved: The amendments are needed because the regulations must be current and timely which means that documents incorporated must be the most recent edition. The board must incorporate the newly promulgated NSPS and NESHAP in order for the department to obtain authority from the U.S. Environmental Protection Agency (EPA) to enforce these standards. The issue is whether the regulations should specify the most current edition of those documents incorporated by reference and whether the department should obtain delegation of authority to enforce the newly promulgated federal standards.

Regulatory alternatives: The regulatory alternative is not to adopt the intended regulatory amendments and continue using references that are outdated and not to incorporate the additional federal standards and, thus, allow the enforcement of these standards by EPA.

Regulatory constraints: None.

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 Section 110 of the Federal Clean Air Act (42 USC 7401 et seq., 91 Stat 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 February 3, 1993, to Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia 23240.

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

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 (Revision MM)**. The purpose of the proposed action is to amend the regulation to make

it conform to the federal requirements for prevention of significant deterioration new source review programs.

A public meeting will be held by the department in Room D of the Monroe Building, 101 North Fourteenth Street, Richmond, Virginia, at 10 a.m. on February 4, 1993, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Needs and issues involved: The primary goals of the Clean Air Act are the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e., attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at the reduced levels (i.e., maintenance). The Virginia State Implementation Plan was submitted to EPA in early 1972. Many revisions (mostly regulation revisions) to the plan have been made since the original submittal in 1972. Generally, the plan is revised, as needed, based upon changes in the Federal Clean Air Act and its requirements.

A state implementation plan is the key to the air quality programs. The Clean Air Act is specific concerning the elements required for an acceptable SIP. No state is required to prepare such a plan; but if it does not, or EPA does not approve a submitted plan, then EPA itself is empowered to take the necessary actions to attain and maintain the air quality standards.

A SIP revision for PSD is designed to protect air quality in areas where the air is cleaner than required by the NAAQS. The PSD program has three classifications for defining the level of allowable degradation. Class I is the most stringent classification, allowing for little additional pollution, while Class III allows the most. All of Virginia is classified at the moderate level, Class II, with the exception of two Class I federal lands.

PSD's primary control strategy is New Source Review. Prior to the construction or expansion of industrial facilities, a permit must be obtained that demonstrates that a facility will not emit pollutants in sufficient quantity to make a significant contribution to the deterioration of air quality or to violate the NAAQS.

In 1972, EPA declared all state plans to control air

Notices of Intended Regulatory Action

pollution inadequate because they did not provide for prevention of significant deterioration of air quality. EPA issued its own PSD regulations in 1974, which provided for three area classifications which would allow for three different levels of degradation, and required that new or modified major sources obtain a permit from EPA to construct. By 1978, EPA updated its PSD regulations, which then underwent considerable revision and controversy.

Because the federal PSD regulations were frequently in litigation and it was difficult to develop stable plans, most states, including Virginia, opted to accept a federal implementation plan (FIP) in lieu of a SIP. EPA promulgated a FIP but, due to limited enforcement resources, allowed states to enforce it under a delegated program approach. Since that time, the program has stabilized, and the states have gained considerable experience in carrying out the program. Currently, 30 states operate under an approved SIP: 13 under full delegation and 6 under partial delegation.

Currently, Virginia has not submitted a SIP for PSD but operates under an EPA promulgated PSD plan. EPA's plan, which consists of New Source Review, has been delegated to the State Air Pollution Control Board. To implement the EPA plan the board currently has New Source Review regulations (contained in § 120-08-02 of VR 120-01) for a PSD program that are, in substance, the same as EPA's regulations. Virginia now wishes to abandon the delegated approach and submit a SIP revision giving the state full PSD authority. The board has taken the first step by approving an overall SIP revision and directing the department to submit the SIP revision to EPA. However, prior to including New Source Review regulations as part of the SIP revision, the board must make several changes, mainly procedural in nature, to make the regulations acceptable to EPA.

Regulatory alternatives:

1. Amend the regulations to satisfy the provisions of the Clean Air Act and associated EPA regulations and policies.
2. Make alternative regulatory changes to those required by the Act.
3. Take no action to amend the regulations and continue to operate under the federal implementation plan.

Regulatory constraints: A key strategy for managing the growth of new emissions is the permit program for new and modified stationary sources. The program is mandated by the Clean Air Act and requires that owners obtain a permit from the agency prior to the construction of a new industrial or commercial facility or the expansion of an existing one. Program requirements differ according to the facility's potential to emit a specified amount of a specific pollutant and the air quality status of the various areas

within the state where the facility is or will be located. Requirements for facilities considered to be major due to their potential to emit a specified pollutant are more stringent than for less polluting facilities. Requirements for major facilities located or locating in nonattainment areas are considerably more stringent than for PSD areas. Permits issued in nonattainment areas require the facility owner to apply control technology that meets the lowest achievable emission rate and to obtain emission reductions from existing sources in the area such that the reductions offset the increases from the proposed facility by a ratio greater than one for the emissions contributing to the nonattainment situation. Permits issued in PSD areas require the facility owner to employ control technology that is the best available and, in some cases, to monitor ambient air quality at the site where the facility will be located to determine ambient air background levels of the pollutants to be emitted. Through the implementation of a new and modified source permit program, emission increases from new and expanding stationary sources can be managed so that affected areas can attain and maintain the air quality standards and accommodate growth.

Under the PSD permit program, certain information is required as part of the application, as follows:

- (1) an assessment of existing air quality, which requires one year of measurement data;
- (2) a description of the technology to be used to control emissions from the facility, which must be the best available control technology; and
- (3) an assessment of the impact of emissions from the facility on existing air quality, using complex mathematical models.

Development by the applicant and review and analysis by the state of this information is an extensive process. Prior to granting the permit, there must be a preconstruction review of projected pollution emission increases expected from the construction of a new industrial facility or the expansion of an existing industrial facility so as to insure that the emission increases are held to a minimum. The review consists of four phases.

The first phase of review is to determine if the proposed new or modified facility will be subject to the program. Only major industrial facilities are affected and the regulations provide specific definitions that identify these particular facilities.

The second phase of review is to determine if the facility will be equipped with the best available control technology (BACT) to reduce its emissions in light of economic, environmental, and energy factors. BACT must be used on all pollutants that will be emitted in significant amounts.

The third phase of review is to determine if the emissions from the proposed new or modified facility will cause a violation of any air quality standard or the special

Notices of Intended Regulatory Action

incremental standards developed for the PSD program. The determination is made after an air quality impact analysis using current modeling techniques.

The final phase of review is to determine the impact of associated sources of pollution, such as commercial and other industrial development, resulting from the entry of the new facility into the area. This phase also requires an analysis of the impact of the increased emissions from the new or modified facility on impairment of visibility and the possible damage to soils and vegetation.

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 Section 110 of the Federal Clean Air Act (42 USC 7401 et seq., 91 Stat 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 February 4, 1993, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

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

DEPARTMENT OF CORRECTIONS (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 Corrections intends to consider amending regulations entitled: **VR 230-20-001.1. Standards for State Correctional Facilities.** The purpose of the proposed action is to update the language contained in some of the standards and remove conflicting data in some standards.

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

Written comments may be submitted until February 15, 1993.

Contact: Cynthia J. Evans, Certification Supervisor, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3237.

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 repealing regulations entitled: **VR 270-01-0037. Regulations Governing Public School Building Construction.** The purpose of the proposed action is to repeal the existing regulations because new standards for the erection of or addition to public school buildings are being promulgated.

Statutory Authority: § 22.1-138 of the Code of Virginia.

Written comments may be submitted until March 3, 1993.

Contact: David L. Boddy, Director of Facilities, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2035.

DEPARTMENT OF MEDICAL ASSISTANCE 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 Medical Assistance Services intends to consider amending regulations entitled: **VR 460-03-4.1940.1. Nursing Home Payment System.** The purpose of the proposed action is to modify the Nursing Home Payment System in four ways: (i) extend time frames for DMAS to reach an interim settlement for filed cost reports; (ii) modify time frames for provider appeals from calendar days to business days; (iii) require submission of audited financial statements; and (iv) technical corrections.

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

Written comments may be submitted until January 25, 1993, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **VR 460-10-2400. Financial Eligibility Requirements for Aged, Blind, and Disabled Individuals;** **VR 460-10-2450. Financial Eligibility Requirements for Qualified Medicare Beneficiaries;** and **VR 460-10-2700.**

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Financial Eligibility Requirements for Long-Term Care Recipients. The purpose of the proposed action is to establish the methodology and standards for determining financial eligibility for Medicaid for the specified groups of applicants.

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

Written comments may be submitted until February 8, 1993, to Roberta Jonas, Policy and Research Division, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines and § 54.1-2.2957.2 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **VR 465-09-01. Certification of Optometrists to Prescribe for and Treat Certain Diseases, Including Abnormal Conditions, of the Human Eye and Its Adnexa with Certain Therapeutic Pharmaceutical Agents.** The purpose of the proposed action is to review § 4.3 of the regulations to determine whether new regulations should be adopted, the current regulations be amended and/or specific regulations be repealed in regards to certain therapeutic, pharmaceutical agents administered or prescribed by Doctors of Optometry.

A public hearing is being held, pursuant to § 54.1-2957.2 of the Code of Virginia, on March 19, 1993, at 9 a.m., at the Department of Health Professions, 6606 W. Broad St., 5th Fl., Board Room 2, Richmond, VA 23230.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.2 of the Code of Virginia.

Written comments may be submitted until February 26, 1993, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23229-1717.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

BOARD OF NURSING

Notice of Intended Regulatory Action

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

intends to consider amending regulations entitled **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed action is to conduct a biennial review of existing regulations as to cost of compliance and propose amendments which may result from the review. Included in the review are requests from (i) the Board of Education to reconsider certification and program approval of Nurse Aide Education Programs in the public schools, and (ii) Tidewater Tech for recognition of the Career College Association as an accrediting agency in § 2.2 A 2 of the regulations.

A public hearing to receive oral comments on the existing regulations will be held on January 27, 1993, at 1:30 p.m. at the Department of Health Professions, Conference Room, 6606 W. Broad Street, Richmond, VA.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until January 27, 1993 at 5 p.m.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9909.

BOARD OF NURSING HOME ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing Home Administrators intends to consider amending regulations entitled: **VR 500-02-2:1. Regulations of the Board of Nursing Home Administrators.** The purpose of the proposed action is to incorporate emergency regulations that became effective November 4, 1992, which increased fees and amended the continuing education requirements.

Statutory Authority: §§ 54.1-2400 and 54.1-3100 through 54.1-3103 of the Code of Virginia.

Written comments may be submitted until February 12, 1993.

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9111.

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Psychology intends to consider amending regulations entitled: **VR 565-01-2. Regulations Governing the Practice**

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of Psychology. The purpose of the proposed action is to adjust fees, in accordance with § 54.1-113 of the Code of Virginia, to assure revenue is sufficient to cover board expenses.

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

Written comments may be submitted until January 28, 1993.

Contact: Evelyn B. Brown, Executive Director, or Jane Ballard, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Foster Care - Collection of Child Support**. The purpose of the proposed action is to promulgate regulations governing the collection of child support from parents of children entering foster care. These regulations will pertain to children whose foster care expenses are paid from state and local funds, as well as children whose expenses are paid from federal and state funds.

Statutory Authority: § 63.1-25 of the Code of Virginia and item 378 B 4 of the 1992 Appropriations Act.

Written comments may be submitted until February 12, 1993, to Rick Pond, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Policy Analyst, Virginia Department of Social Services, 8007 Discovery Dr., 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 amending regulations entitled: **VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information**. The purpose of the proposed action is to eliminate the finding of reason to suspect as one of the possible dispositions for child abuse/neglect investigations, and to establish preponderance of evidence as the level of evidence required to make a founded disposition in a child abuse/neglect investigation.

Statutory Authority: § 63.1-25 and Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1 of the Code of Virginia.

Written comments may be submitted until February 12,

1993, to Janine Tondrowski, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

Contact: Margaret Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, 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 615-45-5. Procedures for Investigating Child Abuse and Neglect Complaints Against Employees of Local School Boards**. The purpose of the proposed action is to promulgate regulations which govern the investigation of child abuse and neglect complaints against employees of local school boards.

Statutory Authority: § 63.1-25 and Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1 of the Code of Virginia.

Written comments may be submitted until February 12, 1993, to Janine Tondrowski, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

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

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Veterinary Medicine intends to consider amending regulations entitled: **VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to respond to the requirement for biennial regulatory review in keeping with § 1.2 D of the regulations and to propose to adjust fees for the annual renewal for active and inactive veterinarians and veterinary technicians.

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

Written comments may be submitted until February 15, 1993, to Terri Behr, Board of Veterinary Medicine, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230.

Contact: Elizabeth A. Carter, Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9942.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Notice of Intended Regulatory Action

Notices of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Waste Management Facility Operators intends to consider promulgating regulations entitled: **VR 674-01-01. Public Participation Guidelines for Waste Management Facility Operators Board.** The purpose of the proposed action is to establish public participation guidelines for the Waste Management Facility Operators Board.

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

Written comments may be submitted until January 29, 1993.

Contact: Nelle P. Hotchkiss, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider repealing regulations entitled: **VR 680-14-01. Permit Regulation.** The proposed regulatory action is to consider repealing the Permit Regulation. The adoption of a new VPDES Permit Regulation will make the VPDES program conform in style and content to the federal program regulations. The VPA Permit Regulation will be separated from the VPDES permitting program in order to recognize the distinction between this wholly state run VPA program and the federal/state NPDES/VPDES permit program.

Basis and statutory authority: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program.

Need: The repeal of this regulation is being considered in order to eliminate any confusion and duplication of regulations which may result from the concurrent incorporation of the intent and purpose of the Permit Regulation into a Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (VR 680-14-01:1) and a Virginia Pollution Abatement (VPA) Permit Regulation (VR 680-14-21).

Estimated impact: The repeal of VR 680-14-01 would have no impact on the regulated community nor the environment as the purpose and scope of the regulation are being transferred into the VPDES Permit Regulation and the VPA Permit Regulation.

Alternatives: One alternative to the proposed repeal is to continue to administer the VPDES and VPA permit programs under the current regulation (VR 680-14-01).

Comments: The board seeks oral and written comments from interested persons on the proposed regulatory action and on the costs and benefits of the stated alternatives. To be considered, written comments should be directed to Ms. Doneva Dalton, Hearing Reporter, at the address below and must be received by 4 p.m. on Friday, February 12, 1993.

In addition, the board will hold public meetings at 2 p.m. on Wednesday, January 27, 1993, at the Prince William County Board of Supervisors Room, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William; at 2 p.m. on Thursday, January 28, 1993, at the Harrisonburg City Council Chambers, Municipal Building, 345 S. Main Street, Harrisonburg; at 2 p.m. on Tuesday, February 2, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m. on Thursday, February 4, 1993, at the Multi-Purpose Room, Municipal Office, 150 E. Monroe Street, Wytheville, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than January 11, 1993.

Applicable laws and regulations: State Water Control Law, Clean Water Act, Permit Regulation (VR 680-14-01).

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

Written comments may be submitted until 4 p.m., February 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-01:1. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation.** The proposed regulatory action is to consider adoption of a new regulation. This regulation will govern point source discharges of pollutants to surface waters within the boundaries of the Commonwealth of Virginia. These discharges are currently regulated under the VPDES permit program and the Permit Regulation (VR 680-14-01). The adoption of the proposed regulation will replace the VPDES portion of the existing Permit Regulation and it will make the VPDES program conform to the federal

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NPDES regulation. This action is being done concurrent with the repeal of VR 680-14-01.

Basis and authority: The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; and §§ 62.1-44.16, 62.1-44.17, 62.1-44.18 and 62.1-44.19 authorize the board to regulate discharges of sewage, industrial wastes and other wastes.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the National Pollutant Discharge Elimination System permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. VR 680-14-01:1 will be the specific regulation governing this authorization.

Need: Any point source discharge of pollutants to surface waters is subject to regulation under a Virginia Pollutant Discharge Elimination System (VPDES) permit. The VPDES regulation will delineate the procedures and requirements to be followed in connection with VPDES permits issued by the board pursuant to the Clean Water Act and the State Water Control Law. In order to retain the authority to administer the VPDES permit program, the board must adopt regulations which are consistent with the federal program regulations. The current Permit Regulation (VR 680-14-01) does not reflect the latest revisions to the federal regulations and must be replaced.

Estimated impact: This regulation will impact all of the approximately 2,800 Virginia Pollutant Discharge Elimination System permittees in that the governing regulation will be replaced with an updated version. There will be no added costs to the permittees beyond those required under the existing regulation because the program operations will not change significantly from one to the other.

Alternatives: One alternative to the proposed regulation is to modify the existing Permit Regulation, rather than adopting a separate regulation for VPDES permits. Another alternative is to take no action and to continue to administer the VPDES permit program under the current regulation which is not up to date with changes in the federal regulations.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the states alternatives or other alternatives. Written comments should be directed to Ms. Doneva Dalton, Hearing Reporter, at the address below and must be received by 4 p.m. on Friday,

February 12, 1993.

In addition, the board will hold public meetings at 2 p.m. on Wednesday, January 27, 1993, at the Prince William County Board of Supervisors Room, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William; at 2 p.m. on Thursday, January 28, 1993, at the Harrisonburg City Council Chambers, Municipal Building, 345 S. Main Street, Harrisonburg; at 2 p.m. on Tuesday, February 2, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m. on Thursday, February 4, 1993, at the Multi-Purpose Room, Municipal Office, 150 E. Monroe Street, Wytheville, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or TDD ((804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law, Clean Water Act.

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

Written comments may be submitted until 4 p.m., February 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider repealing regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The proposed regulatory action is to consider repealing the Toxics Management Regulation. This action is being proposed in order to eliminate any confusion and duplication of regulations which may result from the concurrent adoption of a VPDES Permit Regulation (VR 680-14-01:1).

Basis and statutory authority: The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program, and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

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Need: Repeal of the Toxics Management Regulation is necessary since the board intends to consider adoption of a VPDES Permit Regulation which will include language on the evaluation of effluent toxicity and the mechanisms for control of toxicity through chemical specific and whole effluent toxicity limitations.

Estimated impact: The repeal of this regulation would have no impact on the regulated community nor the environment as the intent and purpose of the regulation will be included in the new VPDES Permit Regulation. There should be no additional economic impact as a result of this action.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives. Written comments should be directed to Ms. Doneva Dalton at the address below and must be received by 4 p.m. on Friday, February 12, 1993.

In addition, the board will hold public meetings at 2 p.m. on Wednesday, January 27, 1993, at the Prince William County Board of Supervisors Room, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William; at 2 p.m. on Thursday, January 28, 1993, at the Harrisonburg City Council Chambers, Municipal Building, 345 S. Main Street, Harrisonburg; at 2 p.m. on Tuesday, February 2, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m. on Thursday, February 4, 1993, at the Multi-Purpose Room, Municipal Office, 150 E. Main Street, Wytheville.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law, Clean Water Act, Permit Regulation (VR 680-14-01), Toxics Management Regulation (VR 680-14-03).

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

Written comments may be submitted until 4 p.m., February 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-16. General Permit Regulation for Storm Water Discharges from Heavy Manufacturing.** The purpose of this proposed regulatory action is to adopt a general permit for storm water discharges from heavy manufacturing facilities. Heavy manufacturing facilities are defined as facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget SIC Manual, 1987).

The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the board to issue permits for the discharge of treated sewage, industrial wastes or other wastes into or adjacent to state waters and § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

Need: Most storm water runoff is discharged through conveyances, such as separate storm sewers, ditches, channels, pipes, etc., which are considered point sources under the Clean Water Act, and subject to regulation through the NPDES permit program. On November 16, 1990, EPA published the final NPDES Permit Application Regulations for Storm Water Discharges (55 FR 47990). This federal regulation established permit application requirements for certain municipal and industrial storm water discharges. Eleven categories of industrial activity were defined in the federal regulation including heavy manufacturing facilities. Any facility covered by the federal regulation that discharges storm water through a point source to surface waters is required to file a storm water permit application.

Intent: The intent of this general permit regulation is to establish standard language for control of storm water discharges through the development of Storm Water

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Pollution Prevention Plans and to set minimum monitoring and reporting requirements. A site-specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each individual facility covered by this general permit. Facilities will be required to implement the provisions of the plan as a condition of the permit.

The Storm Water Pollution Prevention Plan will identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the industrial activity at the facility, and shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the industrial activity.

Monitoring and reporting requirements will be established based upon the pollution potential of the storm water discharges from the industrial activity. Monitoring reports will assist in evaluating the effectiveness of pollution prevention measures and provide information to identify water quality impacts and support future permitting activities.

Estimated impact: Adoption of these regulations will allow for the streamlining of the permit process as it relates to the covered categories of discharges. Coverage under the general permit would reduce the paper work and expense of obtaining a permit for the owners and operators in this category. It will also reduce the time currently required to obtain coverage under the VPDES permitting system. The staff estimates that there are approximately 1,250 facilities in this category of discharger that may be required to apply for storm water permits. The board believes it would be impossible at this time to develop and issue individual permits in a timely manner to all applicants.

The board recognizes the need for storm water general permits to ease the burden on the regulated community and to facilitate the issuance of storm water permits. Issuance of general permits would improve the administrative efficiency of the board's permitting program and allow staff resources to be concentrated on developing individual permits for those facilities which have more potential for impacting water quality in Virginia.

Alternatives: There are two alternatives to comply with the federal requirements to permit storm water discharges from heavy manufacturing facilities. One is to issue an individual VPDES permit to each of the estimated 1,250 heavy manufacturing facilities. The other is to adopt a general VPDES permit to cover this category of discharger.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives.

Public meetings: The board will hold public meetings at 2 p.m., or as soon thereafter as possible, on Thursday,

February 4, 1993, at the Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke; at 2 p.m., or as soon thereafter as possible, on Monday, February 8, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m., or as soon thereafter as possible, on Wednesday, February 10, 1993, in the Board Room at the State Water Control Board's office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Lori Jackson at the address below or by telephone at (804) 527-5163 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law; Clean Water Act; Permit Regulation (VR 680-14-01); NPDES Permit Application Regulations for Storm Water Discharges; NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (57 FR 11394); and NPDES General Permits for Storm Water Discharges.

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

Written comments may be submitted until 4 p.m., February 16, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-17. General Permit Regulation for Storm Water Discharges from Light Manufacturing.** The purpose of this proposed regulatory action is to adopt a general permit for storm water discharges from light manufacturing facilities. Light manufacturing facilities are defined as facilities classified as Standard Industrial Classification (SIC) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25 (Office of Management and Budget SIC Manual, 1987).

Basis and statutory authority: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the board to issue permits for the discharge of treated sewage, industrial

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wastes or other wastes into or adjacent to state waters and § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

Need: Most storm water runoff is discharged through conveyances, such as separate storm sewers, ditches, channels, pipes, etc., which are considered point sources under the Clean Water Act, and subject to regulation through the NPDES permit program. On November 16, 1990, EPA published the final NPDES Permit Application Regulations for Storm Water Discharges (55 FR 47990). This federal regulation established permit application requirements for certain municipal and industrial storm water discharges. Eleven categories of industrial activity were defined in the federal regulation including light manufacturing facilities. Any facility covered by the federal regulation that discharges storm water through a point source to surface waters is required to file a storm water permit application.

Intent: The intent of this general permit regulation is to establish standard language for control of storm water discharges through the development of Storm Water Pollution Prevention Plans and to set minimum monitoring and reporting requirements. A site-specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each individual facility covered by this general permit. Facilities will be required to implement the provisions of the plan as a condition of the permit.

The Storm Water Pollution Prevention Plan will identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the industrial activity at the facility, and shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the industrial activity.

Monitoring and reporting requirements will be established based upon the pollution potential of the storm water discharges from the industrial activity. Monitoring reports will assist in evaluating the effectiveness of pollution prevention measures and provide information to identify water quality impacts and support future permitting activities.

Estimated impact: Adoption of these regulations will allow for the streamlining of the permit process as it relates to the covered categories of discharges. Coverage under the general permit would reduce the paper work and expense of obtaining a permit for the owners and operators in this category. It will also reduce the time currently required to obtain coverage under the VPDES permitting system. The staff estimates that there are approximately 3,650 facilities in this category of discharger that may be required to apply for storm water permits. The board believes it would be impossible at this time to develop and issue individual permits in a timely manner to all applicants.

The board recognizes the need for storm water general permits to ease the burden on the regulated community and to facilitate the issuance of storm water permits. Issuance of general permits would improve the administrative efficiency of the board's permitting program and allow staff resources to be concentrated on developing individual permits for those facilities which have more potential for impacting water quality in Virginia.

Alternatives: There are two alternatives to comply with the federal requirements to permit storm water discharges from light manufacturing facilities. One is to issue an individual VPDES permit to each of the estimated 3,650 light manufacturing facilities. The other is to adopt a general VPDES permit to cover this category of discharger.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives.

Public meetings: The board will hold public meetings at 2 p.m., or as soon thereafter as possible, on Thursday, February 4, 1993, at the Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke; at 2 p.m., or as soon thereafter as possible, on Monday, February 8, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m., or as soon thereafter as possible, on Wednesday, February 10, 1993, in the Board Room at the State Water Control Board's office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Lori

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Jackson at the address below or by telephone at (804) 527-5163 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law; Clean Water Act; Permit Regulation (VR 680-14-01); NPDES Permit Application Regulations for Storm Water Discharges; NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (57 FR 11394); and, NPDES General Permits for Storm Water Discharges Associated With Industrial Activity (57 FR 41236).

Statutory Authority: § 62.1-44-15 (10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., February 16, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-18. General Permit Regulation for Storm Water Discharges from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.** The purpose of this proposed regulatory action is to adopt a general permit for storm water discharges from the facilities defined as follows: (1) transportation facilities classified as Standard Industrial Classification (SIC) 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations (Office of Management and Budget SIC Manual, 1987); (2) landfills, land application sites, and open dumps that receive or have received any industrial wastes including those that are subject to regulation under Subtitle D of RCRA (42 USC 6901 et seq.); (3) facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 and 5093; and, (4) steam electric power generating facilities, including coal handling sites.

Basis and statutory authority: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the board to issue permits for the discharge of treated sewage, industrial wastes or other wastes into or adjacent to state waters and § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the

State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

Need: Most storm water runoff is discharged through conveyances, such as separate storm sewers, ditches, channels, pipes, etc., which are considered point sources under the Clean Water Act, and subject to regulation through the NPDES permit program. On November 16, 1990, EPA published the final NPDES Permit Application Regulations for Storm Water Discharges (55 FR 47990). This federal regulation established permit application requirements for certain municipal and industrial storm water discharges. Eleven categories of industrial activity were defined in the federal regulation including transportation facilities; landfills, land application sites and open dumps; materials recycling facilities; and steam electric power generating facilities. Any facility covered by the federal regulation that discharges storm water through a point source to surface waters is required to file a storm water permit application.

Intent: The intent of this general permit regulation is to establish standard language for control of storm water discharges through the development of Storm Water Pollution Prevention Plans and to set minimum monitoring and reporting requirements. A site-specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each individual facility covered by this general permit. Facilities will be required to implement the provisions of the plan as a condition of the permit.

The Storm Water Pollution Prevention Plan will identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the industrial activity at the facility, and shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the industrial activity.

Monitoring and reporting requirements will be established based upon the pollution potential of the storm water

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discharges from the industrial activity. Monitoring reports will assist in evaluating the effectiveness of pollution prevention measures and provide information to identify water quality impacts and support future permitting activities.

Estimated impact: Adoption of these regulations will allow for the streamlining of the permit process as it relates to the covered categories of discharges. Coverage under the general permit would reduce the paper work and expense of obtaining a permit for the owners and operators in this category. It will also reduce the time currently required to obtain coverage under the VPDES permitting system. The staff estimates that there are approximately 1,500 facilities in this category of discharger that may be required to apply for storm water permits. The board believes it would be impossible at this time to develop and issue individual permits in a timely manner to all applicants.

The board recognizes the need for storm water general permits to ease the burden on the regulated community and to facilitate the issuance of storm water permits. Issuance of general permits would improve the administrative efficiency of the board's permitting program and allow staff resources to be concentrated on developing individual permits for those facilities which have more potential for impacting water quality in Virginia.

Alternatives: There are two alternatives to comply with the federal requirements to permit storm water discharges from the facilities in this category. One is to issue an individual VPDES permit to each of the estimated 1500 facilities in this category. The other is to adopt a general VPDES permit to cover this category of discharger.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives.

Public meetings: The board will hold public meetings at 2 p.m., or as soon thereafter as possible, on Thursday, February 4, 1993, at the Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke; at 2 p.m., or as soon thereafter as possible, on Monday, February 8, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m., or as soon thereafter as possible, on Wednesday, February 10, 1993, in the Board Room at the State Water Control Board's office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Lori Jackson at the address below or by telephone at (804) 527-5163 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Jackson

no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law; Clean Water Act; Permit Regulation (VR 680-14-01); NPDES Permit Application Regulations for Storm Water Discharges; NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (57 FR 11394); and, NPDES General Permits for Storm Water Discharges Associated With Industrial Activity (57 FR 41236).

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

Written comments may be submitted until 4 p.m., February 16, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-19. General Permit Regulations for Storm Water Discharges from Construction Sites.** The purpose of this proposed regulatory action is to adopt a general permit for storm water discharges from construction sites that are defined as follows: construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

Basis and statutory authority: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the board to issue permits for the discharge of treated sewage, industrial wastes or other wastes into or adjacent to state waters and § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq) authorizes states to administer the NPDES permit program

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under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

Need: Most storm water runoff is discharged through conveyances, such as separate storm sewers, ditches, channels, pipes, etc., which are considered point sources under the Clean Water Act, and subject to regulation through the NPDES permit program. On November 16, 1990, EPA published the final NPDES Permit Application Regulations for Storm Water Discharges (55 FR 47990). This federal regulation established permit application requirements for certain municipal and industrial storm water discharges. Eleven categories of industrial activity were defined in the federal regulation including construction sites. Any facility covered by the federal regulation that discharges storm water through a point source to surface waters is required to file a storm water permit application.

Intent: The intent of this general permit regulation is to establish standard language for control of storm water discharges through the development of Storm Water Pollution Prevention Plans and to set minimum monitoring and reporting requirements. A site-specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each construction site covered by this general permit. Owners/operators will be required to implement the provisions of the plan as a condition of the permit.

The Storm Water Pollution Prevention Plan will identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction activity at the site, and shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the construction activity.

Monitoring and reporting requirements will be established based upon the pollution potential of the storm water discharges from the construction activity. Monitoring reports will assist in evaluating the effectiveness of pollution prevention measures and provide information to identify water quality impacts and support future permitting activities.

Estimated impact: Adoption of these regulations will allow for the streamlining of the permit process as it relates to construction activity permits. Coverage under the general permit would reduce the paper work required to obtain a permit for the owners/operators at construction sites. It will also reduce the time currently required to obtain coverage under the VPDES permitting system. The staff estimates that there are between 5,000 to 10,000 construction sites that may be required to apply for storm water permits. The board believes it would be impossible at this time to develop and issue individual permits in a

timely manner to all applicants.

The board recognizes the need for storm water general permits to ease the burden on the regulated community and to facilitate the issuance of storm water permits. Issuance of general permits would improve the administrative efficiency of the board's permitting program and allow staff resources to be concentrated on developing individual permits for those facilities which have more potential for impacting water quality in Virginia.

Alternatives: There are two alternatives to comply with the federal requirements to permit storm water discharges. One is to issue an individual VPDES permit to each of the estimated 5,000 to 10,000 construction sites. The other is to adopt a general VPDES permit to cover this category of discharger.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives.

Public meetings: The board will hold public meetings at 2 p.m., or as soon thereafter as possible, on Thursday, February 4, 1993, at the Roanoke County Administration Center, Community Room, 3738 Brambleton Avenue, S.W., Roanoke; at 2 p.m., or as soon thereafter as possible, on Monday, February 8, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m., or as soon thereafter as possible, on Wednesday, February 10, 1993, in the Board Room at the State Water Control Board's office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Lori Jackson at the address below or by telephone at (804) 527-5163 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 11, 1993.

Applicable laws and regulations: State Water Control Law; Clean Water Act; Permit Regulation (VR 680-14-01); NPDES Permit Application Regulations for Storm Water Discharges; NPDES Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (57 FR 11394); and, NPDES General Permits for Storm Water Discharges Associated With Industrial Activity (57 FR 41236).

Statutory Authority: § 62.1-44-15 (10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., February 16, 1993, to Lori Jackson, State Water Control

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Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-20. General Virginia Pollutant Discharge Elimination System Permit Regulation for Nonmetallic Mineral Mining.** General permits may be issued for categories of dischargers that: involve the same or similar types of operations, discharge the same or similar types of wastes, require the same effluent limitations or operating conditions, and require the same or similar monitoring. The purpose of this proposed regulatory action is to adopt a general permit for the category of industrial waste discharges associated with establishments primarily engaged in mining or quarrying, developing mines or exploring for nonmetallic minerals, except fuels. The intent of this proposed general permit regulation is to establish standard language for the limitations and monitoring requirements necessary to regulate this category of discharges under the VPDES permit program. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharge. No discharge would be covered by the General Permit unless the local governing body has certified that the facility complies with all applicable zoning and planning ordinances.

Basis and statutory authority: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20,

1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

Need: This proposed regulatory action is needed in order to establish appropriate and necessary permitting of industrial waste discharges associated with establishments primarily engaged in mining or quarrying, developing mines or exploring for nonmetallic minerals, except fuels.

Intent: The intent of this proposed general permit regulation is to establish standard language for the limitations and monitoring requirements necessary to regulate this category of discharges under the VPDES permit program. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharge. No discharge would be covered by the General Permit unless the local governing body has certified that the facility complies with all applicable zoning and planning ordinances.

Estimated impact: There are approximately 90 establishments currently permitted under the individual VPDES permit program which may qualify for this proposed general permit. Adoption of these regulations will allow for the streamlining of the permit process as it relates to the covered categories of discharges. Coverage under the general permit would reduce the paper work, time and expense of obtaining a permit for the owners and operators in this category. Adoption of the proposed regulations would also reduce the manpower needed by the Water Control Board for permitting these discharges.

Alternatives: There are two alternatives for compliance with federal and state requirements to permit industrial waste discharges associated with establishments primarily engaged in mining or quarrying, developing mines or exploring for nonmetallic minerals, except fuels. One is the issuance of an individual VPDES permit to each establishment. The other is to adopt and issue a general VPDES permit to cover this category of discharger.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives.

Public meetings: The board will hold a public meeting at 2 p.m. on Friday, January 29, 1993, in the Board Room, State Water Control Board's offices, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Jackson at the address below or by telephone at (804) 527-5163 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 11, 1993.

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Applicable laws and regulations: State Water Control Law, Clean Water Act, Permit Regulation (VR 680-14-01).

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

Written comments may be submitted until 4 p.m., February 5, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-21. Virginia Pollution Abatement Permit Regulation.** The proposed regulatory action is to consider adoption of a new regulation. This regulation will govern sources of pollutants within the boundaries of the Commonwealth of Virginia that are not point source discharges to surface waters. These types of pollutant management activities are currently regulated under the VPA permit program and the Permit Regulation (VR 680-14-01). The VPA permit program is being separated from the Permit Regulation in order to recognize the distinction between this wholly state run permit program and the federal/state NPDES/VPDES permit program. This action is being done concurrent with the repeal of VR 680-14-01.

Basis and statutory authority: The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program; § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes; and §§ 62.1-44.16, 62.1-44.17, 62.1-44.18 and 62.1-44.19 authorize the board to regulate discharges of sewage, industrial wastes and other wastes.

Need: Any pollutant management activity which does not result in a point source discharge to surface waters may be required to obtain a VPA permit in order to ensure that the activity does not alter the physical, chemical or biological properties of state waters. VPA permits may be utilized to authorize the land application of sewage, sludge or industrial waste or the complete reuse and recycle of wastewater. The VPA regulation will delineate the procedures and requirements to be followed in connection with VPA permits issued by the board pursuant to the State Water Control Law.

Estimated impact: This regulation will impact all of the

approximately 1,500 holders of Virginia Pollution Abatement permits. However, there should not be a significant difference in the regulation of these permits or the costs incurred by permittees under the new regulation compared to the previous Permit Regulation (VR 680-14-01).

Alternatives: One alternative to the proposed regulation is to modify the existing Permit Regulation, rather than adopting a separate regulation for VPA permits. Another alternative is take no action and to continue to administer the VPA permit program under the current regulation.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or other alternatives. Written comments should be directed to Ms. Doneva Dalton at the address below and must be received by 4 p.m. on Monday, February 12, 1993.

In addition, the board will hold public meetings at 2 p.m. on Wednesday, January 27, 1993, at the Prince William County Board of Supervisors Room, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William; at 2 p.m. on Thursday, January 28, 1993, at the Harrisonburg City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg; at 2 p.m. on Tuesday, February 2, 1993, at the James City County Board of Supervisors Room, Building C, 101C Mounts Bay Road, Williamsburg; and at 2 p.m. on Thursday, February 4, 1993, at the Multi-Purpose Room, Municipal Office, 150 East Monroe Street, Wytheville, Virginia.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than January 11, 1993.

Applicable laws and regulations: State Water Control Law.

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

Written comments may be submitted until 4 p.m., February 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

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Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Waterworks and Wastewater Works Operators intends to consider amending regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, clarity, necessity, and cost of compliance in accordance with the Public Participation Guidelines.

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

Written comments may be submitted until February 10, 1993.

Contact: Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

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 LABOR AND INDUSTRY

Safety and Health Codes Board

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

Title of Regulation: VR 425-02-15. General Industry Standard for the Special Provisions for Air Contaminants (1910.19).

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

Effective Date: March 1, 1993.

Summary:

On August 10, 1992, federal OSHA published (57 Fed. Reg. 35630) two Methylenedianiline (MDA) standards, one for general industry and the other for the construction industry. The basis for the MDA Standards was the belief that the manufacture and use of MDA presents a significant risk to the health of exposed workers and that the risk could be eliminated or reduced to a significant extent by a workplace standard which regulates workers' exposures.

The separate final rules for general industry and construction industry establish exposure limits of 10 parts MDA per billion parts air with a short-term limit of 100 ppb. They also set an action level of 5 ppb that would trigger other provisions, including exposure monitoring and medical surveillance.

As a result of the promulgation of the MDA Standards, paragraph (i) of § 1910.19 was created to acknowledge the applicability of the new MDA Standards to every employee exposed to MDA in every place of employment covered by §§ 1910.13, 1910.14, 1910.15 or 1910.16, in lieu of any different standard on exposure to MDA otherwise applicable by virtue of these standards.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standard for the Special Provisions for Air Contaminants (1910.19) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-15. General Industry Standard for the Special Provisions for Air Contaminants (1910.19).

When the regulations, as set forth in the General Industry Standard for the Special Provisions for Air Contaminants Standard, § 1910.19, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
Assistant Secretary	Commissioner of Labor and Industry
29 CFR 1910.13	1910.13
29 CFR 1910.14	1910.14
29 CFR 1910.15	1910.15
29 CFR 1910.16	1910.16
29 CFR 1910.19	1910.19

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the amendment to the federal OSHA standard entitled, "Special Provisions for Air Contaminants," 29 CFR 1910.19, as published in the Federal Register, Vol. 57, No. 154, p. 35666, Monday, August 10, 1992. The amendments as adopted are set out below:

§ 1910.19. Special provisions for air contaminants.

* * * * *

(i) 4.4' - Methylenedianiline (MDA). Section 1910.1050 shall apply to the exposure of every employee to MDA in every employment and place of employment covered by §§ 1910.13, 1910.14, 1910.15 or 1910.16, in lieu of any different standard on exposure to MDA which would otherwise be applicable by virtue of those sections.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-15 - Amendment to Special Provisions
for Air Contaminants, § 1910.19
[This Regulation Adds Paragraph I
(Methylenedianiline (MDA))]

Dear Mr. Bryant:

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

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

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:jbc

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Final Regulations

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29 CFR 1910.19 1910.19

29 CFR 1910.1027 1910.1027

Title of Regulation: VR 425-02-15. General Industry Standard for the Special Provisions for Air Contaminants (1910.19).

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

Effective Date: March 1, 1993.

Summary:

On September 14, 1992, federal OSHA published (57 Fed. Reg. 42102) two cadmium standards, one for the general industry and the other for the construction industry. The basis for the cadmium standards was that employees exposed to cadmium face a significant risk to their health from lung cancer and serious kidney damage at the current permissible exposure limits and that promulgating the Cadmium Standards would substantially reduce that risk.

The cadmium standards established a single eight-hour time-weighted average (TWA) permissible exposure limit (PEL) of five micrograms of cadmium per cubic meter of air (5 ug/m³).

As a result of the promulgation of the cadmium standards, paragraph (k) of § 1910.19 was added to apply to occupational exposures of cadmium covered by § 1910.16 in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the amendment to the federal OSHA standard entitled, "Special Provisions for Air Contaminants," 29 CFR 1910.19, as published in the Federal Register, Vol. 57, No. 178, p. 42368, Monday, September 14, 1992. The amendments as adopted are set out below:

§ 1910.19. Special provisions for air contaminants.

* * * * *

(k) Cadmium. Section 1910.1027 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by § 1910.16 in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standard for the Special Provisions for Air Contaminants (1910.19) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-15. General Industry Standard for the Special Provisions for Air Contaminants (1910.19).

When the regulations, as set forth in the amendment to Special Provisions for Air Contaminants, § 1910.19, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
Assistant Secretary	Commissioner of Labor and Industry
29 CFR 1910.16	1910.16



COMMONWEALTH of VIRGINIA

JOAN W SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

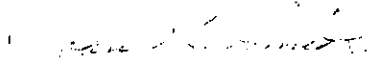
RE: VR 425-02-15 - Amendment to Special Provisions
for Air Contaminants, § 1910.19
[This Regulation Adds Paragraph K
(Cadmium)]

Dear Mr. Bryant:

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

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

Sincerely,


Joan W. Smith
Registrar of Regulations

JWS:jbc

Final Regulations

Title of Regulation: VR 425-02-36. Virginia Occupational Safety and Health Standards for the General Industry - Air Contaminants Standard (1910.1000).

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

Effective Date: March 1, 1993.

Summary:

On September 14, 1992, federal OSHA published (57 Fed. Reg. 42102) two cadmium standards, one for the general industry and the other for the construction industry. The basis for the cadmium standards was that employees exposed to cadmium face a significant risk to their health from lung cancer and serious kidney damage at the current permissible exposure limits and that promulgating the cadmium standards would substantially reduce that risk.

The cadmium standards established a single eight-hour time-weighted average (TWA) permissible exposure limit (PEL) of five micrograms of cadmium per cubic meter of air (5 ug/m³).

As a result of the promulgation of the cadmium standards, Table Z-1-A of § 1910.1000, under the entries "Cadmium fume" and "Cadmium dust," was amended to reference § 1910.1027, which is the new general industry cadmium standard. In Table Z-2, footnote 4 was amended to reference § 1910.1027.

29 CFR 1910.1000 1910.1000

29 CFR 1910.1027 1910.1027

On December 21, 1992, the Virginia Safety and Health Codes Board adopted an identical version of the amendment to the federal OSHA standard entitled "Air Contaminants Standard," 29 CFR 1910.1000, as published in the Federal Register, Vol. 57, No. 178, p. 42368, Monday, September 14, 1992. The amendments as adopted are not set out.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standard for Air Contaminants (1910.1000) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 262, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-36. Virginia Occupational Safety and Health Standards for the General Industry - Air Contaminants Standard (1910.1000).

When the regulations as set forth in the amendments to the General Industry Standard for Air Contaminants, § 1910.1000, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

Federal Terms

VOSH Equivalent

Assistant Secretary

Commissioner of Labor
and Industry



COMMONWEALTH of VIRGINIA

JOAN W SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-36 - Amendment to Air Contaminants Standards,
(§ 1910.1000)

Dear Mr. Bryant:

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

JWS:jbc

Final Regulations

Title of Regulation: VR 425-02-87. General Industry Standard for Occupational Exposure to Methylenedianiline (1910.1050).

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

Effective Date: March 1, 1993.

Summary:

MDA is a curing agent for advanced composite material used in aerospace and other high-tech industries. It is used to produce methylenediphenyl diisocyanate (MDI), which in turn is used in refrigeration, transportation, tank and pipe insulation, and packaging and casting systems.

Federal OSHA developed two separate MDA standards, i.e., general industry and construction thereby covering all industries covered by the Occupational Safety and Health Act.

Based on animal and human data, federal OSHA determined that exposure to MDA at the current occupational exposure levels causes adverse effects on employee health, including an increased risk of cancer. Like the MDA standard for the construction industry, the MDA standard for general industry requires the following:

1. Limitation of occupational exposure to MDA to an eight-hour time-weighted average (TWA) of 10 parts per billion (ppb);
2. Establishment of a short-term exposure limit (STEL) of 100 ppb; and
3. Implementation of associated provisions that will significantly reduce the risks of exposure.

In addition to establishing permissible exposure limits (PELs) for MDA, these standards include requirements such as:

1. Medical surveillance;
2. Exposure monitoring;
3. Hygiene facilities;
4. Engineering controls and work practices;
5. Proper respirator use; and
6. Recordkeeping.

An action level of 5 ppb was included in these final standards as a mechanism for exempting employers from the obligation to comply with certain

requirements, such as employee exposure monitoring where the employer can demonstrate that employee exposures are at or below the action level.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standard for Occupational Exposure to Methylenedianiline (1910.1050) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-87. General Industry Standard for Occupational Exposure to Methylenedianiline (1910.1050).

When the regulations, as set forth in the General Industry Standard for the Occupational Exposure to 4,4'-Methylenedianiline (MDA) are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
Assistant Secretary	Commissioner of Labor and Industry
29 CFR 1910.1050	1910.1050
29 CFR 1926.60	1926.60

Implementation Schedule

	<u>Federal</u>	<u>Proposed Virginia</u>
Adoption date	8/10/92	12/21/92
Effective date	9/9/92	3/1/93
Effective date for initial monitoring (1910.1050(e)(2))	12/8/92	6/1/93
Effective date for medical exams (1910.1050(m))	2/8/93	8/1/93

The following effective dates apply to the paragraphs listed below:

	1/7/93	7/1/93
Effective date for emergency plans (1910.1050(d))		
Effective date for initial training and education		
Effective date for respiratory protection (1910.1050(h))		

The following effective dates apply to the paragraphs listed below:

1/7/93	7/1/93
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Final Regulations

Effective date for written plans
(1910.1050(g)(2))

Effective date for enforcement of
PELs in 1910.1050(c), no earlier than

Effective date for personal
protective clothing (1910.1050(i))

The following effective dates apply to the paragraphs
listed below:

9/9/93 3/1/94

Effective date for engineering
controls to achieve PELs
must be in place by

Effective date for hygiene and
lunchroom facilities (1910.1050(j))

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the final rule for the federal OSHA standard entitled, "Occupational Exposure to 4,4' - Methyleneedianiline (General Industry)," 29 CFR 1910.1050, as published in the Federal Register, Vol. 57, No. 154, pp. 35666-35681, Monday, August 10, 1992. The final rule as adopted is not set out.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL
RICHMOND, VIRGINIA
1804

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-87 - Occupational Exposure to Methyleneedianiline
(MDA), General Industry,
§ 1910.1050, Final Rule

Dear Mr. Bryant:

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

Final Regulations

Title of Regulation: VR 425-02-88. Construction Industry Standard for Occupational Exposure to Methylenedianiline (1926.60).

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

Effective Date: March 1, 1993.

Summary:

MDA is a curing agent for advanced composite material used in aerospace and other high-tech industries. It is used to produce methylenediphenyl diisocyanate (MDI), which in turn is used in refrigeration, transportation, tank and pipe insulation, and packaging and casting systems.

Federal OSHA developed two separate MDA standards, i.e., general industry and construction thereby covering all industries covered by the Occupational Safety and Health Act.

Based on animal and human data, federal OSHA determined that exposure to MDA at the current occupational exposure levels causes adverse effects on employee health, including an increased risk of cancer. Like the MDA standard for general industry, the MDA standard for the construction industry requires the following:

- 1. Limitation of occupational exposure to MDA to an eight-hour time-weighted average (TWA) of 10 parts per billion (ppb);*
- 2. Establishment of a short-term exposure limit (STEL) of 100 ppb; and*
- 3. Implementation of associated provisions that will significantly reduce the risks of exposure.*

In addition to establishing permissible exposure limits (PELs) for MDA, these standards include requirements such as:

- 1. Medical surveillance;*
- 2. Exposure monitoring;*
- 3. Hygiene facilities;*
- 4. Engineering controls and work practices;*
- 5. Proper respirator use; and*
- 6. Recordkeeping.*

An action level of 5 ppb was included in these final standards as a mechanism for exempting employers from the obligation to comply with certain

requirements, such as employee exposure monitoring where the employer can demonstrate that employee exposures are at or below the action level.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Construction Industry Standard for Occupational Exposure to Methylenedianiline (1926.60) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-88. Construction Industry Standard for Occupational Exposure to Methylenedianiline (1926.60).

When the regulations, as set forth in the Construction Industry Standard for the Occupational Exposure to 4,4' - Methylenedianiline (MDA), are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
Assistant Secretary	Commissioner of Labor and Industry
29 CFR 1910.1050	1910.1050
29 CFR 1926.60	1926.60

Implementation Schedule

	<u>Federal</u>	<u>Proposed Virginia</u>
Adoption date	8/10/92	12/21/92
Effective date	9/9/92	3/1/93
Effective date for initial monitoring (1926.60(f)(2))	12/8/92	6/1/93
Effective date for medical exams (1926.60(n))	2/8/93	8/1/93

The following effective dates apply to the paragraphs listed below:

	1/7/93	7/1/93
Effective date for emergency plans (1926.60(e))		
Effective date for initial training and education		
Effective date for respiratory protection (1926.60(i))		

The following effective dates apply to the paragraphs listed below:

	1/7/93	7/1/93
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Effective date for written plans
(1926.60(h)(5))

Effective date for enforcement of
PELs in 1926.60(c), no earlier than

Effective date for personal
protective clothing (1926.60(j))

The following effective dates apply to the paragraphs
listed below:

9/9/93 3/1/94

Effective date for engineering
controls to achieve PELs
must be in place by

Effective date for hygiene and
lunchroom facilities (1926.60(k))

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the final rule for the federal OSHA standard entitled, "Occupational Exposure to 4,4' - Methylene-dianiline (Construction Industry)," 29 CFR 1926.60, as published in the Federal Register, Vol. 57, No. 154, pp. 35681-35696, Monday, August 10, 1992. The final rule as adopted is not set out.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JOAN W SMITH
REGISTRAR OF REGULATIONS

910 CAPIT
RICHMOND VIRG
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January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-88 - Occupational Exposure to
Methylene-dianiline (MDA)
Construction Industry,
§ 1926.60, Final Rule

Dear Mr. Bryant:

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

Final Regulations

* * * * *

Title of Regulation: VR 425-02-90. General Industry Standard for Occupational Exposure to Cadmium (1910.1027).

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

Effective Date: March 1, 1993.

Summary:

Federal OSHA published a new standard for Occupational Exposure to Cadmium, applicable to general industry, 29 CFR 1910.1027. At the same time, a separate standard regulating exposure to cadmium in the construction industry, 29 CFR 1926.63, was also developed because federal OSHA, based on recommendations of the Advisory Committee on Construction Safety and Health (ACCSH), considered the differences in job duration, exposure and worksite conditions warrant unique treatment.

The new cadmium standard for general industry established a single eight-hour time-weighted average permissible exposure limit (TWA PEL) of five micrograms of cadmium per cubic meter (5 ug/m³) of air for all cadmium compounds, including dust and fumes. Employers are required to comply with this limit primarily by means of engineering and work practice controls. For a small number of industries, VOSH has adopted federal OSHA's establishment of a separate engineering control air limit (SECAL) of 25 ug/m³ as the lowest feasible level above the PEL that can be achieved by engineering and work practice controls.

The SECAL, like the PEL for other industries, must be achieved by engineering and work practice controls except to the extent that the employer can demonstrate that such controls are not feasible.

Based on animal and human data, federal OSHA determined that exposure to cadmium at the current occupational exposure levels causes adverse effects on employee health. Like the cadmium standard for construction industry, the general industry cadmium standard requires the following:

1. Establishment of an eight-hour time-weighted average (TWA) permissible exposure limit (PEL) of five micrograms of cadmium (any form) per cubic meter air (5 ug/m³) for all cadmium compounds, including dust and fumes;
2. Establishment of an action level of 2.5 ug/m³ as the level at and above which employers must initiate certain compliance activities, such as exposure monitoring and medical surveillance;

(NOTE: Where the employer can demonstrate that

the exposures of his or her employees do not exceed the action level, the employer is not obligated to comply with any of the standard's requirements other than provisions for training workers about the hazards of cadmium)

3. Regulated areas;
4. Engineering and work practice controls;
5. Written compliance programs;
6. Respiratory protection;
7. Written action plan in emergency situations;
8. Protective work clothing and equipment;
9. Hygiene facilities and practices;
10. Housekeeping practices;
11. Medical surveillance;
12. Hazard communication; and
13. Recordkeeping.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the General Industry Standard for Occupational Exposure to Cadmium (1910.1027) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-90. General Industry Standard for Occupational Exposure to Cadmium (1910.1027).

When the regulations, as set forth in the General Industry Standard for the Occupational Exposure to Cadmium, § 1910.1027, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
Assistant Secretary	Commissioner of Labor and Industry
29 CFR 1910.1027	1910.1027
29 CFR 1926.63	1926.63
	Implementation Schedule
	<u>Federal</u> <u>Proposed Virginia</u>

Adoption date	9/14/92	12/21/92
Effective date	12/14/92	3/1/93
Exposure monitoring (1910.1027(d)(2))	3/14/93	5/30/93
For small businesses (19 or fewer employees)	4/13/93	6/29/93
Regulated areas (1910.1027(e))	3/14/93	5/30/93
For small businesses	5/13/93	7/29/93
Respiratory protection (1910.1027(g))	3/14/93	5/30/93
For small businesses	3/14/93	7/29/93
Compliance program (1910.1027(f)(2))	12/14/93	3/1/94
Methods of compliance - engineering controls (1910.1027(f)(1))	12/14/94	3/1/95
Hygiene and lunchroom facilities	2/12/93	4/30/93
Handwashing facilities - (1910.1027(d)(1) and (2))		
Change rooms, showers, and lunchroom facilities (1910.1027(d)(1))	12/14/93	3/1/93
Employee information and training (1910.1027(m)(4))	3/14/93	5/30/93
Medical surveillance (1910.1027(1))	3/14/93	5/30/93
For small businesses (1910.1027(1))	6/12/93	8/28/93

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the final rule for the federal OSHA standard entitled, "Occupational Exposure to Cadmium (General Industry)," 29 CFR 1910.1027, as published in the Federal Register, Vol. 57, No. 178, pp. 42389-42452, Monday, September 14, 1992. The final rule as adopted is not set out.

Final Regulations



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-90 - Occupational Exposure to Cadmium
General Industry, Final Rule
§ 1910.1027

Dear Mr. Bryant:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

JWS:jbc

Title of Regulation: VR 425-02-91. Construction Industry Standard for Occupational Exposure to Cadmium (1926.63).

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

Effective Date: March 1, 1993.

Summary:

Federal OSHA published a new standard for Occupational Exposure to Cadmium, applicable to general industry, 29 CFR 1910.1027. At the same time, a separate standard regulating exposure to cadmium in the construction industry, 29 CFR 1926.63, was also developed because federal OSHA, based on recommendations of the Advisory Committee on Construction Safety and Health (ACCSH), considered the differences in job duration, exposure and worksite conditions warrant unique treatment.

The new cadmium standard for general industry established a single eight-hour time-weighted average permissible exposure limit (TWA PEL) of five micrograms of cadmium per cubic meter (5 ug/m³) of air for all cadmium compounds, including dust and fumes. Employers are required to comply with this limit primarily by means of engineering and work practice controls. For a small number of industries, VOSH has adopted federal OSHA's establishment of a separate engineering control air limit (SECAL) of 25 ug/m³ as the lowest feasible level above the PEL that can be achieved by engineering and work practice controls.

The SECAL, like the PEL for other industries, must be achieved by engineering and work practice controls except to the extent that the employer can demonstrate that such controls are not feasible.

Based on animal and human data, federal OSHA determined that exposure to cadmium at the current occupational exposure levels causes adverse effects on employee health. Like the cadmium standard for general industry, the cadmium standard for the construction industry requires the following:

1. Establishment of an eight-hour time-weighted average (TWA) permissible exposure limit (PEL) of five micrograms of cadmium (any form) per cubic meter air (5 ug/m³) for all cadmium compounds, including dust and fumes;
2. Establishment of an action level of 2.5 ug/m³ as the level at and above which employers must initiate certain compliance activities, such as exposure monitoring and medical surveillance;

(NOTE: Where the employer can demonstrate that

the exposures of his or her employees do not exceed the action level, the employer is not obligated to comply with any of the standard's requirements other than provisions for training workers about the hazards of cadmium)

3. Regulated areas;
4. Engineering and work practice controls;
5. Written compliance programs;
6. Respiratory protection;
7. Written action plan in emergency situations;
8. Protective work clothing and equipment;
9. Hygiene facilities and practices;
10. Housekeeping practices;
11. Medical surveillance;
12. Hazard communication; and
13. Recordkeeping.

Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Construction Industry Standard for Occupational Exposure to Cadmium (1926.63) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 262, Richmond, Virginia.

VR 425-02-91. Construction Industry Standard for Occupational Exposure to Cadmium (1926.63).

When the regulations, as set forth in the Construction Industry Standard for the Occupational Exposure to Cadmium, § 1926.63, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>		
Assistant Secretary	Commissioner of Labor and Industry		
29 CFR 1910.1027	1910.1027		
29 CFR 1926.63	1926.63		
		Implementation Schedule	
		<u>Federal</u>	<u>Proposed Virginia</u>

Final Regulations

Adoption date	9/14/92	12/21/92
Effective date	12/14/92	3/1/93
Exposure monitoring (1926.63(d)(2))	3/14/93	5/30/93
For small businesses (19 or fewer employees)	4/13/93	6/29/93
Permissible Exposure Limit (1926.63(c))	3/14/93	5/30/93
For small businesses	5/13/93	7/29/93
Regulated areas (1926.63(e))	3/14/93	5/30/93
For small businesses	5/13/93	7/29/93
Respiratory protection (1926.63(g))	3/14/93	5/30/93
For small businesses	3/14/93	7/29/93
Compliance program (1926.63(f)(2))	3/14/93	5/30/93
For small businesses	6/12/93	8/28/93
Methods of compliance - engineering controls (1926.63(f)(2))	4/13/93	6/29/93
For small businesses (1926.63(f))	8/11/93	10/27/93
Hygiene and lunchroom facilities	2/12/93	4/30/93
Handwashing facilities - (1926.63(j))		
Change rooms, showers, and lunchroom facilities (1926.63(j))	2/12/93	4/30/93
For small businesses (1926.63(j))	4/13/93	6/29/93
Employee information and training (1926.63(m)(4))	3/14/93	5/30/93
For small businesses (1926.63(m)(4))	6/12/93	8/28/93
Medical surveillance (1926.63(l))	3/14/93	5/30/93
For small businesses (1926.63(l))	6/12/93	8/28/93

On December 21, 1992, the Safety and Health Codes Board adopted an identical version of the final rule for the federal OSHA standard entitled, "Occupational Exposure to Cadmium (Construction Industry)," 29 CFR 1926.63, as published in the Federal Register, Vol. 57, No. 178, pp. 42452-42463, Monday, September 14, 1992. The final rule as adopted is not set out.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

JOAN W SMITH
REGISTRAR OF REGULATIONS

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

January 11, 1993

Mr. Thomas A. Bryant, Chairman
Virginia Safety and Health Codes Board
C/o The Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

RE: VR 425-02-91 - Occupational Exposure to Cadmium
Construction Industry, Final Rule
§ 1926.63

Dear Mr. Bryant:

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

JWS:jbc

Final Regulations

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-04-8.14. Managed Care: "MEDALLION" Regulations.

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

Effective Date: March 1, 1993.

Summary:

House Bill 30, passed by the 1990 session of the General Assembly, directed the Department of Medical Assistance Services (DMAS) to develop a plan to test the feasibility of establishing a statewide managed care system for Medicaid patients. The plan was developed and submitted to the Committee on Health Care for All Virginians (SJR 118) on October 1, 1990. The committee examined the plan based on three criteria: (i) the feasibility of expanding the system, (ii) alternatives for the design and staffing of such a system, (iii) costs and benefits associated with the preferred options. DMAS subsequently was instructed to proceed with its coordinated care program, named "MEDALLION."

The Commonwealth has requested and received approval from the Health Care Financing Administration (HCFA) for a waiver under § 1915(b) of the Social Security Act. DMAS will provide coordinated care services to those selected Medicaid recipients of the Commonwealth.

The services provided by this waiver would establish and support primary care providers (PCP) who would become recipient care managers responsible for coordination of "MEDALLION" recipients' overall health care. The PCP will assist the client in gaining access to the health care system and will monitor on an ongoing basis the client's condition, health care needs, and service delivery to include referrals to specialty care. This form of health care delivery is expected to foster a more productive physician/patient relationship, reduce inappropriate use of medical services, and increase client knowledge and use of preventive care.

DMAS is the single state agency responsible for supervision of the administration of these waiver services. DMAS will contract with those providers of services which meet all licensing and certification criteria required in these regulations and which are willing to adhere to DMAS policies and procedures.

The fiscal impact on "MEDALLION" is estimated to create a cost savings of approximately \$1,356,404 (\$678,203 GF) over a two-year period, beginning with the effective date of March 1, 1992. FY 92 savings were projected to be \$248,583 (\$124,292 GF). FY 93 savings are projected to be \$678,202 (\$339,101 GF)

and for the first half of FY 94 savings of \$429,619 (\$214,810 GF). These savings were taken into account in the development of the department's budget.

Several other states' primary care case management models in the Medicaid environment have achieved substantial reductions in inappropriate service utilization patterns. This has occurred most notably in reductions of nonemergency use of emergency rooms. It is anticipated that "MEDALLION" will achieve similar results.

VR 460-04-8.14. Managed Care: "MEDALLION" Regulations.

§ 1. Definitions.

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

"ADC" means Aid to Dependent Children which is a public assistance program, administered by the Department of Social Services, providing financial assistance to needy citizens.

"ADC related" means those recipients eligible for assistance as an extension of the ADC program, such as pregnant women and indigent children under specific ages. It shall not include foster care or spend-down medically needy clients.

"Ancillary services" means those services accorded to a client that are intended to support the diagnosis and treatment of that client. These services include, but are not necessarily limited to, laboratory, pharmacy, radiology, physical therapy, and occupational therapy.

"Client" or "clients" means an individual or individuals having current Medicaid eligibility who shall be authorized to participate as a member or members of "MEDALLION."

"Comparison group" means the group of Medicaid recipients whose utilization and costs will be compared against similar groups of "MEDALLION" clients.

"Covering provider" means a provider designated by the primary care provider to render health care services in the temporary absence of the primary provider.

"DMAS" means the Department of Medical Assistance Services.

"Emergency services" means services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:

1. *Placing the client's health in serious jeopardy;*
2. *Serious impairment to bodily functions; or*
3. *Serious dysfunction of any bodily organ or part.*

"EPSDT" means the Early and Periodic Screening, Diagnosis, and Treatment program.

"Gatekeeper" means the function performed by the "MEDALLION" primary care provider in controlling and managing assigned clients through appropriate levels of medical care.

"General practitioner" means a licensed physician who provides routine medical treatment, diagnosis, and advice to maintain a client's health and welfare.

"Primary care provider" or "PCP" means that "MEDALLION" provider responsible for the coordination of all medical care provided to a "MEDALLION" client and shall be recognized by DMAS as a Medicaid provider.

"Site" means, for purposes of these regulations, the geographical areas that best represent the health care delivery systems in the Commonwealth. In certain areas (sites), there may be two or more identifiable health care delivery systems.

"Specialty" or "specialist services" means those services, treatments, or diagnostic tests intended to provide the patient with a higher level of medical care or a more definitive level of diagnosis than that routinely provided by the primary care provider.

"Spend-down" means the process of reducing countable income by deducting incurred medical expenses.

"State" means the Commonwealth of Virginia.

§ 2. Program purpose.

The purpose of "MEDALLION" shall be to provide management in the delivery of health care services by linking the primary care provider (PCP) with targeted clients. The PCP shall provide medical services as appropriate for clients' health care needs and shall coordinate clients' receipt of other health services. This shall include, but not be limited to, referral to specialty providers as medically appropriate.

§ 3. "MEDALLION" clients.

Clients of "MEDALLION" shall be individuals receiving Medicaid as ADC or ADC-related categorically needy and medically needy (except those becoming eligible through spend-down) and except for foster care children, whether or not receiving cash assistance grants. The following exclusions shall apply:

1. *Exclusions. The following individuals shall be*

excluded from participating in "MEDALLION":

- a. *Individuals who are inpatients in mental hospitals and skilled nursing facilities;*
- b. *Individuals who are receiving personal care services;*
- c. *Individuals who are participating in foster care or subsidized adoption programs, who are members of spend-down cases, or who are refugees.*
- d. *A client may be excluded from participating in "MEDALLION" if any of the following apply:*

(1) Client not accepted to the caseload of any participating PCP.

(2) Client whose enrollment in the caseload of assigned PCP has been terminated and other PCPs have declined to enroll the client.

2. Client enrollment process.

a. All ADC or ADC-related recipients excepting those meeting one of the exclusions of § 3 shall be enrolled in "MEDALLION."

b. Newly eligible individuals shall not participate in "MEDALLION" until completion of the Medicaid enrollment process. This shall include initial enrollment at the time of eligibility determination by Department of Social Services staff, or any subsequent reenrollment that may occur.

c. Clients shall receive an interim Medicaid card from DMAS, and shall be provided authorized medical care in accordance with current procedures, after eligibility requirements are met.

d. Once clients are fully registered as "MEDALLION" clients, they will receive a "MEDALLION" identification card to replace the Medicaid card.

3. PCP selection. Clients shall be given the opportunity to select the PCP of their choice.

a. Clients shall notify DMAS of their PCP selection within 30 days of receiving their "MEDALLION" enrollment notification letter. If notification is not received by DMAS within that timeframe, DMAS shall select a PCP for the client.

b. Selected PCP shall be a "MEDALLION" enrolled provider.

c. PCP will provide 24-hour access, which shall include as a minimum a 24-hour telephone number to be placed on each client's "MEDALLION" card.

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d. DMAS shall review client requests in choosing a specific PCP for appropriateness and to ensure client accessibility to all required medical services.

4. Mandatory assignment of PCP. Assignments shall be made for those clients not selecting a PCP as described in subdivision 3 of this section. The selection process shall be as follows:

a. Clients shall be assigned to "MEDALLION" providers on a random basis. The age, gender, and any special medical needs shall be considered in assigning a provider with an appropriate specialty. Any prior patient-provider relationships shall be maintained if appropriate. Families will be grouped and assigned to the same provider when possible.

b. Each site having two or more separately identifiable provider groups shall be divided into separate regions for client assignment. Clients shall initially be assigned to a PCP according to the region in which they reside. Should insufficient PCPs exist within the client's specific region, clients shall be assigned a PCP in an adjacent region.

c. Each PCP shall be assigned a client, or family group if appropriate, until the maximum number of clients the PCP has elected to serve has been reached, or until there are no more clients suitable for assignment to that PCP, or all clients have been assigned.

5. Changing PCPs. "MEDALLION" clients shall remain with the assigned PCP for a period of not less than six months. After that time clients may elect to change PCPs. Changes may be made annually thereafter.

a. Requests for change of PCP "for cause" are not subject to the six-month limitation, but shall be reviewed and approved by DMAS staff on an individual basis. Examples of changing providers "for cause" may include but shall not be necessarily limited to:

(1) Client has a special medical need which cannot be met in his service area or by his PCP.

(2) Client has a pre-existing relationship with a Medicaid provider rendering care for a special medical need.

(3) Mutual decision by both client and provider to sever the relationship.

(4) Provider or client moves to a new residence, causing transportation difficulties for the client.

(5) Provider cannot establish a rapport with the client.

b. The existing PCP shall continue to retain the client in the caseload, and provide services to the client until a new PCP is assigned or selected.

c. PCPs may elect to release "MEDALLION" clients from their caseloads for cause with review and approval by DMAS on a case-by-case basis. In such circumstances, § 3 5 b shall apply.

6. "MEDALLION" identification card. Each client enrolled shall receive a "MEDALLION" card, which shall replace and be distinct from the Medicaid card in appearance, and embossed with the "MEDALLION" logo.

a. The front of the card shall include the client's name, Medicaid case identification number, birthdate, sex, PCP's name, address, 24-hour access telephone number, and the effective time period covered by the card.

b. The "MEDALLION" Hot Line 800 number will be listed on the card.

c. Clients shall contact their assigned PCP or designated covering provider to obtain authorization prior to seeking nonemergency care.

d. Emergency services shall be provided without delay or prior authorization. However, the emergency nature of the treatment shall be documented by the provider providing treatment and should be reported to the PCP after treatment is provided. Clients should inform the PCP of any emergency treatment received.

§ 4. Providers of services.

Providers who may enroll to provide "MEDALLION" services include, but are not limited to, physicians of the following primary care specialties: general practice, family practice, internal medicine, and pediatrics. Exceptions may be as follows:

1. Providers specializing in obstetric/gynecologic care may enroll as "MEDALLION" providers if selected by clients as PCPs but only if the providers agree to provide or refer clients for primary care.

2. Physicians with primary care subspecialties may enroll as "MEDALLION" providers if selected by clients as PCPs but only if the providers agree to provide or refer clients for primary care.

3. Other specialty physicians may enroll as PCPs under extraordinary, client-specific circumstances when DMAS determines with the provider's and recipient's concurrence that the assignment would be in the client's best interests. Such circumstances may include, but are not limited to, the usual-and-customary practice of general medicine by a

board-certified specialist, maintenance of a pre-existing patient-physician relationship, or support of the special medical needs of the client.

4. DMAS shall review applications from physicians and other health care professionals to determine appropriateness of their participating as a "MEDALLION" PCP.

§ 5. "MEDALLION" provider requirements.

A. PCPs must require their clients to present their currently effective "MEDALLION" card upon presentation for services.

B. PCPs shall track and document any emergency care provided to "MEDALLION" clients.

C. PCPs shall function as "gatekeeper" for assigned clients. Specific requirements shall include but are not necessarily limited to:

1. Providing patient management for the following services: physician, pharmacy, hospital inpatient and outpatient, laboratory, ambulatory surgical center, radiology, and durable medical equipment and supplies.

2. Providing or arranging for physician coverage 24 hours per day, seven days per week.

3. Determining the need for and authorizing when appropriate, all nonemergency care.

4. Being an EPSDT provider, or having a referral relationship with one, and providing or arranging for preventive health services for children under the age of 21 in accordance with the periodicity schedule recommended in the Guidelines for Health Supervision of the American Academy of Pediatrics (AAP).

5. Making referrals when appropriate, conforming to standard medical practices, to medical specialists or services as required. The referral duration shall be at the discretion of the PCP, and must be fully documented in the patient's medical record.

6. Coordinating inpatient admissions either by personally ordering the admission, or by referring to a specialist who may order the admission. The PCP must have admitting privileges at a local hospital or must make arrangements acceptable to DMAS for admissions by a physician who does have admitting privileges.

7. Maintaining a legibly written, comprehensive, and unified patient medical record for each client consistent with documentation requirements set forth in DMAS' Physician Manual.

8. Documenting in each client's record all

authorizations for referred services.

9. Providing education and guidance to assigned clients for the purpose of teaching correct methods of accessing the medical treatment system and promoting good health practices.

§ 6. Services exempted from "MEDALLION."

A. The following services shall be exempt from the supervision and referral requirements of "MEDALLION":

1. Obstetrical services;

2. Psychiatric and psychological services, to include but not be limited to mental health, mental retardation services;

3. Family planning services;

4. Routine newborn services when billed under the mother's Medicaid number;

5. Annual or routine vision examinations;

6. Dental services; and

7. Emergency services.

B. While reimbursement for these services does not require the referral from or authorization by the PCP, the PCP must continue to track and document them to ensure continuity of care.

§ 7. PCP payments.

A. DMAS shall pay for services rendered to "MEDALLION" clients through the existing fee-for-service methodology and an incentive payment plan.

B. Incentive plan.

"MEDALLION" providers may opt to participate in the following incentive plan:

Case management fees. A PCP can opt to receive a monthly \$2.00 case management fee for each client assigned, plus an additional \$2.00 per client incentive fee for each month the PCPs utilization is below the mean of his comparison group. Payment of fees shall be quarterly.

C. PCPs may serve a maximum of 1,000 "MEDALLION" clients. Groups or clinics may serve a maximum of 1,000 "MEDALLION" clients per authorized PCP in the group or clinic. Exceptions to this will be considered on a case-by-case basis predicated upon client needs.

§ 8. Utilization review.

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A. DMAS shall review claims for services provided by or resulting from referrals by authorized PCPs. Claims review shall include, but not be limited to, review for the following:

1. Excessive or inappropriate services;
2. Unauthorized or excluded services; and
3. Analysis of possible trends in increases or reductions of services.

§ 9. Client and provider appeals.

A. Client appeals.

Clients shall have the right of appeal of any adverse action taken by DMAS consistent with the provisions of VR 460-04-8.7.

B. Provider appeals.

Providers shall have the right to appeal any adverse action taken by DMAS under these regulations pursuant to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

§ 10. "MEDALLION" phase-in across the Commonwealth.

DMAS presently has federal authority to administer "MEDALLION" in its initial phase consistent with its approved waiver. At such time as DMAS receives approval from the federal funding authority to expand "MEDALLION," the program shall be expanded in a phased-in manner to encompass the larger geographic areas.

STATE OF VIRGINIA
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Addendum to Provider Agreement for Participation in MEDALLION
as a Primary Care Provider in MEDALLION

SECTION 5.000000

This Addendum is entered into by the Department of Medical Assistance Services (the Department)

and _____ (the Provider),
(Name of Physician)

of _____ (Street Address) _____ (City & State) _____ (Zip Code)

on this _____ day of _____ 19__

1. This is an addendum to the Provider's Medicaid Participation Agreement ("the Agreement"). The Agreement will continue in force in accordance with its terms.

2. The provider agrees to function in the role of Primary Care Provider, hereafter referred to as the "PCP", as an authorized provider for MEDALLION. In this role, the Provider will provide, or arrange for the provision of, all routine preventative and treatment services normally provided by a primary care physician. This will include EPSDT services and the maintenance of a comprehensive medical record for each patient assigned to MEDALLION. In particular, the Provider will provide and/or coordinate patient management for the following services: physician services; hospital inpatient and outpatient services; ambulatory surgical center services and rural health center services; ancillary services to include laboratory, pharmacy, and radiology; and durable medical equipment and supplies. Providers must have admitting privileges at a local accredited hospital or must make arrangements for admissions with a physician who does have admitting privileges.

3. The Provider will provide or arrange for coverage for primary care services twenty-four (24) hours per day, seven (7) days per week. In the event the Provider fails to comply with this provision appropriate sanctions, up to and including termination of this Agreement, will be applied by the Department. See paragraph (10) of the Medicaid Provider Participation Agreement with respect to appeals, and the MEDALLION supplement to the Provider Manual with respect to sanctions.

4. The Provider will coordinate all other Medicaid authorized care for each patient enrolled in his or her MEDALLION caseload including referral to specialty providers for diagnosis or treatment. In referring for specialized evaluation and/or treatment, the PCP will provide the specialist with authorization to cover appropriate testing and treatment. This authorization may be verbal or written for a period appropriate to the illness. All subsequent referral claims must have the PCP's MEDALLION identification number on the claim form.

5. The Provider will not be required to authorize emergency care, obstetrical care, psychiatric or psychological care, annual or routine vision examinations, dental care, or other Medicaid authorized care exempted from MEDALLION as identified in the MEDALLION Medicaid Provider Manual Addendum (Section III).

6. Providers will receive the usual Medicaid fees for services rendered, and may participate in one of the two following incentive plans.

a. Provider receives monthly two dollar (\$2) case management fee for each client assigned, plus an additional two dollar (\$2) per client incentive fee for each month the Provider's utilization is lower than the mean of his control group.

b. Provider shares in fifty percent (50%) of annual savings accrued to the State due to reduction of inappropriate services with his caseload.

Specifics relating to the payment of incentive fees will be fully described in provider manual addenda published by the Department.

* Participating Providers may not change their incentive plan choices until the current incentive has been in place for one year.

7. MEDALLION clients approved by the Department to be released from the care of their designated Provider will continue to receive care from that designated provider until another Provider has been assigned.

9. Provider Medicaid numbers will be used as the MEDALLION identification number.

10. This Addendum will expire concurrent with any termination or expiration of the Agreement. However, this Addendum may be terminated for any reason on thirty days notice by either party without mandatory termination of the Agreement.

Entered into by:

Signature of provider _____ Date _____

Specialty _____ IFS Ident. Number/Soc. Sec. _____

Board of Medicine License Number _____ Telephone number _____

Medicaid Provider ID Number _____

Director, Managed Care Division _____ Date _____
Department of Medical Assistance Services

Mail completed form to: Managed Care Division
Department of Medical Assistance Services
Post Office Box 537
Richmond, Virginia 23204

FOR ENROLLMENT PURPOSES
PLEASE PROVIDE THE FOLLOWING ESSENTIAL INFORMATION



Note to Emergency Room Staff: In the event that a MEDALLION client presents to the ER with a non-emergent complaint, and refuses to contact their assigned Primary Care Provider (PCP) for further medical care, use this form to document and to notify the MEDALLION office of the incident.

NOTICE OF REFUSAL

I. MEDALLION providers may enroll a maximum of 1,000 clients. I would like to establish an initial caseload of _____ clients.

II. Special medical services that I can provide for MEDALLION clients are as follows (example: bilingual capability, separate well and sick pediatric waiting rooms, etc.):

- a) _____ b) _____
- c) _____ d) _____

III. Locations where I provide service; Medicaid numbers associated with that location, and 24 hour accessible telephone number that patients will use to contact me. (Please list your locations in descending order by Medicaid caseload.)

a. Medicaid ID # Telephone # Address

(This data will appear on client's MEDALLION identification card)

b. Medicaid ID # Telephone # Address

(This data will appear on client's MEDALLION identification card)

ATTACH SEPARATE PAGE FOR ADDITIONAL LOCATIONS.

c. If part of a group practice, please list other physicians in your group who have enrolled in MEDALLION:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

IV. I select incentive plan (place X in block of choice)

- _____ a) \$2 case management fee plus \$2 incentive per client per month
- _____ b) 50% of annual savings from reduction of inappropriate services to provider's caseload.

(Print Name) (Signature) (Date)

Mail completed copy to:
MEDALLION
Department of Medical Assistance Services
P.O. Box 537
Richmond, Virginia 23204

- \$1. You, as a MEDALLION client, are enrolled under the care of a Primary Care Provider (PCP) who is your personal doctor and is responsible for coordinating your medical needs. All non-emergent care must be authorized by your personal doctor in order for payment for those services to be received.
- \$2. The purpose of MEDALLION is to provide appropriate care for you through your personal doctor. Unless it is a true emergency, you are requested to contact your personal doctor for further care.
- \$3. The staff of this Emergency Room has determined that your medical condition is considered to be a non-emergency, and would more appropriately be treated by your personal doctor. Your personal doctor, or his designated representative, is required to provide access to care for you 24 hours a day, 7 days a week. You can contact your personal doctor by calling the phone number listed on the front of your MEDALLION I.D. card.
- \$4. Should you insist upon treatment of your non-emergency medical condition in the Emergency Room, this action will be reported to MEDALLION.
- \$5. Questions should be directed to MEDALLION, 1-800-643-2273.

Client's signature _____ Date _____

Street or PO Box _____

City _____ State _____ Zip Code _____

Client's telephone number _____

Witness _____ Date _____

E.R. Staff Comments: (Use reverse side of sheet if necessary)

Name of Hospital _____

Address _____

Contact person _____ Telephone number _____

Forward original and pertinent documentation to: Director, MEDALLION

Copy to: 1) Client
2) Hospital Emergency Room

CHANGE OF DOCTOR REQUEST

DATE: _____
FORM NO. 10/1/82

Client's Name _____

Address 1 _____

Address 2 _____

City, State, Zip Code _____

Client's Medicaid I.D. Number: _____

IF YOU WANT ANOTHER DOCTOR INSTEAD OF THE ONE NAMED IN YOUR LETTER, LOOK AT YOUR LIST OF MEDALLION DOCTORS AND CHOOSE THE DOCTOR YOU WANT.

It is very IMPORTANT that you also give us your telephone number so we can reach you if necessary.

THE DAYTIME TELEPHONE NUMBER WHERE YOU CAN BE REACHED IS:

WRITE DOWN THE INFORMATION ABOUT THE DOCTOR YOU WANT ON THE LINES BELOW.

Doctor's Name: _____

Doctor's Office Address Code: _____

Doctor's Office Address _____

(If Doctor has more than one office listed on sheet (ex. 2a, 2b), indicate office address nearest you). _____

Please mail this completed form using the enclosed self-addressed envelope.

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-01-74, VR 460-01-74.1, and VR 460-01-74.2. Drug Utilization Review Program (§ 4.26).
VR 460-04-4.2600. Drug Utilization Review Program Regulations.

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

Effective Dates: January 1, 1993, through December 31, 1993.

Summary:

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled Drug Utilization Review. This policy will provide the agency with regulatory authority to conform the Plan to federal mandates and effective dates for the review of drug utilization.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding Drug Utilization Review. The Department has already initiated the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski
Director
Date: December 9, 1992

3. CONCURRENCES:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: December 15, 1992

4. GOVERNOR'S ACTION:

/s/ Lawrence Douglas Wilder
Governor
Date: December 30, 1992

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: December 30, 1992

DISCUSSION

6. **BACKGROUND:** The section of the State Plan for Medical Assistance which is affected by this regulatory action is section 4 General Program Administration, pages 74 - 74b (which are preprinted pages issued by the Health Care Financing Administration) and state only regulations VR 460-04-4.2600.

The Omnibus Budget Reconciliation Act of 1990, §

4401 (OBRA 90) requires the states' Medicaid programs to perform the review of the use of drugs by individuals who do not reside in nursing homes. Currently, the Commonwealth does not have a DUR program applicable to individuals who receive outpatient drug services. The penalty for states' failure to implement such drug use review by the mandated effective date of January 1, 1993, is the denial of federal financial participation.

Congressional support for DUR stems from a longstanding belief that quality health care is more cost-effective than poor quality care. Numerous studies have shown that physicians may not always have the requisite pharmaceutical knowledge and training to prescribe only appropriate medication. In some studies, federal investigators found widespread patient misuse of prescription drugs including overuse, underuse, and lack of compliance with longstanding guidelines for appropriate drug use. The capacity of pharmaceuticals to cause harm has been recognized since the beginning of medicine. Today, drug induced illnesses have become a major health problem and, often, inappropriate outpatient drug usage leads to the subsequent need for remedial health care services.

OBRA 90 § 4401 placed four key DUR requirements on DMAS:

- implementation of a retrospective DUR
- provision for prospective DUR before the dispensing of prescriptions
- establishment of a DUR board
- development of physician and pharmacist educational interventions and programs.

Retrospective DUR focuses on the therapeutic outcomes of pharmaceutical services. Retrospective DUR applies clinical, therapeutically oriented criteria to pharmacy paid claims data in order to identify potential drug therapy problems (patients whose drug therapy relates to increased risk for drug-induced illnesses) in Medicaid clients. Once a potential problem has been identified in an individual, the physician and/or pharmacist involved in the patient's drug therapy will be notified and provided with an explanation of why a potential drug therapy problem is thought to exist. It will then be up to the patient's physician and pharmacist to cooperatively modify the patient's drug therapy regimen if such modification is deemed appropriate.

Prospective DUR recognizes and utilizes the pharmacist's ability to maximize therapeutic outcomes. As part of the prospective DUR requirements, the pharmacist is required to review patients' complete drug therapy before each prescription is filled. During the review of drug therapy, pharmacists will be

responsible for screening for potential drug therapy problems, utilizing their knowledge as trained professionals and supported by computer-assisted data bases and/or clinical manuals approved by the Commonwealth's DUR Board.

The federal law established minimum requirements for patient consultation each time a prescription is dispensed, consistent with the pharmacist's professional judgment and applicable state laws. Pharmacists are also required to make a reasonable effort to maintain patient medical history profiles.

OBRA 90 required DMAS to appoint a DUR Board. The DUR Board is a group of health care professionals consisting of pharmacists, physicians, and nurses. The Board will recommend therapeutic criteria for the retrospective and the prospective DUR program for approval by BMAS and will be active in the design of the educational intervention programs. Currently, the Virginia Medicaid DUR Board consists of 13 members: 5 pharmacists, 6 physicians, and 2 nurses.

The last major requirement of OBRA 90 is that DMAS develop an educational intervention program for physicians and pharmacists. The DUR Board is responsible for identifying common drug therapy problems and DMAS is responsible for developing programs to educate physicians and pharmacists about these problems. Educational interventions can be accomplished through face-to-face discussions with practitioners or through written, oral or electronic reminders.

7. AUTHORITY TO ACT: The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:9, for this agency's promulgation of proposed regulations subject to the Department of Planning and Budget's and Governor's reviews.

This agency has already initiated the public notice and comment process contained in Article 2 of the APA. Unfortunately, that process will not be completed in time to meet the required effective date of January 1, 1993. The Code also provides, in the APA § 9-6.14:4.1(C)(5), for an agency's adoption of emergency regulations subject to the Governor's prior approval.

Section 4401 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) requires the denial of federal financial participation (FFP) to states if drug use review (DUR) in conformance with § 1927(g) of the Social Security Act is not in effect by January 1, 1993.

Without an emergency regulation, this amendment to

the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the January 1, 1993, effective date established by Congress.

8. FISCAL/BUDGETARY IMPACT: Several assumptions have been made about the savings from educational interventions and programs. Approximately 64% of the total Medicaid population uses prescription drugs. Data from other programs of this nature show that a potential drug therapy problem will be identified in 2% of these individuals. This represents approximately 7,853 people in FY 93 and FY 94. Educational intervention efforts will result in an overall reduction in drug expenditures of approximately \$17.00 to \$158.00 per individual receiving an intervention. A conservative estimate of \$24.00 has been used in projecting savings. The savings from the educational interventions would be \$47,041 GF (\$94,082 total) during FY 93 and \$102,996 GF (\$205,992 total) during FY 94.

The gross expense for implementing and operating the program in FY 93 will be \$34,841 GF (\$123,982 total). OBRA 90 allows the states 75% FFP for development of the program. During FY 94, the expense for ongoing operations will be \$90,346 GF (\$181,382 total). The net General Fund savings is \$12,200 in FY 93 and \$12,650 in FY 94.

9. RECOMMENDATION: Recommend approval of this request to take an emergency adoption action to become effective January 1, 1993. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to implement federally mandated drug utilization review.

10. Approval Sought for VR 460-01-74, 460-01-74.1, 460-01-74.2, and VR 460-04-4.2600.

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-01-74. Drug Utilization Review Program (§ 4.26).

Citation: 1927(g)

4.26: Drug Utilization Review Program

The Medicaid agency meets the requirements of Section 1927(g) of the Act for a drug use review (DUR) program for outpatient drug claims.

Citation: 1927(g)(1)(A)

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The DUR program assures that prescriptions for outpatient drugs are:

- Appropriate
- Medically necessary
- Are not likely to result in adverse medical results

The DUR program is designed to educate physicians and pharmacist to reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacist, and patients or associated with specific drugs as well as:

- Potential and actual adverse drug reactions
- Therapeutic appropriateness
- Overutilization and underutilization
- Appropriate use of generic products
- Therapeutic duplication
- Drug disease contraindications
- Drug interactions
- Incorrect drug dosage or duration
- Drug allergy interactions
- Clinical abuse/misuse

1927(g)(1)(B)

The DUR program shall assess data against predetermined standards consistent with:

- The peer reviewed medical literature
- Three compendia specified by the statute

Citation: 1927(g)(1)(D)

DUR is not required for drugs dispensed to residents of nursing facilities that are in compliance with drug regimen review procedures set forth in 42 CFR 483.60. DUR is required for drugs dispensed to residents of nursing facilities which are not in compliance with 42 CFR 483.60.

Citation: 1927(g)(2)(A)

The DUR program includes prospective review of drug therapy at the point of sale before each prescription is filled or delivered to the Medicaid recipient.

VR 460-01-74.1. Drug Utilization Review Program.

Citation: 1927(g)(2)(A)(i)

Prospective DUR includes screening for potential drug therapy problems due to:

- Therapeutic duplication
- Drug disease contraindications
- Drug interactions
- Incorrect dosage or duration
- Drug allergy interactions
- Clinical abuse/misuse

Citation: 1927(g)(2)(A)(ii)

Prospective DUR includes counseling for Medicaid recipients based on standards established by State law and maintenance of patient profiles.

Citation: 1927(g)(2)(B)

The DUR program includes retrospective DUR through its mechanized drug claims processing and information retrieval system or otherwise which undertakes ongoing periodic examination of claims data and other records to identify:

- Patterns of fraud and abuse
- Gross overuse
- Inappropriate or medically unnecessary care

Citation: 1927(g)(2)(C)

The DUR program assesses data on drug use against explicit predetermined standards including but not limited to monitoring for:

- Therapeutic appropriateness
- Overutilization and underutilization
- Appropriate use of generic products
- Therapeutic duplication
- Drug disease contraindications
- Drug interactions
- Incorrect dosage/duration
- Clinical abuse/misuse

Citation: 1927(g)(2)(D)

The DUR program through its State DUR Board, using data provided by the Board, provides for active and ongoing educational outreach programs to educate practitioners on common drug therapy problems to improve prescribing and dispensing practices.

Citation: 1927(g)(3)(A)

The DUR program has established a State DUR Board either:

- Directly
- Contract with a private organization

VR 460-01-74.2. Drug Utilization Review Program.

Citation: 1927(g)(3)(B)

The DUR Board membership includes health professionals (one-third licensed actively practicing pharmacist and one-third but no more than 51 percent licensed and actively practicing physicians) with knowledge and experience in:

- Clinically appropriate prescribing and dispensing of covered outpatient drugs.
- Monitoring of covered outpatient drugs.
- Drug use review, evaluation and intervention.

- Medical quality assurance.

Citation: 1927(g)(3)(C)

☒ The activities of the DUR Board include:

- Retrospective DUR
- Application of Standards
- Ongoing interventions for physicians and pharmacists targeted toward therapy problems or individuals identified in the course of retrospective DUR
- Interventions include in appropriate instances:

- Information dissemination
- Written, oral, and electronic reminders
- Face to Face discussions
- Intensified monitoring/review of providers/dispensers

Citation: 1927(g)(3)(D)

☒ An annual report is submitted, *no later than March 31 of each year*, to the Secretary, including a report from its DUR Board, on the DUR program.

The Medicaid agency ensures that predetermined criteria and standards have been recommended by the DUR Board and approved by the BMAS and that they are based upon documentary evidence of the DUR Board. The activities of the DUR Board and the Medicaid fraud control programs are and shall be maintained as separate. The DUR Board shall refer suspected cases of fraud or abuse to the appropriate fraud and abuse control unit within the Medicaid agency.

VR 460-04-4.2600. Drug Utilization Review Program Regulations.

§ 1. Definitions.

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

"Abuse" means (a) use of health services by recipients which is inconsistent with sound fiscal or medical practices and that results in unnecessary costs to the Virginia Medicaid program or in reimbursement for a level of use or a pattern of services that is not medically necessary, or (b) provider practices which are inconsistent with sound fiscal or medical practices and that result in (1) unnecessary costs to the Virginia Medicaid program, or (2) reimbursement for a level of use or a pattern of services that is not medically necessary or that fails to meet professionally recognized standards for health care.

"Appropriate and medically necessary" means drug prescribing and dispensing practices which conform with the criteria and standards developed pursuant to this regulation and are consistent with the diagnosis or treatment of an identified condition.

"Criteria and standards" means predetermined objective tests established by or approved by the Drug Utilization Review Board for use in both retrospective and prospective screening of the quality and appropriateness of pharmacy services for Medicaid recipients. Objective tests shall include both criteria, which are based upon professional expertise, prior experience, and the professional literature with which the quality, medical necessity, and appropriateness of health care services may be compared, and standards, which are professionally developed expressions of the range of acceptable variation from a criterion.

"Code" means the Code of Virginia.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Director" means the Director of the Department of Medical Assistance Services.

"Drug Use Review (DUR)" means a formal continuing program for assessing medical and recipients' drug use data against explicit standards and criteria and, as necessary, introducing remedial strategies.

"Drug Utilization Review Board (DUR Board)" means the group of health care professionals appointed by the director and established pursuant to § 1927(g)(3) Title XIX of the Social Security Act.

"Drug Utilization Review Committee (DUR Committee)" means a committee composed of health care professionals who make recommendations for developing and modifying drug therapy review standards or criteria, participate in retrospective reviews, recommend remedial strategies, and evaluate the success of the interventions.

"Exceptional drug use pattern" means a pattern of drug use that differs from the standards and criteria established pursuant to these regulations.

"Fraud" means any act including intentional deception or misrepresentation that constitutes fraud under applicable federal or state laws.

"OBRA 90" means the Omnibus Budget Reconciliation Act of 1990.

"Patient's agent" means the person or persons selected by the recipient to act on his behalf with regard to the recipient's receipt of Title XIX pharmacy services.

"Patient counseling" means communication of information by the pharmacist, in person whenever practicable, to patients receiving benefits under Title XIX of the Social Security Act or the patient's agent, to improve therapeutic outcomes by encouraging proper use of prescription medications and devices.

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"Prospective drug utilization review" means a review by the pharmacist of the prescription medication order and the patient's drug therapy before each prescription is filled. The review shall include an examination of any patient profile (which has been maintained by the pharmacist) to determine the possibility of potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse).

"Restriction" means (1) an administrative limitation imposed by DMAS on a recipient which requires the recipient to obtain access to specific types of health care services only through a designated primary provider or (2) an administrative limitation imposed on a provider to prohibit participation as a designated primary provider, referral provider, or covering provider for restricted recipients.

"Retrospective drug use review" means the drug use review process that is conducted by DMAS using historic or archived medical or drug use data which may include but is not restricted to patient profiles and historical trends.

§ 2. Authority.

Section 1927 of Title XIX Social Security Act provides the authority for this program.

§ 3. Scope and purpose.

A. DMAS shall implement and conduct a drug use review program (DUR program) for covered drugs prescribed for eligible recipients. The program shall help to ensure that prescriptions are appropriate, medically necessary, and are not likely to cause medically adverse events. The program shall provide for ongoing retrospective DUR, prospective DUR and an educational outreach program to educate practitioners on common drug therapy problems with the aim of improving prescribing practices. The primary objectives shall be:

1. Improving in the quality of care;
2. Maintaining program integrity (i.e., controlling problems of fraud and benefit abuse); and
3. Conserving program funds and individual expenditures.

B. Certain organized health care settings shall be exempt from the further requirements of retrospective and prospective DUR process as provided for in § 4401 of OBRA 90.

C. The purpose of retrospective drug utilization review shall be to screen for:

1. Monitoring for therapeutic appropriateness
2. Overutilization and underutilization
3. Appropriate use of generic products
4. Therapeutic duplication
5. Drug-disease contraindications
6. Drug/drug interactions
7. Incorrect drug dosage or duration of treatment
8. Clinical abuse/misuse and fraud, and as necessary,
9. Introduce to physicians and pharmacists remedial strategies to improve the quality of care rendered to their patients.

D. The purpose of prospective drug utilization review shall be to screen for:

1. Potential drug therapy problems due to therapeutic duplication;
2. Drug-disease contraindications;
3. Drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs);
4. Incorrect drug dosage or duration of drug treatment;
5. Drug-allergy interactions; and
6. Clinical abuse and misuse.

§ 4. Retrospective DUR.

A. The retrospective DUR program shall provide, through drug claims processing and information retrieval systems, for ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and individuals receiving benefits under Title XIX of the Social Security Act.

B. The DUR program shall, on an ongoing basis, assess data on drug use against predetermined criteria and standards which have been approved by the DUR Board.

C. Summary data concerning identified exceptional drug utilization patterns shall be developed and submitted by DMAS to the DUR Board at least quarterly, or as often as monthly if requested by the DUR Board. This data shall include at least a summary of the drug therapy problems most often observed in the course of retrospective reviews, summaries of physician responses to educational interventions, and the results of intensified reviews and

monitoring of selected prescribers or dispensers.

§ 5. Prospective DUR.

A. Patient medication profiles.

On and after January 1, 1993, pharmacists shall make a reasonable effort to maintain a patient medication record system for persons covered under Title XIX of the Social Security Act for whom prescriptions are dispensed. For purposes of this regulation, a reasonable effort shall have been made if the information set forth in item 1 below is requested from the patient or the patient's agent.

1. A reasonable effort shall be made by the participating pharmacist to obtain, record, and maintain at least the following information on each patient's profile:

a. Name, address, telephone number;

b. Date of birth (or age) and gender;

c. Medical history

(1) Significant patient health problems known to the pharmacist

(2) Prescription drug reactions or allergies

(3) A comprehensive list of prescription and nonprescription medications and legend drug administration devices known by the pharmacist to have been used by the patient; and

d. Pharmacist's comments relevant to the patient's drug use, including any failure to accept the pharmacist's offer to counsel.

2. Such information may be recorded in any system of records and may be considered by the pharmacist in the exercise of his professional judgment concerning both the offer to counsel and content of counseling. In the absence of a pharmacist's voluntarily maintaining records of patients' acceptance of counseling, DMAS is authorized to and shall survey pharmacists' patients in order to determine compliance with and report on the mandates of federal and state law and regulations.

3. The information for patient profiles may be obtained from a patient's prescribing physician, hospital medical records, interviews with the patient, patient's family or agent, or a combination of the above.

4. Patient medication profiles shall be maintained for a period of not less than two years from the date of last entry or as necessary to comply with state or federal law.

B. Pharmacists' responsibilities under prospective DUR.

1. Upon receipt of each prescription and before dispensing the medication, a pharmacist shall perform prospective DUR, consistent with § 54.1-3319 A of the Code, based on his professional knowledge and the criteria and standards approved by the DUR Board, using the information contained in the patient's profile.

2. Each pharmacy is required to have DMAS' DUR Board approved criteria readily available for pharmacists to use in performing prospective DUR.

C. Patient counseling.

1. Consistent with § 54.1-3319 B of the Code, a pharmacist or pharmacy intern must offer to discuss with each individual receiving benefits or the caregiver of such individual, matters which in the exercise of the pharmacist's or pharmacy intern's professional judgment are deemed to be significant. An offer to discuss shall be in person, whenever practicable, or through access to a telephone service which is toll-free for long-distance calls.

2. The specific areas of counseling shall include, but shall not be limited to:

a. Name and description of the medication;

b. Dosage form and amount, route of administration, and duration of therapy;

c. Special directions for preparation, administration and use by the patient as deemed necessary by the pharmacist;

d. Common or severe side or adverse effects or interactions that may be encountered which may interfere with the proper use of the medication as was intended by the prescriber, and the action required if they occur;

e. Techniques for self-monitoring drug therapy;

f. Proper storage;

g. Prescription refill information;

h. Action to be taken in the event of a missed dose.

3. Alternative forms of patient information may be used to supplement, but not replace, oral patient counseling.

4. A pharmacist shall not be required to provide oral consultation when a patient or a patient's agent refuses the pharmacist's attempt to consult.

5. When prescriptions are delivered to the patient or patient's agent who resides outside of the local telephone calling area of the pharmacy, the pharmacist shall either provide a toll free telephone

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number or accept collect calls from such patient or patient's agent.

6. Patient counseling as described herein shall also be required for outpatients of hospitals and institutions when medications are dispensed upon the patient's discharge from the hospital or institution.

7. Patient counseling as described in this regulation shall not be required for inpatients of a hospital or institution where a nurse or other person authorized by the Commonwealth is administering the medication.

D. Compliance monitoring for prospective DUR.

1. An ongoing program shall be developed for the purpose of monitoring pharmacists' compliance with the prospective DUR requirements of these regulations.

2. The director may establish the compliance monitoring program through agreements with other state agencies, the DUR Board or other organizations.

3. As determined to be appropriate by DMAS, the methods used to monitor compliance shall include but shall not be limited to:

- a. On-site inspections,
- b. Patient surveys,
- c. Desk audits, or
- d. Retrospective pharmacy profile reviews.

§ 6. Criteria and standards for DUR.

A. The DUR Board shall establish and revise as necessary a list of approved criteria and standards which shall be consistent with the following:

1. Compendia which shall consist of at least the following:
 - a. American Hospital Formulary Service Drug Information;
 - b. United States Pharmacopeia-Drug Information;
 - c. American Medical Association Drug Evaluations;
2. The peer-reviewed medical literature; and
3. Commonly accepted standards of medical practice as used by practitioners across the Commonwealth.

§ 7. Educational program.

A. DMAS shall develop an educational program designed to further educate physicians and pharmacists to ensure

that prescriptions are appropriate, medically necessary, and are not likely to cause adverse actions. The purpose of such program shall be:

1. To identify and reduce the frequency of patterns of fraud, abuse, overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and patients, or associated with specific drugs or groups of drugs;
2. To identify and reduce the potential and actual severe adverse reactions to drugs; and
3. To improve prescribing and dispensing practices.

Such program shall include education on therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug-drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions and clinical abuse/misuse.

B. The educational program shall be accomplished through the use of interventions. The interventions shall be directed to physicians and pharmacists and shall address therapy problems or individuals identified in the course of retrospective drug use reviews as having exceptional drug utilization patterns. The educational program shall have at least four types of interventions which shall be used as appropriate. These interventions shall include:

1. Information dissemination sufficient to ensure the ready availability to participating physicians and pharmacists of information concerning the DUR Board's duties, powers, and basis for its standards;
2. Written, oral, or electronic reminders containing patient-specific or drug-specific (or both) information and suggested changes in prescribing or dispensing practices, which is communicated in a manner designed to ensure the privacy of patient-related information;
3. Face-to-face discussions between health care professionals who are experts in appropriate and medically necessary drug therapy and selected prescribers and pharmacists who have been targeted for intervention, including discussion of optimal prescribing, dispensing, or pharmacy care practices, and follow-up face-to-face discussions; and
4. Intensified review or monitoring of selected prescribers or dispensers.

C. DMAS may establish the educational program through contracts with accredited health care educational institutions, state medical societies or state pharmacists associations/societies or other organizations. The educational program will use, but not be limited to, as a basis for its educational activities the compendia and

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literature referenced in these regulations and data obtained primarily from the retrospective DUR process, and provided by the DUR Board, on common drug therapy problems and other utilization and drug therapy issues listed in these regulations. The educational program shall be based on recommendations submitted by the DUR Board.

D. A report shall be prepared by the DUR Board and submitted to the director at least semi-annually evaluating the success of the interventions, determining if the interventions improved the quality of drug therapy, and making recommendations for modifications in the program, if appropriate.

§ 8. DUR Board

A. The Director of DMAS shall establish the DUR Board either directly or through a contract with an outside vendor. The DUR Board shall submit recommendations on prospective and retrospective drug use review to the director. The director reserves the right to reject such recommendations and shall so notify the Board consistent with federal requirements. The DUR Board shall adhere to all the requirements of client confidentiality with respect to patient specific information.

B. The DUR Board shall consist of 13 members. At least one-third of the members shall be pharmacists. At least one-third but no more than 51% of the members shall be physicians. There shall be at least one but no more than two nurse practitioner members. All pharmacist, physician and nurse practitioner members shall be licensed by the Commonwealth with such licenses in good standing. The Director of DMAS shall invite submission of candidates from each of these groups. Other individuals and groups interested in submitting names of candidates for the DUR Board shall indicate their interest to the director in writing. The director shall appoint the physician members from candidates submitted by the Medical Society of Virginia, the Old Dominion Medical Society, and each of the medical schools in the Commonwealth. The director shall appoint the pharmacist members from candidates submitted by the Medical College of Virginia/Virginia Commonwealth University School of Pharmacy, the Virginia Pharmaceutical Association, Virginia Chain Drug Store Association, and the Virginia Society of Consultant Pharmacists. The director shall appoint the nurse practitioner member or members from candidates submitted by the Virginia Nurses Association.

1. At least five of the physicians and pharmacists appointed to the DUR Board shall be licensed and actively practicing.

2. All individuals appointed to the DUR Board shall demonstrate knowledge and expertise in one or more of the following areas:

a. The clinically appropriate prescribing of covered outpatient drugs;

b. The clinically appropriate dispensing and monitoring of outpatient drugs;

c. Drug use review, evaluation, and intervention; and

d. Medical quality assurance.

C. Consistent with its by-laws, the DUR Board members shall serve at the pleasure of the director, for terms established by the director. Vacancies shall be filled in the same manner as the original appointment.

D. DMAS shall provide staff assistance to the DUR Board and its officers in the routine conduct of its business.

E. The DUR Board shall have the following duties:

1. The DUR Board shall meet no less than quarterly and, in addition, upon call by the director. A quorum for action by the DUR Board shall be seven voting members.

2. The DUR Board shall elect from among its members a chairperson and a vice-chairperson. Officers may be elected to successive terms.

3. A full record of the Board's proceedings shall be kept. The record shall be open to public inspection at all reasonable times consistent with the DMAS' hours of operation.

4. The DUR Board shall establish such rules as are necessary to conduct its business.

5. The DUR Board shall review and approve the retrospective DUR criteria for consistency with the requirements set forth in these regulations.

6. The DUR Board shall establish a listing of criteria and standards for use in prospective drug use reviews. The criteria and standards may include commercial software packages, drug interaction handbooks, and other published and written criteria.

7. The DUR Board shall submit a report at least semi-annually evaluating the success of interventions and making recommendations for modifications to the educational program, if appropriate. The DUR Board shall evaluate the educational program developed by DMAS or DMAS' vendor pursuant to the requirements of these regulations and make recommendations concerning the appropriate mix of intervention approaches.

8. The DUR Board shall prepare a report on an annual basis for submission to the U.S. Secretary of Health and Human Services and the director which shall include a description of the activities of the DUR Board, including the nature and scope of the prospective and retrospective drug use review

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programs, a summary of the interventions used, an assessment of the impact of the interventions on quality of care, and an estimate of the cost savings generated as a result of such program.

§ 9. DUR Committee.

A. The director shall provide for the establishment of a DUR Committee either directly or through a contract with an outside vendor. The DUR Board may serve as the DUR Committee.

B. The membership of the DUR Committee shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

1. The clinically appropriate prescribing of covered drugs;
2. The clinically appropriate dispensing and monitoring of covered drugs;
3. Drug use review, evaluation, and intervention; and
4. Medical quality assurance.

C. The membership of the DUR Committee shall include physicians, pharmacists, and other health care professionals.

D. Activities of the DUR Committee shall include, but not be limited to, the following:

1. The review of patient, pharmacist, and physician exceptional drug utilization profiles generated from retrospective reviews applying knowledge and experience as a professional and the retrospective criteria and standards approved by the DUR Board;
2. Develop and recommend modifications to the prospective and retrospective standards based on clinical experience, new literature findings, and communications from practitioners pursuant to the educational program;
3. In instances where an exceptional drug use pattern is suggestive of fraud or abuse, make referrals in a manner consistent with the rules adopted by the DUR Board to the appropriate intra agency division;
4. Provide technical expertise to assist DMAS staff in the compilation of reports and recommendations to be presented to the DUR Board and the director.

E. The DUR Committee shall adhere to all the requirements of client confidentiality with respect to patient specific information.

§ 10. Exemption of organized health care settings.

A. Covered outpatient drugs dispensed by health

maintenance organizations, including those organizations that contract under § 1903(m) of the Act, are not subject to the requirements of this section.

B. A hospital (providing medical assistance under the Commonwealth's plan) that dispenses covered outpatient drugs using drug formulary systems, and bills DMAS no more than the hospital's purchasing costs for covered outpatient drugs (as determined under the State Plan) shall not be subject to the requirements of this regulation.

§ 11. Medical quality assurance for nursing facility residents.

Documentation of drug regimens shall, at a minimum:

A. Be included in a plan of care that must be established and periodically reviewed by a physician;

B. Indicate all drugs administered to the resident in accordance with the plan with specific attention to frequency, quantity, and type; and identify who administered the drug (including full name and title); and

C. Include the drug regimen review prescribed for nursing facilities in regulations implementing Section 483.60 of Title 42 of the Code of Federal Regulations.

LEGISLATIVE

1993 SESSION
HOUSE OF DELEGATES LEGISLATIVE OFFICES
GENERAL ASSEMBLY BUILDING, Capitol Square
(Mailing Address: P. O. Box 406, Richmond, Virginia 23203)

ROOM	NAME	TELEPHONE
805	Abbitt, Watkins M., Jr.	786-6608
716	Agee, G. Steven	786-7296
444	Almand, James F.	786-6893
806	Armstrong, Ward L.	786-6817
446	Baker, Thomas G., Jr.	786-6605
948	Ball, Robert B., Sr.	786-6906
460	Barlow, William K.	786-7202
812	Bennett, W. W. (Ted), Jr.	786-6805
719	Bloxom, Robert S.	786-6596
701	Brickley, David G.	786-6994
511	Callahan, Vincent F., Jr.	786-6991
459	Cantor, Eric I.	786-6503
820	Christian, Mary T.	786-6600
809	Clement, Whittington W.	786-7307
704	Cohen, Bernard S.	786-7253
463	Connally, Julia A. (Judy)	786-6894
461	Cooper, Shirley F.	786-6602
526	Copeland, Howard E.	786-6710
523	Councill, J. Paul, Jr.	786-6909
449	Cox, M. Kirkland (Kirk)	786-6604
607	Cranwell, C. Richard	786-6891
524	Croshaw, Glenn R.	786-7180
815	Crouch, Joyce K.	786-7255
525	Cunningham, Jean W.	786-6700
521	Cunningham, Robert K., Sr.	786-6804
712	Damer, L. Karen	786-7206
508	Davies, John J. (Butch), III	786-7102
811	DeBoer, Jay W.	786-7204
808	Deeds, R. Creigh	786-6606
441	Diamonstein, Alan A.	786-6992
804	Dickinson, V. Earl	786-6603
717	Dillard, James H., II	786-7103
703	Finney, Willard R.	786-6895
721	Fisher, Richard L.	786-6505
452	Forbes, J. Randy	786-7252
702	Forehand, V. Thomas, Jr.	786-1612
455	Giesen, Arthur R. (Pete), Jr.	786-6502
527	Grayson, George W.	786-6609
720	Guest, Raymond R. (Andy), Jr.	786-7395
529	Hall, Franklin P.	786-7295
510	Hamilton, Phillip	786-6597
821	Hargrove, Frank D.	786-6802
816	Harris, Robert E.	786-7203
802	Heilig, George H., Jr.	786-7302
708	Howell, William J.	786-6997
462	Hull, Robert D.	786-6903
448	Ingram, Riley E.	786-7394
514	Jackson, Thomas M., Jr.	786-7301
512	Jennings, G. C.	786-7308
807	Johnson, Joseph P., Jr.	786-6685
453	Jones, Jerrauld C.	786-7188
711	Keating, Gladys B.	786-7294
522	Marshall, Robert G.	786-7297

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450	Martin, Stephen H.	786-6708
710	Mayer, Alan E.	786-6707
718	McClure, Roger J.	786-6996
505	McDonnell, Robert F.	786-7105
813	Melvin, Kenneth R.	786-6888
713	Miller, Clinton	786-7298
517	Mims, William C.	786-7207
803	Moore, William S., Jr.	786-6889
445	Morgan, Harvey B.	786-6607
442	Munford, Joan H.	786-8425
503	Murphy, W. Tayloe, Jr.	786-7303
447	Nelms, Robert E.	786-6698
715	Newman, Stephen D.	786-7193
509	O'Brien, James K. (Jay), Jr.	786-6892
706	Orrock, Robert D. (Bobby), Sr.	786-7101
501	Parker, Lewis W., Jr.	786-7104
518	Parrish, Harry J.	786-7201
506	Phillips, Clarence E. (Bud)	786-6798
443	Plum, Kenneth R.	786-7200
709	Puller, Linda T. (Toddy)	786-6719
519	Purkey, Harry R. (Bob)	786-6709
714	Putney, Lacey E.	786-6598
801	Quillen, Ford C.	786-6717
707	Reid, John S. (Jack)	786-6716
705	Reynolds, W. Roscoe	786-7205
456	Rhodes, Anne G. (Panny)	786-6904
504	Robinson, William P., Jr.	786-7158
516	Rollison, John A. (Jack), III	786-1617
507	Scott, James M.	786-6504
502	Smith, Alson H., Jr.	786-7251
819	Stieffen, S. Wallace	786-7191
513	Stump, Jackie T.	786-6995
451	Tata, Robert	786-6803
814	Thomas, A. Victor	786-6900
454	Van Landingham, Marian	786-6718
822	Van Yahres, Mitchell	786-7292
457	Wagner, Frank W.	786-7306
520	Wallace, Linda M.	786-6993
722	Wardrup, Leo C., Jr.	786-7254
515	Watkins, John	786-6501
458	Way, Peter T.	786-7393
528	Wilder, Lawrence D., Jr.	786-8651
614	Wilkins, S. Vance, Jr.	786-1618
818	Wood, Jerry M.	786-6801
810	Woodrum, Clifton A. (Chip)	786-2898
635	Mr. Speaker, Thomas W. Moss, Jr.	786-6880
817	Delegate-elect 95th District	786-7192

Legislative Information, The Clerk's Office, House of Delegates,
P. O. Box 406, Richmond, Virginia 23203 (804) 786-6530

Revised January 7, 1993

1993
SENATORS
TELEPHONE and OFFICE NUMBERS
GENERAL ASSEMBLY BUILDING

District Number	Office Number	Name	Telephone Number
1	613	Andrews, Hunter B.	786-6593
37	374	Barry, Warren E.	786-6989
21	376	Bell, J. Brandon	786-6702
10	621	Benedetti, Joseph B.	786-7733
30	356	Calhoun, Robert L.	786-6074
28	326	Chichester, John H.	786-3441
29	413	Colgan, Charles J.	786-6987
4	312	Cross, Elmo G., Jr.	786-6075
14	315	Earley, Mark L.	786-6694
36	412	Gartlan, Joseph V., Jr.	786-6691
20	320	Goode, Virgil H., Jr.	786-6067
19	420	Hawkins, Charles R.	786-6591
7	426	Holland, Clarence A.	786-7291
31	432	Holland, Edward M.	786-6882
15	321	Holland, Richard J.	786-7392
17	394	Houck, R. Edward	786-6883
32	421	Howell, Janet D.	786-7187
9	378	Lambert, Benjamin J., III	786-6988
18	390	Lucas, L. Louise	786-6693
16	361	Marsh, Henry L., III	786-7397
39	429	Marye, Madison E.	786-6986
2	334	Maxwell, W. Henry	786-6886
26	329	Miller, Kevin G.	786-7288
5	365	Miller, Yvonne B.	786-7186
24	396	Nolen, Frank W.	786-6068
3	350	Norment, Thomas K., Jr.	786-6980
27	340	Potts, H. Russell, Jr.	786-6069
13	380	Quayle, Frederick M.	786-7293
38	388	Reasor, Jackson E., Jr.	786-6695
25	384	Robb, Edgar S.	786-6887
11	345	Russell, Robert E., Sr.	786-6797
35	392	Saslaw, Richard L.	786-7391
23	398	Schewel, Elliot S.	786-6595
8	382	Stolle, Kenneth W.	786-6696
12	372	Stosch, Walter A.	786-8071
22	386	Trumbo, Malfourd W.	786-6884
33	332	Waddell, Charles L.	786-6881
6	626	Walker, Stanley C.	786-7280
40	346	Wampler, William C., Jr.	786-6594
34	355	Woods, Jane H.	786-7396

Mailing Address for Members During Session Only:
General Assembly Building
Richmond, Virginia 23219

GOVERNOR

EXCERPTS FROM
STATE OF THE COMMONWEALTH ADDRESS
JANUARY 13, 1993
BY
GOVERNOR L. DOUGLAS WILDER

Good evening. To the Speaker, the Lieutenant Governor, the Attorney General, members of the Joint Assembly, the Cabinet, and the Judiciary.

Before we begin, I ask for a moment of silence for the victims of the Southmountain mining accident of this past November, and for their families.

My fellow Virginians, in one week, the world will again turn to Virginia, and I will accompany the 42nd President of the United States as he takes a page from the past and begins his journey to the White House from the steps of Monticello.

Ours is not merely a landmark of past greatness, but a collection of people and opportunities. We are still a beacon to the world. And our state can take its prideful place in spreading that light.

Last year, you recommended, and I agreed, that the budget be made available to you by December 20th. The soundness of that can be reflected in the legislature and the public having more time to discuss and react to our proposals . . . and for my staff to have more time for a joyous holiday season.

For that reason, I will forego the usual recital of our present fiscal state, having made that presentation publicly before your appropriate committees on December 21st . . . and instead, I will speak to matters that I have longed to be able to address at previous times, though no more propitious time ever existed than now.

Some may have taken for granted all that we have accomplished together. We should not be unmindful of other states mailing out IOUs because they can't mail out the checks or agree upon a budget.

Or of Governors threatening to shut down schools unless new pay cuts are enacted.

Or of citizens marching on statehouses demanding that taxes be rescinded.

Others take notice of what some may take for granted . . . and I'm certain that there are those in the press corps who will say that we, in the administration, never let an opportunity pass to point out that Financial World Magazine has hailed Virginia as the Number One state in the country when it comes to fiscal management.

And we, the administration, the legislature, and the people of our Commonwealth, deserve the credit . . . and are proud of our accomplishment.

I noticed in Newsweek Magazine this week that leaders in other states have written hate mail to bond rating agencies and brokers . . . but here in Virginia, we should be sending valentines.

One week ago today . . . when bids were taken for our General Obligation Bonds . . . the winning bid was 5.5 percent. We had expected a low bid of 6.8 percent, and as a result, Virginia taxpayers will save \$13 million in interest payments during the 20-year life of the bonds.

If there is anything that I've learned in this business, it is that "he who tooteth not his own horn, the same will go untooted."

Before moving on, I want to thank all of the members of my administration, and give a special word of thanks to several people whose innovation and diligence have helped us weather the storm.

I cannot overstate the accomplishments of Secretary of Finance Paul Timmreck and his top budget assistants: Karen Washabau, the Director of the Department of Planning and Budget, and Eddie Moore, our State Treasurer. [Please stand]

They have helped guide Virginia through difficult times, and crafted fiscal policies that are a model for the nation. I think it's fair to say we could not have done it without you.

As virtually every other state in the nation now deals with budgets out of control, last month I submitted budget revisions for 1993 that include no new spending cuts . . . a first for my administration; a reserve fund . . . a continuing, and important theme; and no new taxes.

Holding the line on taxes not only allows our citizens to keep more of their take-home pay . . . it's a matter of trust. We've taken tough steps to keep our budget balanced, we've fought to save jobs in tough economic times . . . now is not the time to abandon our responsibility. The people expect us to continue our best efforts.

We have a stable, progressive government that is meeting the needs of the 1990s . . . without spending the money of the 21st Century. And when the voters overwhelmingly approved our capital bond packages in November, they validated our policies.

Another member of my cabinet who deserves our special praise is Howard Cullum, my Secretary of Health and Human Services. Secretary Cullum fought for tough new measures last year that will help control health care costs in our Commonwealth.

These changes were little noticed in press accounts, as the "provider tax" took most of the ink. But the by-products of that tax fight were measures that will reform and improve the effectiveness of the delivery of

services, and will control spiraling health care costs.

Three years ago, I called on Virginians to make the 1990s the Decade of Youth and Families. And to ensure that future generations will have a full opportunity to enjoy that which Virginia's constitution declares; namely, "the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing happiness and safety."

Today, many Virginians work hard, strive for a good life, and try to build a protective shelter for their families from the harshness of the world - only to find that cocoon to be useless when the winds and rains of uncertainty rail against them.

These winds of change take many forms. Defense cutbacks, violent crime, rising health care costs, school violence, global competition, deteriorating cities and polluted air, streams and water - they all threaten our way of life and demand our attention.

This attention must be spent on all segments of our population; among rich and poor; in all racial and ethnic groups; among the sick, and the healthy. We must do this together - because we will either proceed ahead together, or we will all slip and fall into the abyss together.

A Virginia that does not value strong, healthy families is a Virginia that neglects its future.

Despite difficult times, we have expanded health care services to more than 35,000 children of the working poor and, unlike most states, we have met our Federal mandates without raising taxes.

We have worked to address the issues of uninsured Virginians, Medicaid reform, long-term care, certificate of public need, a revised methodology to review hospital and nursing home costs, and the establishment of a patient-level database which will give our citizens and businesses not only cost information, but health outcome information.

But now is the time for even bolder action. I believe it is time for us to "put up or shut up" when it comes to welfare reform, and to do something now.

The road to ending poverty is not financial subsidy, but human empowerment. And I don't think we can afford to wait for reform to come from Washington. The time for action has arrived, and I am putting forward a new Virginia approach to welfare reform.

The current Federal welfare system is a mess - one that does not act to lift its recipients out of poverty. My administration is committed to working with the General Assembly to obtain the necessary Federal waivers that will allow us to get something done, and get it done now.

We must assist recipients in getting the education and

training they need and to hold an unsubsidized job - and we must act to provide Virginians in poverty with ample opportunities to move into the mainstream.

The only way to truly reform welfare programs is to invest our money wisely and to demand a return on our investment . . . My goal is for Virginia to spend all Federal, state and local funds in the current Aid to Dependent Children, food stamps, Medicaid, job training and child care programs in a consolidated Job Assistance Trust Fund.

This fund would be used to train eligible participants for an unsubsidized job already committed to by the business. The first step will be to establish a demonstration project that would pay eligible volunteer participants a job training wage, and finance temporary support services in health care, child care and transportation.

The Trust Fund would then be replenished by earmarking all federal and state taxes earned by those in the program. In essence, those in the job training programs would pay back the government for the services they received.

These participants would be bound by a contract not only to "earn back" the money provided by the government, but to meet specialized terms. Those on public assistance have a duty to keep their children in school . . . maintain current immunization schedules . . . and to do their best to provide a livable environment for their children.

It is in our best interest to ensure that all of our citizens have an opportunity to better themselves, and to demand responsibility of all who seek our help.

We are not asking to spend more money, but to spend the Federal money we already receive more wisely. President-Elect Clinton was elected on such a mandate of change, and I believe his administration will support our aggressive efforts to bring real welfare reform to Virginia.

These reforms are just another example of the way we have worked to change the face of Virginia government . . . and I am proud of our accomplishments. We have ushered in new responsibility and diversity to the way our Commonwealth operates.

I am most proud of the fact that we have appointed record numbers of women and minorities to leadership positions.

And with this increased emphasis on the recruitment and appointment of women and minorities, the citizenry of the Commonwealth is being served by entities more reflective of our population.

Before I leave office, I would like to see Virginia government become even more open, more subject to public scrutiny, and beyond reproach.

Governor

I formed the Commission on Ethics in Government last year because I was disturbed by the influence of special interests and I would be the first to say that the report shows that Virginia's reputation for clean government has largely been upheld through the years.

I want to thank UVA Constitutional Scholar Dick Howard, the chairman, and the other illustrious members of the Commission for doing superb work on a highly-controversial subject.

This bipartisan commission reached its conclusion without the rancor that might be expected on such subjects. And I might add that their report was unanimous.

We in Virginia cannot rest on our laurels and heritage. The public rightly demands a higher standard from elected officials today – and we have a duty to perform at that higher standard.

The solutions that the Ethics Commission suggests do not remedy all abuses, but are steps to ensure that the people's voices are heard and their wishes carried out.

These recommendations are reasonable, and the people will support them. It is common sense that state election disclosure laws should be broadened and fully applied to all district and local parties.

It makes sense for us to conduct random audits of campaigns to ensure compliance with state laws.

It is in the best interest of all candidates to end the big-donor bidding wars by placing caps on the amount of money individuals can contribute to campaigns.

It is in the public's interest to ensure that all lobbyists are registered and that their year-round activities are fully disclosed not just part of the time, but for 12 months of the year.

And it is important to the protection of our integrity that we place limits on "gift giving", shut down the government-lobbyist revolving doors, and protect our state employees who blow the whistle on ethics abuses.

The people should feel confident that their public officials are free from real conflicts of interest, and do not owe their public standing to a few monied interests.

These reforms are not sweeping, they are in line with a national mood of change. Both Bill Clinton and Ross Perot ran on a platform of electoral reform, of tighter controls on lobbyists and more accountability from government.

And in Virginia, Perot and Clinton voters comprised 56 percent of the electorate last November. Their voices will be heard again.

They must be heard, because the task before us is so vital. We are no longer merely the voices of our districts,

we are ambassadors of our Commonwealth.

Today, every locality, state, and nation is locked in an economic Olympics, where the most competitive will thrive, while the complacent will fail. And failure will mean the loss of opportunities for thousands, perhaps millions, of our citizens.

We must continually remind the world of our excellent transportation network, including more than 54,000 miles of interstate highways and roads . . .

Of our positive business climate and a government committed to fiscal integrity and low taxes . . .

Of our skilled, motivated labor force, with people renowned for their strong work ethic . . .

And of our enviable quality of life, including first rate schools, colleges and universities.

Our fiscal management has positioned us to take advantage of our strengths like never before. Ours was one of only two states over the past several years to close a substantial budget shortfall without raising taxes – and business leaders around the world are aware of our prudent management.

The word has spread – from the newsrooms of USA Today to the policy analysts of the Cato Institute; from the boardrooms of Asia to the palaces of Africa; and all throughout this land. Virginia is renowned as a state serious about maintaining our fiscal future.

And these fiscal policies are already paying off. From 1990 through the third quarter of 1992, we have created 40,000 new jobs and \$2.4 billion in new investment – from businesses who understand that while recession has gripped our entire nation, some states are better poised than others to help them thrive in the future.

We will continue our efforts to attract new businesses, and our newly-created Virginia Economic Development Fund will allow us to expedite road improvements, expansion of water and sewer systems, and other projects required to attract new businesses.

Virginia has one of the lowest corporate tax rates in the nation – one that has not increased since 1972. And this year, I propose we take extra steps to ensure the signs read clearly and brightly that Virginia is open for business.

I am calling on the General Assembly to enact an investment tax credit for specific industries and investments that will create new jobs for Virginians. The cost of such a credit would not be high – no higher, in fact, than the amount kept in our fiscal reserve. But it will help to open new businesses and to create jobs.

Infrastructure and public investment are also vital to our

economic future, and my administration has acted to continue our progress in improving transportation.

In November 1990, I directed the Secretary of Transportation to pursue a seven point blueprint for transportation as his agenda during my term of office. Today, we are spending more than \$2 billion a year on transportation – and \$165 million more per year than the previous administration.

We have increased dramatically the amount of funds received from the Federal Government. Upon passage of the Intermodal Transportation Act, Virginia now receives \$421 million annually for highway construction and maintenance, up from \$272 million before passage of that bill.

I want to digress for a moment to thank those of you who supported my bond package for higher education, mental health and recreational facilities. These measures will improve the lives of many Virginians for many years to come.

Larry Framme, the Executive Director, and Bill Berry and Sid Dewberry, the Co-Chairmen of Virginians For Progress, did an excellent job of coordinating the fund-raising efforts and ensuring the support of the business community.

The intensified, relentless support in the education and health communities never wavered, and was equalled by an unmatched effort to bring the “step-child” of the package, the parks, fully into the family.

Secretary Haskell, the Nature Conservancy and those other groups deserve special praise for never giving up and for giving their money and time. And once again, the people of Virginia, who are always ahead of the pundits, came through with overwhelming margins of victory. I cannot thank them enough.

I bring up the bonds at this time because there were those of you who voted against my bond package in the General Assembly. You opposed my package because you felt that the people would not support the bonds unless, and only unless, the package included transportation projects with a tax increase to fund those projects.

The leadership, sponsors and I disagreed with that. We felt the package was too large, and that tax hikes would be rejected. I submitted a separate transportation package, which required no tax increase, yet met most of the critical highway needs that were to be addressed.

You rejected that plan, and I respect your actions. I mention this here because this would have been a part of the last directive of the transportation blueprint by determining how those needs could be financed from existing resources, or making recommendations on how they could be financed.

In addition to transportation, we must work together to ensure that our most pressing needs are met . . . and also to ensure that global economic competition does not toll doom for current Virginia companies. I formed a task force charged with helping Virginia companies obtain financing and new technologies, as well as to form partnerships that will facilitate their future growth.

But while our economy has many strengths and advantages, we must face the vulnerabilities of the future.

The worst of the defense spending cutbacks and base closings are yet to come.

Over the past two years, I have assembled a team of economists, policymakers and administrators to identify the full impact of these cuts. Their upcoming report will make clear the full effect of the proposed cuts, and give us an indication of what must be done to mitigate these effects.

In addition, this past Spring I established a formal commission on defense conversion, which is chaired by General John Loh, Commander of Langley Air Force Base, and Secretary of Economic Development Cate Magennis.

The Commission's first report was issued in November, and in the coming months we will work to formulate a broad-based conversion strategy.

It is our responsibility to ensure that Virginians are educated and trained for the economy of the 21st Century. We must encourage a seamless web of education – one that encourages lifelong learning and training.

Our approach has been to reward innovation – through the V-QUEST program that provides additional resources for math and science curriculum, and funds demonstration projects aimed at improving the learning environment for our children.

Through the Virginia Business-Education Partnership Program, our goal is the creation of business-education communities, where local needs are met with the oversight and responsibility necessary to ensure real reform.

I have encouraged parents and others who care about education to be more involved in the process, to join PTAs and school boards, and to take part in other education activities.

Last year I signed an executive order permitting all Virginia state employees to take up to eight hours of paid leave each year to assist in educational activities. This program is an example to other governments and to the private sector. By devoting our time and efforts to education, whether we have children in those schools or not, we enrich ourselves as well as all Virginians. I continue to encourage more participation.

Virginia has a longstanding public commitment to quality education . . . but in too many cases, a hostile

Governor

environment threatens all opportunities to expand Virginia's young minds.

We must act swiftly to stop violence in our schools and on our campuses. I fully support the reform package crafted by Secretary Dyke and others to:

- Strengthen penalties for furnishing firearms to minors;
- Increase penalties for those threatening the lives of school personnel;
- Ensure that school personnel have access to information about the violent backgrounds of some students; and
- Develop better information to the public at large about gun safety.

It is horrifying, but a fact, that our schools are mirroring our society and becoming more violent. Contrary to public belief, this is not an "inner city" problem. There have been numerous incidents recently in Fairfax County of children bringing guns to school. In rural Franklin County, a junior high student held his class hostage with a .357 Magnum. These senseless actions are allowed to occur because guns are too accessible to our children.

Nothing threatens Virginians' future and freedom more than crime and drug abuse. What more threatens our liberty than the horrors of criminal invasion, and the senseless loss of life?

There are no simple solutions to reducing crime in Virginia, but there are some logical steps we must take if we hope to make a difference.

We have provided law enforcement officials with better resources – by initiating an Anti-Crime Partnership program that assists high-crime localities with increased manpower and expertise . . . with Newport News being the first city to participate in the Federal, state and city project, the first for the nation.

By opening a "boot camp" for first-time offenders that has kept its graduates away from crime and out of jail . . .

By initiating a Mission Review for State Police that will allow the Police to shift resources to better address violent crime . . .

And by establishing the Virginia Criminal Intelligence Center to provide up-to-date, centralized data for law enforcement agencies.

Furthermore, our Forfeited Asset Sharing Program has been very successful.

But these steps are not enough . . . if we do not take a more intelligent approach to violence in our

Commonwealth.

I appointed a Task Force on Violent Crime, Chaired by Secretary of Public Safety Randy Rollins, with my Drug Policy Advisor Bob Northern as Vice Chairman. U.S. Attorney Richard Cullen served on that Task Force as well. The Task Force offered some common-sense remedies for dealing with violent crime, and I believe these measures should be approved.

Among these proposals are ones expediting trials and extending sentences for violent criminals, increasing incentives for putting inmates to work, and making information about violent juvenile offenders more readily available to law enforcement agencies.

But the ones that have received the most attention – and rightly so – are the ones that would stop the flow of guns from Virginia to criminals around the nation and away from the hands of juveniles.

The evidence is clear – our Commonwealth has gained the dubious distinction of being a haven for gunrunners. From New York, Washington and all along the Atlantic seaboard, Virginia has become the firearms supermarket of choice – even to the point of a comic book suggesting we need the assistance of "the caped crusader" to deal with our problem.

We don't need Batman; we need common sense and courage.

We have the responsibility to protect public safety and to place reasonable limits on the ownership of certain weapons. It is reasonable to say that an individual cannot purchase a nuclear weapon . . . and it's equally reasonable to say that no man or woman is entitled to buy as many handguns as he or she can afford.

We cannot shrink from our rightful role and duties. It is time we acted for the good of Virginia's children, and for our own lives and liberty.

I commend the work of Republican Party members who have advanced a package with some good proposals on this issue. I have asked Secretary Rollins to coordinate our efforts with them, and I welcome your constructive support.

Our goal is not to keep law-abiding citizens from owning firearms . . . I am a gun owner myself. But we simply must curtail the spread of weapons . . . and must stop handguns from being the new currency of the drug trade.

We can no longer allow criminals and gangsters to purchase trunkloads of guns in our state and resell them at will . . . and the best way to end these straw sales is for us to place a one-gun per month limit on firearm purchases in Virginia.

We can no longer allow our youngsters to believe that

carrying a weapon is a rite of passage. From now on, minors should come to fear that a weapon is but a quick passage to prison . . . We must act to keep guns out of their hands, and teach them to respect human life.

We cannot allow back-shop deals to keep gun store operators from using our instant background check system, and we must require firearms' dealers to report the number of firearms purchased per transaction at the time of the instant check.

And finally, we must stop placing our law enforcement officials at a disadvantage by keeping vital information out of their hands. We must allow the State Police to retain records of instant background approvals for 12 months.

There's not a legislator among you who does not think of him or herself as a friend of law-enforcement. But when a majority of those who put their lives on the line every day plead through their representatives for your help, will you substitute your judgment for theirs'?

These are common-sense measures that a majority of Virginia gun owners will support if they are given the correct information. Certain organizations have an interest in misleading the voters and members of the General Assembly, and will rely on spreading fears, using slogans and making threats.

Maybe these special interests can offer you something, something you may believe you cannot do without.

As an alternative, I can offer you nothing . . . nothing but a clear conscience.

One day, when you leave these halls, will you be able to say with confidence and pride that you did everything you could to protect Virginia's good name and heritage?

Will you be able to visit an inner-city school and say that you did everything in your power to keep stray bullets away from the playground?

Will you be able to pick up the newspaper and say you made your best effort to keep teenaged boys and girls off the obituary pages and away from trafficking in guns and drugs?

This past weekend, Richmond was the site of another senseless killing . . . one that took place outside a McDonald's restaurant near a college campus, and only a mile from our Capitol.

One year from today, will you be able to tell the family of Isham Draughn, III that you did something to stop adolescent arguments from becoming tragic final chapters on hope-filled lives?

Mr. Draughn's family, his father Ike, mother Ann, and sister, Melissa, are with us today. [Please stand.] They have asked for us to remember Isham when we consider

these measures . . . and to show our respects by doing everything in our power to stop the killing now.

These proposals have already been subjected to referendums . . . and they've won. Senator Henry Maxwell and Delegates Bob Hull and Flora Crittenden stepped forward in their General Election campaigns and supported these proposals, and they were opposed, but they earned the support of the people. I have no doubt that your courage will be equally rewarded.

I welcome any constructive amendments and changes to this legislation, as long as it has the effect of increasing the peace. Credit and acclaim is not important to me, what is important is being able to say "enough."

We have righted some wrongs – but should we fall short in taking the final strides for life? We owe it to our past and to our future to put the future of our children first.

Even if we cannot solve all of the great challenges of our time, let us at least point our successors in the right direction.

It has been written that "one must wait until the evening to see how splendid has been the day." These are times that demand our best.

I'm a firm believer that no greater men or women ever lived than live now. What with modern inventions and technology, one marvels at what they could have accomplished had our forbears been possessed of such modern technologies.

We've seen changes take place in our state, and those changes have been for the good. Your present composition represents a part of that change.

These seats here were once reserved for landed gentry – and I do mean gentry, because women were not allowed. And a freeholder you had to be, and the law was a respecter of color . . . one color, that is. Ordinary people of ordinary means were not welcome.

These changes have brought a unity of variety and abundance that has served us well.

Our individual histories blend in striking similarities. And so we must remember the sacrifices and the ordeals, the trials and the tribulations . . . but most of all, the people.

Always remember the people. Whether the homeless or the hopeless . . . recent graduates or retirees . . . those trapped in an asphalt jungle, or struggling to make their living off the land . . . we cannot forget those who paid the price for freedom, yet never breathed a breath of it.

Sometimes we all become a little jaded and disoriented as to reality. We forget from whence we came; That we were not to the manor born, nor children of convenience,

Governor

but rather children of destiny.

We must go beyond the comfort of these hallowed halls and derive the essence and aspiration of hope and desires for fulfillment. We must be the eyes and ears of the people, and to let our voices truly be theirs, that their will be done.

My hope is that future generations will say that we did not forget nor forsake them . . . that we fought the good fight . . . and that our accomplishments will be so great as to cause our descendants to wonder as to what else we could have done if we had what they have.

I am comforted in knowing that you and I can make that difference . . . and by God, we will.

Thank you.

EXECUTIVE MEMORANDUM 2-92

To: Honorable Cathleen A. Magennis
Secretary of Economic Development

The tragedy that occurred with the explosion at Southmountain Coal Company Mine Number 3, has, among other things, focused the Commonwealth upon the issue of its cause. While I have every confidence that the Department of Mines, Minerals and Energy will properly and objectively carry out its duties as established under the Code of Virginia, particularly Section 45.1-21, I am also of the opinion that it is important to public confidence and to the victims' families that the Department receive all the appropriate and necessary assistance to assure a thorough and objective review of the causes and circumstances involved.

Now therefore, in light of the forgoing, and in accordance with the authority vested in me as Governor under Article V of the Constitution and the law of Virginia, and subject always to my continuing and ultimate authority to act in such matters,

(1) I am hereby directing all agencies of the Commonwealth to cooperate and provide assistance to the Department of Mines, Minerals and Energy as it proceeds cooperatively with the Federal Government in investigating this matter; and

(2) I am appointing by separate document persons to act as a Task Force of Advisors in assisting the Department's team as it presently undertakes this vital task. These appointees, who will consist of no less than five (5) in total number, will include representatives from the Department of State Police, employees of other mines and private citizens.

This Executive Memorandum, given under my hand on this 16th day of December, shall become effective immediately and remain in full force and effect until

superceded or rescinded by a future Executive Memorandum.

/s/ Lawrence Douglas Wilder

EXECUTIVE ORDER NUMBER FIFTY-NINE (92)

DECLARATION OF A STATE OF EMERGENCY ARISING FROM HEAVY SNOWFALL IN FREDERICK COUNTY, VIRGINIA

On December 10 and 11, 1992, extremely heavy snow fell in and around Frederick County, Virginia. These snows have caused more than 2,500 persons to be marooned in their homes without electric power or heat. These citizens must be evacuated to warm public shelters as soon as possible. Virginia National Guard personnel and equipment must be employed to accomplish this task.

The health and general welfare of the citizens of the area in and around Frederick County require that state action be taken to help alleviate the conditions which are a result of this situation. I find that this heavy snowfall constitutes an emergency, as contemplated under the provisions of Section 44-146.16 of the Code of Virginia, wherein there is a potential for human suffering. I also find that this heavy snowfall constitutes a natural disaster wherein human life is imperiled, as contemplated by Section 44-75.1 (4) of the Code of Virginia.

Therefore, by virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by Section 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby proclaim that a state of emergency exists in the affected area of the Commonwealth and direct that appropriate assistance be rendered by the agencies of the state and local governments to alleviate these conditions. Pursuant to Section 44-75.1 (4) of the Code of Virginia, I also direct that the Virginia National Guard be called forth to assist in providing such aid, as may be required by the Coordinator of the Department of Emergency Services, in consultation with the Adjutant General of Virginia and with the approval of the Secretary of Public Safety.

The following conditions apply to the employment of the Virginia National Guard:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services and with the approval of the Secretary of Public Safety, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be desirable to assist in alleviating the human suffering and damage to property as a

result of the heavy snow.

2. In all instances, members of the Virginia National Guard shall remain subject to military command as prescribed by Section 44-78.1 of the Code of Virginia and not subject to the civilian authorities of the state or local governments.

3. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

4. The cost incurred by the Department of Military Affairs in performing this mission shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 555 of Chapter 893 of the 1992 Acts of Assembly, with any reimbursement thereof from nonstate agencies for partial or full reimbursement of this cost to be paid to the general fund of the state treasury.

This Executive Order shall become effective upon its signing, and shall remain in full force and effect until December 20, 1992, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard in the event of injury or death shall continue to remain in effect after termination of this Executive Order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of December, 1992.

/s/ Lawrence Douglas Wilder
Governor

EXECUTIVE ORDER NUMBER SIXTY (92)

DELEGATION OF CERTAIN AUTHORITY CONFERRED BY GENERAL OBLIGATION BOND ACTS

Whereas the 1992 Acts of Assembly provided for certain general obligation bonds to be issued subject to voter approval in a statewide referendum on November 3, 1992, and

Whereas the voters subsequently approved such actions pursuant to the 1992 Acts of Assembly including Chapters 781 and 789, relating to bonds for park and recreational facilities; Chapters 849 and 892, relating to bonds for mental health facilities; and Chapters 894 and 896, relating to bonds for educational institutions,

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to, Section 2.1-39.1 of the Code of Virginia, and Sections 2 and 9 of Chapters 781, 789, 849, 892, 894 and 896, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby affirm and delegate to the Director of the Department of Planning and Budget the powers and duties conferred upon me by the provisions of Sections 2 and 9 of Chapters 781, 789, 849, 892, 894 and 896 of the 1992 Acts of Assembly as follows:

§ 2. authority to increase or decrease allocations to specific capital projects, within total amounts allocated, and

§ 9. authority to increase appropriations for capital projects by the amount of the proceeds of donations, gifts, grants or other nongeneral funds.

This Executive Order is effective upon its signing and shall remain in full force and effect until October 1, 1994 unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 21st day of December, 1992.

/s/ Lawrence Douglas Wilder
Governor

EXECUTIVE ORDER NUMBER SIXTY-ONE (92)

DIRECTING THE SECRETARY OF ADMINISTRATION AND DIRECTOR OF THE VIRGINIA RETIREMENT

Governor

SYSTEM AND ANY OTHER EXECUTIVE BRANCH OFFICIAL SIMILARLY SUBPOENAED NOT TO PRODUCE CERTAIN RECORDS IN RESPONSE TO A JUDICIAL SUBPOENA

I have been advised that you received on Thursday, December 17, 1992, a Subpoena Duces Tecum issued from the Circuit Court of the City of Richmond at the request of the Attorney General commanding you to produce certain records at her office not later than 3:00 p.m. today.

Pursuant to the authority vested in me by the Constitution and laws of the Commonwealth of Virginia, I direct you not to produce any records in your possession, custody or control in response to the subpoena. For your information, my counsel is today filing a Motion to Quash that subpoena and I will, of course, keep you advised of further developments.

This Executive Order is to become effective immediately and will remain in full force and effect until amended or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of December, 1992.

/s/ Lawrence Douglas Wilder
Governor

EXECUTIVE ORDER NUMBER SIXTY-TWO (92)

RESCINDING EXECUTIVE ORDER NUMBER SIXTY-ONE (92) IN LIGHT OF THE DECISION OF THE CIRCUIT COURT FOR THE CITY OF RICHMOND ON A MOTION TO QUASH CERTAIN SUBPOENAS ISSUED BY THAT COURT

On December 18, 1992, acting pursuant to the authority vested in me as chief executive officer by the Constitution and the laws of the Commonwealth, and to fulfill my duty to insure that all laws are faithfully executed, I directed officials in the Executive Branch not to produce certain records described in subpoenas issued by the Circuit Court for the City of Richmond. The subpoenas were issued at the request of the Attorney General for use in a litigation brought by the Attorney General against the Governor.

My purpose in issuing that order was to insure that the Court have an opportunity to consider the objections raised by the Governor in his Motion to Quash those subpoenas. Such action was necessary because the subpoenas were issued without any prior consideration by any Court, and in what appeared to be a violation of the applicable rules, procedures and principals of law.

The Motion to Quash was heard and decided by the Circuit Court during the evening of December 18, 1992. The Court ordered that the subpoena served on me be

quashed because the Attorney General, in contravention of Rule 4:9 (c-1) of the Rules of the Supreme Court of Virginia, did not obtain prior permission of the Court for the issuance of a subpoena to the Governor.

As to the identical subpoenas served on the Secretary of Administration and the Director of the Virginia Retirement System, the Court rules that the production of items described in paragraphs 1 through 4 of those subpoenas was unnecessary for the Court to decide the issues before it. The Court recognized that under the laws of the Commonwealth, the doctrine of executive privilege protects certain executive documents from subpoena, but that the privilege is a qualified one.

The Court also ruled that the items sought in paragraph 5 of those subpoenas were not subject to the claim of executive privilege, were information of the type available to citizens under the Freedom of Information Act and were to be produced by 12:00 noon December 19, 1992.

I recognize and respect the authority of the courts of the Commonwealth to exercise their constitutional and statutory powers, just as the courts recognize the authority of officers in the Executive and Legislative Branches to carry out the duties entrusted in those branches under our system of government. In light of the Circuit Court's decision, and my purpose of insuring that the Court have an opportunity to render its decision, it is no longer necessary or proper to order officials of the Executive Branch not to comply with the subpoenas.

I therefore rescind Executive Order Number Sixty-One (92), effective immediately. All officials affected by the order, specifically the Secretary of Administration and the Director of the Virginia Retirement System, are expected to fulfill their duties as directed by the Court.

Given under my hand and under the seal of the Commonwealth at 11:00 a.m. this 19th day of December, 1992.

/s/ Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF COMMERCE

Title of Regulation: **VR 190-05-1. Asbestos Licensing Regulations (REPEALED).**

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

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation.

/s/ Lawrence Douglas Wilder
Governor
Date: December 21, 1992

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-04-8.14. "MEDALLION" Regulations.

Governor's Comment:

I concur with the form and the content of this proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: January 15, 1993

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-3-446. Intragroup Transactions. VR 630-3-446.1. Corporation Income Tax: Foreign Sales Corporations.

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation. However, I recommend that the Department of Taxation consider the suggestions made by the Department of Planning and Budget to clarify language in the proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: December 30, 1992

GENERAL NOTICES/ERRATA

Symbol Key † † 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.

Notice to the Public

RT Associates has published a Virginia Register Deskbook, a cumulative index of Volumes 1 through 8 (Issue 13). For more information contact RT Associates, P.O. Box 36416, Baltimore, Maryland 21286.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice to the Public

Guidelines for Enforcement of the Virginia Code Relating to Motor Fuels and Lubricating Oils.

Civil Penalty Assessment Decision Matrix

Statement of basis and statutory authority: §§ 59.1-149 through 59.1-157, 59.1-163, and 59.1-165 through 59.1-167.1 and Chapter 12 (§ 59.1-167.2 et seq.) of Title 59.1 of the Code of Virginia.

Statement of purpose: This guideline provides direction to the Agency personnel in determining the amount of the penalty that shall be considered to be appropriate for various violations. It is designed to insure, to the extent practicable, that similar violations will be assessed generally comparable penalties in as uniform manner as possible.

1.1 Definitions.

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

“Board” means the Board of Agriculture and Consumer Services.

“Previous violation” means any violation of any section of the Code of Virginia specified above, or regulations adopted pursuant thereto, cited within the two-year period

preceding the current violation.

“Repeat violation” means another violation following the first violation of the same provision of the Code of Virginia, or regulations adopted pursuant thereto, committed within a two-year period commencing with the date of official notification of the first violation of the provision.

1.2 Provision for Civil Penalties Generally.

Any person violating any section of the Code of Virginia, as specified above, or regulations adopted thereunder, may be assessed a civil penalty by the Board in an amount not to exceed \$1,000.

1.3 Assessment of Separate Violations.

A. Each violation of any section of the Code of Virginia, as specified above, or regulations adopted pursuant thereto, shall be assessed separately for the purpose of determining the total civil penalty assessment.

B. In cases of continued violation, a civil penalty may be assessed separately for each day of violation beginning with the day of notification of the violations and ending with the date of abatement.

1.4 Penalty Point System.

The point system described in this section shall be used to determine the amount of the civil penalty.

A. Type of Violation.

A person or firm in violation of any section of the Code of Virginia, as specified above, or regulations adopted pursuant thereto, shall be assigned up to 10 points for the type of violation described in one of the following categories:

PointsType of Violation

2 - 4 Sell, offer, or expose for sale motor fuel not meeting minimum specifications.

2 - 4 Failure to register petroleum products as required by law or regulations.

4 - 6 Failure to retain records as required by law or regulation.

4 - 6 Failure to label dispensers as required.

- 4 - 6 Failure to provide documentation of deliveries as required by law or regulations.
- 6 - 10 Selling or attempting to sell motor fuels which do not meet the octane or cetane rating as specified on the dispenser.
- 7 - 10 Dispose of petroleum products in a manner contrary to law or regulations.
- 8 - 10 Attempting to sell or selling non-complying gasoline in the control area during a control period.
- 8 - 10 Attempting to sell or selling defective motor fuel and lubrication oil prohibited from sale by the Commissioner.
- 8 - 10 Selling or attempting to adulterate or attempting to sell adulterated motor fuel that does not meet the requirements of the law or regulation.
- 10 Violate a stop sale, use, or removal order.
- 10 Interfere with the Commissioner or his duly authorized agents in the performance of duties.
- 10 Impersonate any federal, state, inspector or official.

B. Seriousness of Violation.

A person or firm in violation of any section of the Code of Virginia, as specified above, or regulations adopted pursuant thereto, shall be assigned up to 10 points for the seriousness of the violation, taking into consideration any one of the following factors:

- (a) Potential monetary consequences.
- (b) Potential of impact to competitors.
- (c) Degree of inconvenience or deception to a buyer or prospective buyer.
- (d) Degree of disregard for the law.

Points.....Serious Category

- 1 - 3 Minor violations; those having minimal impact on the consumer or competitors.
- 4 - 6 Moderate violations; those having a measurable impact on the consumer or competitors.
- 7 - 10 Serious violation; those having an adverse impact on the consumer or competitors.

C. Culpability.

A person or firm in violation of any section of the Code of Virginia, as specified above, or regulations adopted pursuant thereto, shall be assigned up to 6 points, from

one of the following categories, based on the degree of fault of the person to whom the violation is attributed:

Points.....Culpability Category

- 0 No fault attributed; an inadvertent violation which was unavoidable by the exercise of reasonable care.
- 1 - 2 Lack of knowledge; a violation which is the result of the individual being unaware of the statutory requirements.
- 3 - 4 Negligent.
- 5 - 6 Knowing; aware of actions.

D. Repeat Violation.

The period of time in determining the frequency of violations shall be 24 months. If a person or firm has not committed the same violation in 24 months, the next offense shall be considered as a first violations. However, a person or firm that has committed the same violation three times in a five year period shall not be protected by the 24 month limitation.

A person or firm found to have repeated a violation of any section of the Code of Virginia, as specified above, or regulations adopted pursuant thereto, shall be assigned up to 10 points from one of the following categories:

Points Repeat Violation Category

- 5 - 7 Second occurrence of violation.
- 8 - 10 Third occurrence of a violation, or violations following this occurrence.

E. Credit for good faith in attempting to achieve compliance.

The demonstrated good faith of the person or firm in attempting to achieve rapid compliance after notification of the violation shall be taken into consideration in determining penalty points. Up to four points shall be deducted from the total points assigned under Subsection A, B, C, and D, based on the following categories:

Points Good Faith Credit Category

- 3 - 4 Immediate action taken to abate the violation, and correct any conditions resulting from the violation, in the shortest possible amount of time.
- 1 - 2 Prompt and diligent efforts made to abate the violation, and correct any conditions resulting from the violation, within a reasonable period of time.

0 No points deducted.

F. Determination of base civil penalty.

General Notices/Errata

The total penalty point amount shall be determined by adding the points assigned under Subsections A, B, C, and D, and subtracting from that subtotal the points assigned under Subsection E of this Section. The resulting total penalty point amount is converted to a dollar amount, according to the following schedule:

Points	Dollars
1-3	0
4-6	25
7-9	70
10	75
11	100
13	250
14	325
15	425
16	525
17	625
18	750
20	1,000

G. Consideration of previous violations; reduction of penalty.

All previous violations of a person or firm shall be taken into consideration in determining the base civil penalty. In the case of a less than serious violation where no previous violation exists, the base civil penalty may be reduced by 20 percent. In the case of a serious violation or a repeat violation the base civil penalty shall not be reduced.

1.5 Waiver of Use of Formula to Determine Civil Penalty.

A. The Virginia Board of Agriculture and Consumer Services may waive the use of the formula contained in Section 1.4 to set the civil penalty, if the Board determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. The basis for every waiver shall be fully explained and documented in the records of the case.

B. If the Board waives the use of the formula, it shall give a full written explanation of the basis for any penalty assessment to the person or firm found in violation.

GUIDELINES FOR ENFORCEMENT OF THE VIRGINIA CODE RELATING TO MOTOR FUELS AND LUBRICATING OILS.
- CIVIL PENALTY ASSESSMENT DECISION MATRIX

VIOLATION NUMBER: _____

OFFICE OF WEIGHTS AND MEASURES
PENALTY MATRIX WORKSHEET

NAME OF ALLEGED VIOLATOR: _____

LICENSE/CERTIFICATE NO: _____ DATE OF VIOLATION: ____/____/____

VIOLATION: _____

<u>CONSIDERATIONS</u>	<u>POINTS</u>
A. Type of Violation	_____
B. Seriousness of Violation	_____
C. Culpability	_____
D. Repeat Violation	_____
TOTAL POINTS (A + B + C + D) =	
E. Good Faith Credit for Prompt Compliance (-)	_____
F. Determine Base Penalty Points (TOTAL (-) E) =	_____
G. Base Penalty (from Table F in Matrix)	\$ _____
H. No Past Violations (2 yrs.) (deduct 20% of base penalty)	- _____ (20% of base)
ADJUSTED BASE PENALTY =	
	\$ _____
TOTAL PENALTY AMOUNT	
	\$ _____

Additional information: _____

Recommendation: Assess as Calculated _____
Negotiated Settlement _____

Compliance Officer: _____ Date ____/____/____

COUNCIL ON THE ENVIRONMENT

Notice to the Public

In compliance with Federal regulations, the Council on the Environment is submitting additions and updates of the following state laws and agency regulations to the Federal Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration, for its review and inclusion into the Virginia Coastal Resources Management Program.

1. Amendments to Virginia Code Title 10.1, Chapter 5, Article 4, which change:

Erosion and Sediment Control Law of 1973

Erosion and Sediment Control Regulations adopted by The Virginia Soil and Water Conservation Board on July 11, 1990, which supersede:

Chapter III of the 1980 Virginia Erosion and the Sediment Control Handbook

The purpose of this program change is to update the existing nonpoint source water pollution control regulatory program of the Virginia Coastal Resources Management Program by incorporating the amendments to the Erosion and Sediment Control Law during the period 1988-1992, as authorized by the Virginia General Assembly and the resulting Erosion and Sediment Control Regulations adopted by the Virginia Soil and Water Conservation Board. The objective of the changes is the more effective control of soil erosion, sediment deposition and non-agricultural runoff to protect the unreasonable degradation of properties, stream channels, waters and other natural resources of the Commonwealth.

2. Inclusion of VR 450-01-0058 Barrier Island Policy, which updates:

Coastal Primary Sand Dunes Guidelines: Barrier Island Policy of 1986

The purpose of this program change is to incorporate into the Virginia Coastal Resources Management Program the 1990 revisions of the Barrier Island Policy. This regulation gives greater acknowledgment to the fragile and transient nature of barrier islands as landform features, their inherent value as natural heritage resources in their natural state, and their importance as habitat to certain threatened or endangered species. The revised Policy is designed to minimize impacts associated with low-density, single-family and recreational development as well as to allow for consideration of both cumulative and secondary impacts in a permit decision.

OCRM will review these changes to determine whether they constitute amendments to the Virginia Coastal

Resources Management Program for the purposes of ensuring federal consistency with that program.

In 1972, the United States Congress passed the Coastal Zone Management Act (CZMA). The Act's passage demonstrated the national interest in the effective management, protection, development, and beneficial use of the nation's coastal resources. One policy of the CZMA was to encourage the states to adopt their own management programs in order to meet the goals of the Act. Consequently, the states were provided Federal assistance to develop and administer their programs. The Commonwealth of Virginia, through the Council on the Environment, developed a coastal management program, which received Federal approval in 1986.

Since the program's inception, Virginia has accepted Federal assistance through grants awarded by the National Oceanic and Atmospheric Administration. To be eligible to receive these grants, states must abide by Federal regulations.

One condition, found in 15 CFR 923.80-923.84, requires states to submit any amendments to their programs to OCRM so that it may determine if the program, after the change, is still approvable. Federal rules define amendments as "Substantial changes in, or substantial changes to enforceable policies or authorities related to: boundaries; uses subject to the management program; criteria or procedures for designating or managing areas for preservation or restoration; and consideration of the national interest involved in the planning for and in the siting of facilities which are necessary to meet requirements which are other than local in nature." (15 CFR 923.80(c))

A state is not required to go through the amendment process if a change is a routine program implementation (RPI). An RPI is defined as "Further detailing of a state's program that is the result of implementing provisions approved as part of a state's approved management program that does not result in the type of action described in 15 CFR 923.80(c)" (above).

Based on these Federal criteria, the Commonwealth of Virginia has determined that none of the changes listed in this notice constitutes an amendment to the Virginia Coastal Resources Management Program. All of the changes were made following extensive public notice and hearings and official enactment or formal adoption proceedings.

These changes will be submitted to OCRM in summary form, copies of which can be obtained from Jeannie Lewis Smith of the Council on the Environment, 902 N 9th Street, Richmond, Virginia 23219, or by calling (804) 786-4500.

The submittal date to OCRM will be January 11, 1993. The office has thirty days from that date for its review. Any comments on whether the change is a routine program

General Notices/Errata

implementation may be submitted to OCRM by February 1, 1993, at the following address:

Mr. Joshua Lott
NOAA/NOS
1825 Connecticut Avenue NW
Room 721
Washington, DC 20235

DEPARTMENT OF HEALTH

Alternative Discharging Regulations

The Virginia Department of Health is soliciting public comment on the Alternative Discharging Sewage Treatment Regulations, VR 355-34-400 adopted July 30, 1992. Five public hearings were held between May 18, 1992 and June 10, 1992 on these regulations. During this time the Department of Health heard and responded to many concerns of citizens and special interest groups.

After the public comment period, it became increasingly apparent that several specific issues in the regulations may not have been resolved as completely as possible. In particular, the Department of Health is soliciting additional comment on the following areas:

1. How recreational waters should be defined and what standards should be applied to measure health risks associated with the recreational use of waters receiving wastewater effluent.
2. What mechanisms should be applied to assure the continued proper operation, maintenance and repair of discharging systems after they are installed. How can these mechanisms be assured when a property is sold?

Comments concerning any other aspect of these regulations will also be accepted. Comments must be received by the Health Department prior to 4:00 p.m. on January 29, 1993. Comments should be sent to Donald J. Alexander, Director, Division of Onsite Sewage and Water Services, Virginia Department of Health, P.O. Box 2448, Suite 117, Richmond, Virginia 23218.

DEPARTMENT OF LABOR AND INDUSTRY

† Notice to the Public

The Safety and Health Codes Board adopted the following federal OSHA standards at its meeting on December 21, 1992:

1. Occupational Exposure to Cadmium, § 1910.1027; Final Rule (For General Industry), VR 425-02-90.

Effective date of the Standard is March 1, 1993.

2. Occupational Exposure to Cadmium, § 1926.63; Final

Rule (For Construction Industry), VR 425-02-91.

Effective date of the Standard is March 1, 1993.

3. Occupational Exposure to 4,4' - Methylendianiline (MDA), § 1910.1050, Final Rule (General Industry), VR 425-02-87.

Effective date of the Standard is March 1, 1993.

4. Occupational Exposure to 4,4' - Methylendianiline (MDA), § 1926.60, Final Rule (Construction Industry), VR 425-02-88.

Effective date of the Standard is March 1, 1993.

5. Amendment to Special Provisions for Air Contaminants, related to Cadmium, § 1910.19, VR 425-02-15.

Effective date of the Amendment is March 1, 1993.

6. Amendment to Special Provisions for Air Contaminants, related to Methylendianiline (MDA), § 1910.19, VR 425-02-15.

Effective date of the Amendment is March 1, 1993.

7. Amendment to Air Contaminants Standard, § 1910.1000, VR 425-02-36.

Effective date of the Amendment is March 1, 1993.

VIRGINIA CODE COMMISSION

NOTICE TO STATE AGENCIES

Mailing Address: Our 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

Page 1080, column 1, § 3.1 B, line 3, after
"requirements for licensure" insert "except completion
of that program"

Page 1080, column 2, § 3.2 B 1, line 3, after
"questions" insert "or both"

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

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance
Relating to Provider Disputes and Date of Acquisition.
VR 460-03-4.1940:1. Nursing Home Payment System.

Publication: 8:18 V.A.R. 3193-3212 June 1, 1992.

Correction to Final Regulation:

The Health Care Financing Administration requested that the following technical correction be made to this regulation:

Page 3206, § 3.1, catchline, change "General" to
"Dispute resolution for nonstate operated nursing
facilities."

BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-2. Regulations Governing
the Practice of Psychology.

Publication: 9:7 V.A.R. 1069-1090 December 28, 1992.

Corrections to Final Regulation:

Page 1070, Definitions, column 1, the definition of
"Internship," line 1, after "means" insert "a"

Page 1070, Definitions, column 1, the definition of
"Practice of psychology," subdivision 1, line 1, change
"conflicts" to "consists"

Page 1072, column 1, § 2.1 D 3, line 3, after "at
least" strike "60" and insert "90"

Page 1072, column 1, § 2.1 D 3 b, after "The" strike
"award of the"

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

BOARD FOR ACCOUNTANCY

February 12, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Accountancy intends to amend regulations entitled: **VR 105-01-2. Board for Accountancy Regulations.** The proposed regulations (i) establish professional limited liability companies; (ii) amend the education requirement to sit for the CPA examination effective in the year 2000; (iii) amend the conditioning requirements for passing the CPA examination to accommodate format changes to the exam; (iv) amend reinstatement procedures; and (v) clarify the CPE requirement.

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

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

† **February 23, 1993 - 2:30 p.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia.

The board will meet to conduct a formal hearing:

File Number 91-01928

Board for Accountancy v. Charles K. Tribble, CPA

Contact: Gayle Eubank, Legal Assistant, Department of Commerce, 3600 W. Broad St., Fifth Floor, Richmond, VA 23230, telephone (804) 367-8524.



DEPARTMENT FOR THE AGING

Long-Term Care Council

† **March 12, 1993 - 10 a.m.** – Open Meeting
Virginia Housing Development Authority, 601 South
Belvidere Street, Conference Room 1, Richmond, Virginia.
♿ (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Cathy Saunders, Director of Long-Term Care, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2912 or toll-free 1-800-55AGING.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

March 15, 1993 – Written comments may be submitted through this date.

May 19, 1993 - 2 p.m. – Public Hearing
1100 Bank Street, 2nd Floor Board Room, Richmond,
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled **VR 115-05-01. Regulations Governing Grade "A" Milk.** The proposed regulation will continue certain authority contained in the existing regulation governing the production, processing, and sale of Grade "A" pasteurized milk and Grade "A" pasteurized milk products and certain milk products. The purpose of the present regulatory action is to review the regulation for effectiveness and continued need. The proposed regulation has been drafted to include provisions of the existing regulator

and to enhance its effectiveness. In addition, certain new provisions have been established which affect milk plants, receiving station, transfer stations, producers and industry laboratories specifying: drug screening requirements of Grade "A" raw milk for pasteurization prior to processing; minimum penalties for violation of the drug residue requirements; new standards for temperature, somatic cell counts and cryoscope test; requirements to receive and retain a permit; sanitation requirements for Grade "A" raw milk for pasteurization; and sanitation requirements for Grade "A" pasteurized milk.

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

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

DEPARTMENT OF AIR POLLUTION CONTROL

February 2, 1993 - 2 p.m. - Public Hearing
Virginia Museum of Fine Arts, 2800 Grove Avenue, Reynolds Lecture Hall, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A hearing to allow public comment on proposed amendment to the Commonwealth of Virginia State Implementation Plan. The proposed amendment consists of a determination that thermal oxidation is reasonably available control technology (RACT) for the control of volatile organic compound (VOC) emissions to the atmosphere from Philip Morris USA's Manufacturing Center located at 3601 Commerce Road in Richmond, Virginia.

Contact: James E. Kyle, P.E., 9210 Arboretum Parkway, #250, Richmond, VA 23236-3472, telephone (804) 323-2409.

VIRGINIA COMMISSION FOR THE ARTS

† **January 26, 1993 - Noon - Open Meeting**
Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, Virginia. ☒

A quarterly board meeting.

Contact: Sandra Prince, Executive Secretary Senior, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132/TDD ☎

VIRGINIA AVIATION BOARD

† **February 11, 1993 - 9 a.m. - Open Meeting**
Holiday Inn Airport, 5203 Williamsburg Road, Richmond, Virginia. ☒

A meeting to discuss matters of interest to aviation in Virginia.

Contact: Nancy C. Brent, Virginia Aviation Board, 4508 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

February 25, 1993 - 10 a.m. - Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Conference Room #2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by February 18, 1993.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

January 29, 1993 - 8 a.m. - Open Meeting
Koger Executive Center, West End, 1603 Santa Rosa Road, Tyler Building, Conference Room, 2nd Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to discuss legislation affecting child care centers, camps, school age programs, and preschool/nursery schools.

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

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

February 19, 1993 - 8:30 a.m. - Open Meeting
Office of Coordinator, Interdepartmental Regulation, Tyler Building, Suite 208, 1603 Santa Rosa Road, Richmond, Virginia. ☒

March 19, 1993 - 8:30 a.m. - Open Meeting
Office of Coordinator, Interdepartmental Regulation, Blair Building, Conference Room B, 8007 Discovery Drive, Richmond, Virginia. ☒

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

Calendar of Events

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

BOARD OF COMMERCE

NOTE: CHANGE IN MEETING DATE

February 8, 1993 - 10 a.m. - Open Meeting
Virginia Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board. Agenda items likely to include a report and discussion of current General Assembly bills with an impact upon agency operations; reports of subcommittees on occupational and professional continuing education, and citizen members of regulatory boards at the agency.

Contact: Alvin D. Whitley, Staff Assistant to the Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8564.

STATE BOARD FOR COMMUNITY COLLEGES

January 26, 1993 - 2:30 p.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

Committee meetings will be held.

January 27, 1993 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled meeting.

Contact: Joy S. Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

COMPENSATION BOARD

† **January 27, 1993 - 5 p.m. - Open Meeting**
† **March 3, 1993 - 5 p.m. - Open Meeting**
† **March 31, 1993 - 5 p.m. - Open Meeting**
Ninth Street Office Building, 202 North Ninth Street, Room 913/913A, 9th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A routine meeting to conduct business.

Contact: Bruce W. Haynes, Executive Secretary, Compensation Board, P.O. Box 3-F, Richmond, VA 23206-0686 or (804) 786-3886/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Cave Board

† **January 30, 1993 - 1 p.m. - Open Meeting**
Radford University, Porterfield Hall, Room 180, Radford, Virginia. ☒

A regularly scheduled meeting to discuss matters relating to cave and karst protection, cave inventory, cave management, and cave ecology.

Contact: Larry Smith, Natural Area Program Manager, Division of Natural Heritage, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

February 10, 1993 - 10 a.m. - Open Meeting
Board of Corrections, Board Room, 6900 Atmore Drive, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

Contact: Vivian T. Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

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January 30, 1993 - Written comments may be submitted through this date.

February 10, 1993 - 10 a.m. - Public Hearing
6900 Atmore Drive, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to **repeal** regulations entitled **VR 230-01-003, Regulations Governing the Certification Process**, and **adopt** regulations entitled **VR 230-01-003:1, Regulations Governing the Certification Process**. The proposed regulation establishes guidelines for certification evaluation, frequency, appeals and types of certification awarded the program. These standards will replace VR 230-01-003, Rules and Regulations Governing the Certification Process.

Statutory Authority: §§ 53.1-5, 53.1-68, 53.1-141, 53.1-178 and 53.1-182 of the Code of Virginia.

Contact: Cynthia J. Evans, Certification Analyst, 6900 Atmore Dr., Richmond, VA 23225, telephone (804)

Calendar of Events

674-3237.

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January 30, 1993 - Written comments may be submitted through this date.

February 10, 1993 - 10 a.m. - Public Hearing
6900 Atmore Drive, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to repeal regulations entitled VR 230-30-004, **Standards for Adult Community Residential Services**, and adopt regulations entitled VR 230-30-004:1, **Standards for Community Residential Programs**. The proposed regulation establishes the minimum standards that must be met for a facility or program to be properly certified to operate. These standards will replace VR 230-30-004, **Adult Community Residential Services Standards**.

Statutory Authority: §§ 53.1-5 and 53.1-178 of the Code of Virginia.

Contact: R.M. Woodard, Regional Manager, 302 Turner Road, Richmond, VA 23225, telephone (804) 674-3732.

BOARD FOR COSMETOLOGY

January 25, 1993 - 10 a.m. - Open Meeting
January 26, 1993 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A regular business meeting to include regulatory review of Cosmetology and Nail Technician Regulations. NOTE: A meeting on January 26 will only be held if necessary to carry over from January 25.

† **February 22, 1993 - 9 a.m.** - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Demetra Y. Kontos, Assistant Director, Board for Cosmetology, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

DEPARTMENT OF EDUCATION (BOARD OF)

January 28, 1993 - 8 a.m. - Open Meeting
February 25, 1993 - 8 a.m. - Open Meeting
March 25, 1993 - 8 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

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.

Contact: Dr. Ernest W. Martin, Assistant Superintendent, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2073.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

February 4, 1993 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10,001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

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

LOCAL EMERGENCY PLANNING COMMISSION - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

† **March 9, 1993 - 3 p.m.** - Open Meeting
Montgomery County Courthouse, Main and Franklin Streets, Board of Supervisors Room, 3rd Floor, Christiansburg, Virginia. ☒

A meeting for the development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning Commission, P.O. Box 3726, Radford, VA 24143, telephone (703) 639-9313 or FAX (703) 831-6093.

VIRGINIA EMPLOYMENT COMMISSION

State Advisory Board

February 9, 1993 - 11 a.m. - Open Meeting
February 10, 1993 - 8 a.m. - Open Meeting
Virginia Employment Commission, 703 East Main Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to conduct general business.

Contact: Nancy L. Munnikhuysen, 703 E. Main St., Richmond, VA 23219, telephone (804) 371-6004.

VIRGINIA FIRE SERVICES BOARD

† **February 19, 1993 - 9 a.m.** - Open Meeting

Calendar of Events

Embassy Suites, 2925 Emerywood Parkway, Richmond, Virginia.

A business meeting to discuss training and fire policies. The meeting is open to the public for comments and input.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Road, Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire/EMS Education and Training Committee

† February 18, 1993 - 10 a.m. – Open Meeting
Embassy Suites, 2925 Emerywood Parkway, Richmond, Virginia.

A meeting to discuss fire training and policies. The committee meeting is open to the public for their input and comments.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Road, Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

† February 18, 1993 - 9 a.m. – Open Meeting
Embassy Suites, 2925 Emerywood Parkway, Richmond, Virginia.

A meeting to discuss fire training and policies. The committee meeting is open to the public for their input and comments.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Road, Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

† February 18, 1993 - 1 p.m. – Open Meeting
Embassy Suites, 2925 Emerywood Parkway, Richmond, Virginia.

A meeting to discuss fire training and policies. The committee meeting is open to the public for their input and comments.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Road, Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† January 31, 1993 - 3 p.m. – Open Meeting
† February 1, 1993 - 8:30 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☐

A board meeting.

† February 3, 1993 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☐

Informal conferences.

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9907.

BOARD OF GAME AND INLAND FISHERIES

January 27, 1993 - 6 p.m. – Open Meeting
To be determined by the Virginia Wildlife Society.

Board members will be invited to attend a reception and banquet being hosted by the Virginia Wildlife Society.

January 28, 1993 - 9 a.m. – Open Meeting
4010 West Broad Street, Richmond, Virginia.

At 7:30 a.m. board members will attend the Virginia Wildlife Society's legislative breakfast. At 9 a.m. the Liaison Committee, Wildlife and Boat Committee, Finance Committee, Planning Committee and Law and Education Committee will meet, with each committee discussing those items appropriate to its authority. Discussion topics will include the agency's 1994-96 capital outlay budget, any known introduced legislation affecting the agency, and other general and administrative matters that might be necessary. The board has also received a request that it permit a discussion on the topic of fallow deer farming.

January 29, 1993 - 9 a.m. – Open Meeting
4010 West Broad Street, Richmond, Virginia.

A meeting to take action on any matters introduced through the committees, including the 1994-96 capital outlay budget.

Contact: Belle Harding, Secretary to Bud Bristow, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000.

DEPARTMENT OF GENERAL SERVICES

February 12, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of General Services intends to adopt regulations entitled VR 330-03-02. Aggressive Air Sampling Standards to be Utilized in Final Clearance Inspections for Asbestos Projects in Local Education Agencies and Public Agencies and Public Colleges and Universities

in the Commonwealth of Virginia. The purpose of the proposed regulation is to establish a safe, effective, and standard methodology for obtaining aggressive air samples to monitor air for clearance and area reoccupancy after a removal, encapsulation or enclosure project invoking asbestos-containing material in local education agencies and public colleges and universities.

Statutory Authority: § 2.1-526.14:1 of the Code of Virginia.

† January 25, 1993 - 9 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A general business meeting of the board. A legislative reception will be held from 5:30 to 7:30 p.m.

† January 26, 1993 - 8:30 a.m. - Open Meeting
General Assembly Building, 109 Capitol Square, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Legislative day.

Contact: Susan R. Rowland, MPA, Assistant to the Commissioner, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

Contact: Henry G. Shirley, Director, Bureau of Capital Outlay Management, 805 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 786-3581.

BOARD OF GEOLOGY

February 4, 1993 - 10 a.m. - Open Meeting
February 5, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

HAZARDOUS MATERIALS TRAINING COMMITTEE

† January 26, 1993 - 10 a.m. - Open Meeting
Department of Emergency Services, Training Center, 308 Turner Road, Richmond, Virginia.

A meeting to (i) discuss curriculum course development and (ii) review existing hazardous materials courses.

Contact: Roger D. Raines, 108 B Courthouse Lane, P.O. Box 447, Bowling Green, VA 22427, telephone (804)

633-9831.



DEPARTMENT OF HEALTH (STATE BOARD OF)

† January 25, 1993 - 9 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A general business meeting of the board. A legislative reception will be held from 5:30 to 7:30 p.m.

† January 26, 1993 - 8:30 a.m. - Open Meeting
General Assembly Building, 910 Capitol Square, Richmond, Virginia. ☒

Legislative day.

Contact: Susan R. Rowland, MPA, Assistant to the Commissioner, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

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January 29, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled VR 355-11-02. Rules and Regulations Governing the Detection and Control of Phenylketonuria (PKU), and adopt regulations entitled VR 355-11-200. Regulations Governing Newborn Screening and Treatment Program. The purpose of the proposed Rules and Regulations Governing the Newborn Screening and Treatment Program is to clarify the respective responsibilities of the Department of Health, Division of Consolidated Laboratory Services, physicians, midwives, nurses, administrators of hospitals and other agencies, and persons in the Commonwealth in the detection, control, and treatment of newborn infants identified with diseases as specified in § 32.1-65 of the Code of Virginia.

Statutory Authority: § 32.1-12 and Article 7 (§ 32.1-65 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia.

Contact: Alice Linyear, MD, MPH, Director, Division of Maternal and Child Health, P.O. Box 2447, Suite 136, Richmond, VA 23218, telephone (804) 786-7367.

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Calendar of Events

January 31, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled **VR 355-40-600. Regulations for the Conduct of Human Research.** Chapter 603 of the 1992 Acts of Assembly (House Bill 220) requires the Board of Health to develop regulations for human research to be conducted or authorized by the Department of Health or any facilities or other entities operated, funded or licensed by the department. In accordance with the legislation, the proposed regulations define requirements for obtaining informed consent and require the establishment of human research committees by institutions or agencies conducting or proposing to conduct or authorize human research. The proposed regulations require annual reporting of human research committees to the State Health Commissioner. Human research which is subject to federal regulations is exempt from the regulations.

Statutory Authority: § 32.1-12.1 and Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia.

Contact: Roseanne Kolesar, Health Programs Analyst, Department of Health, 1500 E. Main St., Room 213, Richmond, VA 23219, telephone (804) 786-4891.

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March 1, 1993 - 2 p.m. – Public Hearing
1500 East Franklin Street, Suite 115, Richmond, Virginia.

March 5, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled **VR 355-01-01. Public Participation Guidelines in the Development and Formation of Regulations** and adopt regulations entitled **VR 355-01-100. Public Participation Guidelines.** The Public Participation Guidelines outline the methods used to solicit input from the public in the formation and development of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 32.1-12 of the Code of Virginia.

Contact: Susan R. Rowland, Assistant to the Commissioner, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

February 23, 1993 - 9:30 a.m. – Open Meeting
2015 Staples Mill Road, Richmond, Virginia. ☐

A regular monthly meeting.

Contact: Marcia A. Melton, Executive Secretary Senior, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **January 27, 1993 - 9:30 a.m.** – Open Meeting
Monroe Building, 101 N. 14th St., Council Conference Room, 9th Floor, Richmond, Virginia. ☐

A general business meeting. For more information contact the council.

Contact: Anne M. Pratt, Associate Director, State Council of Higher Education, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2632.

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March 12, 1993 – Written comments may be submitted through this date.

March 18, 1993 - 1 p.m. – Public Hearing
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to repeal regulations entitled **VR 380-03-02. Virginia Work-Study Program Regulations**, and adopt regulations entitled **VR 380-03-02:1. Virginia Work-Study Program Regulations.** Section 23-38.70 of the Code of Virginia authorizes the Council of Higher Education to develop regulations and procedures for the operation of the Virginia-Work Study Program (VWSP). The proposed VWSP regulations, if adopted, will replace the existing regulations which are outdated and, in places, ambiguous. The major provisions are institutional application procedures, distribution of funds, student eligibility, restrictions on student placement and compensation, and responsibilities of involved parties.

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

Contact: Stephen Merritt, Coordinator, Financial Aid Programs, Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2623.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

February 2, 1993 - 9 a.m. – Open Meeting
† **March 2, 1993 - 9 a.m.** – Open Meeting
† **April 6, 1993 - 9 a.m.** – Open Meeting
Hopewell Community Center, Second and City Point Road,

Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

A Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

February 12, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled VR 394-01-4. Virginia Amusement Device Regulations. The proposed amendments add requirements for bungee jumping activities.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Carolyn R. Williams, Building Code Supervisor, Code Development Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170.

COUNCIL ON INFORMATION MANAGEMENT

January 29, 1993 - 9 a.m. - Open Meeting 1100 Bank Street, Suite 901, Richmond, Virginia. ☒

A regular business meeting.

Contact: Linda Hening, Administrative Staff Specialist, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3625/TDD ☎

STATE COUNCIL ON LOCAL DEBT

February 17, 1993 - 11 a.m. - Open Meeting
March 17, 1993 - 11 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 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: Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4928.

LONGWOOD COLLEGE

Board of Visitors

† February 8, 1993 - 9 a.m. - Open Meeting
Longwood College, Lankford Building, Farmville, Virginia.

A meeting to conduct routine business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001.

STATE LOTTERY BOARD

January 25, 1993 - 10 a.m. - Open Meeting
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, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

March 22, 1993 - 11 a.m. - Public Hearing
Fairfax Regional Office, 8550 Arlington Boulevard, Fairfax, Virginia.

March 22, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider adopting regulations entitled VR 447-02-2. On-Line Game Regulations. The purpose of the proposed amendment is to reduce the potential of the purchase of large blocks of on-line lottery tickets by stipulating that all playslips used must be manually marked.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

† January 26, 1993 - 9:30 a.m. - Open Meeting
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for the deaf provided upon request)

The commission will hear and decide marine

Calendar of Events

environmental matters at 9:30 a.m.: (i) permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; (ii) appeals of local wetland board decisions; and (iii) policy and regulatory issues.

The commission will hear and decide fishery management items at approximately 12 noon. Items to be heard are as follows: (i) regulatory proposals; (ii) fishery management plans; (iii) fishery conservation issues; (iv) licensing; and (v) 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: Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☎ .

MATERNAL AND CHILD HEALTH COUNCIL

January 29, 1993 - 1 p.m. - Open Meeting

Ninth Street Office Building, 202 North 9th Street, 6th Floor Cabinet Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The meeting will focus on improving the health of the Commonwealth's mothers and children by promoting and improving programs and service delivery systems related to maternal and child health.

Contact: Nancy C. Ford, MCH Nurse Consultant, Virginia Department of Health, Division of Maternal and Child Health, 1500 E. Main Street Station, Suite 137, P.O. Box 2448, Richmond, VA 23218-2448, telephone (804) 786-7367.

BOARD OF MEDICAL ASSISTANCE SERVICES

† February 10, 1993 - 1 p.m. - Open Meeting

600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A meeting to discuss medical assistance services and issues pertinent to the board.

Contact: Patricia A. Sykes, Policy Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958 or toll-free 1-800-343-0634/TDD ☎

BOARD OF MEDICINE

February 4, 1993 - 8 a.m. - Open Meeting
February 5, 1993 - 8 a.m. - Open Meeting
February 6, 1993 - 8 a.m. - Open Meeting
February 7, 1993 - 8 a.m. - Open Meeting
Location to be announced.

The Board of Medicine will meet on Thursday, February 4, 1993, in open session, to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on Thursday, Friday, Saturday and Sunday, February 4, 5, 6, and 7, to review reports, interview licensees, and make case decisions on disciplinary matters. The president may entertain brief public comments at the beginning of the meeting.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

Credentials Committee

February 5, 1993 - 8:15 p.m. - Open Meeting
Location to be announced.

The Credentials Committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., Richmond, VA 23233, telephone (804) 662-9923.

Advisory Board of Physical Therapy

† March 12, 1993 - 9 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☒

A meeting to (i) review the traineeship forms for the American and foreign trained physical therapists; (ii) develop regulations to require an examination for inactive physical therapists applying for licensure by endorsement or reinstatement of a lapsed license; (iii) establish regulations for number of traineeships of foreign and American graduates which may be supervised by a licensed P.T.; (iv) receive reports; (v) review § 6.1 of regulations regarding the physical therapist and physical therapist assistant's first visit to determine if amendments are required; and (vi) such other business as may come before the advisory board. The chairman may entertain public comments on any agenda item.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

Advisory Committee for Optometry

† **March 19, 1993 - 9 a.m.** – Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☒

The advisory committee will conduct a public hearing pursuant to § 54.1-2957.2 of the Code of Virginia on regulation VR 465-09-01, § 4.3, Therapeutical Pharmaceutical Agents which a certified Doctor of Optometry may administer and prescribe for certain diseases and abnormal conditions of the human eye, and its adnexa. The committee will receive written comments until Friday, February 26, 1993. The committee will review all public and written comments and provide recommendations to the full board that may be deemed to be reasonable and necessary to ensure an appropriate standard of medical care for the patient.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

Advisory Board of Occupational Therapists

† **March 24, 1993 - 10 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☒

A meeting to discuss the certified Occupational Therapy Assistant, review the regulation VR 465-08-01, continuing education, and such other business which comes before the advisory board. The chairman may entertain public comments on any of the agenda items noticed.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

Advisory Board on Respiratory Therapy

† **March 26, 1993 - 1 p.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to elect officers, review the regulation VR 465-04-01 for certification of R.T.s, and such other business which may come before the advisory board. The chairman may entertain public comments on any of the agenda items noticed.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD)

January 27, 1993 - 10 a.m. – Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, 101 North 14th Street, James Madison Building, Richmond, Virginia. ☒

A regular monthly board meeting. Agenda to be published on January 20. Agenda can be obtained by calling Jane Helfrich.

Tuesday: Informal Session - 8 p.m.
Wednesday: Committee Meetings - 9 a.m.
Regular Session - 10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, State MHMRSAS Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

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February 15, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled VR 460-06-01. Rules and Regulations to Assure the Protection of the Subjects of Human Research and adopt regulations entitled VR 470-06-01:1. Regulations to Assure the Protection of Participants in Human Research. These regulations respond to Chapter 603 of the 1992 Acts of Assembly (HB 220), passed by the General Assembly, which limits the scope of the DMHMRSAS' oversight responsibility for human research to the department and institutions operated, funded or licensed by the DMHMRSAS. Current regulations require all human research be conducted in compliance with regulations promulgated by DMHMRSAS. The regulations further require that all organizations conducting human research forward reports of their reviews and any violations pertaining to the conduct of human research to the Commissioner of the DMHMRSAS. Other proposed changes to the regulations are intended to increase consistency with federal regulations (i.e., 45 CFR Part 46).

Written comments may be submitted through February 15, 1993, to J. Randy Koch, Director of Research and Evaluation, P.O. Box 1797, Richmond, Virginia 23214.

Statutory Authority: §§ 37.1-10 and 37.1-24.01 of the Code of Virginia.

Contact: Rubyjean Gould, Director of Administrative

Calendar of Events

Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

† February 4, 1993 - 7 p.m. - Open Meeting
† March 4, 1993 - 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 before for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 S. Main St. #4, Culpeper, VA 22701, telephone (804) 825-4562.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

February 13, 1993 - 8:30 a.m. - Open Meeting
Virginia Military Institute, Smith Hall, Lexington, Virginia. ☒

A regular meeting to (i) receive committee reports; (ii) consider 1993-1994 budget; and (iii) receive reports on visits to academic departments.

Contact: Col. Edwin L. Dooley, Jr., Secretary, Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (703) 464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY

February 3, 1993 - 10 a.m. - Public Hearing
Department of Mines, Minerals and Energy Office Building, Mountain Empire Community College, Big Stone Gap, Virginia.

February 3, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled VR 480-03-10. Virginia Coal Surface Mining Reclamation Regulations. The purpose of the proposed amendments is to be consistent with changes in corresponding federal rules, as required by law. The amendments (i) establish requirements for operations where the weight of coal is 16 2/3% or less of the total tonnage of mineral mined; (ii) clarify

the applicability of certain reclamation operations; (iii) clarify the notice and permitting requirements for exploration for coal; (iv) establish additional protection for prime farmland; (v) clarify the definition of "road" and identify plans and descriptions to be included in the permit application for the road system for the permit area; (vi) enhance public safety by changing requirements for the operation of impoundments; (vii) clarify the revegetation success standards and provide for the planting of wildlife enhancement shrubs; (viii) clarify the applicability of preparation plants not at the mine site; (ix) delete the definition of support facilities; and (x) make changes for consistency in numbering.

Statutory Authority: §§ 45.1-1.3(4) and 45.1-230 of the Code of Virginia.

Contact: Bill Edwards, Policy Analyst, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-6855 or toll-free 1-800-552-3831/TDD ☎

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

January 27, 1993 - 9 a.m. - Open Meeting
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia. ☒

The meeting will include reports from the executive, finance, marketing, outreach, personnel, planning/facilities, and research and collections committees. Public comment will be received following approval of the minutes of the October meeting.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616 or (703) 666-8638/TDD ☎

BOARD OF NURSING

January 26, 1993 - 8:30 a.m. - Open Meeting
January 29, 1993 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings. Public comment will not be received.

January 27, 1993 - 9 a.m. - Open Meeting
January 27, 1993 - 1:30 p.m. - Public Hearing
January 28, 1993 - 9 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board. At 1:30 p.m. on January 27, 1993, the board will conduct a public hearing to receive comments on the existing Board of Nursing Regulations.

Contact: Corinne F. Dorsey, R.N., Executive Director, 6606 W. Broad St., Fourth Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

February 2, 1993 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) conduct regulatory review; and (iii) consider other matters which may require board action.

Contact: Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF OPTOMETRY

February 17, 1993 - 9 a.m. – Open Meeting
Department of Health Professions, Board Room 1, 6606 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

Contact: Carol Stamey, Administrative Assistant, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9910.

POLYGRAPH EXAMINERS ADVISORY BOARD

March 23, 1993 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to administer the Polygraph Examiners Licensing Examination to eligible polygraph examiner interns and to consider other matters which may require board action.

Contact: Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

PRIVATE SECURITY SERVICES ADVISORY BOARD

January 26, 1993 - 9:30 a.m. – Open Meeting
Virginia State Police Academy, 7700 Midlothian Turnpike,

Richmond, Virginia.

A meeting to discuss business.

Contact: Paula Scott Dehetre, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730.

BOARD OF PROFESSIONAL COUNSELORS

February 11, 1993 - 9 a.m. – Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

A formal hearing. Public comments will not be heard.

Contact: Evelyn B. Brown, Director, or Bernice Parker, Program Support Technician, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-7328.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

January 29, 1993 - 10 a.m. – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia.

A quarterly board meeting will include legislative update, director's report and other topics of interest. At 1 p.m. the board will hold a joint meeting with the Council on Information Management.

Contact: Florence M. Strother, Acting Executive Secretary, 110 S. 7th St., 1st Floor, Richmond, VA 23219, telephone (804) 344-5552.

BOARD OF REHABILITATIVE SERVICES

† **January 28, 1993 - 10 a.m. – Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia.

The board will receive department reports, consider regulatory matters, and conduct the regular business of the board. In addition, services to persons with head injury will be highlighted.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5019/TDD and voice, or (804) 367-0315/TDD ☎

Finance Committee

† **January 28, 1993 - 9 a.m. – Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia.

The committee will review monthly financial reports and budgetary projections.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh

Calendar of Events

Ave., Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5019/TDD and voice, or (804) 367-0315/TDD ☎

Legislation Committee

† January 28, 1993 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia.

The committee will review Long-Term Care and Essential Health Services legislation.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5019/TDD and voice, or (804) 367-0315/TDD ☎

Program and Evaluation Committee

† January 28, 1993 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia.

The committee will examine Long-Term Rehabilitation Case Management Services.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5019/TDD and voice, or (804) 367-0315/TDD ☎

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† January 27, 1993 - 10 a.m. - Open Meeting
Administrative Building, 23296 Courthouse Avenue, Room 104, Accomac, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal system permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia, and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main St., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

February 12, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled VR 615-34-01. **Voluntary Registration of Small Family Day Care Homes - Requirements for Contracting Organizations.** The proposed regulation sets forth the requirements for organizations that shall administer

the voluntary registration program for small family day care homes on behalf of the Commissioner of Social Services.

Written comments may be submitted through February 12, 1993, to Mary Zoller, Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229.

Statutory Authority: §§ 63.1-25 and 63.1-196.04 C of the Code of Virginia.

Contact: Peggy Friedenberg, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

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February 12, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled VR 615-35-01. **Voluntary Registration of Small Family Day Care Homes - Requirements for Providers.** The proposed regulation sets forth registration procedures and general information for providers operating small family day care homes who voluntarily register.

Written comments may be submitted through February 12, 1993, to Alfreda Redd, Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229.

Statutory Authority: §§ 63.1-25 and 63.1-196.04 C of the Code of Virginia.

Contact: Peggy Friedenberg, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

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February 12, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled VR 615-01-50. **Food Stamp Program - Income Conversion Method.** The income conversion method of multiplying weekly income by 4.3 and bi-weekly amounts by 2.15 will be required to determine eligibility for food stamp benefits.

Written comments may be submitted through February 12, 1993, to Burt Richman, Food Stamp Program Manager, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Statutory Authority: §§ 63.1-25 and 63.1-110 of the Code of

Virginia.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

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February 14, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled VR 615-37-01. Regulations for Criminal Records Checks for Homes for Adult Day Care Centers. The purpose of the proposed regulation is to protect adults in licensed homes for adults and adult day care centers from persons charged or convicted of certain crimes. The proposed regulation will require a sworn disclosure statement prior to employment and a criminal record check within 30 days of employment for all compensated employees. The sworn disclosure 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. The criminal record check is conducted to ensure that the employee does not have any convictions of barrier crimes.

Written comments may be submitted through February 14, 1993, to Cheryl Worrell, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

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

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

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March 1, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled VR 615-01-43. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specified Relative. The purpose of the proposed regulation is to revise the AFDC policy to expand the definition of specified relative to include caretakers who are of fifth degree kinship to the dependent child.

Statutory Authority: §§ 63.1-25 and 63.1-110 of the Code of Virginia.

Written comments may be submitted through March 1, 1993, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF) AND CHILD DAY-CARE COUNCIL

February 14, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services and the Child Day-Care Council intend to repeal regulations entitled VR 615-32-02. Regulations for Criminal Record Checks: Licensed Child Caring Institutions and VR 175-04-01. Criminal Record Checks for Licensed Child Care Centers. These regulations are proposed for repeal while concurrently promulgating Criminal Record Checks for Child Welfare Agencies.

Written comments may be submitted through February 14, 1993, to Cheryl Worrell, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

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

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

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February 14, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services and the Child Day-Care Council intend to adopt regulations entitled VR 615-36-01 and VR 175-10-01. Regulations for Criminal Record Checks for Child Welfare Agencies. The proposed regulations replace VR 615-32-02 and VR 175-04-01 and apply to all licensed or registered child welfare agencies. The regulations incorporate statutory changes made during the 1992 General Assembly session.

Written comments may be submitted through February 14, 1993, to Cheryl Worrell, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

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

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

Calendar of Events

BOARD OF SOCIAL WORK

January 28, 1993 - 9 a.m. - Open Meeting
January 28, 1993 - 1 p.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. ☒

Informal conferences. Public comments will not be heard.

January 29, 1993 - 10 a.m. - Open Meeting
6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to conduct general board business and respond to correspondence.

Contact: Evelyn B. Brown, Executive Director, or Bernice Parker, Program Support, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

February 8, 1993 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 1, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

VIRGINIA COUNCIL ON TEEN PREGNANCY PREVENTION

February 4, 1993 - 11 a.m. - Open Meeting
Virginia Housing Development Authority, 601 Belvidere Street, Richmond, Virginia. ☒

A quarterly business meeting.

Contact: Jeanne McCann, Coordinator, Office of Prevention, DMHMRSAS, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1530 or (804) 371-8977/TDD ☎

COMMONWEALTH TRANSPORTATION BOARD

January 27, 1993 - 2 p.m. - Open Meeting
Virginia Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the board and Department of Transportation staff.

January 28, 1993 - 10 a.m. - Open Meeting
Virginia Department of Transportation, 1401 East Board Street, Board Room, Richmond, Virginia. ☒ (Interpreter for

the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. 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 E. Broad St., Richmond, VA 23219, telephone (804) 786-6670.

TRANSPORTATION SAFETY BOARD

January 28, 1993 - 10:30 a.m. - Open Meeting
The Berkeley Hotel, 12th and Cary Streets, Christopher Newport Room, Richmond, Virginia.

A meeting to discuss various topics relating to the area of transportation safety.

Contact: William H. (Bill) Leighty, Deputy Commissioner, DMV, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-6614 or (804) 367-1752/TDD ☎

TREASURY BOARD

February 17, 1993 - 9 a.m. - Open Meeting
March 17, 1993 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Linda F. Bunce, Administrative Assistant to the Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 225-2142.

VIRGINIA RESOURCES AUTHORITY

† February 9, 1993 - 9:30 a.m. - Open Meeting
† March 9, 1993 - 9:30 a.m. - Open Meeting
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of its prior meeting; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the

beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, The Mutual Bldg., 909 E. Main St., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

BOARD FOR THE VISUALLY HANDICAPPED

February 3, 1993 - 2:30 p.m. - Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to receive reports from department staff and other information that may be presented to the board.

Contact: Joseph A. Bowman, Assistant Commissioner, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

February 9, 1993 - 2 p.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

February 18, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waste Management Facility Operators intends to adopt regulations entitled VR 674-01-02. **Waste Management Facility Operators Regulations.** The purpose of the proposed regulations is to establish standards, certification qualifications and fees for individuals acting as waste management facility operators.

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

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

January 29, 1993 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

February 1, 1993 - 7 p.m. - Public Hearing
Charles City County Community Center, 10600 Courthouse Road, Charles City, Virginia.

Pursuant to the requirements of Part VII, Virginia Solid Waste Management Regulations (SWMR), Permitting of Solid Waste Management Facilities, the Department of Waste Management will hold a public hearing on the draft permit amendment for the Charles City County Landfill and proposed by Chambers Development Inc. for a change in the financial assurance for the facility. The permit was drafted by the Department of Waste Management for Chambers Development Inc. in accordance with Part VII of the SWMR. The purpose of the public hearing will be to solicit comments regarding the technical merits of the permit issues. The public comment period will extend until February 11, 1993. Copies of the proposed draft permit may be obtained from Paul Farrell of the Department of Waste Management. Comments concerning the draft permit must be in writing and directed to Aziz Farahmand, Department of Waste Management, 11th Floor, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219.

Contact: Paul Farrell, Environmental Engineer Senior, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 371-2974.

February 11, 1993 - 7 p.m. - Public Hearing
Franklin County High School, 109 Bernard Road, Rocky Mount, Virginia.

Pursuant to the requirements of the Virginia Solid Waste Management Regulations (Permitting of Solid Waste Management Facilities), the draft Solid Waste Disposal Facility Permit for the development of an industrial landfill proposed by Shredded Products Corporation is available for public review and comment. The permit allows the proposed facility to accept only authorized, nonhazardous wastes which results from the operations of Shredded Products Corporation. The proposal incorporates a design modification which utilizes a double-sided geotextile/geonet composite drainage layer on 3:1 base side slopes, which is not provided for in the regulations. Shredded Products Corporation petitioned for this feature pursuant to the requirements of Part IX of the regulations (Rulemaking Petitions and Procedures), and the Department of Waste Management has made a tentative decision to grant approval.

Contact: Donald H. Brunson, III, Environmental Engineer Senior, Department of Waste Management, Monroe Building, 101 N. 14th Street, 11th Floor, Richmond, VA 23219, telephone (804) 371-0520.

Calendar of Events

STATE WATER CONTROL BOARD

January 27, 1993 - 2 p.m. - Open Meeting
Prince William County Board of Supervisors Room, 1
County Complex, McCourt Building, 4850 Davis Ford Road,
Prince William, Virginia.

January 28, 1993 - 2 p.m. - Open Meeting
Harrisonburg City Council Chambers, Municipal Building,
345 South Main Street, Harrisonburg, Virginia.

February 2, 1993 - 2 p.m. - Open Meeting
James City County Board of Supervisors Room, Building C,
101C Mounts Bay Road, Williamsburg, Virginia.

February 4, 1993 - 2 p.m. - Open Meeting
Municipal Office, Multi-Purpose Room, 150 East Monroe
Street, Wytheville, Virginia.

A meeting to receive views and comments and to answer questions of the public on Notices of Intended Regulatory Action on the adoption of a Virginia Pollutant Discharge Elimination System Permit Regulation (VR 680-14-01:1) and a Virginia Pollution Abatement Permit Regulation (VR 680-14-21) and the repeal of the Permit Regulation (VR 680-14-01) and the Toxics Management Regulation (VR 680-14-03).

Contact: Richard Ayers, Office of Water Resources Management, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

January 29, 1993 - 2 p.m. - Open Meeting
State Water Control Board Office, Innsbrook Corporate Center, Board Room, 4900 Cox Road, Glen Allen, Virginia.

A meeting to receive views and comments and answer questions of the public on the Notice of Intended Regulatory Action on the adoption of a General Permit Regulation for Nonmetallic Mineral Mining (VR 680-14-20).

Contact: Richard Ayers, Office of Water Resources Management, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

February 4, 1993 - 2 p.m. - Open Meeting
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 8, 1993 - 2 p.m. - Open Meeting
James City County Board of Supervisors Room, 101C Mounts Bay Road, Building C, Williamsburg, Virginia.

February 10, 1993 - 2 p.m. - Open Meeting
State Water Control Board Office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia.

A meeting to receive views and comments and to answer questions of the public on Notices of Intended Regulatory Action on the adoption of General Permits

for Storm Water Discharges from Heavy Manufacturing Facilities (VR 680-14-16); from Light Manufacturing Facilities (VR 680-14-17); from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities; and Steam Electric Power Generating Facilities (VR 680-14-18), and from Construction Sites (VR 680-14-19).

Contact: Cathy Boatwright, Office of Water Resources Management, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316 or (804) 527-4261/TDD ☎

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February 22, 1993 - 7 p.m. - Public Hearing
Route 208 at Spotsylvania Courthouse, County Administration Building, Spotsylvania County Board of Supervisors Room, Spotsylvania, Virginia.

February 23, 1993 - 7 p.m. - Public Hearing
101C Mounts Bay Road, Building C, James City County Board of Supervisors Room, Williamsburg, Virginia.

February 24, 1993 - 7 p.m. - Public Hearing
Eastern Shore Community College, Route 13, Lecture Hall, Melfa, Virginia.

March 15, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal regulations entitled VR 680-13-01. Rules of the Board and Standards for Water Wells. The purpose of the proposed action is to repeal the Rules of the Board and Standards for Water Wells concurrently with the adoption of new regulations implementing the Ground Water Act of 1992.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Jackson at the address below or by telephone at (804) 527-5163 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 25, 1993. The board seeks comments on the proposal and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Statutory Authority: § 62.1-44.92 (Repealed) of the Code of Virginia.

Calendar of Events

Contact: Terry Wagner, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5203.

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February 9, 1993 - 2 p.m. - Public Hearing
Virginia Highlands Community College, State Route 372 off Route 140, Lecture Auditorium, Abingdon, Virginia.

February 10, 1993 - 2 p.m. - Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 12, 1993 - 3 p.m. - Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 18, 1993 - 7 p.m. - Public Hearing
Norfolk City Council Chambers, 1006 City Hall Building, 810 Union Street, Norfolk, Virginia.

February 23, 1993 - 2 p.m. - Public Hearing
McCourt Building, 4850 Davis Ford Road, 1 County Complex, Prince William County Board Room, Prince William, Virginia.

March 15, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **VR 680-13-03. Petroleum Underground Storage Tank Financial Responsibility Requirements.** The purpose of the proposed amendment is to incorporate the new sliding scale for financial responsibility established by the 1992 General Assembly, establish a simplified test for self-insurance and revised compliance dates, and delete requirements for the Fund.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Written comments may be submitted through March 15,

1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Statutory Authority: §§ 62.1-44.34:10, 62.1-44.34:11, 62.1-44.34:12, and 62.1-44.15 (10) of the Code of Virginia.

Contact: Mary-Ellen Kendall, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 527-5195.

* * * * *

February 9, 1993 - 2 p.m. - Public Hearing
Virginia Highlands Community College, State Route 372 off Route 140, Lecture Auditorium, Abingdon, Virginia.

February 10, 1993 - 2 p.m. - Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 12, 1993 - 3 p.m. - Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 18, 1993 - 7 p.m. - Public Hearing
Norfolk City Council Chambers, 1006 City Hall Building, 810 Union Street, Norfolk, Virginia.

February 23, 1993 - 2 p.m. - Public Hearing
McCourt Building, 4850 Davis Ford Road, 1 County Complex, Prince William County Board Room, Prince William, Virginia.

March 15, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-13-06. Virginia Petroleum Storage Tank Fund.** The purpose of the proposed regulation is to describe the requirements for the Virginia Petroleum Storage Tank Fund.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal, the issues including specifically the appropriateness of July 1, 1992, or December 22, 1989, being the effective date for access to the Fund for UST releases, and the costs and benefits of the proposal. In addition, the agency

Calendar of Events

has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Statutory Authority: §§ 62.1-44.34:10, 62.1-44.34:11, 62.1-44.34:12, and 62.1-44.15(10 of the Code of Virginia.

Contact: Mary-Ellen Kendall, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5195.

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February 22, 1993 - 7 p.m. – Public Hearing
Route 208 at Spotsylvania Courthouse, County Administration Building, Spotsylvania County Board of Supervisors Room, Spotsylvania, Virginia.

February 23, 1993 - 7 p.m. – Public Hearing
101C Mounts Bay Road, Building C, James City County Board of Supervisors Room, Williamsburg, Virginia.

February 24, 1993 - 7 p.m. – Public Hearing
Eastern Shore Community College, Route 13, Lecture Hall, Melfa, Virginia.

March 15, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-13-07. Ground Water Withdrawal Regulations**. The purpose of the proposed regulation is to establish procedures for the declaration of ground water management areas and the subsequent issuance of ground water withdrawal permits and special exceptions within those areas.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Jackson at the address below or by telephone at (804) 527-5163 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Jackson no later than Monday, January 25, 1993. The board seeks comments on the proposal and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon

request.

Written comments may be submitted through March 15, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Statutory Authority: § 62.1-256 of the Code of Virginia.

Contact: Terry Wagner, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5203.

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February 9, 1993 - 7 p.m. – Public Hearing
Virginia Highlands Community College, State Route 372 off Route 140, Lecture Auditorium, Abingdon, Virginia.

February 10, 1993 - 7 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 12, 1993 - 10 a.m. – Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 18, 1993 - 2 p.m. – Public Hearing
Norfolk City Council Chambers, 1006 City Hall Building, 810 Union Street, Norfolk, Virginia.

February 23, 1993 - 7 p.m. – Public Hearing
McCourt Building, 4850 Davis Ford Road, 1 County Complex, Prince William County Board Room, Prince William, Virginia.

March 15, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-12. Facility and Aboveground Storage Tank Registration Requirements**. The purpose of the proposed regulation is to compile an inventory of facilities and aboveground storage tanks within the Commonwealth.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the

Calendar of Events

proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:19 and 62.1-44.15 (10) of the Code of Virginia.

Contact: David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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February 9, 1993 - 7 p.m. – Public Hearing
Virginia Highlands Community College, State Route 372 off Route 140, Lecture Auditorium, Abingdon, Virginia.

February 10, 1993 - 7 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 12, 1993 - 10 a.m. – Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 18, 1993 - 2 p.m. – Public Hearing
Norfolk City Council Chambers, 1006 City Hall Building, 810 Union Street, Norfolk, Virginia.

February 23, 1993 - 7 p.m. – Public Hearing
McCourt Building, 4850 Davis Ford Road, 1 County Complex, Prince William County Board Room, Prince William, Virginia.

March 15, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-13. Aboveground Storage Tanks Pollution Prevention Requirements.** The purpose of the proposed regulation is to establish standards and procedures to be followed by facility operators to prevent the discharge of oil to state waters, lands and storm drain systems from new and existing aboveground storage tanks.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing

interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:15.1 and 62.1-44.15 (10) of the Code of Virginia.

Contact: David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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February 9, 1993 - 7 p.m. – Public Hearing
Virginia Highlands Community College, State Route 372 off Route 140, Lecture Auditorium, Abingdon, Virginia.

February 10, 1993 - 7 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

February 12, 1993 - 10 a.m. – Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 18, 1993 - 2 p.m. – Public Hearing
Norfolk City Council Chambers, 1006 City Hall Building, 810 Union Street, Norfolk, Virginia.

February 23, 1993 - 7 p.m. – Public Hearing
McCourt Building, 4850 Davis Ford Road, 1 County Complex, Prince William County Board Room, Prince William, Virginia.

March 15, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-14. Facility Financial Responsibility Requirements.** The purpose of the proposed regulation is to establish requirements for financial responsibility on the part of operators of facilities having a maximum aboveground storage capacity of 25,000 gallons of oil or having an average daily throughput of 25,000 gallons or more of oil.

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being

Calendar of Events

held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:16 and 62.1-44:21 and 62.1-44.15 (10) of the Code of Virginia.

Contact: David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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February 16, 1993 - 7 p.m. – Public Hearing
Crewe Library and Conference Center, Corner of Tyler and Maryland Avenues, Conference Room, Crewe, Virginia.

March 12, 1993 – Written comments may be submitted through 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled VR 680-16-03. **Upper James River Basin Water Quality Management Plan.** The purpose of the proposed amendment is to increase the waste load allocation for the Town of Crewe's sewage treatment plant discharge to an unnamed tributary of Deep Creek.

An informal question and answer period has been scheduled before the hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearing is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Dalton at the address below or by telephone at (804) 527-5162 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, January 25, 1993. The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

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

Written comments may be submitted until 4 p.m. on March 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Curt Linderman, Piedmont Regional Office, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5038.

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February 10, 1993 - 2 p.m. – Public Hearing
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

February 11, 1993 - 7 p.m. – Public Hearing
Harrisonburg City Council Chambers, 345 South Main Street, Municipal Building, Harrisonburg, Virginia.

February 17, 1993 - 7 p.m. – Public Hearing
University of Virginia, Southwest Center, Highway 19 North, Classroom 1 and 2, Abingdon, Virginia.

February 18, 1993 - 2 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia.

March 15, 1993 – Written comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled VR 680-21-00. **Water Quality Standards.** The purpose of the proposed amendment is to update, clarify and correct sections VR 680-21-07.2 (Special Designations in Surface Waters, (VR 680-21-07.3 (Nutrient Enriched Waters) and VR 680-21-08 (River Basin Sections Tables).

An informal question and answer period has been scheduled before each hearing. At that time staff will answer questions from the public on the proposal. The question and answer period will begin 1/2 hour before the scheduled public hearing. The hearings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mrs. Jackson at the address below or by telephone at (804) 527-5163 or (804) 527-4261/TDD. Persons needing interpreter services for the deaf must notify Mrs. Lori Jackson no later than Monday, January 25, 1993. The board seeks comments on the proposed amendments and the costs and benefits of the proposed amendments. In addition, the agency has performed certain analyses on the proposed amendments related to the purpose, need, impacts and alternatives which are available to the public upon request.

Opportunity for formal hearing: The Board will hold a formal hearing at a time and place to be established, if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of § 1.23 (b) of the Board's Procedural Rule No. (1980), and must be received by the contact persons designated below by 4 p.m. on Thursday, February 11, 1993.

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

Written comments may be submitted until 4 p.m. on March 15, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Eleanore Daub, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5091.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

February 11, 1993 - 8:30 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider revisions to its current regulations and other matters which may require board action.

Contact: Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

THE COLLEGE OF WILLIAM AND MARY

† **February 11, 1993 - 3 p.m. – Open Meeting**
† **February 12, 1993 - 8 a.m. – Open Meeting**
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia.

A regularly scheduled meeting to (i) review quarterly operations of the College and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals 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, VA 23187-8795, telephone (804) 221-1005.



DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

February 11, 1993 - 8 a.m. – Open Meeting
700 Centre Building, 7th and Franklin Streets, 4th Floor, Richmond, Virginia. ☒

Committee meetings begin at 8:30 to be followed by a general meeting at 10 a.m. to (i) review programs recommended for certification or probation; (ii) consider adoption of draft policies; and (iii) take up other matters that may come before the board.

Contact: Donald R. Carignan, Policy Coordinator, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

† **January 28, 1993 - 9 a.m. – Open Meeting**
† **February 25, 1993 - 9 a.m. – Open Meeting**
† **March 25, 1993 - 9 a.m. – Open Meeting**
Koger Center, 8007 Discovery Drive, Blair Building, Conference Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

† **February 11, 1993 - 9 a.m. – Open Meeting**
† **March 11, 1993 - 9 a.m. – Open Meeting**
Koger Center, 8007 Discovery Drive, Blair Building, Conference Room A, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A general business meeting to effect the Comprehensive Services Act for At-Risk Youth and Families. Please confirm meeting details before planning to attend.

Contact: Dian McConnel, Coordinator, Council on Community Services for Youth and Families, Department of Youth and Family Services, 700 Centre, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 786-5394 or (804) 371-0772/TDD ☒

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempt from publication in The Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

January 25

Cosmetology, Board for
† Health, State Board of
Lottery Department, State

January 26

† Arts, Virginia Commission for the
Cosmetology, Board for
Community Colleges, State Board for
† Hazardous Materials Training Committee
† Health, State Board of
Nursing, Board of
Private Security Services Advisory Board
† Marine Resources Commission

January 27

Community Colleges, State Board for
† Compensation Board
Game and Inland Fisheries, Board of
† Higher Education for Virginia, State Council of
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
Museum of Natural History, Virginia
- Board of Trustees
Nursing, Board of
† Sewage Handling and Disposal Appeals Review
Board
Transportation Board, Commonwealth
Water Control Board, State

January 28

Education, Board of
Game and Inland Fisheries, Board of
Nursing, Board of
† Rehabilitative Services, Board of
- Finance Committee
- Legislation Committee
- Program and Evaluation Committee
Social Work, Board of
Transportation Board, Commonwealth
Transportation Safety Board
Water Control Board, State
† Youth and Family Services, Department of
- State Management Team of the Comprehensive
Services Act for At-Risk Youth and Families

January 29

Child Day-Care Council
Game and Inland Fisheries, Board of
Information Management, Council on
Maternal and Child Health Council
Nursing, Board of
Public Telecommunications Board, Virginia
Social Work, Board of
Waste Management Facility Operators, Board for

Water Control Board, State

January 30

† Conservation and Recreation, Department of
- Virginia Cave Board

January 31

† Funeral Directors and Embalmers, Board of

February 1

† Funeral Directors and Embalmers, Board of

February 2

Hopewell Industrial Safety Council
Opticians, Board for
Water Control Board, State

February 3

† Funeral Directors and Embalmers, Board of
Visually Handicapped, Board for the

February 4

Local Emergency Planning Committee - Chesterfield
County
Geology, Board for
Medicine, Board of
† Middle Virginia Board of Directors and the Middle
Virginia Community Corrections Resources Board
Teen Pregnancy Prevention, Virginia Council on
Water Control Board, State

February 5

Geology, Board for
Medicine, Board of

February 6

Medicine, Board of

February 7

Medicine, Board of

February 8

Commerce, Board of
† Longwood College
- Board of Visitors
Professional Soil Scientists, Board for
Water Control Board, State

February 9

Employment Commission, Virginia
- State Advisory Board
† Virginia Resources Authority

February 10

Corrections, Board of
Employment Commission, Virginia
- State Advisory Board
† Medical Assistance Services, Board of
Water Control Board, State

February 11

Calendar of Events

† Aviation, Virginia Board
Professional Counselors, Board of
Waterworks and Wastewater Works Operators, Board
for
† William and Mary, The College of
- Board of Visitors
Youth and Family Services, Board of
† Youth and Family Services, Department of
- State Management Team of the Comprehensive
Services Act for At-Risk Youth and Families

February 12

† William and Mary, The College of
- Board of Visitors

February 13

Virginia Military Institute
- Board of Visitors

February 17

Local Debt, State Council on
Optometry, Board of
Treasury Board

February 18

† Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee

February 19

† Fire Services Board, Virginia
Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee

February 22

† Cosmetology, Board for

February 23

† Accountancy, Board for
Health Services Cost Review Council, Virginia

February 25

Chesapeake Bay Local Assistance Board
Education, Board of
† Youth and Family Services, Department of
- State Management Team of the Comprehensive
Services Act for At-Risk Youth and Families

March 2

† Hopewell Industrial Safety Council

March 3

† Compensation Board

March 4

† Middle Virginia Board of Directors and the Middle
Virginia Community Corrections Resources Board

March 9

† Local Emergency Planning Commission - County of
Montgomery/Town of Blacksburg
† Virginia Resources Authority

March 11

† Youth and Family Services, Department of
- State Management Team of the Comprehensive
Services Act for At-Risk Youth and Families

March 12

† Aging, Department for the
- Long-Term Care Council
† Medicine, Board of
- Advisory Board on Physical Therapy

March 17

Local Debt, State Council on
Treasury Board

March 19

Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee

March 23

Polygraph Examiners Advisory Board

March 24

† Medicine, Board of
- Advisory Board of Occupational Therapists

March 25

Education, Board of
† Youth and Family Services, Department of
- State Management Team of the Comprehensive
Services Act for At-Risk Youth and Families

March 26

† Medicine, Board of
- Advisory Board on Respiratory Therapy

March 31

† Compensation Board

April 6

† Hopewell Industrial Safety Council

PUBLIC HEARINGS

January 27

Nursing, Board of

February 1

Waste Management Board, Department of

February 2

† Air Pollution Control, Department of

Calendar of Events

Air Pollution Control, Department of

February 3

Mines, Minerals and Energy, Department of

February 9

Waste Management Facility Operators, Board for
Water Control Board, State

February 10

Corrections, Department of
Water Control Board, State

February 11

Waste Management, Department of
Water Control Board, State

February 12

Water Control Board, State

February 16

Water Control Board, State

February 17

Water Control Board, State

February 18

Water Control Board, State

February 22

Water Control Board, State

February 23

Water Control Board, State

February 24

Water Control Board, State

March 1

Health, State Board of

March 18

Higher Education for Virginia, State Council of

March 19

† Medicine, Board of
- Advisory Committee for Optometry

March 22

Lottery Department, State

May 19

Agriculture and Consumer Services, Department of