

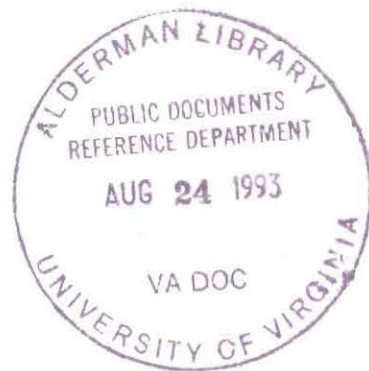
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THE VIRGINIA REGISTER

OF REGULATIONS



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July 12, 1993

1993

Pages 3691 Through 3810

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Jane D. Chaffin, Assistant Registrar of Regulations.

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January 1993 through April 1994

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Noon Wednesday

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Symbol Key †

† Indicates entries since last publication of the Virginia Register

BOARD FOR ACCOUNTANCY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Accountancy intends to consider promulgating regulations entitled: **VR 105-01-1:1. Board for Accountancy Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines to replace emergency regulations adopted June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until September 1, 1993.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-01-01. Guidelines for Public Participation.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including, but not limited to, amending the regulation to comport with newly-enacted provisions of the Administrative Process Act. The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is (i) a standing advisory panel; (ii) an ad-hoc advisory panel; (iii) consultation with groups; (iv) consultation with individuals; or (v) any combination thereof. As specified by Chapter 898 of the 1993 Acts of Assembly, the agency plans to hold a public hearing on the proposed regulation after it is published.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia and

Chapter 898 of the 1993 Acts of Assembly.

Written comments may be submitted until August 16, 1993.

Contact: L. H. Redford, Regulatory Coordinator, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209-1163, telephone (804) 786-3539.

ALCOHOLIC BEVERAGE CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

The Alcoholic Beverage Control Board is withdrawing the Notice of Intended Regulatory Action published in 9:18 VA.R. 3026-3027 May 31, 1993, for regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The public hearing scheduled for Wednesday, October 27, 1993, at 10 a.m. to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations has been canceled.

† Notice of Intended Regulatory Action

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

Pursuant to the Virginia Alcoholic Beverage Control Board's Public Participation Guidelines for Adoption or Amendment of Regulations (VR 125-01-1, § 5.1 of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public hearing on Friday, November 5, 1993, at 10 a.m. in the Board Hearing Room, First Floor, ABC Board Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. General description of proposal, with recommendations for adoption, amendment or repeal of specific regulations(s).

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4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulated entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Draft language.
9. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory changes should be submitted to the board no later than Tuesday, August 11, 1993.

Petitions for regulatory change should be sent to Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, Virginia 23261, or may be faxed (804) 367-1802 if the original paperwork is also mailed.

Entities affected: (1) All licenses (manufacturers, wholesalers, importers, retailers) and (2) the general public.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69.2, 4-72.1, 4-98.14, 4-103(b), and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until August 11, 1993.

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

CHILD DAY-CARE COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider repealing regulations entitled: **VR 175-01-01. Public Participation Guidelines**. The purpose of the proposed action is to repeal the existing public participation guidelines so new guidelines can be promulgated. No public hearing on the proposed regulation is planned.

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

Written comments may be submitted until August 26, 1993, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 730 E. Broad St., Theater Row Bldg., Richmond, VA 23219, telephone (804) 692-1820.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **VR 175-01-01:1. Public Participation Guidelines**. The purpose of the proposed action is to develop guidelines the council will use to obtain public input when developing regulations. This regulation will replace the emergency public participation guidelines approved by the council on June 22, 1993. No public hearing on the proposed regulation is planned.

Statutory Authority: §§ 9-6.14:7.1 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until August 26, 1993, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 730 E. Broad St., Theater Row Bldg., Richmond, VA 23219, telephone (804) 692-1820.

DEPARTMENT OF COMMERCE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider repealing regulations entitled: **VR 190-00-01. Public Participation Guidelines**. The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-501 of the Code of Virginia.

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8596.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Asbestos Contractors and Workers Public Participation Guidelines**. The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June, 1993, and to provide full opportunity for

Notices of Intended Regulatory Action

public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-501 of the Code of Virginia.

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8596.

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 promulgating regulations entitled: **VR 230-30-001:1. Minimum Standards for Jails and Lockups.** The purpose of the proposed action is to establish minimum standards for the administration and programs in jails and lockups.

Statutory Authority: §§ 53.1-5; 53.1-68 and 53.1-131 of the Code of Virginia.

Written comments may be submitted until July 14, 1993.

Contact: Mike Howerton, Chief of Operations, Division of Community Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3251.

DEPARTMENT OF GENERAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services intends to consider repealing regulations entitled: **VR 330-02-06. Regulations for Approval of Laboratories to Analyze Public Drinking Water Supplies.** The purpose of the proposed action is to carry out the provisions of the Federal Safe Drinking Water Act, PL93-523; Chapter 6, Article 2, of Title 32.1 of the Code of Virginia; and Federal Regulations 40 CFR 141. These regulations will be replaced by VR 330-02-06:1.

Statutory Authority: Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia and 40 CFR 141.

Written comments may be submitted until July 14, 1993.

Contact: Dr. James L. Pearson, Director, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, VA 23219, telephone (804) 786-7905.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services intends to consider promulgating regulations entitled: **VR 330-02-06:1. Regulations for the Certification of Laboratories Analyzing Drinking Water.** The purpose of the proposed action is to carry out the provisions of the Federal Safe Drinking Water Act, PL93-523; Chapter 6, Article 2, of Title 32.1 of the Code of Virginia; and Federal Regulations 40 CFR 141. Provides the mechanism to assure that laboratories are capable of providing valid data for compliance under the Safe Drinking Water Act.

Statutory Authority: Article 2 (§ 32.1-167 et seq.) of Chapter 6 of Title 32.1 of the Code of Virginia and 40 CFR 141.

Written comments may be submitted until July 14, 1993.

Contact: Dr. James L. Pearson, Director, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, VA 23219, telephone (804) 786-7905.

BOARD FOR GEOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Geology intends to consider repealing regulations entitled: **VR 335-01-1. Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1402 of the Code of Virginia.

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8596.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Geology intends to consider promulgating regulations entitled: **VR 335-01-1:1. Board for Geology Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation

Notices of Intended Regulatory Action

process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1402 of the Code of Virginia.

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8596.



DEPARTMENT OF HEALTH (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 Health intends to consider repealing regulations entitled: **VR 355-19-05. Rules and Regulations for the Sanitary Control of the Picking, Packing and Marketing of Crab Meat for Human Consumption.** The purpose of the proposed action is to replace current regulations with updated regulations. The agency intends to hold a public hearing on the proposed regulation.

Statutory Authority: § 28.2-801 of the Code of Virginia.

Written comments may be submitted until August 11, 1993.

Contact: Keith Skiles, Program Manager, Department of Health, Division of Shellfish Sanitation, 1500 E. Main St., Main Street Station, Room 109, Richmond, VA 23219, telephone (804) 786-7937.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider repealing regulations entitled: **VR 355-19-06. Rules and Regulations Governing the Sanitary Control of Oysters, Clams and Other Shellfish.** The purpose of the proposed action is to replace current regulations with updated regulations.

Statutory Authority: § 28.2-801 of the Code of Virginia.

Written comments may be submitted until July 15, 1993.

Contact: Keith Skiles, Program Manager, Department of Health, Division of Shellfish Sanitation, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7937.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider promulgating regulations entitled: **VR 355-19-500. Shellfish and Crustacea Sanitation Regulations.** The purpose of the proposed action is to provide up-to-date and comprehensive regulations governing the shellfish and crustacea industries and to assure Virginia's compliance with the National Shellfish Sanitation Program. The agency intends to hold a public hearing on the proposed regulation.

Statutory Authority: § 28.2-801 of the Code of Virginia.

Written comments may be submitted until August 11, 1993.

Contact: Keith Skiles, Program Manager, Department of Health, Division of Shellfish Sanitation, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7937.

BOARD OF HEALTH PROFESSIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health Professions intends to consider promulgating regulations entitled: **Regulations Governing Practitioner Self-Referral.** The purpose of the proposed action is to implement the Board of Health Professions' authority to administer and enforce the Virginia Practitioner Self-Referral Act. This is a request for general comments on proposed rulemaking only. Proposed regulations, when developed, will be submitted for comment under the provisions of the Administrative Process Act, and a public hearing will be held on the proposed regulations.

Statutory Authority: Chapter 869 of the 1993 Acts of Assembly.

NOTE: EXTENSION OF COMMENT PERIOD

Written comments may be submitted until July 14, 1993.

Contact: Richard D. Morrison, Ph.D., Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9904 or facsimile (804) 662-9114.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† Withdrawal of Notices of Intended Regulatory Action

The Board of Housing and Community Development is withdrawing the following Notices of Intended Regulatory Action initially published in VA.R. 9:12 1824-1825 March 8, 1993:

1. VR 394-01-2. Certification Standards for Building Inspection Personnel, Amusement Device Inspectors,

Notices of Intended Regulatory Action

Blasters, Plumbers, Electricians, and Building Related Mechanical Workers/1990.

2. VR 394-01-4. Virginia Amusement Device Regulations/1990.

3. VR 394-01-6. Virginia Statewide Fire Prevention Code/1990.

4. VR 394-01-21. Virginia Uniform Statewide Building Code - Vol. I - New Construction Code/1990.

5. VR 394-01-22. Virginia Uniform Statewide Building Code - Vol. II - Building Maintenance Code/1990.

6. VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.

7. VR 394-01-200. Virginia Private Activity Bond Regulations.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-1. Public Participation Guidelines to be used in the Formation, Promulgation, and Adoption in the Form of Regulations.** The purpose of the proposed action is to amend current regulation to comply with legislative actions. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-2. Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumber, Electricians, and Building Related Mechanical Workers/1990.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: §§ 15.1-11.4, 36-98.3, 36-137, and 27-97

of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-4. Virginia Amusement Device Regulations.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1990.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: § 27-97 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Vol. I - New Construction Code/1990.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: § 36-98 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code - Vol. II - Building Maintenance Code/1990.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.** The purpose of the proposed action is to amend current regulation to comply with other revised regulations and standards. The Board of Housing and

Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: § 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

Contact: Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-200. Virginia Private Activity Bond Regulations.** The purpose of the proposed action is to change allocation priorities and make minor administrative changes. The Board of Housing and Community Development will hold a public hearing on the proposed regulation in this notice.

Statutory Authority: § 51.1-1399.17 of the Code of Virginia.

Written comments may be submitted until August 12, 1993.

Contact: Charles Gravatt, Financial Assistance Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7025.

VIRGINIA MANUFACTURED HOUSING BOARD

† Withdrawal of Notices of Intended Regulatory Action

The Virginia Manufactured Housing Board is **withdrawing** the following Notices of Intended Regulatory Action initially published in V.A.R. 9:12 1826 March 8, 1993:

1. VR 449-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.
2. VR 449-01-02. Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Manufactured Housing Board intends to consider promulgating regulations entitled: **VR 449-01-01. Public Participation Guidelines.** The purpose of the proposed action is to develop permanent public participation guidelines to replace the public participation guidelines

Notices of Intended Regulatory Action

adopted as emergency regulations. The Manufactured Housing Board will hold a public hearing on the proposed regulations in this notice.

Statutory Authority: §§ 9-6.14:7.1 and 36-85.18 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Enforcement Office, 501 North 2nd Street, Richmond, Virginia 23219-1321.

Contact: Curtis L. McIver, Associate Director, Code Enforcement and Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Manufactured Housing Board intends to consider promulgating regulations entitled: **VR 449-01-02. Manufactured Housing Licensing and Transaction Recovery Fund Regulations.** The purpose of the proposed action is to develop regulations to be used in the administration and enforcement of the Manufactured Housing Licensing Law and Recovery Fund. The Manufactured Housing Board will hold a public hearing on the proposed regulations in this notice.

Statutory Authority: § 36-85.18 of the Code of Virginia.

Written comments may be submitted until August 12, 1993, to the Department of Housing and Community Development, Code Enforcement Office, 501 North 2nd Street, Richmond, Virginia 23219-1321.

Contact: Curtis L. McIver, Associate Director, Code Enforcement and Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

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 promulgating regulations entitled: **Financial Administration: Hospital Credit Balance Reporting.** The purpose of the proposed action is to require hospitals to report and refund Medicaid credit balances which may result from overpayments. Hospitals failing to comply will be penalized, similarly to the Medicare penalty. DMAS will not be holding public hearings for this proposed regulation.

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

Written comments may be submitted until July 28, 1993, to Jesse Garland, Director, Division of Fiscal Services, 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.

DEPARTMENT OF STATE POLICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider amending regulations entitled: **VR 545-01-07. Motor Vehicle Safety Inspection Rules and Regulations.** The purpose of the proposed action is to revise the Motor Vehicle Safety Inspection Rules and Regulations to be consistent with recent changes in state law, federal regulations, nationally accepted standards and automotive practices. Minor technical and administrative changes are included.

Statutory Authority: §§ 46.2-909, 46.2-1002, 46.2-1011, 46.2-1018, 46.2-1022, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1052, 46.2-1053, 46.2-1056, 46.2-1058, 46.2-1063, 46.2-1065, 46.2-1070, 46.2-1090.1, 46.2-1093, 46.2-1163, 46.2-1164, 46.2-1165 and 46.2-1171 of the Code of Virginia.

Written comments may be submitted until July 27, 1993.

Contact: Captain W. Gerald Massengill, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Professional Soil Scientists intends to consider repealing regulations entitled: **VR 627-01-1. Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

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

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230,

Notices of Intended Regulatory Action

telephone (804) 367-8596.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Professional Soil Scientists intends to consider promulgating regulations entitled: **VR 627-01-1:1. Board for Professional Soil Scientists Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines to replace the emergency public participation guidelines adopted in June 1993, and to provide full opportunity for public participation in the regulation formation and promulgation process. The agency does not intend to hold a public hearing on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until August 16, 1993.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8596.

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider amending regulations entitled: **VR 662-01-01. Public Participation Guidelines for Adoption or Amendment of Regulations.** The purpose of the proposed action is to bring the Virginia Racing Commission's public participation guidelines into conformance with the recent changes to the Administrative Process Act.

Statutory Authority: §§ 9-6.14:7.1 and 59.1-369 of the Code of Virginia.

Written comments may be submitted until July 29, 1993.

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

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 State Board of Social Services intends to consider repealing regulations entitled: **VR 615-01-01. Public Participation Guidelines.** The purpose of the proposed action is to repeal existing

public participation guidelines. No public hearing is planned on the proposed regulation.

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

Written comments may be submitted until August 12, 1993.

Contact: Margaret J. Friedenber, Agency Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider promulgating regulations entitled: **VR 615-01-01:1. Public Participation Guidelines.** The purpose of the proposed action is to adopt public participation guidelines that conform with the Administrative Process Act as amended by the 1993 Virginia Acts of Assembly. No public hearing is planned on the proposed regulation.

Statutory Authority: §§ 9-6.14:7.1 and 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 12, 1993.

Contact: Margaret J. Friedenber, Agency Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider amending regulations entitled: **VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.** The purpose of the proposed regulation is to develop standards governing home studies of intended parents and surrogate and her husband as required by § 20-160 of the Code of Virginia, (Children of Assisted Conception Act). The Minimum Standards for Licensed Private Child Placing Agencies are the standards private agencies must meet to obtain a license to place children in foster or adoptive homes. No public hearing is planned on the proposed regulation.

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

Written comments may be submitted until August 30, 1993, to Doris Jenkins, Division of Licensing Programs, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Margaret J. Friedenber, Policy Analyst, Bureau of Governmental Affairs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

† 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 State Board of Social Services intends to consider amending regulations entitled: **VR 615-45-3. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces.** The purpose of the proposed regulation is to provide guidelines for sharing information related to child protective services cases. No public hearing is planned on the proposed regulation.

Statutory Authority: §§ 2.1-386 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until August 13, 1993, to Rita Katzman, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Margaret J. Friedenber, Policy Analyst, Bureau of Governmental Affairs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-20-1. Financial Assurance Regulations of Solid Waste Facilities.** The purpose of the proposed action is to amend the financial assurance regulations to be consistent with EPA criteria for municipal solid waste facilities, consider alternative mechanisms for financial responsibility and liability and to incorporate changes necessary to comply with 1993 legislation.

The current regulations are not consistent with the requirements of EPA Guideline Criteria for Municipal Solid Waste Facilities and must be amended to allow Virginia to become authorized for the full solid waste management program. Financial assurance for liability coverage requires environmental insurance which may not be readily available to many permitted facilities. The Code of Virginia in § 10.1-1410 requires the Waste Management Board to promulgate regulations. There are no appropriate alternatives to the amendment of existing regulations to assure effectiveness.

The purpose is to amend existing regulations to incorporate requirements contained in EPA Guidelines for Municipal Solid Waste Facilities and EPA Financial Assurance Guidelines for local governments which are under development by EPA. It is proposed to revise the applicability of the regulations, the liability coverage requirements and financial assurance mechanisms to be more efficient and effective in the establishment of funds necessary for facility closure and post-closure care of permitted facilities.

Comments are requested on the intended action to include recommendations on the regulations. Comments are requested on the costs and benefits of the regulations, amendments, and any proposed alternatives. Comments are invited on whether the agency should establish an ad hoc advisory committee, utilize a standing advisory committee, or consult with groups registering interest in working with the agency to assist in the drafting and formation of the proposed regulation.

There will be a public meeting to solicit comments on the intended regulatory action on August 17, 1993, at 10 a.m. in the Main Floor Conference Room C at the Monroe Building, 101 North 14th Street, Richmond, Virginia. The department will hold at least one informational proceeding on the proposed regulation after it is published.

Statutory Authority: §§ 10.1-1402 and 10.1-1410 of the Code of Virginia.

Written comments may be submitted until August 31, 1993, to W. Gulevich, Department of Environmental Quality, 101 North 14th Street, 11th Floor, Richmond, Virginia 23219.

Contact: William F. Gilley, Regulatory Service Manager, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2966.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **Waste Tire End User Partial Reimbursement Regulation.** The purpose of the proposed action is to fulfill the directive set forth in § 10.1-1422 of the Code of Virginia by establishing a regulation for procedures and guidelines for the partial reimbursement to the end users of waste tires.

The Code of Virginia in § 10.1-1422 requires the Waste Management Board to promulgate regulations establishing a regulation for procedures and guidelines for the partial reimbursement to the end users of waste tires. There are no appropriate alternatives to the adoption of regulations to assure effectiveness and equity in accomplishing the requirement for partial reimbursement.

The purpose is to the means by which reimbursements may be made. The regulations proposed would establish the eligible end uses for reimbursement; the process for verification and tracking of tires; a reimbursement application and process; and methods and amounts of partial reimbursement including levels of reimbursement depending on end uses.

Comments are requested on the intended action to include recommendations on the regulations. Comments are requested on the costs and benefits of the regulations and any proposed alternatives.

Notices of Intended Regulatory Action

Comments are invited on whether the agency should establish an ad hoc advisory committee, utilize a standing advisory committee, or consult with groups registering interest in working with the agency to assist in the drafting and formation of the proposed regulation. The intent is to use the Institute for Environmental Negotiation at the University of Virginia as facilitator and convener. Anyone desiring to participate should contact Mr. Lassiter.

There will be a public meeting to solicit comments on the intended regulatory action on August 18, 1993, at 10 a.m. in the Department of Environmental Quality, SWCB Board Room, located in the Innsbrook Offices at 4900 Cox Road, Glen Allen, Virginia. The department will hold at least one informational proceeding on the proposed regulation after it is published.

Statutory Authority: § 10.1-1422 of the Code of Virginia.

Written comments may be submitted until August 31, 1993.

Contact: Allan Lassiter, Director, Waste Tire Program, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2945.

STATE WATER CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

The State Water Control Board is **withdrawing** the Notice of Intended Regulatory Action on the regulation entitled: VR 680-21-00. Water Quality Standards (VR 680-21-07.1.b Potomac Embayment Standards) initially published in VA.R. 9:19 3315-3316 June 14, 1993.

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 GAME AND INLAND FISHERIES (BOARD OF)

NOTICE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation: VR 325.02. Game.
VR 325-02-5. Crow.

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: August 1, 1993.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

§ 1. Open season.

It shall be lawful to hunt crow on [~~Wednesday Monday~~], Thursday, Friday and Saturday of each week from [~~August 1 the third Saturday in August~~] through ~~December 31 the [last day in February third Saturday in March]~~, both dates inclusive ; and from the first Wednesday in February through the last Saturday in March, both dates inclusive .

V.A.R. Doc. No. R93-579, Filed June 23, 1993, 11:25 a.m.

DEPARTMENT OF GENERAL SERVICES

Title of Regulation: VR 330-03-02. Aggressive Air Sampling Standards to be Utilized in Final Clearance Inspections for Asbestos Projects in Local Education Agencies and Public Colleges and Universities in the Commonwealth of Virginia.

Statutory Authority: § 2.1-526.14:1 of the Code of Virginia.

Effective Date: August 11, 1993.

Summary:

The regulations establish aggressive air sampling standards applicable to final clearance inspection

procedures for asbestos abatement projects in local education agencies (LEAs) and public colleges and universities in the Commonwealth of Virginia, and are promulgated pursuant to § 2.1-526.14:1 of the Code of Virginia enacted by the 1990 Virginia General Assembly. Their use is mandatory for all LEAs and public colleges and universities in the Commonwealth of Virginia.

The application of these standards is not mandatory for small scale, short duration activities involving asbestos-containing materials as defined in 29 CFR 1926.58, the federal Occupational Safety and Health Administration's (OSHA) asbestos construction standard.

Federal regulations (40 CFR Part 763, Subpart E) which were promulgated pursuant to the Asbestos Hazard Emergency Response Act (AHERA) address, at a federal level, procedures for aggressive air sampling in LEAs. These standards codify into Virginia regulations the federal regulations for LEAs (40 CFR Part 763, Subpart E) and establish new regulations for aggressive air sampling procedures for public colleges and universities in the Commonwealth of Virginia

VR 330-03-02. Aggressive Air Sampling Standards to be Utilized in Final Clearance Inspections for Asbestos Projects in Local Education Agencies and Public Colleges and Universities in the Commonwealth of Virginia.

§ 1. Definitions.

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

"Abatement contractor" means the company or individual properly licensed in the Commonwealth of Virginia by the Virginia Department of Commerce who conducts asbestos abatement activities such as, but not limited to, removal, encapsulation or enclosure of asbestos-containing materials.

"Accredited" means a person or laboratory holding the credentials in accordance with Section 206 of Title II of AHERA.

"Airborne asbestos fibers" means suspended, settling or moving asbestos fibers or fiber bundles in air.

"Ambient air" means air in an area outside of the asbestos containment area. Areas chosen for air sampling should not be located near access/egress routes for the project, nor should they be located in areas known to

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contain friable asbestos-containing materials.

"Asbestos" means the asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.

"Asbestos analytical laboratory" means a laboratory accredited by the National Institute of Standards and Technology (NIST) for transmission electron microscopy (TEM) analysis, and licensed by the Virginia Department of Commerce to perform phase contrast microscopy (PCM) or TEM on material known or suspected to contain asbestos.

"Asbestos-containing material (ACM)" means the material or product containing more than 1.0% asbestos by weight.

"Asbestos containment area" means an area where an asbestos response action takes place.

"Asbestos debris" means pieces of ACM that can be identified by color, texture, or composition, or particulate matter (i.e., dust) if determined by an accredited inspector to contain more than 1.0% asbestos by volume.

["Asbestos Hazard Emergency Response Act (AHERA)" means 40 CFR Part 763, Subpart E, and subsequent amendments thereto.]

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means an airtight, impermeable, permanent barrier around ACM to prevent the release of asbestos fibers into the air.

["Forty Code of Federal Regulations Part 763, Subpart E (40 CFR Part 763, Subpart E)" and subsequent amendments thereto means the regulations promulgated by the U.S. Environmental Protection Agency in response to the "Asbestos Hazard Emergency Response Act (AHERA)."]

"Local education agency (LEA)" means (i) the local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); (ii) the owner of any nonpublic, nonprofit elementary or secondary school building; or (iii) the governing authority of a school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"OSHA" means the federal Occupation Safety and Health Administration.

"Phase Contrast Microscopy (PCM)" means a laboratory

analysis method for measuring airborne asbestos fibers ([NIOSH National Institute of Occupational Health and Safety] Method 7400).

"Project monitor" means a person who is licensed by the Virginia Department of Commerce to observe and monitor the activities of asbestos abatement contractors and roofing, flooring, siding (RFS) contractors on asbestos projects to determine that proper work practices are used and compliance with all federal, state and local laws and regulations is maintained.

"Public colleges and universities" means all state supported institutions of higher education as defined in § 23-9.5 of the Code of Virginia.

"Removal" means the physical removal and disposal of asbestos-containing material.

"Reoccupancy (clearance) level" means .01 or fewer asbestos fibers per cubic centimeter (.01 f/cc) as determined by PCM, or 70 or fewer structures per square millimeter (70 S/mm²) if determined by TEM analysis.

"Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, to abate asbestos hazards to human health and the environment.

"Roofing, flooring, siding (RFS) contractor's license" means an authorization issued by the Virginia Department of Commerce permitting a person to enter into contracts to install, remove or encapsulate asbestos-containing roofing, flooring or siding materials.

"School" means any elementary or secondary school as defined in Section 198 of the [Federal] Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).

"School building" means (i) any structure suitable for use as a classroom, including a school facility such as a laboratory, library or school eating facility used for the preparation of food; (ii) a gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education; (iii) other facilities used for the instruction or housing of students or for the administration of educational or research programs; (iv) a maintenance, storage, or utility facility, including a hallway essential to the operation of any facility described in this definition of "school building"; (v) a portico or covered exterior hallway or walkway; or (vi) an exterior portion of a mechanical system used to condition interior space.

"Small-scale, short duration projects" means renovation and maintenance activities such as, but not limited to:

1. Removal of asbestos-containing insulation on pipes;
2. Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

3. Replacement of an asbestos-containing gasket on a valve;

4. Installation or removal of a small section of drywall [; and]

5. Installation of electrical conduits through or proximate to asbestos-containing materials [; and]

6. As further described in Appendix B to Subpart E of 40 CFR Part 763.]

"Transmission Electron Microscopy (TEM)" means a laboratory analysis method for measuring airborne asbestos fibers using a transmission electron microscope (40 CFR Part 763, Appendix A to Subpart E).

§ 2. Purpose.

The purpose of these standards 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 involving asbestos-containing material.

§ 3. Limitations.

A. The aggressive air sampling techniques mandated in this regulation shall be used only in an asbestos containment area with effective negative air filtration, shall be performed only by individuals meeting the licensing requirements described in § 4, and shall not be initiated until a visual inspection is conducted and visible ACM and asbestos debris have been removed.

B. For LEAs, the number of samples collected and method of analysis shall comply with 40 CFR Part 763, Subpart E, and subsequent amendments thereto.

C. For all other buildings, the number of samples collected shall be as specified for PCM in § 6 B. The acceptable method of analysis for the samples is by PCM. At the owner's discretion, TEM analyses may be substituted for or used as a supplement to PCM analyses for final clearance in non-LEA buildings. However, the required minimum number of samples will be as specified for PCM.

[~~D. These standards are mandatory and applicable only for LEAs and public colleges and universities in Virginia.]~~

§ 4. Personnel and laboratory requirements.

A. Individuals performing aggressive air sampling techniques must have a valid asbestos project monitor's license issued by the Department of Commerce.

B. The following conflict of interest provisions shall be applicable to individuals performing aggressive air sampling techniques and asbestos analytical laboratories:

1. Individuals performing aggressive air sampling techniques shall not be employed by or have a financial affiliation with the asbestos abatement or RFS contractor conducting the asbestos abatement project. For asbestos projects in public colleges and universities, the college or university will contract directly for asbestos sampling and asbestos testing services.

2. Laboratories utilized for aggressive air sampling analyses on projects shall not have a business relationship concerning the projects with the contractors conducting the asbestos abatement activities on the projects, nor have financial affiliation with the contractors.

§ 5. Equipment requirements.

A. High volume air pumps with necessary peripheral equipment (hoses, connectors, etc.) calibrated to draw from four to 10 liters of air per minute (lpm) through the filter must be used for air sampling.

B. Filters must be 25 millimeter mixed cellulose ester (MCE) filters with a 0.8-1.2 micrometer pore size if the filter is to be analyzed by PCM, or a 0.45 micrometer pore size if analyzed by TEM. Sampling cassettes must have 50 millimeter extension cowls and must not have been previously used.

C. Electric leaf blowers with a rating of at least one horsepower [and of a type to allow easy decontamination] must be used to initially agitate [and suspend any particles in] the air [; along with 20 . Twenty] inches x 20 inches stationary box fans [must be used to maintain particle suspension] for the duration of the [aggressive] air sampling.

§ 6. Sampling procedures.

A. Set up.

1. Ensure that the area inside the enclosure is visibly clean of all ACM, dust and debris, that spray encapsulant utilized for lockdown purposes has dried, and that the negative air system is and remains fully operational at a rate of one air change per hour.

2. For each 1,000 square feet of negative air enclosure space, initially agitate the air with an electric leaf blower for at least five minutes, agitating the air on all horizontal and vertical surfaces. Activate at least one stationary fan for each 10,000 cubic feet [of enclosure volume with the stationary fan] angled toward the ceiling [. and keep Keep the stationary fan(s)] operational for the duration of the sampling.

3. Place the air pumps and sampling cassettes such that each covers approximately the same square footage of floor area, and the exposed filter faces [of the sampling cassettes] are oriented approximately 45

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degrees from the horizontal, using tape and clips as necessary to position [the sampling] cassettes.

4. Start the [sampling air] pumps and sample for the required time, turning off the [air] pumps and then the [fans stationary fan(s)] when finished.

B. Number of samples.

The minimum required number of [samples sample cassettes] for each enclosure site is listed in the tables below (each set of samples consists of inside samples, ambient air samples, field blanks, and a sealed blank):

[SF Square Feet] of Enclosure	[Samples Sample Cassettes]	
	PCM Analysis	TEM Analysis
less than 100	2	5
100 - 500	3	5
500 - 1000	4	5
1000 - 10,000 *	5	5

[SF Square Feet] of Enclosure	[Samples Sample Cassettes]	
	PCM Analysis	TEM Analysis
less than 100	[2 0]	5
100 - 500	[3 0]	5
500 - 1000	[4 0]	5
greater than 1000	[5 0]	5

[* For areas greater than 10,000 square feet, the number of inside air samples to be obtained will increase by one sample for each 2,000 square feet over 10,000 square feet. For example, an enclosure of 30,000 square feet would require 16 inside samples, five ambient air samples, two field blanks, and one sealed blank, for a total of 23 samples in the set (TEM or PCM analysis).]

* For areas greater than 10,000 square feet, the number of inside air samples to be obtained will increase by one sample for each 5,000 square feet over 10,000 square feet. For example, using TEM an enclosure of 30,000 square feet would require nine inside samples, five ambient air samples, two field blanks, and one sealed blank, for a total of 17 samples in the set.]

1. Field blanks required. Not less than 10% of the total inside air [samples sample cassettes], or a minimum of two per set. The cap of each cassette is to be removed for not more than 30 seconds and replaced (before inside and ambient air sampling is initiated) at the following places:

- a. Near the entrance to each abatement area, and
- b. At one of the ambient sites.

2. Sealed blanks required. One sealed [sample] cassette blank shall be included with each sample set submitted for analysis.

C. Sampling times.

[The run time for] each [air] pump is calculated by dividing the flow rate (lpm) [of the pump] into the number of liters [of air] required [to be collected] (1,000 liters minimum for PCM analysis, 1,199 liters minimum for TEM analysis) to obtain the required number of minutes.

D. Recording.

A floor plan indicating the locations of the collected [samples sample cassettes], along with a data sheet indicating the project name, project monitor, location of project, date samples were collected, calibrated flows for each [air] pump, start and stop times for each [air] pump, the preferred method of analyses specified, and the calculated number of liters drawn for each [cassette] sample, shall be transmitted to the laboratory with the [cassette] samples to be analyzed. The inclusion of these documents is necessary when generating reports on final clearance air sampling for the project.

E. Shipping.

Air [samples sample cassettes] shall be shipped in separate containers from bulk samples. To prevent sample [cassette] contamination, avoid using expanded polystyrene because of its static charge and particle-based packaging materials.

§ 7. Laboratory analysis.

A. TEM analysis [sequence of the samples for LEAs shall be as follows: shall be conducted as described in 40 CFR, Part 763, Subpart E, Appendix A, Unit II.]

[1. Analyze the inside samples first.

2. If at least 1,199 liters of air for a 25 millimeter filter is collected for each inside sample and the concentration of structures per square millimeter of filter for one sample is greater than 70 structures per square millimeter, terminate the analysis of existing samples, reclean the abatement site, and collect a new set of samples.

3. If less than 1,199 liters of air for a 25 millimeter filter is collected for the inside samples, or the arithmetic means concentration of structures per square millimeter of filter for one sample is greater than 70 structures per square millimeter, analyze the field blanks and the sealed blank.

4. If the concentration of structures per square millimeter on the blank filters is greater than 70 structures per square millimeter, identify and correct the source of blank contamination, and collect a new set of samples.

5. If utilizing TEM analysis and the concentration of

structures per square millimeter on the blank filters is less than or equal to 70 structures per square millimeter, analyze the outside samples and perform the Z-test as described in 40 CFR, Part 763. The response action is considered complete if the value of Z is found to be less than or equal to 1.65.]

B. [If the sample analyzed by TEM for facilities other than LEAs exceeds a standard of 70 structures per square millimeter, reclean the enclosure site and collect a new set of samples. PCM analysis shall be conducted using the National Institute for Occupational Safety and Health (NIOSH) Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987.]

C. [If the sample analyzed by PCM exceeds the reoccupancy (clearance) level of .01 fibers/cubic centimeter, the area within the enclosure must be recleaned and new air samples obtained for analysis. The following minimum information must be reported by the analytical laboratory to the client:

1. Concentration in structures per square millimeter (TEM) and structures per cubic centimeter (PCM).
2. Analytical sensitivity used for the analysis.
3. Number of asbestos structures (TEM).
4. Area analyzed.
5. Volume of air samples (which was initially provided by client).
6. Average grid size opening.
7. Number of grids analyzed.
8. Copy of the count sheet.
9. Type of asbestos.
10. Signature of laboratory analyst.
11. Official laboratory identification.
12. Floor plan indicating location where samples were obtained (provided initially by client).
13. Copy of asbestos analytical laboratory license.]

[D. The following minimum information must be reported by the analytical laboratory to the client:

1. Concentration in structures per square millimeter (TEM) and structures per cubic centimeter (PCM).
2. Analytical sensitivity used for the analysis.
3. Number of asbestos structures.

4. Area analyzed.

5. Volume of air samples (which was initially provided by client).

6. Average grid size opening.

7. Number of grids analyzed.

8. Copy of the count sheet.

9. Signature of laboratory analyst.

10. Official laboratory identification.

11. Floor plan indicating location where samples were obtained (provided initially by client).

12. Copies of asbestos analytical laboratory and project monitor licenses.]

§ 8. Final clearance.

Final clearance is achieved when [.01 or fewer asbestos fibers per cubic centimeter (.01 f/cc) using PCM analysis or 70 or fewer structures per square millimeter (70 S/mm²) using TEM analysis are detected through aggressive air sampling collection techniques. If this level of cleanliness cannot be achieved, the abatement site must be recleaned, and new sets of samples collected and analyzed until the area passes. This process shall continue until the project site is in compliance with these standards, using TEM analysis when the average concentration of asbestos fibers of the five air samples taken inside the abatement area is no greater than 70 structures per square millimeter. Where the volume of air collected per sample cassette is less than 1,199 liters for a 25 millimeter filter, the concentrations for both inside and outside samples must be compared by the Z test detailed in Unit IV, paragraph C, Appendix A to Subpart E of 40 CFR, Part 763 to determine if final clearance has been achieved.

Final clearance is achieved using PCM analysis when the concentration of fibers for each of five samples is less than or equal to 0.01 fibers per cubic centimeter of air.

If the sample cassettes submitted for analysis do not achieve the level of cleanliness specified above for either TEM or PCM analysis, final clearance is not achieved and the abatement site must be recleaned, and new sets of sample cassettes collected and analyzed until the abatement area passes. This process must continue until the abatement area is in compliance with the above standard.]

V.A.R. Doc. No. R93-559, Filed June 14, 1993, 9:33 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD)

Final Regulations

OF)

Title of Regulation: VR 615-80-01. Human Subject Research Regulations.

Statutory Authority: §§ 63.1-25 and 63.1-25.01 of the Code of Virginia.

Effective Date: August 11, 1993.

Summary:

The regulations require the establishment of a department human research review committee for use by the Department of Social Services, local social service agencies, or any facilities or other entity funded or licensed by the department that is conducting or proposing to conduct or authorize human research. The regulations also define requirements for obtaining informed consent and require annual reporting of the human research committee to the commissioner. Human research which is subject to federal regulations is exempt from the regulations.

Most of the changes made to the proposed regulation were to further clarify the regulations. Major changes to the proposed regulation are the following:

1. Moving the former § 11, Applicability of Federal Policies, to § 3, the section on exemptions.
2. Requiring in § 4 A, Policy, that significant changes to research proposals be submitted to the research review committee.
3. Adding to § 4 F, Policy, the authority of the research review committee to suspend or terminate research that is in violation of the research protocol. This authority had been implied by the former § 7 C, now slightly revised in § 9 C.
4. Changing the placement of § 7, Reporting, to § 9.
5. Changing the committee review time period from 45 days to 30 days. (See § 7 C.)
6. Changing the time period that a local agency, facility or contractor participating in another agency's research review committee reports to the department from December 15 to December 1. (See § 9 B.)

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Margaret J. Friedenberg, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219,

telephone (804) 692-1820. There may be a charge for copies.

VR 615-80-01. Human Subject Research Regulations.

§ 1. Definitions.

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

"Affiliated with the department" means any individual employed, either on a paid or volunteer basis, by the Virginia Department of Social Services, by a local department of social services, or by an agency licensed by the Virginia Department of Social Services.

"Authorized" means to permit the implementation or conducting of research.

"Board" means the Virginia State Board of Social Services.

"Commissioner" means the Commissioner of the Virginia Department of Social Services or his designee.

"Committee" means [a the] human research review committee which reviews and approves human research activities [related to these regulations] .

"Contractor" means agencies, organizations, or individuals [providing goods or services,] receiving funds [,] or under contract with the department or a local agency including, but not limited to, foster homes and day care homes.

"Department" means the Virginia Department of Social Services.

"Discomforts, risks, and benefits" means the expected advantages and disadvantages to the participant for participating in the research.

"Facility" means any agency licensed by the department including, but not limited to, adult and child day and residential facilities.

"Human participant" or "participant" means any individual, customer [, volunteer,] or employee [;] who is the subject of research conducted or authorized by the department, facility, local agency, or contractor.

"Human research" or "research" means any formal and structured evaluation [utilizing human subjects involving individuals] in a special project, program, or study.

"Informed consent" means the knowing and voluntary agreement of the participant exercising free choice, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion.

"Legally authorized representative" means a person with authority to consent on behalf of a prospective participant to include (i) the parent or parents having custody, (ii) the legal guardian, or (iii) any person or judicial or other person/body authorized by law or regulation, including an attorney in fact appointed under a durable power of attorney, to the extent the power grants the authority to make a decision related to human research. The attorney in fact shall not be employed by the person or department conducting the human research. No official or employee of the department, facility or local agency conducting or authorizing the research shall be qualified to act as a legally authorized representative.

"Local agency" means any local department of social services or department of welfare.

"Minimal risk" means that the risks of harm to the prospective participant anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

§ 2. Applicability.

These regulations shall apply to the Virginia Department of Social Services, to local departments of social services or departments of welfare, to facilities licensed by the department, and to contractors [~~(providing goods or services to or receiving funds from the department or a local agency)~~] that authorize, conduct, or propose to conduct or authorize any human research.

§ 3. Research exempt from regulations.

Research activities in which the only involvement of human participants will be in one or more of the following categories are exempt from these regulations unless the research is covered by other sections of these regulations:

[1. Human research which is subject to policies and regulations for the protection of human subjects promulgated by any agency of the federal government, except for the provisions in §§ 4 C and 9 B.]

[~~±~~ 2.] Research conducted in established or commonly accepted educational settings involving commonly used educational practices, provided that participants cannot be identified, directly or through identifiers, for:

a. Regular and special education instructional strategies;

b. The effectiveness of or the comparison among instructional techniques, curriculum or classroom management methods; or

c. Educational tests.

[~~2~~ 3.] Research involving solely the observation of public behavior or survey or interview procedures, [~~unless except when~~] observations or responses are recorded in such a manner that participants can be identified directly or through identifiers linked to the participants, and [when] either [~~±~~ a. (i)] the participant's responses, if they became known outside the research, could reasonably place the participant at risk of criminal or civil liability or be damaging to the participant's financial standing or employability; or [~~b.~~ (ii)] the research deals with sensitive aspects of the participant's own behavior, such as sexual behavior, drug or alcohol use or illegal conduct.

[~~3~~ 4.] Research involving survey or interview procedures, when the respondents are elected or appointed public officials or candidates for public office.

[4. 5.] Research involving solely the collection or study of existing data, documents, or records, if these sources are publicly available or if the information taken from these sources is recorded in such a manner that participants cannot be identified directly or through identifiers linked to the participants.

[~~5~~ 6.] Research and demonstration projects [covered under Title 45 of Federal Regulations 46.101 (b)(5)] which are conducted by or subject to the approval of the commissioner, and which are designed to study, evaluate, or otherwise examine (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs [~~when such projects are covered by Title 45 Code of Federal Regulations 46.101 (b)(5) are exempt from these regulations~~] .

§ 4. Policy.

A. Each human research activity [, as well as significant changes to approved research proposals,] shall be [submitted to and] approved by a committee composed of representatives of varied backgrounds [prior to implementation of the research] . The committee shall ensure the competent, complete, and professional review of human research activities conducted, authorized, or proposed to be conducted or authorized by the department, local agencies, facilities, or contractor. The committee shall ensure the participants' rights to privacy are maintained.

B. Every person engaged in the conduct of human research or proposing to conduct human research shall [~~affiliate himself with report to~~] an agency having a [research review] committee, and the human research which he conducts or proposes to conduct shall be subject

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to review and approval by such committee in the manner set forth in these regulations.

C. Every person or organization engaged in a human research project that requires an allowable variance or other approval related to department regulations must obtain approval for such from the department prior to requesting the committee's review and approval of the proposed research.

D. Prior to the initiation of any human research, each participant or [his] legally authorized representative must be informed in writing of the following:

1. Procedure(s) to be utilized, their purposes, and any expected discomforts, risks, and benefits;
2. Instruction that the [person participant] may withdraw his consent and discontinue participation in the human research at any time without loss of services or benefits to which the participant is otherwise entitled.
3. Explanation of any costs or benefits which may accrue to the participant or the participant's family.
4. An offer to answer any inquiries by the participant concerning the procedures [; and] use of the results [; and assurance of confidentiality] .
5. Statement [assuring confidentiality of records and] describing the extent to which confidentiality of records identifying the participant will be maintained.
6. Expected duration of participation.

E. Where the human research activity exposes to risk others not participating, all must give their signed voluntary informed consent.

[F. The committee may suspend or terminate research that is in violation of the research protocol.]

§ 5. Informed consent.

A. No human research may be conducted without [a signed] voluntary informed consent [;] signed by the participant or by the participant's legally authorized representative, except as provided for in subsection C of this section. If the participant is a minor otherwise capable of rendering voluntary informed consent, the consent shall be signed by both the minor and his legally authorized representative. A researcher shall seek such consent only under circumstances that provide the prospective participant or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the participant or the representative shall be in language understandable to the participant or the representative.

B. The committee may approve a consent procedure which omits or alters basic elements of informed consent or may waive the requirements to obtain informed consent [,] provided the committee finds and documents that:

1. The research involves no more than minimal risk to the participants;
2. The waiver or alteration will not adversely affect the rights and welfare of the participants;
3. The research could not practicably be carried out without the waiver [or alteration of the informed consent] ; and
4. Whenever appropriate, the participants will be provided with additional pertinent information after participation.

C. The committee may waive the requirement for the researcher to obtain a signed consent form for some or all participants if it finds that the only record linking the participant and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. [Each participant will be asked whether he wants documentation linking him with the research, and the participant's wishes will govern. In cases where the documentation requirement is waived,] The committee may require the investigator to provide participants with a written statement [regarding explaining] the research. [Each participant shall be asked whether he wants documentation linking him to the research and the subject's wishes shall govern.]

§ 6. Human research review committee.

A. The department shall establish a department committee, consisting of seven members, appointed by the commissioner. The department committee is authorized (i) to determine if a proposed project is human subject research; and (ii) to review and approve any human research proposed, authorized, or conducted by the department, by any local agency, by any facility, or by any contractor.

B. All human research conducted or authorized by the department, local agency, facility, or contractor must be reviewed and approved by the department committee, except local agencies, facilities, or contractors collaborating with another organization on a research project may instead elect to utilize that organization's research review committee.

C. Members of the committee will be appointed to ensure the competent, complete, and professional review of human research. No member of the committee shall be directly involved in the proposed human research project or have administrative approval authority over the proposed research, except in connection with his

responsibilities as a member of the committee. At least two members of the committee must be individuals whose primary concerns are in nonscientific or ethical areas (e.g., the clergy, lawyers).

D. The committee shall include at least two members who are not affiliated with and are not immediate family members of persons who are affiliated with the department.

E. No member of the committee shall participate in the committee's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the committee. The committee has responsibility for determining whether a member has a conflict of interest. If necessary, the committee size shall be maintained by the appointment of a substitute representative to review a project where a member has a conflicting interest.

F. A committee may, at its discretion, invite individuals with competence in special areas to assist in the review of complex issues which require expertise beyond or in addition to that available on the committee. These individuals may not vote with the committee.

G. A quorum of the committee shall consist of a majority of its members.

H. The committee shall establish procedures and rules of operations necessary to fulfill the requirements of these regulations.

[§ 7. Reporting

A. The department's research review committee shall report by December 15 of each year to the commissioner on activities of the committee during the year. The report shall include:

1. A description of each human research project reviewed and approved or disapproved;
2. Any significant deviations from proposals as approved;
3. A list of committee members; their qualifications for service on the committee; and their affiliation with the department, local agency, or facility; and
4. A copy of the minutes of any committee meetings conducted.

B. A local agency, facility or contractor participating in a human subject research project reviewed by another agency's research review committee shall report by December 15 of each year on such participation. The report shall include:

1. A description of each human research project in which the agency participated; and

2. A report on the results of the research after its conclusion.

C. The chairman of the department's committee shall report as soon as possible to the commissioner any violation of the research protocol which led the committee to either suspend or terminate the research.

D. The commissioner shall report at least annually to the Governor and General Assembly on the human research projects authorized or conducted by the department, local agency, facility, or contractor.

E. Other reports may be required by the committee, as indicated in § 8 F.]

§ [& 7.] Review [and approval] process.

A. Prior to the initiation of a human research project, a description of the proposed human research project shall be submitted to the department committee for review and approval, except for projects [which are exempt or those] reviewed by another organization's committee. The description shall include a statement of the purpose of the proposed project and justification thereof, the criteria for inclusion of a participant in the research project, a description of what will be done to the participants, and the proposed informed consent statement.

B. No human research shall be conducted or authorized by the department unless the department committee has reviewed and approved the proposed human research project giving consideration to:

1. The necessity and utility of the research;
2. The adequacy of the description of [the] potential benefits and risks involved and the [adequacy appropriateness] of the [research] methodology [of the research] ;
3. Whether the research presents more than a minimal risk to the subject;
- [4. Whether the rights and welfare of the participants involved are adequately protected;]
- [5. 4.] Whether the risks to the participants are outweighed by the potential benefits to them;
- [5. Whether the rights and welfare of the participants involved are adequately protected;]
6. Whether the voluntary informed consent is obtained by methods (including the written consent form) that are adequate and appropriate considering the participants' educational level and language of greatest fluency;
7. Whether the people proposing to supervise or conduct the research are [appropriately] competent

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and qualified; and

8. Whether the criteria for selection of participants is equitable.

C. [Except for the research referenced in § 8,] the committee shall consider research proposals within [45 30] days after submission to the committee. In order for the research to be approved, it shall receive the approval of a majority of those members present at a meeting in which a quorum exists. [A The] committee shall notify investigators in writing of its decision to approve or disapprove the proposed research activity or of modifications required to secure committee approval.

D. During the committee review of research projects, no personal identifiers of present or potential participants shall be presented or discussed.

E. [A The] committee shall require a written description of the procedure to be followed when a participant has a complaint about a research project in which he is participating or has participated. All complaints shall be referred to the committee to determine if there has been a violation of the established protocol.

F. The committee shall require reports from approved research projects at least annually to ensure conformity with the approved proposal. The frequency of such reports shall be consistent with the nature and degree of risk of each research project. The committee shall also require a report from the research project at the conclusion of the project.

§ [9. 8.] Expedited review of human research participants.

A. The committee is authorized to conduct an expedited review of a human research project which involves no more than minimal risk to the participants if:

1. [~~Another~~ The research review] committee affiliated with another state department, local agency, licensed facility or institution has reviewed and approved the project; or
2. The review involves only minor changes in previously approved research and the changes occur during the approved project period.

B. The committee shall adopt a method for keeping all members advised of research proposals which have been approved under the procedure.

[§ 9. Reporting.

A. The department's research review committee shall report by December 15 of each year to the commissioner on activities of the committee during the year. The report shall include:

1. A description of each human research project reviewed and whether approved or disapproved;

2. Any significant changes from research proposals as approved by the committee;

3. A list of committee members, their qualifications for service on the committee, and their affiliation with the department, local agency, or facility;

4. A copy of the minutes of each committee meeting; and

5. Results of the research after its conclusion.

B. A local agency, facility or contractor participating in a human subject research project reviewed by another agency's research review committee shall report to the department research review committee by December 1 of each year on such participation. The report shall include:

1. A description of each human research project in which the agency participated; and

2. Results of the research after its conclusion.

C. The chairperson of the department's committee shall report as soon as possible to the commissioner any violation of the research protocol that may lead the committee to either suspend or terminate the research.

D. The commissioner shall report at least annually to the Governor and General Assembly on the human research projects authorized or conducted by the department, local agency, facility, or contractor.

E. Other reports may be required by the committee, as indicated in § 7 F.]

§ 10. Committee records.

A. Documentation of all committee activities shall be prepared and maintained and shall include the following:

1. Copies of all research [documents, including] proposals reviewed, evaluations that may accompany the proposals, approved sample consent documents, progress reports submitted by researchers, reports of injuries to participants, and correspondence related to the research project.

2. Minutes of committee meetings [which] shall be in sufficient detail to show attendance [at the meetings] ; actions taken by the committee; the vote on these actions, including the number of members voting for, against, and abstaining; the basis for requiring changes in or disapproving research and a [written] summary of the discussion of controversial issues and their resolution;

3. Records of continuing review activities;

4. A list of committee members; and

5. Written procedures for the committee.

[§ 11. *Applicability of federal policies.*

Human research which is subject to policies and regulations for the protection of human subjects promulgated by any agency of the federal government shall be exempt from the provisions of these regulations, except for §§ 4 C and 7 B.]

VA.R. Doc. No. R93-573, Filed June 23, 1993, 9:00 a.m.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Title of Regulation: VR 674-01-01. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Effective Date: August 22, 1993.

Summary:

The final public participation guidelines apply to all regulants and the public at large to provide them with a mechanism to participate in the regulatory promulgation process. The substantial changes were made to ensure the regulations are in compliance with the amendments made to the Administrative Process Act effective July 1, 1993. No public comment was submitted during the 60-day comment period. The Board for Waste Management Facility Operators adopted the regulations as final on June 18, 1993.

Substantial changes were made to the proposed regulations as follows:

1. Language regarding "Notice of Intended Regulatory Action," "Notice of Comment Period" and "Notice of Adoption of Final Regulations" has been modified due to counsel advice but does not change the context of the originally proposed language.

2. Language was added regarding the validity of the regulations if not received by an individual on the public participation list.

3. The order of some paragraphs was altered for better readability.

4. Language was added to ensure the public's right to a 30-day comment period immediately after the board files a Notice of Intended Regulatory Action and their right to a public hearing if more than 25 persons or

the Governor petitions the board.

5. Additional language was written to ensure the board will review a regulation every two years for effectiveness and continued need.

6. Additional language was written to ensure the public's or Governor's right to petition the board within 30 days after the adoption of final regulation to take further comment if substantial changes are made to the proposed language.

7. Additional language was included to mandate the board forward a summary of public comment and the board's response.

8. Clarifying language was added to the section regarding advisory committees to state when the board would use them and where they would solicit for members.

All changes were made to ensure the regulation's compliance with the amendments made to the Administrative Process Act effective July 1, 1993. These changes have been reviewed by the Office of the Attorney General and the Secretary of Economic Development.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from David Dick, Assistant Director, Board for Waste Management Facility Operators, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8595. There may be a charge for copies.

VR 674-01-01. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Waste Management Facility Operators (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

[1. "Notice of Intent" to promulgate regulations.

2. "Notice of Public Hearing" or "Information Proceeding," the subject of which is proposed or existing regulations.

3. Final regulations adopted.

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.

2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.

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3. Notice that the final regulations have been adopted.

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

§ 2. [Being placed Placement] on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the [board agency]. In addition, the [board agency] may, at its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

[§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14.1 et seq. of the Code of Virginia, the board will publish a "Notice of Intent." This notice will contain a brief and concise statement of the possible regulation or problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in The Virginia Register.

§ 4. Informational proceedings or public hearings for existing rules.

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

§ 5. Petition for rulemaking.

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

§ 3. Petition for rulemaking.

Any persons may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall

consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14.7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.]

§ 6. Notice of formulation and adoption.

At any meeting of the [board agency] or any subcommittee where it is anticipated the formulation or adoption of the regulations will occur, the subject matter shall be transmitted to the Registrar for inclusion in The Virginia Register.

[If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days

before final adoption of the regulation.]

§ 7. Advisory committees.

The board [~~may~~ intends to] appoint advisory committees as it deems necessary to provide for adequate [~~citizen~~] participation in the formation, promulgation, adoption, and review of regulations. [Some committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;
2. Industry, professional and trade associations' mailing lists; and
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.]

§ 8. Applicability.

Sections 1 through 3 and [§§] 5 [~~through~~ and] 7 shall apply to all regulations promulgated [~~except emergency regulations and~~] adopted in accordance with § 9-6.14:9 of the Code of Virginia [~~except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act~~] .

V.A.R. Doc. No. R93-580; Filed June 23, 1993, 11:51 a.m.

VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY
 DEPARTMENT OF COMMERCE
 3600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23230

REGISTRATION
 00 000000

Form of Reporting Continuing Education Credit Hours for Renewal

I. General

Name _____
 _____ (Last) _____ (First) _____ (M.I.)
 Address _____ Telephone _____
 Certification Number _____ Expire _____
 Employer _____ Title _____
 Address _____ Telephone _____

II. Credit Hours

Name of Course _____
 Sponsor _____ Telephone _____
 Address _____ Telephone _____
 Location of course _____ Course dates _____
 Level of Knowledge Basic Intermediate Advanced Update
 Number of credit hours _____ Actual hours of instruction _____
 Name of Course _____
 Sponsor _____ Telephone _____
 Address _____ Telephone _____
 Location of course _____ Course dates _____
 Level of Knowledge Basic Intermediate Advanced Update
 Number of credit hours _____ Actual hours of instruction _____

Please attach a copy of all certificates of completion to the application.

Is the sponsor currently approved by the Board to provide continuing education? _____ If not, please provide the following information:

1) Copy of the Syllabus 2) All Handouts 3) Other _____

Please attach the additional information to the application.

Where you the instructor of any of the courses above? _____ If yes, which courses? _____

Failure to meet the CPE requirement outlined in Section 4.J of the Regulations and may result in reapplication for certification meeting all training and examination requirements.

III. Signature

Name _____ Date _____
 _____ (Name of applicant)

Form 10-19-92

VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY
 DEPARTMENT OF COMMERCE
 3600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23230

Application for Virginia Approved Sponsor of Continuing Education

I. Sponsor

Name _____
 Address _____ Telephone _____
 Contact Person _____ Title _____
 Address (if different than above) _____
 _____ Telephone _____

II. Training History

How long have you or our organization been offering continuing education courses in waste management issues? _____
 Projected number of courses to be given a year? _____
 Location(s) _____
 Site Visits? _____ If yes, where? _____
 Address _____

III. Training Materials

How will satisfactory completion of this course be measured? (Check the appropriate boxes)
 examination attendance written exercise
 other _____

IV. Instructors

Name _____ Title _____
 Address _____ Telephone _____
 Course Title _____
 Name _____ Title _____
 Address _____ Telephone _____
 Course Title _____

V. Required Attachments

Evaluation form(s) Certificate(s) of Completion
 Instructor resume(s) List of course titles to be included under the approval with the designated "level of knowledge" and appropriate number of credit hours.

VI. Optional Attachments

course outline(s) course objective(s)

VII. Signature of Contact Person

Name _____ Date _____

Form 10-19-92

APPLICATION FOR FULL CERTIFICATION

Virginia Department of Commerce For Official Use
 Board for Waste Management Facility Operators
 3600 West Broad Street
 Richmond, Virginia 23230

I. General Information for Individual Certification

Name _____ (Last) _____ (First) _____ (M.I.)
 Home Address _____
 Home Phone _____ Business Phone _____
 Date of Birth _____ SSN _____
 Did you receive interim certification? _____ Your Number _____

II. Classification (Please check the appropriate classification)

Class I _____ Class II _____ Class III _____ Class IV _____ Class V _____

III. Method of Certification (Please check the appropriate method)

Reciprocity _____ Training and Examination _____
 Experience and Examination _____

IV. Education History

Name and location of High School or College: _____ Diploma? _____ Yes _____ No _____
 GED? _____ Yes _____ No _____ Major? _____

V. Employment History
 Complete this section for all applicable employment and use additional sheets if necessary. Please forward the Verification of Employment Form to each employer listed.

Current Employer: _____
 Name _____
 Business Address _____
 Date(s) of Employment _____ Title _____
 Supervisor _____
 Does this facility hold a permit(s) from the Va. Department of Environmental Quality? _____ If so, what is the permit number(s)? _____
 Previous Employer(s): _____
 Name _____
 Business Address _____
 Date(s) of Employment _____ Title _____
 Supervisor _____

Application for Approval of Waste Management Facility Operators Training Course

Board for Waste Management Facility Operators
 Department of Commerce
 3600 West Broad Street
 Richmond, Virginia 23230

I. Sponsor

Name _____
 Address _____
 Phone Number _____
 Contact Person _____ Title _____

II. Training Course

Title _____ Recurring? _____
 Scheduled dates of classes _____ Intended Audience _____
 Location _____ Facility being used for the site _____
 Is the course open to the public? _____
 How does this training course relate to the management and operation of a waste management facility? _____

III. Training Materials

How will satisfactory completion of this course be measured? (Check the appropriate boxes).
 Skill demonstration Site visit Exam
 Attendance Other _____
 List reference materials to be used. _____
 List audio-visual materials to be used. _____

IV. Instructor(s)

Please use additional sheets as necessary.
 Name _____ Title _____
 Employer _____
 Address _____ Phone _____

V. Required Attachments

Course objectives Course outline Handouts Certificate of completion
 Reference materials Instructor(s) resume
 Signature of Contact Person _____
 Date _____

APPLICATION FOR FULL CERTIFICATION

Page Two Name: _____

Name _____
Business Address _____

Date(s) of Employment _____
Supervisor _____ Title _____

VI. Reciprocity (Please include a copy of the certificate/license).

Are you certified/licensed in any other state or jurisdiction as a solid waste management facility operator? Yes No. If so, where?

State	Date of Expiration	Certification Number
_____	_____	_____
_____	_____	_____

VII. Training (Please include a copy of all applicable training certificates).

Have you completed the general training course? _____
Have you completed training specific to your desired classification? _____

VIII. Enforcement History

Have you ever had a waste management facility operator's certificate/license revoked? _____ If so, please explain. _____

Have you ever had any final order actions against you issued by an administrative body or court regarding an environmental violation or crime which resulted in significant harm to the environment or human health? _____
If so, please explain. _____

Have you ever pleaded guilty, entered a plea of nolo contendere or been convicted of a felony regarding an environmental violation or crime which resulted in significant harm to the environment or human health? _____
If so, please explain. _____

I hereby certify by my signature, that the above information is correct and that no information has been suppressed which may affect this application. I understand that Section 54.1-111(6) of the Code of Virginia, deems it unlawful to materially misrepresent facts in an application for a certificate, and that violations of this section could result in criminal prosecution which could result in one year in jail and up to a \$2,500 fine.

Name _____ Date _____
(Signature of applicant)

APPLICATION FOR FULL CERTIFICATION

Department of Commerce
Board for Waste Management Facility Operators
3600 West Broad Street
Richmond, Virginia 23230

VERIFICATION OF EMPLOYMENT EXPERIENCE

I. To be completed by the applicant

Complete one verification form for each employer listed on the application. Please submit this entire form to your applicable current and past employers for verification.

Name _____
(Last) (First) (M.I.)
Address _____
Employer _____ Dates of Employment _____
Address _____
Job Title _____

Please provide a thorough and complete description of your daily job activities. This should include how much time you spend at the site, your duties and how many individuals you may supervise. This must be complete our the application will be returned for additional information.

Name of Supervisor _____ Title _____

II. To be completed by the supervisor:

The applicant is/was employed during the time period indicated above? _____
If not, when? _____ The job description is accurate and complete? _____ Comments? _____

Name of certifying Supervisor? _____
Signature _____ Date _____

Please forward the completed form to the Department of Commerce at the address above. Please use additional sheets as necessary.

VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230

Application to Renew Interim Certification

Interim certification can only be renewed if an individual is only securing a facility for closure and the facility is no longer taking in waste. This certification will only be renewed until December 31, 1994. All others must meet the qualifications defined in the Waste Management Facility Operators Regulations.

I. General

Name _____
(Last) (First) (M.I.)
Address _____ Telephone _____
Interim Certification Number _____
Employer _____ Title _____ Expire _____
Address _____ Telephone _____

II. Facility

Name of the facility currently being secured for closure _____
Expected date of closure? _____
Did the facility received an extension from the Virginia Department of Waste Management? _____ When? _____

III. Signature

Name _____ Date _____
(Name of applicant)

Form 10-19-92

VIRGINIA BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230

VERIFICATION OF EDUCATION/DEGREE GRANTED

I. TO BE COMPLETED BY APPLICANT

NAME _____
HOME ADDRESS _____
HOME PHONE _____
DATE OF BIRTH _____ SSN _____
NAME OF INSTITUTION _____
DATE(S) ATTENDED _____
DEGREE _____ OR _____ SEMESTER _____ QUARTER HOURS COMPLETED _____
SIGNATURE OF APPLICANT _____ DATE _____

After completion of the above section, send this form to the high school, GED issuing institution, college or university listed above. Please request that the following certification be completed and that this form be returned directly to the Board at the above address. If you have not completed a college degree, request an official transcript to be sent to the above address.

II. TO BE COMPLETED BY EDUCATIONAL INSTITUTION OR AUTHORIZING JURISDICTION

CERTIFICATION

I hereby certify that the above named applicant has graduated from this school/institution:

DEGREE _____ MAJOR _____
DATE RECEIVED _____

OFFICIAL SEAL

Signature _____
Official Title _____
Date _____

Final Regulations

Title of Regulation: VR 674-01-02. Waste Management Facility Operators Regulations.

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

Effective Date: August 22, 1993.

Summary:

The final regulations apply directly to approximately 400 potentially certifiable waste management facility operators in Virginia. The regulations establish certification requirements and standards of practice for waste management facility operators. The regulations have been reviewed and approved by the Office of the Attorney General and the Office of the Secretary of Economic Development. The regulations become effective August 22, 1993.

Substantive changes were made to the proposed regulations as follows:

1. The definition of "storage" was amended to recognize the Virginia Waste Management Board's regulations regarding "storage" of solid waste for all solid waste management facilities. This amendment will provide consistency between the two agency's regulations.

2. Section 1.2 was amended to recognize those individuals who are contracted by facility owners to serve as waste management facility operators.

3. Section 1.4 was amended to clarify the board's intended fees for late renewal and for reinstatement. The intended fee for late renewal in the renewal fee of \$100 plus a late fee of \$100 to equal \$200 total. The fee for reinstatement is a fee for the renewal of \$100 plus a reinstatement penalty fee of \$100 to total \$200. This intent was clear in § 5.4 which states the reinstatement fee shall be twice the renewal fee.

4. Section 4.3 B 5 and 7 was amended to clarify that an individual may substitute full-time work experience in lieu of facility specific training as directed by § 54.1-2202 of the Code of Virginia. The clarification of full-time employment was integrated into the language as well.

5. Section 4.3 B 6 was amended to clarify the board's intent to recognize facility specific training later approved by the board retroactive to January 1, 1989.

6. Section 4.3 E 3 and F 3 was amended to clarify the board's intention to recognize any training and examination mandates required by regulations promulgated under the Clean Air Act of 1990 in lieu of board approved facility specific training.

7. Section 4.6 was amended after comment to clarify the need for an individual to submit a complete application and an application fee to the board when applying for reciprocity.

8. Section 5.1 was amended to clarify the board's original intent to have the license renewed by licensees biennially.

9. Section 6.2 A 1 b was amended to allow businesses and schools to demonstrate "the capability to teach" waste management training as opposed to a past performance of providing waste management courses.

10. Section 6.3 D was amended after comment to relax the required period a licensee must keep evidence of completed CPE credit hours from five years to three.

11. Section 7.1 was amended after comment to clarify the board's intention that only training provided by state and federal governmental bodies be recognized as approved by the board through regulation.

In addition to these changes, some minor punctuation, proofing and grammatical modifications were made for clarity and consistency.

Summary of Public Comment and Agency Response: A summary of public comment and agency response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from David Dick, Assistant Director, Board for Waste Management Facility Operators, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8595. There may be a charge for copies.

VR 674-01-02. Waste Management Facility Operators Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

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

* "Board" means the Board for Waste Management Facility Operators.

"Board approved CPE sponsor" means a person approved by the board to offer continuing education in accordance with these regulations.

"Board approved training course" means a course which has been approved by the board to provide appropriate training to an applicant in accordance with

these regulations.

"Class I certification" means the authorization from the board to act as a waste management facility operator of a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste.

"Class II certification" means the authorization from the board to act as a waste management facility operator of a facility which composts municipal solid waste, a sanitary, industrial, construction or debris landfill.

"Class III certification" means the authorization from the board to act as a waste management facility operator of an infectious waste incinerator or autoclave.

"Class IV certification" means the authorization from the board to act as a waste management facility operator of a refuse derived fuel incinerator or facility designed or modified for the purpose of noninfectious solid waste combustion.

"Class V certification" means the authorization from the board to act as a waste management facility operator for any of the facilities defined in Class I, II, III or IV certification.

"Closed facility" means a solid waste management facility which has been properly secured in accordance with an approved facility closure plan.

"Closure" means an act of securing a solid waste management facility pursuant to the requirements established by the Virginia Department of Waste Management or appropriate regulatory authority.

"Continuing Professional Education (CPE)" means an integral part of lifelong learning required to provide competent service to the public; the formal set of activities that enables certified solid waste management facility operators to maintain and increase their professional competence.

"CPE credit hour" means 50 minutes of participation as a student or as an instructor in a CPE program.

"Department" means the Department of Commerce.

"Experience for Class I, II, III or IV certification" means, but shall not be limited to, the following activities: supervision, research, construction, project development, site development, compliance and enforcement of a permit or regulations, operation, or regulatory review of permit applications.

"Experience for interim certification" means skill or knowledge obtained by employment which includes responsible, technical, or operational direction of a solid waste management facility or a portion thereof.

"Full certification" means an authorization issued by the board to a waste management facility operator after the completion of training and examination, through reciprocity or experience.

"In charge" means the designation of any person by the owner to have duty and authority to operate or modify the operation of a waste management facility.

"Interim certification" means the method of regulation for a temporary time period whereby the Commonwealth, through the issuance of interim certification, authorizes a person possessing the minimum skills to engage in the practice of a profession or occupation which is unlawful to practice without certification.

"Level of knowledge" means the nature and depth of knowledge, skill, and ability in a particular subject. The levels shall be described as:

1. Basic which covers fundamental principals and skills. This level is for individuals with limited or no exposure to the subject matter.
2. Intermediate which builds on this level or upon fundamental principals and skills and focuses on their application. This level is for those with more extensive exposure to the subject matter.
3. Advanced which focuses on the development of in-depth knowledge, a variety of skills, and a broader range of applications. This level is for individuals with significant exposure to the subject matter.
4. Update which provides a general overview of new developments. It is for individuals with a background in the subject who wish to be kept up to date.

"Operation" means any waste management facility which is under construction, treating, processing, storing or disposing of solid waste, or in the act of securing a facility for closure.

"Owner" means the person who owns a solid waste management facility or part of a solid waste management facility.

* *"Person"* means an individual, corporation, partnership, association, governmental body, municipal corporation or any other legal entity.

"Site" means within the vicinity of all land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

"Solid waste" means any of those materials defined as nonhazardous solid waste in regulations promulgated by

Final Regulations

the Virginia Department of Waste Management.

"Storage" means housing [~~a solid waste for more than 30 calendar days~~ as consistent with the regulations of the Virginia Waste Management Board] .

* "Waste management facility" means a site used for planned treatment, storage, or disposal of nonhazardous solid waste.

* "Waste management facility operator" means any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.

* As defined by Chapter 22.1 (§ 54.1-2209 et seq.) of Title 54.1 of the Code of Virginia.

§ 1.2. Certification required.

For the purposes of these regulations, the individual acting as a waste management facility operator is an individual employed [or contracted] by the facility owner whose responsibilities include supervision of on-site activities that normally require an individual to be at the waste management facility on each day of operation. This is not intended to include individuals whose duties do not include the actual operation or direct supervision of a waste management facility.

§ 1.3. Disclosure.

A. Any individual seeking certification shall disclose any other operator or related certification issued by any other state(s) on the provided application.

B. Any individual seeking certification shall disclose on the application any felony convictions or final order actions issued by an administrative body or court regarding environmental violations or crimes resulting in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

C. Any certified operator shall notify the board in writing within 30 days of any felony convictions or final order actions issued by an administrative body or court regarding environmental violations or crimes resulting in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

§ 1.4. Fees.

A. All fees are nonrefundable and shall not be prorated.

B. An application shall not be deemed complete and shall not be processed without the required fee.

1. The application fee for full certification shall be \$100.

2. The fee for renewal of full certification shall be \$100.

3. The fee for late renewal of full certification shall be [~~\$100~~ \$200 as stated in § 5.3 of these regulations] .

4. The fee for reinstatement of full certification shall be [~~\$100~~ \$200 as stated in § 5.4 of these regulations] .

5. The fee for taking the examination or reexamination for certification shall be \$65.

6. The application fee for training course approval is \$150.

7. The application fee for CPE sponsor approval is \$150.

8. The fee for interim certification shall be \$85.

9. The fee for renewal of interim certification shall be \$85.

C. All checks shall be made payable to the Treasurer of Virginia.

D. Receipt and deposit of fees submitted with applications do not indicate certification.

§ 1.5. Change of status.

A. The certified individual shall provide written notification of any change of address to the department within 30 days.

B. The certified individual shall provide written notification and proof of any change of name within 30 days.

C. The certification issued by the board shall not be transferred or otherwise reassigned.

PART II. INTERIM CERTIFICATION.

§ 2.1. Entry.

A. All individuals acting as a waste management facility operator in the Commonwealth after January 1, 1993, shall hold a valid interim certification or full certification specific to the class of their facility.

B. Interim certificates issued under the emergency Waste Management Facility Operator Regulations will remain valid through December 31, 1993. Individuals holding interim certificates may renew the certificate until December 31, 1994, or apply for full certification, meeting the standards established by § 4.1 of these regulations.

C. Operators securing a facility for closure may renew

their interim certification until December 31, 1994. Operators securing a facility for closure after December 31, 1994, shall hold full certification in the appropriate classification.

D. Closed facilities are not required to have a certified waste management facility operator.

E. The holder of the certification is not automatically entitled to any subsequent certification upon the expiration of the certificate, but shall meet the standards established by the board to renew the certification.

§ 2.2. Qualifications for interim certification.

The board shall issue interim certification only after an individual has met, through a completed application and addendum, all education and experience requirements set forth in these regulations.

1. All individuals seeking interim certification shall be at least 18 years of age.

2. All individuals seeking interim certification shall meet one of the following requirements:

a. Three years of full-time employment which includes supervisory or operational experience managing a waste management facility since January 1989.

b. Two years of full-time employment which includes supervisory or operational experience managing a waste management facility since January 1989 and a high school diploma or GED.

c. One year of full-time employment which includes supervisory or operational experience managing a waste management facility since January 1989 and an Associate's Degree or at least 60 completed semester hours or equivalent from an accredited institution of higher learning.

d. Six months of full-time employment which includes supervisory or operational experience managing a waste management facility since January 1989 and a Bachelor's Degree.

3. For the purposes of these regulations, a year of full-time employment is defined as 1,760 hours per year or 220 work days per year.

4. For the purposes of these regulations, experience requirements claimed on the application for interim certification shall be verified by the individual's supervisor(s) or personnel officer on the form provided. Individuals who are under contract with a facility owner may obtain a letter from the facility owner to verify experience.

5. For the purposes of these regulations, education

requirements claimed on the application for interim certification shall be verified by the attendee's educational institution or authorizing jurisdiction on the provided form or in the form of an official transcript. Diplomas will not be accepted for verification of degree or graduation.

§ 2.3. Application procedures for interim certification.

A. Applicants for interim certification shall complete a general application form and all applicable addendum forms. The applications for interim certification are available from the department upon request. Addendum forms shall include but not be limited to:

1. Verification of experience form; and

2. Verification of degree or graduation form.

B. Failure to provide a complete application and all applicable addenda may result in a denial of approval. The failure to provide complete information may be interpreted as misrepresentation and may result in disciplinary action as defined in Part VIII of these regulations.

PART III. RENEWAL OF INTERIM CERTIFICATION.

§ 3.1. Procedures for renewal.

A. Operators may renew their interim certification until December 31, 1994, or may apply for full certification if all requirements under § 4.1 of these regulations can be met before the interim certificate's expiration.

B. Interim certified operators shall be notified by the department by mail of the renewal fee and procedures for certificate renewal.

C. Each operator desiring to renew his interim certification shall submit the renewal notice and the appropriate fee before the certification expires. A copy of the certificate may be submitted in lieu of the renewal notice.

D. The renewed interim certificate shall expire on December 31, 1994. All operators desiring to act as a waste management facility operator after December 31, 1994, shall apply for full certification in the appropriate classification as defined in § 4.1 of these regulations.

E. Failure to receive written notice from the Department of Commerce does not relieve the regulant from the requirement to renew his certificate or apply for full certification.

PART IV. FULL CERTIFICATION.

§ 4.1. Full certification required.

Final Regulations

Full certification is required for all individuals acting as waste management facility operators after December 31, 1994.

§ 4.2. Classification for full certification.

A. The applicant shall apply for one classification of certification as outlined below:

1. An individual operating a facility which is defined by the Department of [~~Waste Management Environmental Quality~~] as a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste shall hold Class I certification. An individual who has obtained Class II, III or IV certification may also operate a facility listed under Class I, if the individual has completed the board approved basic training course.

2. An individual operating a facility which composts municipal solid waste, or is defined by the Department of [~~Waste Management Environmental Quality~~] as a sanitary, industrial, construction or debris landfill shall hold Class II or Class V certification.

3. An individual operating a facility defined by the Department of [~~Waste Management Environmental Quality~~] as an infectious waste incinerator or an autoclave shall hold Class III or Class V certification.

4. An individual operating a facility defined by the Department of [~~Waste Management Environmental Quality~~] as a refuse derived fuel incinerator or a facility designed or modified for the purpose of noninfectious solid waste combustion shall hold Class IV or Class V certification.

5. An individual operating any of the facilities outlined in this section may hold Class V certification.

B. No certified operator may operate a facility other than that defined by subdivision A 1 of this section outside of his classification.

§ 4.3. Qualifications for certification.

A. The board shall issue certification only after an individual has met, through a completed application and addendum, all training, testing, and experience requirements for a specific class as set forth in these regulations.

B. The operator shall meet the following requirements for certification for all classes of certification:

1. The applicant shall be at least 18 years of age.

2. The applicant shall provide proof of graduation from high school, college or have successfully

completed and received a GED.

3. If the applicant cannot fulfill the requirement outlined in subdivision B 2 of this section, the applicant shall provide at least five years of verified experience, with at least three years of experience since January 1, 1988.

4. All applicants shall successfully complete the basic training facility owner may obtain a letter from the facility owner to course as defined in § 6.1 A 1 of these regulations.

5. [~~The applicant may provide verification of seven years of experience with at least three years of experience since January 1, 1988, in lieu of facility specific training as defined in subsections D through G of this section. This experience shall be specific to the desired classification. Acceptable experience shall~~ An applicant may use employment responsibilities in lieu of facility specific training as defined in subsections D through G of this section, provided that:

a. The applicant has been a full-time employee for seven years, with at least three years of employment since January 1, 1988.

b. During this period of employment the applicant's responsibilities with regards to solid waste management facilities] include the following activities: supervision, research, construction, project development, site development, compliance and enforcement of a permit or regulations, operation, or review of materials for the permitting purposes.

[c. The three years employment responsibilities are specific to the desired clarification.

For the purposes of this subsection, full-time employment is defined as 1,760 hours per year or 220 work days per year.]

6. The board will accept facility specific training [prior to the approval of a board approved course if provided that: (i) the training has been approved by the board pursuant to § 6.2; and (ii)] the training was successfully completed after January 1, 1989.

[7. A year of full-time employment is defined as 1,760 hours per year or 220 work days per year.]

[8. 7.] Experience requirements claimed on the application for certification shall be verified by the individual's supervisor(s) or personnel officer. Individuals who are under contract with a verify experience.

[9. 8.] Education requirements claimed on the application for certification shall be verified by the attendee's educational institution or authorizing

jurisdiction on the provided form or in the form of an official transcript or letter. Diplomas will not be accepted for verification of degree or graduation.

[~~10~~. 9.] The applicant holding a valid certification from another state or jurisdiction may qualify by reciprocity defined in § 4.6 of these regulations.

C. The specific requirements for Class I certification follow:

1. Complete a board approved basic training course, and
2. Pass Part I of the board approved examination.

D. The specific requirements for Class II certification follow:

1. Complete a board approved basic training course and an approved training course specific to Class II facilities, and
2. Pass Parts I and II of the board approved examination.

E. The specific requirements for Class III certification follow:

1. Complete a board approved basic training course and an approved training course specific to Class III facilities, and
2. Pass Parts I and III of the board approved examination, or
3. Complete [a course as required by the training and examination requirement of] a federal or state agency under the Clean Air Act amendments of 1990 and complete the board approved basic training course within one year of certification. This requirement will credit the operator with five hours toward their continuing education obligation.

F. The specific requirements for Class IV certification follow:

1. Complete a board approved basic training course and an approved training course specific to Class IV facilities, and
2. Pass Parts I and IV of the board approved examination, or
3. Complete [a course as required by the training and examination requirement of] a federal or state agency under the Clean Air Act of 1990 and complete the board approved basic training course within one year of certification. This requirement will credit the operator with five hours toward their continuing education obligation.

G. The specific requirements for Class V certification follow:

1. Complete a board approved basic training course and approved training courses specific to all designated classifications of facilities, and
2. Pass Parts I, II, III and IV of the board approved examinations.

§ 4.4. Application procedures.

A. Applicants for certification shall complete a general application form and all applicable addendum forms. The applications are provided by the department upon request. Addendum forms shall include, but not be limited to:

1. Verification of experience form; and
2. Verification of degree or graduation form.

B. Failure to provide a complete application and all applicable addenda may result in a denial of approval. The failure to provide complete information may be interpreted as misrepresentation and may result in disciplinary action as defined in Part VIII of these regulations.

§ 4.5. Examinations.

A. Initial examination.

[~~1~~. All applicants shall achieve a passing score of 70% correct on the examination.

~~2~~. An individual may not take the board approved examination until all training requirements have been completed and verified to the board unless exempt under § 4.3 B 5 of the regulations.

~~3~~. All applicants approved for the examination by the board will be notified in writing with a request for the examination fee defined in § 1.4 B 5 of these regulations. The applicant will be scheduled for the next available examination upon receipt of the examination fee.

~~4~~. The examination fee will be required at least 30 days before the scheduled date of the examination.

1. An individual may not take the board approved examination until all training requirements have been completed and verified to the board unless exempt under § 4.3 B 5 of these regulations.

2. All applicants approved for the examination by the board will be notified in writing with a request for the examination fee defined in § 1.4 B 5 of these regulations. The applicant will be scheduled for the next available examination upon receipt of the examination fee.

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3. The examination fee will be required at least 30 days before the scheduled date of the examination.

4. All applicants shall achieve a passing score of 70% correct on the examination.]

5. An individual unable to take an examination at the time scheduled shall notify the board prior to the date of the examination; such an individual shall be rescheduled for the next examination. Failure to notify the board may require the submittal of a new examination fee.

B. Reexamination.

1. An individual may retake the board approved examination as many times as necessary to pass except those who have been waived from training requirements.

2. If the applicant has been waived from training under § 4.3 B 5 of these regulations and fails, the applicant may retake the examination once. After failing twice, the applicant shall complete the required training before retaking the examination.

3. Reexamination shall require the submission of the reexamination fee as defined in § 1.4 B 5 of the regulations.

§ 4.6. Reciprocity.

A. Any individual holding valid certification under another state may apply for certification based on reciprocity.

[B. The board will certify an individual who submits a completed application and the initial application fee and is in compliance with § 8.1 of these regulations.]

[B. C.] All applicants certified through reciprocity shall complete the basic training course in lieu of five hours of their continuing education requirement within one year of certification.

[C. D.] If the certified operator fails to complete the basic course and properly notify the board within one year of certification, the board may begin disciplinary action to suspend or revoke the certification.

PART V. RENEWAL OF FULL CERTIFICATION.

§ 5.1. Procedures for renewal.

A. Certificates issued under these regulations shall expire [~~biannually~~ biennially] on the last calendar day of the month. Certificate holders shall be notified by mail of the fee and the procedures for certificate renewal. Each certificate holder desiring to renew the certificate shall submit the renewal notice, verification of continuing

education on the form provided by the department, and the appropriate fee before the certificate expires.

B. There shall be a penalty for late renewal assessed in addition to the renewal fee for any certificate holder failing to renew the certificate within 30 days following the date of expiration.

C. Failure to receive written notice from the Department of Commerce does not relieve the regulant from the requirement to renew his certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate may be submitted with verification of continuing education requirements and the appropriate fee.

D. The date the required fee is received by the Department of Commerce, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a certificate is applicable.

E. Revoked or suspended certificates are not renewable until reinstated by the board.

§ 5.2. Continuing education.

All applicants for certification renewal shall complete at least 10 hours of continuing education in accordance with § 6.3 during the term of certification.

§ 5.3. Late renewal.

If the renewal fee as defined in § 1.4 B 3 of the regulations is not received by the Department of Commerce within 30 days after the expiration date noted on the certification, a late renewal fee shall be required in addition to the renewal fee.

§ 5.4. Reinstatements.

If the certificate holder fails to renew the certificate within six months following the expiration date, the certificate holder will be required to apply for reinstatement of the certificate. The applicant will be required to present reasons that the certificate was allowed to expire, and the board may grant reinstatement of the certificate or require requalification or reexamination or both. The application fee for reinstatement of a certificate shall be an amount equal to twice the renewal fee. An individual who has not reinstated within two years of expiration of the certification must reapply as a new applicant. The new applicant shall be exempted from the required training but shall pass the appropriate part(s) of the examination.

§ 5.5. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a certificate for the same reasons as it may refuse initial certification or discipline a certificate holder.

**PART VI.
TRAINING REQUIREMENTS FOR FULL
CERTIFICATION.**

§ 6.1. Training requirements.

A. All individuals seeking to become a certified solid waste management facility operator shall complete a Virginia Board for Waste Management Facility Operators approved training course(s). This section may be waived if the individual is applying for certification through reciprocity or under § 4.3 B 5.

B. A board approved basic training course shall at a minimum include the following topics as they relate to nonhazardous solid waste management facilities:

1. Definitions
2. Authority for Regulations
3. Purpose of Regulations
4. Administration of Regulations
5. Applicability of Regulations
6. Prohibitions
7. Open Dumps
8. Unpermitted Facilities
9. Enforcement and Appeal
10. Penalties and Enforcement
11. Public Participation
12. Relationship with other regulations promulgated by the [Department of Virginia] Waste Management [Board]
13. Identification of Solid Waste
 - a. Purpose and Scope
 - b. Definitions of Solid Waste
 - c. Special Wastes
 - d. Exclusions
 - e. Conditional Exemptions
14. Overview of Open Dumps and Unpermitted Facilities
15. Permitting of Solid Waste Management Facilities
16. Review of Department of [Waste Management

Environmental Quality] Inspection Form

17. Overview of Permitted Solid Waste Management Facilities

- a. Transfer Stations
- b. Material Recover Facilities
- c. Experimental Facilities
- d. Sanitary Landfills
- e. Infectious Waste Incinerators
- f. Mass Burn Facilities
- g. Refuse Derived Fuel Facilities
- h. Autoclaves

18. Overview of General OSHA Requirements

19. Neighbor Relations

20. Recordkeeping and Financial Assurance

C. A board approved training course specific to Class II facilities shall include at a minimum the following topics:

1. Definitions
2. Special Wastes
 - a. General
 - b. Asbestos Wastes
 - c. Wastes Containing Polychlorinated Biphenyls
 - d. Liquids
 - e. Tires
 - f. Drums
 - g. White Goods
 - h. Soil Contaminated with Petroleum Products
 - i. Lead Acid Batteries
 - j. Other Prohibited Wastes
 - k. Hazardous Wastes
 - l. Screening for Prohibited Wastes
 - m. Handling Procedures for Special or Hazardous Wastes

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n. Recordkeeping and Notification Requirements

3. Solid Waste Disposal Standards

a. General Standards for Sanitary Landfills

b. Design/Construction

c. Operation

d. Groundwater Monitoring

e. Closure

f. Post-Closure Care Requirements

g. Control of Decomposition Gases

h. Leachate Control System and Monitoring

i. Leachate Control System Appurtenances

j. Corrective Action Program

4. Construction/Demolition Debris Standards

5. Industrial Waste Disposal Standards

6. Other Solid Waste Management Facility Standards

a. Compost Facilities

b. Surface Impoundments and Lagoons

c. Waste Piles

d. Miscellaneous Units

7. Permitting of Solid Waste Management Facilities

8. Financial Assurance Documentation

9. Rulemaking Petitions and Procedures

D. A board approved training course for Class III specific management facility shall include at a minimum the following topics:

1. Identification and Listing of Infectious Waste

a. General

b. Exemption to Regulations

c. Exclusions

d. Characteristics of Infectious Waste

e. Controlled Infectious Waste

2. General Requirements

a. Permits and Permits by Rule

b. Financial Assurance Requirements

c. Packaging and Labeling Requirements

d. Management of Spills

e. Closure Requirements

f. Methods of Treatment and Disposal

g. Approved Test Method

h. Recordkeeping Requirements

3. Requirements for Storage Facilities

a. Sanitation

b. Access

c. Temperature Control and Storage Period

d. Drainage and Ventilation

4. Requirements for Transportation

a. Sanitation

b. Access

c. Temperature and Storage Period

d. Drainage

e. Packaging, Labeling and Placards

f. Management of Spills

g. Loading and Unloading

h. Registration of Transportation

5. Requirements for Incineration

a. Performance Standards

b. Analysis and Management of Ash Residue

c. Unloading Operation

d. Compliance with Other Regulatory Requirements

6. Requirements for Steam Sterilization

a. Performance Standards

b. Compliance with Other Regulatory Requirements

E. A board approved training course for Class IV

specific management facility shall include at a minimum the following topics:

1. *Solid Waste Management Regulations*
 - a. *Siting*
 - b. *Design and Construction*
 - c. *Operation*
 - d. *Waste Characteristics*
2. *Emissions Formation and Control*
 - a. *Type of Emissions*
 - b. *Environmental Effect*
 - c. *Control Techniques*
3. *Emissions Monitoring*
 - a. *Parameters Monitored*
 - b. *Types of Monitors*
 - c. *Data Acquisition*
 - d. *Monitor Calibration, Certification and Testing*
4. *Combustion and Gas Reactions*
 - a. *Combustion Components*
 - b. *Optimizing Solid Waste Combustion*
 - c. *Gas Reactions Related to Combustor Construction Materials*
5. *Solid Waste Materials Handling*
 - a. *Front End Processing Equipment*
 - b. *Combustion Enhancement*
 - c. *Back End Processing*
 - d. *Recycling Benefits*
6. *Waste Combustion Residue Handling and Disposal*
 - a. *Types of Residue*
 - b. *Characteristics*
 - c. *Regulations*
 - d. *Monitoring*
 - e. *Handling and Transportation*

f. *Disposal*

g. *Alternative Uses*

7. *Safety*

a. *Employer/Employee Obligations*

b. *OSHA*

c. *Hazard Communication*

d. *Equipment Tagout*

e. *Respiratory Protection*

8. *Recordkeeping*

a. *Engineering Log Keeping*

b. *Maintenance*

c. *Solid Waste*

§ 6.2. *Approval of training course.*

A. *Persons seeking to have a training course approved by the board shall complete a form provided by the board and submit the appropriate fee as defined in § 1.4 B 6 of these regulations. Receipt and deposit of the required fee do not indicate board approval.*

B. *Training courses shall be approved by the board prior to the training activity in accordance with the following:*

1. *Training providers.*

a. *Organizations. The board may approve training courses offered by a sponsor who is an identifiable organization [with an acceptable past performance of teaching which can demonstrate the capability to teach] environmental or engineering material. The organization shall have a mission statement outlining its functions, structure, process and philosophy, and that a staff of one or more persons has the authority to administer and coordinate the training program.*

b. *Schools. The board may approve training courses offered by an accredited academic institution which [has demonstrated an acceptable past performance of teaching can demonstrate the capability to teach] environmental or engineering material.*

c. *Businesses. The board may approve training courses offered by a business entity which [has demonstrated an acceptable past performance of teaching can demonstrate the capability to teach] environmental or engineering material.*

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2. *Instructors.* The training course provider shall ensure training is only conducted by personnel who have demonstrated competence in the subject being taught, an understanding of the learning objective, a knowledge of the teaching process to be used, and a proven ability to communicate.

3. *Objectives.* The training course provider shall ensure that the course have a series of stated objectives that are consistent with the type of facility, operator job requirements, state and federal regulation. The training course shall be consistent with training criteria outlined in § 6.1 of the regulations.

4. *The board shall only approve courses which provide the participants a complete tour of a facility appropriate to the course emphasizing operator responsibilities. [The basic training course is exempt from this requirement.]*

5. *Course completion requirements.* For successful completion of a training program, participants must attend 90% or more of the class contact time and the tour of the facility.

6. *The training provider shall provide an effective means for evaluation of the quality of the course and the instructor(s).*

7. *The training provider shall ensure the number of participants and physical facilities are appropriate for the course content and teaching method specified by the developer.*

8. *The training provider shall ensure all course materials are technically accurate, current and sufficient to meet the program's learning objectives.*

C. Training records.

1. *An approved training provider shall retain records for all participants for a period of 10 years and shall maintain a written policy on the retention and release of records.*

2. *All records pertaining to the approved training and participants shall be made available to the board immediately upon request.*

C. *The board shall consider the following information, to be submitted to the board at least 45 days prior to the scheduled training activity:*

1. Course information.

- a. *Course title*
- b. *Planned audience*
- c. *Name of sponsor*

d. *Name, address and phone number of contact person*

e. *Scheduled presentation dates*

f. *Detailed course schedule on an hour by hour basis*

g. *List of planned breaks*

h. *Scheduled presentation locations*

i. *Scheduled tour locations*

j. *Instructor(s) resume*

2. Training materials.

a. *Course objectives.* A listing of the course objectives stated in the terms of the skills and knowledge the participant will be able to demonstrate as a result of the training.

b. *Course outline.* A detailed outline showing the planned activities that will occur during the training program, including major topics, planned presentation sequence, tour activities, audio-visual presentations and other major activities.

c. *Course reference materials.* A list of name, publisher, and publication of commercially available publications; for material developed specifically for the course, a copy of the reference material.

d. *Audio-visual support materials.* A list of any commercially available audio-visual support material that will be used in the course; a brief description of any audio-visual material generated by the sponsor or instructor.

e. *Handouts.* Identification of all commercially available handout material including regulations; copies of other handouts generated by the sponsor or instructor.

3. *The board shall approve all substantial changes to the course and all additional course dates and locations prior to the training activity.*

4. *The board reserves the right to withdraw approval if the board determines the course is not adequately teaching participants, or the sponsor or an instructor violates these regulations.*

§ 6.3. Continuing education requirement.

A. *All applicants for certification renewal shall complete at least 10 hours of continuing education during the term of certification. All individuals approved through reciprocity shall complete the general course in lieu of five hours of their CPE requirement during the first year*

of certification.

B. In order for the certified operator to receive continuing education credit, all credit hours shall be specific to the management of a solid waste management facility.

C. [Certified] individuals may seek board approval of a specific course on a case by case basis.

1. Certified individuals requesting an individual course be approved shall submit the name, address and telephone number of the sponsor, a copy of the syllabus, all handouts and a copy of the certificate of completion to the board for review.

2. If the board approves the course, the applicant will receive a letter from the board stating the approval and the number of credit hours awarded for completing the course.

D. The certified operator shall retain evidence of satisfactory completion of CPE credit hours for a period of [~~five~~ three] years. Such documentation shall be in a form of the certificate of completion from an approved sponsor or verification from the accredited institution offering the course. If, upon request, the certified operator cannot produce such documentation, the certified operator may be subject to disciplinary proceedings.

e. All CPE credit hours shall be reported to the board on a form provided by the board and subject to possible audit.

F. CPE credit hours, taken after the expiration of the individual's certificate to meet the CPE requirement of the prior certification cycle, shall not be reported for any future renewal.

G. Failing to meet the CPE requirement may result in reapplication for certification including possible training and examination requirements.

PART VII. APPROVAL OF CPE SPONSORS.

§ 7.1. General.

A. For the purposes of this section all courses, seminars and conference presentations [related to the management of a solid waste management facility] sponsored by [~~sovereign~~ state and federal] government bodies are approved by the board.

B. Persons seeking registration as a board approved sponsor shall apply on an application form provided by the board and submit the application fee defined in § 1.4 B 7 of these regulations. The receipt and deposit of fees do not indicate board approval.

C. Each applicant shall agree as a condition of

registration to abide by the following provisions:

1. Each applicant shall possess the financial resources, sound administration, competent supervision and an effective and supportive organizational structure.

2. Programs shall contribute to the professional competence of participants in managing and operating a solid waste management facility.

3. CPE credit hours are allowed only for formal programs of learning that maintain or increase the professional competence of the participant.

4. Program sponsor shall select instructors qualified with respect to both program content and required teaching methods.

5. Program sponsors shall ensure the number of participants and the physical facilities are appropriate for the program content and teaching methods used by the instructors.

6. Sponsors shall provide an effective means for evaluating the quality of the program and instructors.

D. Failure of the sponsor to comply with the requirements relating to the responsibilities of program sponsors may result in the termination by the board of approved sponsor designation.

E. The board reserves the right to initiate an investigation of an approved sponsor.

F. Upon finding of any violation of the board's rules and regulations, the board may deny initial registration, renewal, suspend or revoke approval.

§ 7.2. Standards for CPE program development and presentation.

Each sponsor that submits an application to the board shall accept and abide by these provisions:

1. Program developers shall state learning objectives and specify the level of knowledge of the program. Each objective shall be written to be consistent with the program's specified level of knowledge. Levels of knowledge shall be described as basic, intermediate, advanced or updated.

2. Program developers shall state the prerequisites for education, experience, or both for all programs.

3. Program developers shall be qualified in the subject matter and be knowledgeable in instruction design through practical experience, education or both.

4. Program materials shall be technically accurate, current, and sufficient to meet the program's learning objectives.

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5. Program sponsors shall inform all participants in advance of learning objectives, prerequisites, level of knowledge of the program, program content, need for any advanced preparation, teaching methods to be used, recommended CPE credit, and relevant administrative policies.

6. Brochures and other announcements shall disclose all policies and procedures concerning registration, payment of fees, refunds, attendance, and certificates of completion.

7. All programs shall be measured in 50-minute contact hours. The shortest program for CPE credit purposes shall consist of one contact hour.

8. Instructors shall be given CPE credit for their preparation and presentation time. Credit for instructors shall be measured in 50-minute contact hours. Preparation credit received shall be no greater than two times the number of presentation hours. An instructor may not receive credit for preparation time for a repeated presentation unless they can demonstrate that the program content involved was substantially changed.

§ 7.3. Certificates of completion and recordkeeping.

A. The sponsor shall provide participants, upon successful completion of each course, a certificate of completion indicating location, date(s), CPE credit hours, sponsor identification, address of sponsor, and title of course.

B. The sponsor shall maintain for a period of five years records of participation, copy of program materials, dates, location, instructor(s), number of CPE contact hours, and evaluations of the course and instructor.

C. All records shall be made available to the board immediately upon request.

PART VIII. STANDARDS OF CONDUCT AND DISCIPLINARY ACTION.

§ 8.1. Prohibited acts.

A. Part VIII is intended to apply to both interim and full certification.

B. The following are grounds for disciplinary action by the board.

1. The certificate holder violates or induces another person to violate any provisions of Chapters 1, 2, 3 and 22.1 of Title 54.1 of the Code of Virginia, or any provisions of these regulations.

2. The certificate issued to a solid waste management facility operator was obtained through fraudulent

means or misrepresentation.

3. Having been found guilty by the board, an administrative body or by a court of any material misrepresentation in the course of performing his operating duties.

4. Having been convicted or found guilty, regardless of jurisdiction, of any felony or violation which resulted in the significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of *nolo contendere* shall be considered a conviction for the purposes of this regulation. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as *prima facie* evidence of such conviction.

5. Failing to inform the board in writing within 30 days of pleading guilty or *nolo contendere* or being convicted or found guilty of any felony which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

6. Gross negligence, or a continued pattern of incompetence, in the practice as a waste management facility operator.

7. Violating the permit conditions for the facility, or violating any federal, state or local laws or regulations which results in the significant harm or an imminent and substantial threat of significant harm to human health or the environment.

C. Any individual whose certification is revoked under this section shall not be eligible to apply for certification for a period of one year from the effective date of the final order of revocation. The individual shall meet all education, [examination,] experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

§ 8.2. Denial, suspension or revocation of certification or approval.

A. Denial of certification or approval.

1. The board, at its discretion, may deny approval of a training course, CPE sponsor or individual certification for any reason specified in these regulations.

2. The applicant may request the board to reconsider their initial decision in writing within 30 days of applicant's notification of the denial.

3. If the board's initial decision of denial is reconfirmed, the board will notify the applicant in

writing outlining the reasons for denial. The response may also include any necessary steps that can be taken by the applicant to ensure compliance with these regulations.

4. All appeals for denied applicants for certification or approval shall be in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. Suspension and revocation of certification.

1. The board, in its discretion, may suspend or revoke the certification of an individual, an approved course or CPE sponsor for any reason specified in these regulations.

2. The board shall conduct disciplinary proceedings in accordance with the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

3. Any individual certified or training provider approved by the board who violates any statute or provision of these regulations and is not criminally prosecuted, shall be subject to a monetary penalty. The board shall determine the monetary penalty which shall not exceed \$1,000 for each violation.

VAR. Doc. No.R93-578, Filed June 23, 1993, 11:53 a.m.

EMERGENCY REGULATIONS

BOARD FOR ACCOUNTANCY

Title of Regulation: VR 105-01-1:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Effective Dates: June 22, 1993, through June 21, 1994.

Preamble:

The Board for Accountancy intends to promulgate emergency regulations as provided for in § 9-6.14.5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption and amendments to new and existing regulations governing the licensure of accountants in Virginia.

Pursuant to the Administrative Process Act, the Board for Accountancy is required to promulgate public participation guidelines before any further regulatory action can commence. The Board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 21, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 22, 1993

VR 105-01-1:1. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Accountancy (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.
2. "Notice of Comment Period" and public hearings,

the subject of which is proposed or existing regulations.

3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

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§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency 30 thirty days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of

the Administrative Process Act.

VA.R. Doc. No. R93-567; Filed June 22, 1993, 2:36 p.m.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

Title of Regulation: VR 115-04-21. Public Participation Guidelines.

Statutory Authority: §§ 3.1-249.30 and 9-6.14:7.1 of the Code of Virginia and Chapter 898 of the 1993 Acts of Assembly.

Effective Dates: June 22, 1993, through June 21, 1994.

Preamble:

Legislation recently enacted by the General Assembly requires agencies of state government to include as part of their public participation guidelines:

"a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency. Such policy shall address the circumstances in which the agency considers such panels or consultation appropriate and intends to make use of such panels or consultation."

The legislation further obliges agencies in their public participation guidelines to:

"set out any methods for the identification and notification of interested parties, and any specific means of seeking input from interested persons or groups which the agency intends to use in addition to the Notice of Intended Regulatory Action."

According to House Document No. 52, Report of the Joint Legislative Audit and Review Commission to the Governor and the General Assembly of Virginia, Review of Virginia's Administrative Process Act (Richmond, 1993) (hereinafter "Review"), the public participation guidelines of the Department of Agriculture and Consumer Services do not contain provisions for use of advisory committees (See Review, p. 117). Although the Pesticide Control Board is not specifically designated in the Review as having inadequate public participation guidelines, the Board feels that it is necessary to amend its public participation guidelines to stay current with the requirements of the Administrative Process Act. Beginning on July 1, 1993, the new legislation will require public participation guidelines to contain a provision for the utilization of advisory groups. Because the public participation guidelines must be in order before other regulations can be promulgated, it is important that public participation guidelines that will satisfy the new requirements of the Administrative

Emergency Regulations

Process Act be in place and ready for use before July 1, 1993.

Because the provisions of the Board's Public Participation Guidelines are a declaration of the means by which the public is involved in regulation making, the Board has, on a limited basis, amended language of the Public Participation Guidelines to accommodate the new provisions of the Administrative Process Act that will go into effect July 1, 1993. These amended Public Participation Guidelines will state a policy for the use of advisory committees that should improve public participation in keeping with the spirit of the amendments to the Administrative Process Act.

This regulation supersedes (but only for the period that it is in effect) a regulation by the same title adopted by the Pesticide Control Board on July 12, 1990.

VR 115-04-21. Public Participation Guidelines

§ 1. Definitions

All terms defined in the Virginia Pesticide Control Act, (§ 3.1-249.27 et seq. of the Code of Virginia (1950), as amended) are hereby incorporated by reference in this regulation. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Advisory" means any of the following: (i) a standing advisory panel; (ii) an ad-hoc advisory panel; (iii) consultation with groups; (iv) consultation with individuals; and (v) any combination thereof.

"Chairman" means the Chairman of the Virginia Pesticide Control Board.

§ 2. Purpose.

These public participation guidelines set out methods for the identification and notification of parties, persons, and groups interested in the development of regulations of the Pesticide Control Board (hereinafter "board"). The board and the staff of the Department of Agriculture and Consumer Services Office of Pesticide Management shall observe the requirements the present guidelines contain during the formation, drafting, promulgation, and final adoption of any and all regulations of the Pesticide Control Board:

1. A. Except as provided in § 11 § 12 or otherwise authorized by statute; and

2. B. Except for regulations for which Notice of Intended Regulatory Action has been filed with the Registrar of Regulations pursuant to Guidelines for Public Participation in Regulation Development and Promulgation of the Virginia Department of Agriculture and Consumer Services, if such Notice of

Intended Regulatory Action was filed prior to the effective date of the present regulation.

§ 3. Establishment and maintenance of mailing lists.

A. The staff of the Division of Product and Industry Regulation Office of Pesticide Management shall establish and maintain mailing lists of those who are or may be interested in a regulation to be developed. In partial or complete fulfillment of this requirement, the staff may utilize mailing lists already maintained by the Department of Agriculture and Consumer Services.

B. The staff of the Division of Product and Industry Regulation Office of Pesticide Management may develop additional mailing lists by appropriate announcement in news releases and in agency publications of the development of mailing lists.

C. The staff of the Division of Product and Industry Regulation Office of Pesticide Management shall include on its mailing lists individuals and groups who request to be on the lists.

§ 4. Public meetings.

A. The board or any representative designated for such purpose by the board may hold a public meeting on any new regulation under consideration and may hold a public meeting relating to amendment of any existing regulation.

B. In notifying the public of any such meeting, the staff of the Division of Product and Industry Regulation Office of Pesticide Management shall prepare and the Office of Policy Analysis and Development Office of Policy, Planning, and Agricultural Development shall review and file a "Notice of Meeting" (Form RR06) and a "Notice of Intended Regulatory Action" (Form RR01) with the Virginia Register of Regulations. The date set for the meeting in the notice shall be at least 30 days after the date of publication of the Notice of Meeting and the Notice of Intended Regulatory Action in the Virginia Register of Regulations.

C. The staff of the Division of Product and Industry Regulation Office of Pesticide Management shall mail notice of the meeting and the Notice of Intended Regulatory Action to those on mailing lists corresponding to the subject of the regulation under consideration.

D. The staff of the Division of Product and Industry Regulation Office of Pesticide Management may also through the Communication Office issue press releases on the upcoming public meeting and publish notice of the public meeting in agency publications.

§ 5. Advisory committee. General policy for the use of advisors.

The board may appoint an advisory committee to make recommendations on the content of a regulation under

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consideration. The membership of the committee shall be formed so as to give a balanced representation of interested parties and views.

A. This section sets out the general policy of the board for the use of advisors. This general policy addresses the circumstances in which the agency considers advisors appropriate and the circumstances under which the agency intends to make use of advisors.

B. In any notice of intended regulatory action filed by the board at or after the time these Public Participation Guidelines take effect, the board shall include: (i) any provision required by statute relating to the Notice of Intended Regulatory Action; and (ii) a statement inviting comment on whether there should be an advisor. The board considers an advisor appropriate and intends to make use of an advisor when:

1. The board receives in writing from at least twenty-five persons during the pendency of the Notice of Intended Regulatory Action declarations of interest in having an advisor appointed with respect to the regulation under development; and

2. The subject matter of the Notice of Intended Regulatory Action has not previously been the subject of regulation making by the board.

C. Despite the provisions of § 5 (B), the Chairman may in his sole discretion or at the board's discretion appoint an advisor.

D. The board hereby delegates to the Chairman the authority to appoint advisors. The decision shall rest exclusively with the Chairman as to whether the advisor, if any, shall be: (i) a standing advisory panel; (ii) an ad-hoc advisory panel; (iii) consultation with groups; (iv) consultation with individuals; or (v) any combination of subdivisions (i) through (iv) of this subsection.

E. The amending provisions contained in this emergency regulation shall apply only to regulatory actions for which a Notice of Intended Regulatory Action is filed (irrespective of the date of adoption of the Notice of Intended Regulatory Action) with the Registrar of Regulations at or after the time these Public Participation Guidelines take effect.

§ 5. 6. Drafting the regulation.

In consultation with any advisory committee appointed, the staff of the ~~Division of Product and Industry Regulation~~ Office of Pesticide Management shall draft the regulation. The staff shall consider each public comment and be prepared to respond in writing as to why a comment was or was not incorporated into the draft regulation.

§ 6. 7. Board review and endorsement of draft regulation.

The board shall meet and review the staff draft. If the draft is satisfactory to the board as a proposal, it shall so indicate by vote, and authorize its formal publication as a proposed regulation.

§ 7. 8. Proposed regulation.

A. The staff of the ~~Division of Product and Industry Regulation~~ Office of Pesticide Management shall prepare required documents (including notice of opportunity for oral or written submittals, accomplished by "Notice of Comment Period" (Form RR02)) and submit them with the proposed regulation to the ~~Office of Policy Analysis and Development~~ Office of Policy, Planning, and Agricultural Development for review and for publication in the Virginia Register of Regulations. The register publication and the newspaper publication required by § 9 B shall be made at least 60 days in advance of the last date prescribed in the notice for such submittals.

B. At the same time, the ~~Office of Policy Analysis and Development~~ Office of Policy, Planning and Agricultural Development shall also submit the proposed regulation along with required documents to the Office of the Governor and the Department of Planning and Budget for review.

§ 8. 9. Informational proceeding and notice thereof.

A. Informational proceeding.

The board may hold an informational proceeding pursuant to § 9-6.14:7.1 of the Code of Virginia on every regulation it proposes and on every proposed amendment to each regulation, notice for which shall comply with the provisions of this section of this regulation.

B. Notice of informational proceeding.

1. In addition to the required notice of opportunity for oral or written submittals published in the Virginia Register of Regulations pursuant to § 7 8 , and in a newspaper of general circulation published in the capital city, the staff of the ~~Division of Product and Industry Regulation~~ Office of Pesticide Management shall, at the board's direction, publish notice of the board's proposed regulation and informational proceeding thereon in:

a. Other newspapers with substantial readership in Virginia, which notice shall meet the same requirements for notice to the public of the opportunity for oral or written submittals as the notice published in the newspaper of general circulation published at the capital city;

b. Press releases;

c. Mailings to those on its mailing lists; and

d. Other means as directed by the Commissioner or

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the board.

2. The staff of the ~~Division of Product and Industry Regulation Office of Pesticide Management~~ is directed to mail a copy of the proposed regulation and notice of the informational proceeding thereon to everyone who has participated in public discussion of the regulation pursuant to the current regulation making.

§ 9- 10. Adoption of regulation.

The board may adopt the proposed regulation after the last day prescribed for submittals of public comment. After the board has adopted the regulation, the staff of the ~~Division of Product and Industry Regulation Office of Pesticide Management~~ shall prepare and the ~~Office of Policy Analysis and Development Office of Policy, Planning, and Agricultural Development~~ shall review and submit a copy of the adopted regulation and the required documentation to the Virginia Register of Regulations, the Office of the Governor, and the Department of Planning and Budget.

§ 10- 11. Adoption of summary; of statement as to basis; and of description of public comment.

The summary; statement as to basis, purpose, substance, issues, and impact of the regulation; and the summary description of the nature of the oral and written data, views, and arguments presented during the public proceedings and the board's comments thereon required by § 9-6.14:9 D of the Code of Virginia, shall be made a part of the board's minutes and included as a part of the board's regulation file.

§ 11- 12. Emergency regulations. Application.

The provisions of these public participation guidelines shall not apply to the making of regulations ~~which the Pesticide Control Board finds are necessitated by an emergency situation; exempted under § 9-6.14:4.1 of the Code of Virginia.~~

§ 13. Petitions.

Any person may petition the board to adopt or amend any regulation. Any petition received shall appear on the agenda of the next board meeting. The board shall consider and respond to the petition within 180 days. The board shall have the sole authority to dispose of the petition.

The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of these Emergency Public Participation Guidelines.

Adopted by the Pesticide Control Board on June 14, 1993.

This is a full, true, and correctly-dated regulation.

/s/ Marvin A. Lawson, Ph.D., Secretary
Pesticide Control Board

Date: June 16, 1993

/s/ Clinton V. Turner, Commissioner
Department of Agriculture and Consumer Services
Date: June 17, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date: June 10, 1993

/s/ Lawrence Douglas Wilder
Governor
Date: June 14, 1993

Received: /s/ Ann M. Brown
Deputy Registrar
Date: June 22, 1993

VA.R. Doc. No. R93-570; Filed June 22, 1993, 3:07 p.m.

DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-00-01:1. Public Participation Guidelines for Asbestos Contractors and Workers.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-501 of the Code of Virginia.

Effective Dates: June 23, 1993, through June 22, 1994.

Preamble:

The Director intends to promulgate emergency regulations as provided for in § 9-6.14:5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption and amendments to new and existing regulations governing the licensure of asbestos contractors and workers in Virginia.

Pursuant to the Administrative Process Act, the Director is required to promulgate public participation guidelines before any further regulatory action can commence. The Director shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 18, 1993

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/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 23, 1993

VR 190-00-01:1. Public Participation Guidelines for Asbestos Contractors and Workers.

§ 1. Mailing list.

The Department of Commerce (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.
2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.
3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations

as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate

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when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14.9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14.4.1 of the Administrative Process Act.

V.A.R. Doc. No. R93-374; Filed June 23, 1993, 11:51 a.m.

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-00:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1102 of the Code of Virginia.

Effective Dates: June 22, 1993, through June 21, 1994.

Preamble:

The Board for Contractors intends to promulgate emergency regulations as provided for in § 9-6.14:5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption and amendments to new and existing regulations governing the licensure of contractors in Virginia.

Pursuant to the Administrative Process Act, the Board for Contractors is required to promulgate public participation guidelines before any further regulatory action can commence. The Board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 22, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 22, 1993

VR 220-01-00:1. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Contractors (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.
2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.
3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

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§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act.

VA.R. Doc. No. R93-568; Filed June 22, 1993, 2:36 p.m.

BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-01:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1202 of the Code of Virginia.

Effective Dates: June 22, 1993, through June 21, 1994.

Preamble:

The Board for Cosmetology intends to promulgate emergency regulations as provided for in § 9-6.14:5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption and amendments to new and existing regulations governing the licensure of cosmetologists in Virginia.

Pursuant to the Administrative Process Act, the Board for Cosmetology is required to promulgate public participation guidelines before any further regulatory action can commence. The Board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

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The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 22, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 22, 1993

VR 235-01-01:1. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Cosmetology (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.
2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.
3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend

any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public

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commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act.

VA.R. Doc. No. R93-569; Filed June 22, 1993, 2:37 p.m.

BOARD OF GAME AND INLAND FISHERIES

Title of Regulation: VR 325-05-1. Public Participation Guidelines.

Statutory Authority: § 9-6.14:7.1. of the Code of Virginia.

Effective Dates: June 23, 1993, through June 22, 1994.

Preamble:

VR 325-05-1 establishes Public Participation Guidelines (PPGs) for soliciting the input of interested persons in the initial formation and development, amendment or repeal of regulations promulgated by the Board of Game and Inland Fisheries (Board) which are not exempted from the provisions of the Administrative Process Act. Legislation enacted by the General Assembly which goes into effect on July 1, 1993, imposes new requirements on agencies of state government for promulgating regulations under the Administrative Process Act (Act).

One of the 1993 Session amendments to the Act was the removal of the Department of Game and Inland Fisheries' exemption from the public participation requirements of the Act for regulations not related to the management of wildlife. The removal of this exemption means that the Board of Game and Inland Fisheries (Board) must promulgate Public Participation Guidelines, including a general policy for the use of standing or ad hoc advisory groups and consultation with groups and individuals registering interest in working with the Board. Such policy must address the circumstances in which the Board considers such groups or consultation appropriate and intends to make use of such panels or consultation.

The legislation further requires the Board to set out in their PPGs any methods for the identification and notification of interested persons, and any specific means of seeking input from interested persons or groups which the Board intends to use in addition to the Notice of Intended Regulatory Action.

Because the 1993 Session amendments go into effect on July 1, 1993, and because PPGs must be in compliance with the Act before the Board can initiate any regulatory actions not related to the management of wildlife, it is important that PPGs that will satisfy the new requirements of the Act be in place and ready for use before July 1, 1993. The Board, therefore, is voluntarily submitting itself to the procedures contained in the Act for the purposes of promulgating the PPGs.

NATURE OF EMERGENCY: The Board proposes to adopt emergency PPGs in order to ensure the Board's ability to process necessary regulatory actions after July 1, 1993. The Board is responsible for the administration of several programs, both state and federal, whose purpose is to protect the wildlife resources of the Commonwealth and to promote and enforce boating safety. Without PPGs which satisfy the public participation guidelines of the Act, the Board will be unable to process any regulatory actions not directly related to the management of wildlife until such time as permanent PPGs can be adopted. Under the Act, it could take as long as a year to adopt permanent PPGs, which would result in affected regulatory actions taking as much as 2 years to complete.

NECESSITY FOR ACTION: The adoption of emergency PPGs is critical to continued operation of many of the programs of the Board. One program immediately affected by the newly mandated compliance with the provisions of the Act is the setting of fees for the issuance of miscellaneous permits for capturing, holding, propagating, and disposing of wildlife.

In the 1993 Session of the General Assembly, legislation was passed which restructured certain permits issued by the Board enabling individuals,

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including pet stores, bait stores, and aquaculture operations, to hold, propagate, and dispose of wildlife. Under the new legislation, the Board is given discretionary authority to set the fees which may be charged for these permits. Advice received from the Attorney General's Office indicates that the establishment of these fees must be through regulation, and that such regulation must comply with the provisions of the Administrative Process Act. Without emergency PPGs, the Board would be unable to implement the permit provisions of the Code for approximately 2 years. Such a delay would impose unnecessary hardship on those individuals and entities required by law to hold these permits.

Further, there are over 200,000 registered motorboats in Virginia and several bodies of water are heavily used by the boating community. Failure to adopt emergency PPGs would also jeopardize the Board's ability to promulgate regulations for the safe operation of motorboats on Virginia's waters except through emergency procedures.

Summary:

This regulation will establish PPGs which will allow the Board to initiate after July 1, 1993 regulatory action processes to adopt, amend or repeal necessary regulations, in conformance with the Administrative Process Act, as amended.

This emergency regulation will be enforced under applicable statutes and remain in full force and effect for one year from the effective date, unless sooner modified or vacated or superseded by permanent regulations adopted pursuant to the Act and this emergency regulation.

The Board will receive, consider, and respond to petitions by any interested persons at any time for the reconsideration or revision of this regulation.

It is so ordered.

BY:

/s/ Bud Bristow
Director
Department of Game and Inland Fisheries
Date: June 14, 1993

APPROVED BY:

/s/ Elizabeth H. Haskell
Secretary of Natural Resources
Date: June 15, 1993

/s/ Lawrence Douglas Wilder
Governor
Date: June 16, 1993

FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: June 23, 1993

VR 325-05-1. Public Participation Guidelines.

§ 1. Definitions.

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

A. "Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

B. "Agency" means the Department of Game and Inland Fisheries established pursuant to the Environmental Protection Law that implements programs and provides administrative support to the approving authority.

C. "Approving authority" means the Board of Game and Inland Fisheries established pursuant to the Environmental Protection Law as the legal authority to adopt regulations.

D. "Director" means the director of the Department of Game and Inland Fisheries or his designee.

E. "Environmental Protection Law" means the provisions found in the Code of Virginia authorizing the approving authority or agency or both to make regulations or decide cases or containing procedural requirements thereof including, but not limited to, Title 29.1 of the Code of Virginia.

F. "Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

G. Unless specifically defined in the Environmental Protection Law or in this regulation, terms used shall have the meanings commonly ascribed to them.

§ 2. General.

A. The procedures in § 3 of this regulation shall be used for soliciting the input of interested persons in the initial formation and development, amendment or repeal of regulations in accordance with the Administrative Process Act. This regulation does not apply to regulations exempted from the provisions of the Administrative Process Act (§ 9-6.14:4.1 A and B) or excluded from the operation of Article 2 of the Administrative Process Act (§ 9-6.14:4.1 C).

B. The failure of any person to receive any notice or copies of any documents provided under these guidelines shall not affect the validity of any regulation.

C. Any person may petition the approving authority for

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the adoption, amendment or repeal of a regulation. The petition, at a minimum, shall contain the following information:

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Petitioner's interest in the proposed action.
4. Recommended regulation or addition, deletion or amendment to a specific regulation or regulations.
5. Statement of need and justification for the proposed action.
6. Statement of impact on the petitioner and other affected persons.
7. Supporting documents, as applicable.

The approving authority shall provide a written response to such petition within 180 days from the date the petition was received.

§ 3. Public participation procedures.

A. The agency shall establish and maintain a list or lists consisting of persons expressing an interest in the adoption, amendment or repeal of regulations.

B. Whenever the approving authority so directs or upon its own initiative, the agency may commence the regulation adoption process and proceed to draft a proposal according to these procedures.

C. The director shall form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals registering interest in working with the agency assist in the drafting and formation of the proposal when:

1.a. The director, in the director's sole discretion, determines to form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals, or

1.b. The agency receives written comments from at least 25 persons during the comment period of the notice of intended regulatory action (NOIRA) requesting the director to form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals; and

2. The subject matter of the NOIRA has not previously been the subject matter of a NOIRA published in the Register of Regulations by the agency.

When an ad hoc advisory group is formed, such ad hoc advisory group shall include representatives of the regulated community and the general public.

D. The agency shall issue a NOIRA whenever it considers the adoption, amendment or repeal of any regulation.

1. The NOIRA shall include at least the following:

a. A brief statement as to the need for regulatory action.

b. A brief description of alternatives available, if any, to meet the need.

c. A request for comments on the intended regulatory action, to include any ideas to assist the agency in the drafting and formation of any proposed regulation developed pursuant to the NOIRA.

d. A request for comments on the costs and benefits of the stated alternatives or other alternatives.

e. A statement of the agency's intent to hold at least one informational proceeding or public hearing on the proposed regulation after it is published.

f. A statement inviting comment on whether the agency should form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups or individuals to assist in the drafting and formation of the proposal, unless the director has already determined to form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals pursuant to subdivision 1 of subsection 3.C.

2. Public Meetings

a. The agency shall hold at least one public meeting whenever it considers the adoption, amendment or repeal of any regulation unless the approving authority specifically authorizes the agency to proceed without holding a public meeting or the director specifically determines the agency can proceed without holding a public meeting in those cases where the subject matter of the NOIRA has previously been the subject matter of a NOIRA published in the Register of Regulations by the agency.

b. In those cases where a public meeting(s) will be held, the NOIRA shall also include the date, not to be less than 30 days after publication in the Virginia Register, time and place of the public meeting(s).

3. The public comment period for NOIRAs under this section shall be no less than 30 days after publication of the NOIRA in the Virginia Register.

E. The agency shall disseminate the NOIRA to the public via the following:

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1. Distribution to the Registrar of Regulations for publication in the Virginia Register of Regulations.

2. Distribution by mail to persons on the list(s) established under subsection A of this section.

F. After consideration of public input, the agency may complete the draft proposed regulation and any supporting documentation required for review. If an ad hoc advisory group has been established, a standing advisory committee utilized, or groups and individuals consulted, the draft regulation shall be developed in consultation with the selected advisor. A summary or copies of the comments received in response to the NOIRA shall be distributed to the standing advisory committee or groups and individuals consulted during the development of the draft regulation. This summary or copies of the comments received in response to the NOIRA shall also be distributed to the approving authority.

G. Upon approval of the draft proposed regulation by the approving authority, the agency shall publish a Notice of Public Comment (NOPC) and the proposal for public comment.

H. The NOPC shall include at least the following:

1. The notice of the opportunity to comment on the proposed regulation, the location where copies of the draft may be obtained and the name, address and telephone number of the individual to contact for further information about the proposed regulation.

2. A description of provisions of the proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed.

3. A request for comments on the costs and benefits of the proposal.

4. The identity of any locality particularly affected by the proposed regulation. For purposes of these guidelines the term "locality particularly affected" means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

5. A statement that an analysis of the following has been conducted by the agency and is available to the public upon request:

a. A statement of purpose: the rationale or justification for the new provisions of the regulation, from the standpoint of the public's health, safety or welfare.

b. A statement of estimated impact:

(1) Projected number and types of regulated entities or persons affected.

(2) Projected cost, expressed as a dollar figure or range, to regulated entities (and to the public, if applicable) for implementation and compliance. In those instances where the agency is unable to quantify projected costs, it shall offer qualitative data, if possible, to help define the impact of the regulation. Such qualitative data shall include, if possible, an example or examples of the impact of the proposed regulation on a typical member or members of the regulated community.

(3) Projected cost to the agency for implementation and enforcement.

(4) The beneficial impact the regulation is designed to produce.

c. An explanation of need for the proposed regulation and potential consequences that may result in the absence of the regulation.

d. An estimate of the impact of the proposed regulation upon small businesses as defined in § 9-199 of the Code of Virginia or organizations in Virginia.

e. A discussion of alternative approaches that were considered to meet the need the proposed regulation addresses, and a statement as to whether the agency believes that the proposed regulation is the least burdensome alternative to the regulated community that fully meets the stated purpose of the proposed regulation.

f. A schedule setting forth when, after the effective date of the regulation, the agency will evaluate it for effectiveness and continued need.

6. The date, time and place of at least one informational proceeding held in accordance with § 9-6.14.7.1 of the Code of Virginia to receive comments on the proposed regulation. (In those cases where the agency elects to conduct an evidential hearing, the notice shall indicate that the evidential hearing will be held in accordance with § 9-6.14.8.) The informational proceeding(s) may be held at any time during the public comment period and, whenever practicable, no less than ten days prior to the close of the public comment period. The informational proceeding(s) may be held in such location(s) as the agency determines will best facilitate input from interested persons.

I. The public comment period shall close no less than 60 days after publication of the NOPC in the Virginia Register.

J. The agency shall disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:

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a. Publication in the Virginia Register of Regulations.

b. Publication in a newspaper of general circulation published at the state capital and such other newspapers as the agency may deem appropriate.

2. Distribution by mail to persons on the list(s) established under subsection A of this section.

K. The agency shall prepare a summary of comments received in response to the NOPC and the agency's response to the comments received. The agency shall send a draft of the summary of comments to all public commentors on the proposed regulation at least five days before final adoption of the regulation. The agency shall submit the summary and agency response and, if requested, submit the full comments to the approving authority. The summary, the agency response, and the comments shall become a part of the agency file and after final action on the regulation by the approving authority, made available, upon request, to interested persons.

L. If the agency determines that the process to adopt, amend or repeal any regulation should be terminated after approval of the draft proposed regulation by the approving authority, the agency shall present to the approving authority for their consideration a recommendation and rationale for the withdrawal of the proposed regulation.

M. Completion of the remaining steps in the adoption process shall be carried out in accordance with the Administrative Process Act.

§ 4. Transition.

The amending provisions contained in this emergency regulation shall apply only to regulatory actions for which a NOIRA is filed with the Registrar of Regulations at or after the time these guidelines take effect.

V.A.R. Doc. No. R93-577; June 23, 1993, 11:24 a.m.

BOARD FOR GEOLOGY

Title of Regulation: VR 335-01-1:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1402 of the Code of Virginia.

Effective Dates: June 23, 1993, through June 22, 1994.

Preamble:

The Board for Geology intends to promulgate emergency regulations as provided for in § 9-6.14:5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption

and amendments to new and existing regulations governing the licensure of geologists in Virginia.

Pursuant to the Administrative Process Act, the Board for Geology is required to promulgate public participation guidelines before any further regulatory action can commence. The Board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 18, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 23, 1993

VR 335-01-1:1. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Geology (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.
2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.
3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible

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participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines

that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act.

VA.R. Doc. No. R93-575; Filed June 23, 1993, 11:51 a.m.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations .

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Effective Date: June 22, 1993, through June 21, 1994.

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Preamble:

Section 9-6.14:7.1 of the Code of Virginia requires an agency or a Board to develop, adopt and utilize public participation guidelines to solicit the input of interested parties in the formation and development of its regulations. The public participation guidelines currently used by this Department are required to be revised in accordance with legislative action. The adoption of these guidelines as emergency regulations will enable the Board to carry out its statutory responsibilities while ensuring public participation to the maximum extent possible. The Department and Board will initiate actions to develop final guidelines as required by the Administrative Process Act in § 9-6.14:4.1 of the Code of Virginia.

Pursuant to the authorization of the Governor for adoption of emergency regulations and the authority of § 9-6.14:7.1 of the Code of Virginia, the following regulations become effective on an emergency basis.

Duration of Emergency Regulation - This regulation shall remain in effect until June 21, 1994, or until permanent regulations are adopted under the Administrative Process Act, whichever first occurs.

Submitted by:

/s/ Neal J. Barber
Director
Department of Housing and Community Development
Date: June 21, 1993

Approved by:

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date: June 14, 1993

Approved by:

/s/ Lawrence Douglas Wilder
Governor
Commonwealth of Virginia
Date: June 15, 1993

Filed:

/s/ Joan W. Smith
Registrar of Regulations
Date: June 22, 1993

VR 394-01-01. Public Participation Guidelines.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms, when used in these

regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Board" means Board of Housing and Community Development.

"Department" means Department of Housing and Community Development.

"Guidelines" means the regulations adopted by the Board of Housing and Community Development for public participation in the formulation, promulgation and adoption of regulations.

"Staff" means employees of the Department of Housing and Community Development or Board of Housing and Community Development.

§ 1.2. Application.

These guidelines apply to all regulations adopted by the board. They will be used whenever regulations are hereafter adopted, amended or deleted.

§ 1.3. Periodic review.

It is the intent of the board to conduct a periodic review of all regulations that have been adopted under state law. Such reviews will be undertaken at appropriate intervals as needed to keep the regulations up-to-date. These guidelines will be used in the review process.

PART II. PUBLIC PARTICIPATION.

§ 2.1. Mailing lists.

The department will maintain lists of individuals, businesses, associations, agencies, and public interest groups which have expressed an interest, or which could reasonably be expected to have an interest, in the board's regulations. The lists will be updated and expanded as new interested parties are identified. Deletions will be made when lack of interest is determined.

§ 2.2. Notification.

The lists will be used to notify and solicit input to the regulatory revision process from interested parties. Selected mailings will be made independently of notices in the Virginia Register of Regulations and of notices in newspapers, advertising in department newsletters, in trade and professional publications, and in public interest group publications will be used when appropriate.

§ 2.3. Solicitation of input.

The staff of the department will continually receive, retain and compile all suggestions for changes and improvements to the regulations. Any person may petition the board to request the board to develop a new

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regulation or amend an existing regulation. The board shall receive, consider, and respond to the petition within 180 days. In addition, a notice of intent to adopt or amend regulations intended regulatory action will be published in the Virginia Register of Regulations to solicit public input before drafting the proposals.

§ 2.4. Regulatory review workshops.

Before adoption or revision of the regulations, the board may conduct one or more meetings for the general public to explain the review process and to solicit proposals for needed changes. At least thirty ~~days~~ days notice of such meetings will be published in the Virginia Register of Regulations and in a newspaper of general circulation published in the region in which the meeting is to be held, and in a newspaper of general circulation published in Richmond, Virginia. Press releases and other media will be used as needed. Selected interested persons and groups will be notified by mail.

§ 2.5. Preparation of preliminary draft.

The board will prepare a preliminary draft of proposed amendments to the regulations based on public input received and on the results of its own study of the regulations.

§ 2.6. Ad hoc committee review.

The board ~~may intends to~~ establish an *standing or ad hoc advisory committee committees* consisting of invited representatives of all groups believed to be affected by the regulations and the proposed amendments or individuals registering interest in working with the board. The board believes the use of *standing or ad hoc committees to be appropriate when the subject matter is of an unusual technical nature, or when the regulation has significant impact on the regulated community.* The board will give consideration to recommendations received from the ~~committee committee(s)~~, and will make appropriate revisions to the draft.

§ 2.7. Public hearings.

Prior to completion of a final draft, the board will convene at least one public hearing in accordance with the procedures required by the Administrative Process Act and the Virginia Register Act *except for those regulations which may be adopted without public comment pursuant to § 9-6.14:4.1 of the Code of Virginia.*

PART III. ACTION ON COMMENTS OF GOVERNOR AND LEGISLATURE.

§ 3.1. When Governor suspends process.

If the Governor suspends the regulatory process to require solicitation of additional public comment, the board will do so in the manner prescribed by the

Governor. If no specific method is required, the board will employ one or more of the following procedures, as deemed necessary:

1. Consult with affected persons and groups.
2. Reconvene the ad hoc review committee for further consultation.
3. Advertise and conduct an additional public hearing under the procedures prescribed by the Administrative Process Act and the Virginia Register Act.

§ 3.2. Other legislative and executive comments.

If the Governor does not require solicitation of additional public comment, but does provide suggestions, or if further suggestions are received from the required legislative review during the thirty-day final adoption period, the board will determine whether solicitation of additional public comment should be undertaken. If needed, one or more of the procedures described above may be used.

V.A.R. Doc. No. R93-562, Filed June 22, 1993, 9:02 a.m.

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-10-9101. Public Participation Guidelines for Regulation Development and Promulgation.

Statutory Authority: §§ 9-6.14:7.1 and 46.2-203 of the Code of Virginia.

Effective Dates: July 1, 1993, through June 30, 1994.

Preamble:

The Department of Motor Vehicles ("department") has amended its public participation guidelines (PPGs) pursuant to the legislative changes made to the Administrative Process Act (APA), Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia, during the 1993 session of the General Assembly. The department is submitting them as emergency regulations because it has determined:

- that an emergency situation exists; and
- that these regulations must be amended in a short amount of time, and there is not enough time to go through the APA process before the required amendments to the regulations should become effective.

These determinations are based on the following:

- The recent changes to the APA require that the department amend its PPGs. The new law goes into

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effect on July 1, 1993. These emergency actions must take place now in order to address this situation before the new legislation becomes law on July 1, 1993.

- PPGs are necessary to develop and promulgate all regulations for the department. Going through the APA process with the PPGs would require at the very least 10 to 12 months and would require the suspension of all other APA regulatory processes at the department until the PPG process was complete and the PPGs were finalized.

- The department is currently involved with nine (9) other regulatory processes. Some of these current regulatory processes involve regulations that are mandated by law to be in place before the end of the minimum 10-to-12-month APA process for PPGs. Suspending all regulatory processes for ten months to a year would delay for up to several years the development and implementation of regulations necessary for the efficient and effective administration of the motor vehicle laws of the Commonwealth.

- Failure to implement the necessary regulations in a timely manner would jeopardize the health, safety and welfare of the citizens of the Commonwealth.

I have reviewed and hereby approve the attached emergency regulation, VR 485-10-9101, Department of Motor Vehicles Public Participation Guidelines for Regulation Development and Promulgation.

/s/ Oscar K. Mabry for
John G. Milliken
Secretary of Transportation
Date: June 14, 1993

I approve the attached emergency regulation, VR 485-10-9101, Department of Motor Vehicles Public Participation Guidelines for Regulation Development and Promulgation to be effective on July 1, 1993.

/s/ Lawrence Douglas Wilder
Governor
Date: June 16, 1993

Filed with Registrar of Regulations on June 21, 1993.

VR 485-10-9101. Public Participation Guidelines for Regulation Development and Promulgation.

§ 1. General purpose.

In developing any regulation it proposes, the Department of Motor Vehicles ("department") is committed to soliciting input and comment from interested citizens, professional associations, and industry representatives. Such input and participation will be actively solicited by the department pursuant to the Administrative Process Act,

Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

Any person who is interested in participating in the regulation development process should notify the department in writing. Such notification of interest should be sent to the Commissioner, Department of Motor Vehicles, P.O. Box 27412, Richmond, Virginia 23269-0001.

§ 2. Identification of interested parties.

Prior to the development of any regulation, the department will identify persons whom it feels would be interested or affected by the proposal. The methods for identifying interested parties will include, but not be limited to, the following:

1. Obtain annually from the Secretary of the Commonwealth a list of all persons, groups, associations and others who have registered as lobbyists for the annual General Assembly session. This list will be used to identify groups which may be interested in the subject matter of the proposed regulation.

2. Utilize the statewide listing of business, professional, civic and charitable associations and societies in Virginia published by the State Chamber of Commerce to identify additional industry and professional associations which might be interested in the regulation.

3. Utilize internal administration mailing lists of persons, organizations, groups, and agencies that have expressed an interest in advising and assisting in the development of regulations or who have previously raised questions or expressed an interest in the subject matter under consideration pursuant to § 1, or through requests for formal rulings or administrative appeals. At the discretion of each administration, these lists may be maintained on a program specific basis or be of a general interest group. From time to time the lists will be updated to include any new interested parties.

§ 3. Notification of interested parties.

A. Generally.

The department will prepare a Notice of Intended Regulatory Action (Form RR01) ("notice") prior to the development of any regulation. The notice will identify the subject matter and purpose for the development of the new regulation(s); . The notice also will state that the department plans to hold a public hearing on the proposed regulation after the proposed regulation is published. It also will state the statutory authority under which they are promulgated, and will specify a time deadline for receipt of responses from persons interested in participating in the development process. The name, address and telephone number of an agency contact will also be included in the

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notice.

B. Dissemination of notice.

The methods for disseminating the notice to the public will include, but not be limited to, the following:

1. Send notice to individuals or groups identified in § 2 as interested or potentially affected parties.
2. Publish the notice in the Virginia Register of Regulations.
3. Request that industry, professional associations, and other groups to whom the notice is sent publish such notice in newsletters or journals or use any other means available to them to disseminate the notice to their memberships.
4. Invite participation from the general public through the publication of a Notice of Intent in the Richmond Times-Dispatch and, if necessary, in other general circulation newspapers.
5. The notification process delineated in this section does not apply to emergency regulations, which are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of the Administrative Process Act.

§ 4. Regulation development.

A. Response to notice.

After interested parties have responded to the notice, *the department will analyze the level of interest. If sufficient interest exists,* the department may schedule informal meetings prior to the development of any regulation to determine the specific areas of interest or concern and to gather factual information relative to the subject matter of the regulation. Form RR06, Notice of Meeting, will be used for this purpose. Alternatively, the department may elect to request that persons who have responded to the notice submit written comments, concerns and suggestions relative to the proposed regulation.

B. Establishment of advisory *committee panel*.

When *necessary, appropriate,* the department will utilize *a core,* an *ad hoc* advisory *committee panel* comprised of appropriate department representatives, persons who have previously participated in public proceedings relative to similar subject matters, or selected individuals who responded to a Notice of Intended Regulatory Action, newsletter or special mailing. *The use of an advisory panel will be deemed appropriate whenever individuals request in writing to be directly involved in the development and promulgation of regulations or whenever the subject matter of the regulations can be better addressed by persons from outside the department who are willing and able to directly participate in the promulgation process, as determined by the department.*

The *committee panel* will discuss the issues and make recommendations which will be considered in drafting regulations. Once the regulations have been developed, the *committee panel* will review them and continue to participate during the promulgation process as directed by the Administrative Process Act.

C. Preparation of *working draft: proposed regulation*.

Subsequent to the initial public input on the development of any regulation; At its discretion, the department will develop a *working draft of begin drafting* the proposed regulation - *prior to or during any opportunities it provides to the public to submit input.* In certain instances where the technical nature of the subject matter merits, the department may request that industry or professional groups develop a working draft. A copy of this draft will be furnished to all persons who responded to the notice indicating an interest in the regulation and to those persons participating in the initial comment phase of the development process. Persons to whom a copy of the working draft is furnished will be invited to submit written comments on the draft. If the response warrants, additional informal meetings may be held to discuss the working draft.

D. Submission of proposed regulation submission package.

Upon the conclusion of the development process, *all proposed regulations will be subject to the most recent review procedures published by the Governor. After this review,* the department will prepare a proposed regulation submission package for submission to the office of the Registrar of Regulations. The package will include:

1. Notice of Comment Period (Form RR02) (3 copies);
2. Proposed Regulation Transmittal Sheet (Form RR03) (3 copies);
3. A statement of basis, purpose, substance, issues and impact (2 copies);
4. A summary of the regulation (2 copies);
5. Double-spaced text of the proposed regulation (2 copies); and
6. Reporting forms used in administering the regulation, if any (2 copies).

Once the Registrar receives all the required documents and appropriate number of copies, the proposed regulation *and*, *summary and notice of opportunity for oral and written submittals on the proposed regulation* will be published in the "Proposed Regulation" section of the Virginia Register.

At the same time that the regulations are filed with the Registrar's office, the department will file Form RR09,

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Regulation Review Summary, and a copy of the proposed regulations to the Department of Planning and Budget and to the Governor's office.

The notice of comment period will appear in each issue of the Virginia Register until the public hearing date or 60-day written comments deadline has elapsed, whichever occurs last. The summary provided with the Notice of Comment Period form will be printed in a newspaper of general circulation published in the state capital and, in addition, similarly published in newspapers in localities particularly affected by the proposed regulations.

E. Review of proposed regulation after publication.

1. Agency review. The department will compare the published copy of the regulation with the agency copy. Corrections will be filed with the Registrar.

2. ~~Legislative and gubernatorial~~ *Gubernatorial* review. During the 60-day notice of comment period, 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 the comments will be published in the Virginia Register. The department will respond to the Governor's comments pursuant to § 9-6.14:9.1 of the Code of Virginia.

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 Registrar and the promulgating agency. The department will respond to the objection pursuant to § 9-6.14:9.2 of the Code of Virginia.

F. Final regulations submission package.

When the notice of comment period has elapsed, the department may take action on the proposed regulations, and will again submit for publication the text of the regulation as adopted, explaining any substantial changes in the final regulation, along with an up-to-date basis, purpose, substance, issues and impact statement. A 30-day final adoption period will begin upon publication in the Virginia Register. The package will contain:

1. Final Regulation Transmittal Sheet (Form RR04) (3 copies);
2. Statement of final agency action (2 copies);
3. Explanation of substantial changes;
4. Summary of public comments and agency's responses (2 copies);
5. Summary of regulation;
6. Statement of basis, purpose, substance, issues and impact (2 copies);

7. Double-spaced text of final regulation (2 copies); and

8. Reporting forms used in administering the final regulation, if any.

At the same time that the regulations are filed with the Register's office, the Department of Planning and Budget and the Governor's office will receive copies of the final regulations. *Copies of the department's draft summary description of public comment will be sent by the department to all public commenters on the proposed regulation at least five (5) days before the final adoption of the regulation.*

G. Petitions relating to regulatory actions.

The agency regulatory coordinator will establish a committee within the department to review, consider and respond to (1) all petitions received by the department requesting that it develop a new regulation or amend an existing one; or (2) those petitions received by the department, within thirty days from the publication of the final regulation, that request the opportunity for oral and written submittals relating to those changes with substantial impact that have occurred from the time it is published as a proposed regulation to its publication as a final regulation. Responses to those petitions requesting new or amended regulations will be made within 180 days from the day the petition is received by the department.

When petitions requesting the opportunity for oral or written submittals are received from at least twenty-five persons within thirty days from the publication of the final regulation, the department will suspend the regulatory process in question for thirty days to solicit public comment, unless the department determines in the committee meetings that the changes are minor and inconsequential in their impact.

§ 5. Effective date.

The final regulation will become effective 30 days after it is published in the Virginia Register, or a later date, if specified. If there are gubernatorial or legislative objections, the procedures specified in the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, will be followed.

§ 6. Availability of final regulation.

The department will make available to the public copies and the department's responses. The Governor's comments and the department's responses will also be available to the public. Copies of the final regulations will be sent to all interested parties who have specifically requested them.

§ 7. Forms.

The forms described herein may change from time to time. Copies of appropriate forms in current use will be

Emergency Regulations

attached to these guidelines and will be updated when necessary.

V.A.R. Doc. No. R93-561; Filed June 21, 1993, 2:42 p.m.

REAL ESTATE BOARD

Title of Regulation: VR 585-01-6. Community Association Annual Reports Regulations.

Statutory Authority: § 55-79.93:1, 55-504.1 and 55-516.1 of the Code of Virginia.

Effective Dates: July 1, 1993, through June 30, 1994.

Preamble:

The Real Estate Board is promulgating emergency regulations as provided for in §§ 55-79.93:1, 55-504.1 and 55-516.1 of the Code of Virginia, as amended. The regulations establish when association annual reports are to be filed with the Real Estate Board and the filing fee for such reports. The regulations conform with the statutes which govern the filing of association annual reports.

The regulations are required because legislation approved by the 1993 session of the General Assembly requires condominium, property owners' and cooperative associations to file annual reports with the Real Estate Board beginning July 1, 1993. Since the legislation becomes effective July 1, 1993, it is necessary to establish the fee and filing dates for the annual reports as of July 1, 1993.

The Board will proceed to promulgate regulations during the next year in accordance with the provisions of the Administrative Process Act to ensure public participation in reviewing these emergency regulations. It is anticipated that the new regulations will be effective on or about January 1, 1994.

APPROVED:

/s/ Bonnie S. Salzman, Secretary
Real Estate Board
Date: June 22, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date: June 7, 1993

/s/ Lawrence Douglas Wilder
Governor
Date: June 19, 1993

/s/ Joan W. Smith
Registrar of Regulations

Date: June 23, 1993

VR 585-01-6. Community Association Annual Reports Regulations.

§ 1.1. Purpose.

These regulations govern the exercise of powers granted to and the performance of duties imposed upon the Virginia Real Estate Board by §§ 54.1-2105.1, 55-79.93:1, 55-504.1 and 55-516.1 of the Code of Virginia.

§ 2.1. Annual report by association.

Each association annual report shall be on the form designated by the board or shall be a copy of the annual report filed with the State Corporation Commission. Such report shall be accompanied by the fee established by § 3.1 of these regulations.

§ 2.2. Annual report by condominium association.

A. Within 30 days after the anniversary date of the termination of the declarant control period, an association shall file an annual report with the board.

B. If the declarant control period terminated prior to July 1, 1993, an association may select the month during which its annual meeting is held for filing its annual report.

§ 2.3. Annual report by cooperative association.

A. Within 30 days after the anniversary date of the termination of the declarant control period, an association shall file an annual report with the board.

B. If the declarant control period terminated prior to July 1, 1993, an association may select the month during which its annual meeting is held for filing its annual report.

§ 2.4. Annual report by property owners' association.

A. Within 30 days of the first anniversary of the creation of the association, and every year thereafter, an association shall file an annual report with the board.

B. An association may select the month when it files its annual report with the State Corporation Commission to file the association annual report with the board.

§ 3.1. Filing fee.

The filing fee for each annual report shall be \$25.00.

V.A.R. Doc. No. R93-573; Filed June 23, 1993, 11:58 a.m.

Emergency Regulations

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: VR 627-01-1:1. Public Participation Guidelines.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Effective Dates: June 23, 1993, through June 22, 1994.

Preamble:

The Board for Professional Soil Scientists intends to promulgate emergency regulations as provided for in § 9-6.14:5 of the Code of Virginia regarding the solicitation of input from interested parties in the formulation, adoption and amendments to new and existing regulations governing the certification of soil scientists in Virginia.

Pursuant to the Administrative Process Act, the Board for Professional Soil Scientists is required to promulgate public participation guidelines before any further regulatory action can commence. The Board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The emergency regulations governing the public participation process will be effective until June 1994, the anticipated effective date of the final regulation.

Approved:

/s/ Bonnie S. Salzman
Director, Department of Commerce
Date: June 18, 1993

/s/ Cathleen A. Magennis
Secretary of Economic Development
Date June 10, 1993

/s/ Lawrence Douglas Wilder
Governor, Commonwealth of Virginia
Date: June 14, 1993

/s/ Joan W. Smith
Registrar of Regulations
Date: June 23, 1993

VR 627-01-1:1. Public Participation Guidelines.

§ 1. Mailing list.

The Board for Professional Soil Scientists (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of Intended Regulatory Action" to promulgate or repeal regulations.

2. "Notice of Comment Period" and public hearings, the subject of which is proposed or existing regulations.

3. Notice that the final regulations have been adopted.

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

§ 2. Placement on the list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Petition for rulemaking.

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

§ 4. Notice of intent.

At least 30 days prior to the publication of the "Notice of Comment Period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day comment period and shall state whether or not they intend to hold a public hearing. The agency is required to hold a hearing on proposed regulation upon request by the Governor or from 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 5. Informational proceedings or public hearings for existing rules.

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding which may take the form of a public hearing to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

Emergency Regulations

§ 6. Notice of formulation and adoption.

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submissions on the changes to the regulations. If the agency received requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for thirty days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

§ 7. Advisory committees.

The Board intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

- a. directories of organizations related to the profession,
- b. industry, professional and trade associations' mailing lists,
- c. and lists of persons who have previously participated in public proceedings concerning this or a related issue.

§ 8. Applicability.

Sections 1 through 3 and Sections 5 and 7 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of

the Administrative Process Act.

VA.R. Doc. No. R93-576; Filed June 23, 1993, 11:50 a.m.

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

June 3, 1993

ADMINISTRATIVE LETTER 1993-13

TO: All Insurance Companies, Health Services Plans, Health

Maintenance Organizations and Other Interested Parties

RE: Legislation Enacted by the 1993 Session of the Virginia

General Assembly

Attached are summaries of certain statutes enacted or amended and re-enacted by the Virginia General Assembly during the 1993 Session.

The effective date of these statutes is July 1, 1993, except as otherwise indicated in this letter.

Each organization to which this letter is being sent should review the attachment carefully and see that notice of these laws is directed to the proper persons (including its appointed representatives) to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a summary of legislation. It is neither a legal review and interpretation nor a full description of the legislative amendments made to insurance-related laws during the 1993 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

/s/ Steven T. Foster
Commissioner of Insurance

(All Bills Effective July 1, 1993 Unless Otherwise
Noted)

Life and Health Insurance

House Bill 1738

Insurance annuities

Amends §§ 38.2-106 and 38.2-107 to change the definitions of annuity and variable annuity. The bill expands the definition of annuity to permit the term "annuity" to include a contract under which a lump sum cash settlement is an alternative to the option of periodic payments. The term "variable annuity" is amended also to include agreements or contracts for annuities in which an optional lump sum cash settlement may vary according to investment experience.

House Bill 1773

Accident and sickness insurance; coverage of newborn children

Amends § 38.2-3411, which mandates coverage of newborn children. The bill clarifies that when coverage is extended to newborn children in accordance with the mandate, coverage for the child must be identical to coverage for the insured, and, regardless of whether the policy would otherwise provide coverage, must also include: 1) coverage for medically diagnosed congenital defects and birth abnormalities; and 2) coverage for inpatient and outpatient dental, oral surgical and orthodontic services that are medically necessary for the treatment of medically diagnosed cleft lip, cleft palate and ectodermal dysplasia, subject to any deductible, cost-sharing and policy maximum in the contract, provided that they are no more restrictive than for any injury or sickness covered under the contract.

House Bill 1952

Accident and sickness insurance; small employer market provisions

Amends § 38.2-3431 of the small employer market provisions and § 38.2-4319 of the health maintenance organizations (HMO) chapter. The bill amends the definition of eligible employee, deleting the requirement that the employee be included as an employee under a health benefit plan of the employer. The bill also amends § 38.2-4319 to clarify that HMOs are not required to offer coverage or accept applications for employees outside of the HMO's service area. House Bills 2057 and 2353 also address the small employer market.

House Bill 1982

Credit life, credit accident and sickness insurance; application, disclosure and readability

Amends § 38.2-3737 of the Credit Life, Accident and Sickness Insurance Chapter, dealing with the application or enrollment request, and § 38.2-3735.B, dealing with disclosure and readability, to provide that the above referenced sections do not apply to credit life or credit accident and sickness insurance policies which insure open-end monthly outstanding balance credit transactions if the following conditions are met:

1. The insurance is offered to the debtor after the loan or credit transaction has been approved by the creditor and has been in effect at least 25 days;
2. The solicitation for the insurance is by mail or telephone. The person making the solicitation may not condition the open-end credit upon purchase of the insurance;
3. The creditor makes available only one plan of credit life and one plan of credit accident and sickness insurance coverage to the debtor;
4. The debtor is provided written confirmation of the insurance coverage within 30 days of the effective date of

State Corporation Commission

the coverage. The effective date of the coverage is the date the solicitation is effective; and

5. The individual policy or certificate has a notice on it stating that in the first 30 days, the policyowner or certificateholder may return the policy or certificate to the insurer or agent with a written request for cancellation. The policy/certificate will be void and the insurer must refund any premium paid. The notice must be in at least 12-point type.

House Bill 2057

Accident and sickness insurance; small employer market

Amends § 38.2-3432 of the small employer article in the Accident and Sickness Insurance Chapter to provide that credit for a previously served preexisting conditions provision shall be granted whether or not the new coverage is provided by a different employer. The bill also provides that employers may not be excluded from coverage offered under this article solely because of the nature of the employer's business. House Bills 1952 and 2353 also address the small employer market.

House Bill 2257

Life insurance; prohibition of discrimination

Adds a new § 38.2-508.2 to the Unfair Trade Practices Chapter to prohibit an insurer or other "person" from refusing to issue or continue a life insurance policy solely because of an individual's race, color, religion, national origin or gender.

House Bill 2271

Accident and sickness insurance; coverage of dependent children

Amends § 38.2-3500 of the Accident and Sickness Insurance Policies Chapter to require that the definition of eligible family member include dependent children "without regard to whether such children reside in the same household as the policyowner" for individual contracts. The bill also amends § 38.2-3525 in Article 3, Group Accident and Sickness Insurance Policies, to clarify that coverage under group policies may be extended to cover dependent children without regard to whether the child resides in the same household as the certificateholder. The bill also amends §§ 38.2-4214 and 38.2-4319 to make the same changes applicable to health services plans and health maintenance organizations.

House Bill 2353

Accident and sickness insurance; small employer market

Amends §§ 38.2-3430, 38.2-3431 and 38.2-3432 and adds § 38.2-3233 to the Small Employer Market Article in the Accident and Sickness Insurance Chapter. The bill makes

the article applicable to individual contracts if part of the premium is paid for by the small employer by wage adjustment or other means of payroll deduction is allowed. The bill also requires the guaranteed issue of the essential and standard health benefit plans to employers with less than 26 employees. Community rating of the standard and essential plans is required. Companies may only deviate plus or minus 20% from the community rate for factors relating to claim experience, health status and duration of coverage. The bill allows insurers to use age, gender and geographic area outside of the 20% limit. NOTE: This is not the NAIC Model. Effective April 1, 1994

House Bill 2404

Accident and sickness insurance; standardized claims forms

Adds § 38.2-322 to the chapter relating to provisions for insurance contracts. Also amends §§ 38.2-4214, 38.2-4319 and 38.2-4509 dealing with health services plans, HMOs, dental and optometric services plans, respectively. This bill requires insurers, HMOs, health services plans and optometric service plans to accept the HCFA-1500 claims form or its successor for services provided by physicians, chiropractors, optometrists, opticians, professional counselors, psychologists, clinical social workers, podiatrists, physical therapists, clinical nurse specialists, audiologists and speech pathologists. The UB-82 claims form or its successors must be accepted for hospital services. The American Dental Association form must be accepted for dental services by insurers, HMOs, health services plans or dental plans. This does not prohibit insurers, HMOs, health services plans or dental plans from accepting other claims forms. The forms required to be accepted may be modified to accommodate electronic processing. Insurers will still be able to use their own claims forms but must accept the standardized forms (HCFA-1500, UB-82 and ADA). Effective January 1, 1994

Senate Bill 602

Life insurance

Amends §§ 38.2-301, 38.2-302 and 38.2-3224 to allow more clearly and recognize the existence of corporate-owned life insurance ("COLI") and trust-owned life insurance ("TOLI"). COLI and TOLI plans are considered acceptable with regard to insurable interest requirements (§ 38.2-301) and may be issued on the lives of certain employees without a requirement that the employee make application therefor (§ 38.2-302), provided that the COLI or TOLI plan provides the employees with written notice that insurance has been purchased on their lives, the amount of such coverage, and to whom benefits are payable in the event the employees die. The bill also exempts the contracts issued to COLI and TOLI plans from certain requirements contained in § 38.2-3330 (Payment of Benefits), § 38.2-3331, subsection A (Requirement for Individual Certificates), § 38.2-3332 (Right to Individual Policy Upon Termination of Employment), § 38.2-3333 (Right to Individual Policy Upon Termination of Group Policy) and § 38.2-3334 (Death After

Termination of Group Insurance).

Senate Bill 739

Accident and sickness insurance; unfair trade practices

Amends § 38.2-508 of the Unfair Trade Practices Chapter to provide that an insurer (including an HMO or health services plan) may not refuse to issue or renew an individual accident and sickness policy or contract providing coverage over and above any lifetime limit of a group accident and sickness policy solely because an individual is covered by a group accident and sickness insurance contract. Medical expenses covered by both individual and group coverage are to be paid first by the group coverage. The provisions of this amendment do not apply to policies or contracts issued or renewed pursuant to § 38.2-4216.1 (Open Enrollment).

Senate Bill 867

Accident and sickness insurance; coverage for mental health and substance abuse services

Repeals §§ 38.2-3412 and 38.2-3413 that separately mandated coverage for mental, emotional or nervous disorders and alcohol and drug dependence and creates a new § 38.2-3412.1 that mandates coverage for mental health and substance abuse services. The new provisions define the terms adult, alcohol or drug rehabilitation facility, child or adolescent, inpatient treatment, intermediate care facility, medication management visit, mental health services, mental health treatment center, outpatient treatment, partial hospitalization, and substance abuse services and treatment.

§ 38.2-3412.1 requires that individual and group accident and sickness policies and subscription contracts providing coverage on an expense incurred basis to a family member shall provide the following inpatient and partial hospitalization mental health and substance abuse services:

1. Treatment for an adult as an inpatient for at least 20 days per policy or calendar year.
2. Treatment for a child or adolescent for at least 25 days per policy or contract year.
3. Up to 10 days of inpatient benefit that may be converted, when medically necessary, at the option of the person or parent of a child or adolescent, to partial hospitalization. The conversion shall be at least 1.5 days of partial hospitalization for each inpatient day.
4. Limits on the inpatient and partial hospitalization coverage which are not to be more restrictive than for any other illness.

This coverage does not apply to short-term travel, accident only, limited or specified disease policies or Medicare supplement policies.

With regard to group contracts covering a family member on an expense incurred basis, the insured or subscriber shall provide the following outpatient coverage for mental health and substance abuse:

- a. At least 20 visits for an adult, child or adolescent in each policy or contract year;
- b. Limits that shall be no more restrictive than any other illness except the co-insurance factor shall be at least 50% after the first five visits;
- c. Medication management visits which shall be treated as any other illness and shall not be counted as outpatient visits under this section.

NOTE: Senate Bill 867 was the result of a two year study and subsequent review and recommendation from the Special Advisory Commission on Mandated Health Insurance Benefits. The intent of the new law is to be cost-neutral when compared to the two laws being repealed.

Property and Casualty Insurance

House Bill 1426

Liability insurance; supplemental reports for certain lines or subclassifications of commercial liability insurance

Amends subsection B of § 38.2-1905.2. Supplemental report data, which the State Corporation Commission (Commission) requires to be provided by insurers for certain lines and subclassifications of commercial liability insurance, must be submitted in a "machine-readable" format unless otherwise prescribed by the Commission. Subsection B is also amended to ensure consistency between the data reported on the supplemental reports and the data reported on annual statements and insurance expense exhibits filed with the Commission.

House Bill 1697

Motor vehicle insurance; proof of financial responsibility

Allows a person who has moved out of state to Maryland who must still file an SR 22 in Virginia to file his or her proof of financial responsibility by showing that the vehicle is insured by the Maryland Automobile Insurance Fund, which is the Maryland assigned risk fund. The law currently requires a nonresident to show proof of financial responsibility with a licensed insurance company. Since the Maryland Automobile Insurance Fund is not licensed as an insurance company, a change in the Motor Vehicle Code is required. This change has been made to § 46.2-440.

House Bill 1737

Underground storage tanks

Amends Title 62.1 to allow operators of facilities who are

State Corporation Commission

unable to demonstrate financial responsibility to establish an insurance pool in accordance with § 62.1-44.34:12. The formation and operation of such pools are subject to approval by the Commission. The Commission will adopt appropriate rules governing these pools.

House Bill 1775

Workers' compensation; civil penalties

Amends §§ 65.2-805 and 65.2-902 of the Workers' Compensation Act to provide for civil penalties of not less than \$500 and not more than \$5,000, payable to the Uninsured Employer's Fund, in the event an employer fails to comply with the provisions of § 65.2-804. A failure by an employer to make a report required by the Workers' Compensation Commission (Commission) shall result in a penalty of not more than \$500. If the Commission finds that an employer willfully failed to make a report required by the Commission, a fine of not less than \$500 and not more than \$5,000 shall be assessed, payable to the Uninsured Employer's Fund.

House Bill 1776

Workers' compensation; independent medical examinations

Amends § 65.2-607 of the Workers' Compensation Act to provide that no employer may require an injured employee to submit to more than one independent medical examination by a physician or surgeon per medical specialty without the prior authorization of the Workers' Compensation Commission based upon a showing of good cause or necessity.

House Bill 1806

Workers' compensation; venue

Amends § 65.2-702 of the Workers' Compensation Act as to the venue for a hearing before the Commission. Hearings are generally held in the city or county in which the injury occurred or in a contiguous city or county. This amendment gives the Workers' Compensation Commission the discretion to designate another city or county as the site for the hearing.

House Bill 1825

Motor vehicle insurance; underinsured motorist coverage

Amends § 38.2-2206 by removing the requirement that, in order to be entitled to underinsured motorist coverage, the insured must purchase uninsured motorist coverage at limits higher than the minimum financial responsibility limits (25/50/20) required in § 46.2-472. Under the current law, an insured has underinsured motorist coverage available to him only if he purchases limits higher than the minimum limits of financial responsibility required by § 46.2-472. This bill will allow an injured party to collect under his underinsured motorist coverage even if he has

not purchased higher limits of uninsured motorist coverage.

House Bill 2060

Motor vehicle insurance; furnishing information to the Department of Motor Vehicles

Amends the Motor Vehicle Code by stating that liability insurance information relating to individually identified vehicles or persons which is supplied by insurers to DMV shall be privileged and shall not be subject to the Virginia Freedom of Information Act. This information is to be used to verify insurance for motor vehicles pursuant to § 46.2-706.

House Bill 2147

Title insurance risk rates

This bill was amended by the Governor to add a provision that the bill will not become effective unless reenacted by the 1994 Virginia General Assembly. If reenacted next year, it will amend Chapter 46 of Title 38.2 of the Code of Virginia to make title insurance risk rates, as defined in § 38.2-4608, subject to "file and use" rate regulation.

House Bill 2175

Workers' compensation insurance; notice of coverage nonrenewal

Amends § 65.2-804 of the Workers' Compensation Act to provide that no policy of insurance shall be nonrenewed by an insurer or group self-insurance association issuing the policy unless thirty days' notice of nonrenewal has been given to the employer and the Workers' Compensation Commission. If an employer has obtained other insurance coverage and the Workers' Compensation Commission has received notice from the insurer assuming the risk, this provision does not apply.

House Bill 2237

Credit involuntary unemployment insurance

Creates a new definition of credit involuntary unemployment insurance which, at the option of the borrower, may be provided by a lender. Credit involuntary unemployment insurance is defined in § 38.2-122.1 to mean insurance on a debtor in connection with a specified loan or other credit transaction to provide payment to a creditor for the installment payments or other periodic payments becoming due while the debtor is involuntarily unemployed. Section 38.2-233 sets forth disclosure and readability requirements for this coverage.

Senate Bill 640

Fire insurance policies

Adds § 38.2-2124 to require that any insurer issuing fire insurance policies, or fire insurance policies in combination with other coverages, offer as an option on both new and renewal policies coverage for the replacement or repair of properties in accordance with applicable ordinances or laws regulating construction, repair or demolition. This amendment will make policyholders aware that they may buy back coverage otherwise excluded from the policy, which will cover the additional cost to repair or replace property in accordance with applicable building codes.

Senate Bill 868

Marine insurance; property and casualty guaranty association

Amends § 38.2-1601 of the Property and Casualty Insurance Guaranty Association Act (Act) to provide that the provisions of the Act shall not apply to insurance of vessels or craft used primarily in a trade or business, their cargoes and marine builders' risk and marine protection and indemnity. This bill clarifies what types of ocean marine coverage will not be covered under the guaranty fund in case of an insurer insolvency. The current language excludes "ocean marine insurance," but the term "ocean marine insurance" is not defined in Title 38.2. The new language will allow private pleasure vessels to be covered under the Act.

Senate Bill 908

Workers' compensation insurance

Amends Title 38.2 to make workers' compensation and employers' liability rates subject to Chapter 19 of Title 38.2. Rates for insurance written through the workers' compensation assigned risk plan will still be regulated under the prior approval provisions of Chapter 20. As a result of this bill, the Commission will have the authority to approve or disapprove workers' compensation prospective loss costs and supplementary rate information filed by a rate service organization on behalf of its members, but each insurer will now be required to file its own expense data and final rates. Any insurer that chooses not to use the loss costs and supplementary rate information filed by a rate service organization will be subject to the delayed effect filing provisions of § 38.2-1912.

All insurers writing workers' compensation insurance will have to file supplemental report data showing their experience in the Commonwealth if the line is designated as potentially noncompetitive. Also every insurer will have to adhere to the uniform classification system, uniform experience rating plan and uniform statistical plan approved by the Commission.

The provision allowing the interchange of rating data, which is currently found under § 38.2-2011, has been added to Chapter 19. This provision will now apply to all

rate service organizations subject to Chapter 19 and will allow for the exchange of rating information and experience data.

In Chapter 20, permission is given for insurers and rate service organizations participating in joint reinsurance pools to act in cooperation with each other. Also, a new provision is added which requires all licensed insurers writing workers' compensation insurance in Virginia to participate in the assigned risk plan. This had not previously been stipulated in the law.

Another provision in this bill amends Virginia Code § 65.2-823 to allow information on insureds in the assigned risk plan to be released to agents and insurers for the purpose of procuring coverage in the voluntary market. Effective January 1, 1994

Senate Bill 999

Motor vehicle insurance; Help Eliminate Automobile Theft Fund (HEAT)

Amends § 38.2-414 by clarifying that the HEAT Fund Program can use the funds collected to reward information leading to the arrest of persons who commit motor vehicle theft-related crimes. The revised language clarifies that such persons do not have to be convicted in order for the HEAT Fund to provide a reward for the information received.

Financial Regulation

House Bill 1396

Continuing care provider registration and disclosure

Amends § 38.2-4900 to broaden the definition of "continuing care." The present definition requires the continuing care agreement to make provision for board, lodging and nursing services. Under this amendment, the definition is broadened to include agreements which provide only lodging, provided that board and nursing services are made available under ancillary but contractually separate agreements.

House Bill 1733

Investments in subsidiary corporations

Amends §§ 38.2-1414 and 38.2-1427.3 concerning investments in subsidiary corporations. The amendments provide that on and after December 31, 1992, all investments in subsidiary corporations shall be classified and limited pursuant to provisions in § 38.2-1427.3, subject further to the admitted asset and surplus limitations imposed by a new subsection A.12 in § 38.2-1414. The amendments also provide that compliance with the limitations imposed by § 38.2-1427.3 may be determined for pre-July 1, 1992 investments by use of a deemed December 31, 1992 date of investment. Effective March 4,

State Corporation Commission

1993

House Bill 1746

Virginia Life, Accident and Sickness Insurance Guaranty Association Act

Amends § 38.2-1704 as to the maximum liabilities for which the Virginia Life, Accident and Sickness Insurance Guaranty Association (Association) shall be liable. As to any one life, regardless of the number of policies or contracts, the stated benefits are: \$300,000 in life insurance death benefits and \$100,000 in net cash surrender and net cash withdrawal values for life insurance; \$300,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values; and \$100,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values. The Association shall in no event be liable for more than \$300,000 in the aggregate with respect to any one individual.

House Bill 2133

Health maintenance organizations; nonparticipating referral providers

Amends § 38.2-4300, the definition of "nonparticipating referral provider", to allow an HMO's payments to such providers to exceed 5% of total health care costs provided that such excess payments are classed or treated as mere indemnification costs. By referring to the definition of "health care plan", the amendment requires that the excess be combined with and subjected to pre-existing limitations restricting an HMO's activities as an indemnity insurer. A technical amendment in the definition of "basic health care" hyphenates the term "out-of-area."

Senate Bill 634

Investments by domestic insurers in receivership

Amends § 38.2-1400 to address the special investment authority required by a receiver when acting to rehabilitate or liquidate an insurer otherwise subject to the investment limitations of Chapter 14 of Title 38.2. Effective March 5, 1993

Senate Bill 923

Financial regulation of insurers

Amends various sections of Title 38.2 to maintain the Bureau of Insurance's accreditation with the National Association of Insurance Commissioners (NAIC) and to ensure protection for Virginia policyholders. This proposal amends § 38.2-1306.2 to clarify that insurers' assets are to be valued in accordance with NAIC standards. Several sections in Article 5 of Chapter 13, dealing with insurance holding companies, are also amended to bring Virginia statutes in line with the NAIC Model Act and to address such issues as the use of third parties in an attempt to

circumvent statutory approvals and prohibitions. A new article 7 is added to Chapter 13 dealing with producer-controlled property and casualty insurers, provisions which are specifically required to maintain NAIC Accreditation. Various sections of Title 38.2 are also amended to clarify that all the provisions of Articles 1, 2 and 4 of Chapter 13 dealing with annual statements and other reports, valuations and admissibility of assets, and examination procedures, will be applicable to HMOs, legal services plans and dental or optometric services plans. Section 38.2-136 is also amended to ensure that policyholders do not lose guaranty fund coverage as a result of their insurer's being involved in an assumption reinsurance transaction with an unlicensed company. The amendments require that insurers obtain the policyholder's consent when entering into an assumption reinsurance transaction and that the assuming insurer in such transactions be licensed in this Commonwealth. There are specific conditions stated in which consent and licensing may not be required to effect the transfer of risk.

MISCELLANEOUS

House Bill 1290

Property and Casualty Insurance Guaranty Association

Repeals § 38.2-1614 to eliminate the ability of property and casualty insurers to recover their guaranty fund contributions both through rates and premiums and through premium tax credits. This situation was inadvertently created with the passage of § 38.2-1611.1, which gave the property and casualty insurers the premium tax credits enjoyed by the life and health insurers.

House Bill 1819

Insurance agents; agents of burial societies

Amends § 38.2-1815 of the Agents Chapter of the Code of Virginia to exempt agents who write coverage for burial societies (companies licensed according to Chapter 40) from the requirement of a written examination if they write coverage of less than \$5,000. The bill also eliminates the possibility of exemption for agents acting solely for cooperative nonprofit life benefit companies (Chapter 38 companies).

House Bill 1857

Insurance agents; agency relationship and accounting for premiums

Amends § 38.2-1801, adding a new subsection B to ensure the protection of insureds in the event premium payments made by insureds to their agents are not remitted by the agents to the insurer or its designated representative. Payment of the premium to an agent or surplus lines broker shall be considered payment to the insurer, provided the insurer or its appointed agent has

State Corporation Commission

acknowledged coverage. A new subsection C has also been added to clarify that the insurer is liable for the return of the unearned premium due a premium finance company where payment and evidence of financing have been received by the insurer or its appointed agent.

The second amendment is to § 38.2-1813, which deals with reporting and accounting for premiums. This amendment clarifies that all funds, including premium funds that an agent receives on behalf of an insurance premium finance company, must be accounted for and paid to the premium finance company when due. "When due" is clarified to mean in the ordinary course of business.

House Bill 1882

Title insurance agencies and agents

Amends subsection A of § 38.2-614 by removing from the anti-kickback provision the exemption currently allowed for federally insured lenders, holding companies to which they belong and their subsidiaries. A provision is also added to clarify that these entities may be licensed as title agents and may receive payments or commissions from the sale of title policies. A new definition of title insurance agency or agent is also added under the new section § 38.2-4601.1, which specifies the services a title agent must perform in order to receive a payment or commission in connection with the issuance of title insurance.

* * * * *

AT RICHMOND, JUNE 10, 1993

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC930009

Ex Parte: In the matter of adopting rules governing service standards for local exchange telephone companies

FINAL ORDER ADOPTING RULES

By order of April 5, 1993, the State Corporation Commission ("Commission") proposed rules to govern service standards for local exchange telephone companies. That order also invited interested persons to submit written comments or requests for hearing on or before May 14, 1993, and directed the Commission Staff to review the filed comments and file any response it deemed appropriate by May 28, 1993.

Only two interested persons filed written comments in the captioned proceeding: C&P Telephone Company of Virginia ("C&P") and Communication Engineering, Inc. ("CEI"). CEI initially requested a hearing on the proposed rules but subsequently withdrew its request, noting that it would address its concerns through informal means. While C&P did not request a hearing, it did request that it be

given an opportunity to participate in the event a hearing was convened.

C&P's written comments supported the proposed service standards for Virginia certificated local exchange telephone companies ("LECs"). C&P did not oppose the rule provision that "[v]iolations of these rules are punishable pursuant to either Virginia Code § 56-483 or § 12.1-33 or both . . ." but requested the Commission to clarify the following statement on page 1 of its order: "If the service standards are adopted as rules, any failure to comply with these standards would constitute a violation of such rules, punishable pursuant to either Virginia Code § 56-483 or § 12.1-33 or both." C&P observed that a service failure due solely to an act of God or nature which resulted in unsatisfactory service performance for a short period of time, in its view, neither shows willfulness, which is required for a violation of Virginia Code §§ 56-483 and 12.1-33, nor meets any of the other statutory tests for imposing a fine. C&P feared that the language of our previous order might be used to argue that a service failure under those circumstances would be punishable under the new standards. On May 28, 1993, the Staff filed its Report in which it agreed with C&P's observations concerning the language of the previous order.

While our Division of Communications has maintained service standards as guidelines for some time, we find it necessary to elevate these standards from Division guidelines to rules which are enforceable under Virginia Code §§ 56-483 and 12.1-33. Under these rules, service standard violations will now be punishable under either section individually or both. It is our intent to interpret and apply these statutes by their terms. We will use our judgment in deciding whether an occurrence could have been controlled by a LEC or could be considered a punishable service standard violation.

UPON CONSIDERATION of the written comments and the Staff Report filed herein, the Commission is of the opinion and finds that no hearing must be convened in this proceeding; and that the rules proposed in our April 5, 1993 Order (Attachment A) are reasonable and should be adopted, effective as of the date of the entry of this Order.

Accordingly, IT IS ORDERED that the rules found in Attachment A are hereby adopted, effective as of the date of the entry of this Order, and that there being nothing further to be done herein, this matter is hereby dismissed.

ATTESTED COPIES hereof shall be sent by the Clerk of the Commission to: each certificated local exchange telephone company operating in Virginia as shown on Appendix A hereto; each interexchange telephone company operating in Virginia as shown on the service list attached hereto as Appendix B; and to: Fred Schoenfeld, President, Communication Engineering, Inc., P.O. Box 6526, Portsmouth, Virginia 23703; Warner F. Brundage, Jr., Vice President, General Counsel and Secretary, C&P Telephone Company of Virginia, P.O. Box 27241, Richmond, Virginia

State Corporation Commission

23261; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and the Divisions of Communications, Public Utility Accounting, Economics and Finance, and Public Service Taxation.

Attachment A

RULES GOVERNING SERVICE STANDARDS FOR LOCAL EXCHANGE TELEPHONE COMPANIES

Each local exchange telephone company shall provide the necessary equipment, plant facilities, and personnel within its certificated area(s) to deliver high quality customer service.

There are eight key indicators that shall be used to measure the quality of service being furnished by the local exchange companies. Where applicable, service results from these key indicators shall be banded as follows:

Satisfactory - Represents good service.

Weakspot - Requires management attention and corrective action.

Unsatisfactory - A level of service requiring immediate corrective action and management follow up.

The eight key indicators and their performance level bands are as follows:

SERVICE INDICATOR: Commission Complaints Per 1000 Access Lines Per Year.

DEFINITION: All customer complaints received by the Commission that, upon investigation, prove to be justified.

PERFORMANCE: Less than one Per 1000 Access Lines Per Year

SERVICE INDICATOR: Trouble Reports Per 100 Access Lines Per Month

DEFINITION: All customer trouble reports received, whether trouble was found or not found.

PERFORMANCE:

0 - 6.0 Sat.

6.1 - 8.0 Wkspt.

Over 8.0 Unsat.

SERVICE INDICATOR: Percent Repeated Trouble Reports Per Month

DEFINITION: The incidence of two or more trouble reports received from the same Access Lines within the

same 30 day period, stated as a percent of total trouble reports.

PERFORMANCE:

0 - 16% Sat.

16.1 - 20% Wkspt.

Over 20% Unsat.

SERVICE INDICATOR: Network Reports Per 100 Access Lines Per Month.

DEFINITION: All customer trouble reports, whether found or not found, that are charged against the central office.

PERFORMANCE:

0 - .35 Sat.

0.36 - .45 Wkspt.

Over .45 Unsat.

SERVICE INDICATOR: Network Switching Performance, Percent Satisfactory Per Month

DEFINITION: An index that measures the overall performance of central office equipment in providing dial tone, switching and connecting customers, and collecting call billing data.

PERFORMANCE BAND:

95.5 - 100% Sat.

92.0 - 95.4% Wkspt.

Under 92% Unsat.

SERVICE INDICATOR: Business Office Accessibility, Percent Per Month

DEFINITION: The percent of all calls to the business office which are answered live within 20 seconds.

PERFORMANCE BAND:

85 - 100% Sat.

80 - 84.9% Wkspt.

Under 80% Unsat.

SERVICE INDICATOR: Repair Service Accessibility, Percent Per Month.

DEFINITION: The percent of all calls to Repair Service which are answered live within 20 seconds.

PERFORMANCE BAND:

85 - 100% Sat.

80 - 84.9% Wkspt.

Under 80% Unsat.

SERVICE INDICATOR: Service Orders Completed within 5 Working Days, Percent Per Month.

DEFINITION: The percent of all single line new service orders completed within 5 working days of service application or the customer requested completion date.

PERFORMANCE BAND:

90 - 100% Sat.
85 - 89.9% Wkspt.
Under 85% Unsat.

Local exchange companies which exceed 20,000 access lines shall report data to the Commission's Division of Communications each month on the above described eight key indicators.

Nothing in these rules shall be deemed to excuse a local exchange company from submitting any additional information requested by the Commission's Division of Communications.

Violations of these rules shall be punishable pursuant to either Virginia Code § 56-483 or § 12.1-33 or both.

APPENDIX A

TELEPHONE COMPANIES IN VIRGINIA

Amelia Telephone Corporation
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Amelia Telephone Corporation
Mr. Raymond L. Eckels, Manager
P.O. Box 76
Amelia, Virginia 23002

Buggs Island Telephone Cooperative
Mr. M. Dale Tetterton, Jr., Manager
P.O. Box 129
Bracey, Virginia 23919

Burke's Garden Telephone Exchange
Ms. Sue B. Moss, President
P.O. Box 428
Burke's Garden, Virginia 24608

Central Telephone Company of Virginia
Mr. Gregory L. Wells
Acting President - VA/NC
P.O. Box 6788
Charlottesville, Virginia 22906

Chesapeake & Potomac Telephone Company
Mr. Hugh R. Stallard, President
and Chief Executive Officer
600 East Main Street
P.O. Box 27241
Richmond, Virginia 23261

Citizens Telephone Cooperative

Mr. James R. Newell, Manager
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

Clifton Forge-Waynesboro Telephone Company
Mr. James S. Quarforth, President
P.O. Box 1990
Waynesboro, Virginia 22980-1990

Contel of Virginia, Inc.
Mr. Edward J. Weise, President
9380 Walnut Grove Road
P.O. Box 900
Mechanicsville, Virginia 23111-0900

GTE South
Mr. J.M. Swatts
State Manager - External Affairs
300 Bland Street
Bluefield, West Virginia 24701

GTE South
Mr. Thomas R. Parker
Associate General Counsel
Law Department
P.O. Box 110 - Mail Code: 7
Tampa, Florida 33601-0110

Highland Telephone Cooperative
Mr. Elmer E. Halterman, General Manager
P.O. Box 340
Monterey, Virginia 24465

Mountain Grove-Williamsville
Telephone Company
Mr. L. Ronald Smith
President/General Manager
P.O. Box 105
Williamsville, Virginia 24487

New Castle Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

New Hope Telephone Company
Mr. K.L. Chapman, Jr., President
P.O. Box 38
New Hope, Virginia 24469

North River Telephone Cooperative
Mr. W. Richard Fleming, Manager
P.O. Box 236, Route 257
Mt. Crawford, Virginia 22841-0236

Pembroke Telephone Cooperative
Mr. Stanley G. Cumbee, General Manager
P.O. Box 549
Pembroke, Virginia 24136-0549

State Corporation Commission

Peoples Mutual Telephone Company, Inc.
Mr. E.B. Fitzgerald, Jr.
President & General Manager
P.O. Box 367
Gretna, Virginia 24557

Roanoke & Botetourt Telephone Company
Mr. Allen Layman, President
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. James W. McConnell, Manager
P.O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President
P.O. Box 459
Edinburg, Virginia 22824

United Telephone-Southeast, Inc.
Mr. H. John Brooks, Vice President &
General Manager
112 Sixth Street, P.O. Box 699
Bristol, Tennessee 37620

Virginia Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

APPENDIX B

INTER-EXCHANGE CARRIERS

AT&T Communications of Virginia
Mr. Terry Michael Banks, Vice President
Three Flint Hill
3201 Jermantown Road, Room 3B
Fairfax, Virginia 22030-2885

CF-W Network, Inc.
Mr. James S. Quarforth, President
P.O. Box 1990
Waynesboro, Virginia 22980-1990

Central Telephone Company of Virginia
Mr. James W. Spradlin, III
Government & Industry Relations
P.O. Box 6788
Charlottesville, Virginia 22903

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

Metromedia Communications Corporation

Mr. Joseph Kahl, Manager
Regulatory Affairs
One Meadowlands Plaza
East Rutherford, New Jersey 07073

Contel of Virginia, Inc.
Mr. Stephen Spencer
1108 East Main Street, Suite 1108
Richmond, Virginia 23219

Institutional Communications Company - Virginia
Ms. Dee Kindel
8100 Boone Boulevard, Suite 500
Vienna, Virginia 22182

MCI Telecommunications Corp. of Virginia
Robert C. Lopardo
Senior Attorney
1150 17th Street, N.W., 8th Floor
Washington, D.C. 20036

R&B Network, Inc.
Mr. Allen Layman, Executive Vice President
P.O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. James W. McConnell, Manager
P.O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President & General Manager
P.O. Box 459
Edinburg, Virginia 22824

SouthernNet of Va., Inc.
Peter H. Reynolds, Director
780 Douglas Road, Suite 800
Atlanta, Georgia 30342

TDX Systems, Inc.
Mr. Charles A. Tievsky, Manager
Legal and Regulatory Affairs
1919 Gallows Road
Vienna, Virginia 22180

Sprint Communications of Virginia, Inc.
Mr. Kenneth Prohoniak
Staff Director, Regulatory Affairs
1850 "M" Street, N.W. Suite 110
Washington, DC 20036

Wiltel of Virginia
Brad E. Mutschelknaus, Esquire
Wiley, Rein and Fielding
1776 K Street, N.W.
Washington, DC 20006

* * * * *

State Corporation Commission

AT RICHMOND, JUNE 16, 1993

COMMONWEALTH OF VIRGINIA

At the relation of the CASE NO. PUE930015

STATE CORPORATION COMMISSION

Ex Parte : In re: Investigation
into the Effects of Wholesale Power
Purchases on Utility Cost of Capital;
Effects of Leveraged Capital Structures
on the Reliability of Wholesale Power
Sellers; and Assurance of Adequate Fuel
Supplies

ORDER REQUIRING NOTICE AND HEARING

By Order dated March 19, 1993, the Commission established this docket to perform a general evaluation of four standards added by the Energy Policy Act of 1992 (the "Act") to Section 111 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2621 ("PURPA").

The earlier Order provided for receipt of comments from interested persons and directed our Staff to file testimony incorporating its recommendation as to "whether it is appropriate to implement the standards set out in subparagraph (A)" of the Act, and if so, whether to do so by specific rule or by specific policy pronouncement. Following such events, the Order indicated that a further procedural order would be issued establishing the second phase of the investigation, a public hearing required by PURPA § 111 (b)(1)(a).

Comments have been received from several parties. Staff testimony was filed on June 8, 1993, and recommended against our issuance of specific rules or policy pronouncements to implement any of the standards enunciated in the Act.

As noted, the Act requires that a hearing be convened to receive evidence concerning the implementation of these standards. Accordingly,

IT IS ORDERED:

(1) That a public hearing is scheduled for September 16, 1993, at 10:00 a.m., in the Commission's Courtroom, located on the second floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia for the purpose of receiving evidence relevant to the investigation;

(2) That on or before August 2, 1993, any person desiring to participate as an Intervener, as defined by Rule 4:6 of our Rules of Practice and Procedure, shall file with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, an original and fifteen (15) copies of any testimony and exhibits expected to be introduced at the hearing;

(3) That on or before August 27, 1993, the Commission Staff shall file additional prepared testimony, if any, and exhibits, if any, with the Clerk of the Commission, and shall serve a copy of said testimony and exhibits, if any, upon each interested party who has filed testimony in the proceeding;

(4) That on or before July 12, 1993, the Commission's Division of Economics and Finance shall publish once per week for two successive weeks in (a) The Richmond Times-Dispatch; (b) The Norfolk Virginian Pilot; (c) The Roanoke Times & World News; (d) The Bristol Herald Courier; and (e) The Journal Newspapers (Northern Virginia), the following notice:

NOTICE TO THE PUBLIC OF THE INVESTIGATION OF THE STATE CORPORATION COMMISSION INTO STANDARDS ESTABLISHED BY SECTION 712 OF THE ENERGY POLICY ACT OF 1992

On October 24, 1992, the Energy Policy Act of 1992 was passed into law by the United States Congress. Among the provisions of that Act is a requirement that the State Corporation Commission perform a general evaluation of the effects of wholesale power purchases on utility cost of capital; the effects of leveraged capital structures on the reliability of wholesale power sellers; the need for advanced approval of long-term wholesale power purchases; and the assurance of the adequacy of fuel supplies.

The Commission has received comments from interested parties and testimony from its Staff concerning these matters and has scheduled a public hearing for September 16, 1993, beginning at 10:00 a.m., in its Courtroom on the second floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia for the purpose of receiving evidence relevant to its investigation.

Any interested person may participate by filing on or before August 2, 1993, an original and fifteen (15) copies of the testimony and exhibits expected to be introduced at said hearing with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. Said testimony and exhibits must refer to Case No. PUE930015.

VIRGINIA STATE CORPORATION COMMISSION DIVISION OF ECONOMICS AND FINANCE

(5) That the Division of Economics and Finance shall upon completion provide proof of publication on the notice required herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all electric companies and cooperatives in the State of Virginia; James S. Copenhaver, Esquire, P.O. Box 26666, Richmond, Virginia 23261; Evans Brasfield, Esquire and Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza-East Tower, 951 East Byrd

State Corporation Commission

Street, Richmond, Virginia 23219-4074; Edward L. Petrini, Esquire, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; David B. Kearney, Esquire, City of Richmond, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Louis R. Monacell, Virginia Committee for Fair Utility Rates, 1200 Mutual Building, Richmond, Virginia 23219; Edward L. Flippen, Esquire, P.O. Box 1122, Richmond, Virginia 23208-1122; Stephen H. Watts, II, Esquire and Mark J. LaFratta, Esquire, McGuire, Woods, Battle & Booth, One James Center, Richmond, Virginia 23219-4030; T. Randolph Perkins, Cogentrix, Inc., 9405 Arrow Point Boulevard, Charlotte, North Carolina 28217; Laurence M. Harmic, Esquire, Two James Center, 1021 East Cary Street, Richmond, Virginia 23210; Beverly Crump, Esquire, McSweeney, Burtch & Crump, 11 South 12th Street, Richmond, Virginia 23219; Thomas L. Bowden, Esquire, 1309-11 East Cary Street, Richmond, Virginia 23219; Wayne S. Leary, Peat Energy, Inc., 1006 Albemarle Court, New Bern, North Carolina 28562-2502; John Sachs, Esquire, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006; George A. Beadles, Jr., 9401 Deer Range Road, Mosley, Virginia 23120-1432; Philip F. Abraham, Coastal Power Production, P.O. Box 3-K, Richmond, Virginia 23206; Wallace N. Davis, Executive Director, Department of Air Pollution Control, Commonwealth of Virginia, Room 801, Ninth Street Office Building, P.O. Box 10089, Richmond, Virginia 23240; W. Harrison Welford, Esquire, National Independent Energy Producers, 601 13th Street, N.W., Suite 3205, Washington, D.C. 20005; Philip J. Bray, Esquire, Potomac Edison Company, 10435 Downsville Pike, Hagerstown, Maryland 21740; H. Allen Glover, Esquire, Appalachian Power Company, P.O. Box 14125, Roanoke, Virginia 24038-4125; Margaret A. Welsh, Electric Generation Association, 2715 M Street, N.W., Suite 150, Washington, D.C. 20007; Douglas L. Miller, Esquire, SEI Birchwood, Inc., 600 Peachtree Street, N.E., Suite 5200, Atlanta, Georgia 30308-2216; August Wallmeyer, Virginia Association Non-Utility, 700 East Main Street, Suite 701, Richmond, Virginia 23219; Robert M. Hewett, Kentucky Utilities Company, One Quality Street, Lexington, Kentucky 40507; David T. Byrnes, Vice President, Seakay Electrical Conservation, 2700 South Quincy Street, Suite 530, Arlington, Virginia 22206; John A. Pirko, Esquire, Old Dominion Electric, et. al, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; and to the Commission's Divisions of Economic and Finance and Energy Regulation.

MARINE RESOURCES COMMISSION

MARINE RESOURCES COMMISSION

FINAL REGULATIONS

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0090. Pertaining to Recreational Gear Licenses.

Statutory Authority: §§ 28.2-226.1 and 28.2-226.2 of the Code of Virginia.

Effective Date: June 1, 1993.

Preamble:

This regulation establishes licenses for the recreational and personal use of certain fishing and crabbing gear. It limits the amount of gear and the catch, and establishes gear identification requirements and harvest reporting requirements for the licensees.

VR 450-01-0090. Pertaining to Recreational Gear Licenses.

§ 1. Authority, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.2-226.1 and 28.2-226.2 of the Code of Virginia.

B. This regulation replaces emergency regulation VR 450-01-0090 which was promulgated and made effective on April 12, 1993.

C. The effective date of this regulation is June 1, 1993.

§ 2. Purpose.

The purpose of this regulation is to establish licenses for the recreational and personal use of certain fishing and crabbing gear. Limits are established on the amount of gear which may be used and the amount of catch which may be taken. Gear identification requirements and harvest reporting requirements are established to reduce the possibilities of gear conflicts and to assess the levels of harvest made by recreational users of commercial gear.

§ 3. Recreational gear licenses.

A. Any person desiring to take or catch finfish or shellfish for recreational purposes in the tidal waters of Virginia using commercial gear authorized under § 28.2-226.1 of the Code of Virginia shall first pay the specified fee and obtain the license for the appropriate gear, as follows:

1. Recreational gill net \$ 7.50
2. Recreational fish cast net \$ 8.00

3. Recreational fish dip net \$ 6.00
4. Recreational crab pot \$29.00
5. Recreational crab trap \$ 5.00
6. Recreational ordinary crab trot line \$ 8.00

B. Any license to use fishing gear for recreational purposes shall be issued to an individual for his exclusive use and shall not be transferable.

C. No person shall be issued more than one recreational gill net license, more than one recreational crab pot license, nor more than one crab trap license.

D. No license shall be required of any person taking minnows, menhaden, or mullet with a cast net for personal use as bait which is not to be sold, traded, or bartered.

§ 4. Gear restrictions.

A. It shall be unlawful for any person to use any gill net greater than 300 feet in length when licensed for recreational purposes under this regulation. Any person licensed to use a recreational gill net shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this regulation.

B. It shall be unlawful for any person to use more than five crab pots when licensed for recreational purposes under this regulation.

C. Any law or regulation applying to the setting or fishing of commercial gill nets, cast nets, dip nets, crab pots, crab traps, or crab trot lines shall also apply to these gear when set or fished for recreational purposes.

D. It shall be unlawful for any person to use any recreational gill net, fish cast net, or fish dip net to catch and possess any species of fish whose commercial fishery is regulated by an annual harvest quota.

E. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess more than the recreational bag limit for any species regulated by such a limit. When fishing from any boat, using gear licensed under this regulation, the total daily bag limit shall be equal to the number of licensed persons on board the boat multiplied by the individual daily bag limit for the regulated species.

F. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess any fish which is less than the lawful minimum size established for that species. When the taking of any fish is regulated by different size limits for commercial and recreational fishermen, that size limit applicable to recreational fishermen or to hook-and-line fishermen shall apply to the taking of that species by persons licensed under this regulation.

G. It shall be unlawful for any person licensed to use

Marine Resources Commission

five crab pots under this regulation to fish these crab pots on Sunday.

H. It shall be unlawful for any person to use any ordinary crab trot line greater than 300 feet in length when licensed for recreational purposes under this regulation.

§ 5. Gear marking requirements.

In addition to the requirements for marking commercial gill nets, crab pots and crab traps, each licensee shall mark the end flags, poles or buoys of their gear with the letter "R."

§ 6. Reporting requirements.

Any person using recreational gear described in § 3 of this regulation shall report annually, on forms provided by the commission, the weight and species harvested, location of harvest, days fished, and amount of gear used.

§ 7. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

/s/William A. Pruitt
Commissioner

V.A.R. Doc. No. R93-557; Filed June 14, 1993, 9:57 a.m.

* * * * *

Title of Regulation: VR 450-01-0091. Pertaining to Gill Nets.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: June 1, 1993.

Preamble:

This regulation establishes an area along the southern shore of the Chesapeake Bay and Atlantic Ocean which is closed to gill nets.

VR 450-01-0091. Pertaining to Gill Nets.

§ 1. Authority, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. The effective date of this regulation is June 1, 1993.

§ 2. Purpose.

The purpose of this regulation is to close a portion of the southern shoreline of the Chesapeake Bay and Atlantic Ocean to gill nets in order to preserve public safety and reduce conflicts between gill net fishermen and others in this area.

§ 3. Gill net closed season and area.

From May 15 through September 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net within 400 feet of the shoreline in the area bounded by the western jetty at the mouth of Little Creek eastward to Cape Henry and south to the southern oceanfront boundary of the United States Dam Neck Military Base.

§ 4. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person violating the provisions of this regulation shall be guilty of a Class 3 misdemeanor.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R93-556; Filed June 14, 1993, 9:57 a.m.

EMERGENCY REGULATION

Title of Regulation: VR 450-01-0092. Pertaining to Gill Nets.

Statutory Authority: § 28.2-210 of the Code of Virginia.

Effective Date: May 25, 1993.

Preamble:

This regulation establishes an area between the Hampton Roads Bridge-Tunnel and Little Creek which is closed to gill nets.

VR 450-01-0092. Pertaining to Gill Nets.

§ 1. Authority, prior regulation, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. This emergency regulation repeals VR 450-01-0082, "Pertaining to Gill Nets," which was promulgated on April 27, 1993.

C. The effective date of this regulation is May 25, 1993.

§ 2. Purpose.

The purpose of this regulation is to close a portion of the southern shoreline of the Chesapeake Bay to gill nets

in order to preserve public safety and reduce conflicts between gill net fishermen and others in this area.

§ 3. Gill net closed season and area.

From May 15 through September 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net within 400 feet of the shoreline between the western jetty at Little Creek and the Hampton Roads Bridge-Tunnel Facility.

§ 4. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person violating the provisions of this regulation shall be guilty of a Class 3 misdemeanor.

/s/ William A. Pruitt
Commissioner

V.A.R. Doc. No. R93-558; Filed June 14, 1993, 9:58 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-NINE (93)

ESTABLISHING THE GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

By virtue of the authority vested in me as Governor under Article V of the Constitution and, including, but not limited to, Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Advisory Commission on Welfare Reform.

The Advisory Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia and shall have the following specific duties:

1. Serving, through recommendations to the Governor, as a catalyst for generating a pool of jobs for participants in the Welfare Reform Demonstration Project.
2. Developing recommendations for the package of incentives designed to promote business participation in the Welfare Reform Demonstration Project (HB2401).
3. Assisting in the development of components for the social contract, identifying the role and responsibilities of each of the parties, the business community, the public agencies and the client participants.
4. Assisting in the development of the mentoring program for participants in the Welfare Reform Demonstration Project.

The Lieutenant Governor shall serve as Chair of the Commission. The Vice Chair and members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Commission shall consist of no more than 25 members. Membership shall include the Lieutenant Governor, two members of the Virginia Senate, three members of the Virginia House of Delegates, 13 representatives from the business community, two current and one former recipients of Aid to Families with Dependent Children, one representative from the Virginia Municipal League, one representative from the Virginia Association of Counties, and one representative from the Virginia League of Social Service Executives. The Secretaries of Health and Human Resources and Economic Development shall serve as ex-officio members.

Such funding as is necessary for the fulfillment of the Commission's business during the term of its existence will be provided by the Secretary of Health and Human Resources and designated agencies within that Secretarial area that have funds appropriated for the same purposes as the Commission. Expenditures for the Commission's work are estimated to be \$3,000.

Such staff support as is necessary for the conduct of the

Commission's business during its term of existence will be provided by the Office of the Secretary of Health and Human Resources, with assistance from executive branch agencies with closely and definitely related purposes, as needed. An estimated 200 hours of staff support will be required to assist the Commission.

Members of the Commission shall serve without compensation. Members shall not be reimbursed for expenses incurred in the discharge of their official duties, except the AFDC recipient members shall be reimbursed for reasonable and necessary expenses.

The Commission shall complete its work and report to the Governor no later than December 1, 1993. It may issue interim reports and recommendations at any time it deems necessary.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 14, 1994, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 28th day of May, 1993.

/s/ Lawrence Douglas Wilder
Governor

EXECUTIVE ORDER NUMBER SEVENTY (93)

CONTINUING CERTAIN DECLARATIONS OF STATES OF EMERGENCY DUE TO NATURAL DISASTERS IN THE COMMONWEALTH

By virtue of the authority vested in me as Governor by Section 44-146.17 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby continue the states of emergency declared in the following executive orders:

Executive Order Number 65 (85), Declaration of a State of Emergency for Flash Flooding and Mudslides Occurring Throughout the Commonwealth of Virginia as continued by Executive Orders Number 15 (86), 46 (87), 60 (88), 69 (89), 10 (90), 34 (91), and 51 (92);

Executive Order Number 76 (89), Declaration of State of Emergency Arising From Flooding in Buchanan County, Virginia as continued by Executive Orders Number 10 (90), 34 (91), and 51 (92);

Executive Order Number 45 (92), Declaration of State of Emergency Arising From Flash Flooding in the Western Region of Virginia as continued by Executive Order Number 51 (92); and

Executive Order Number 65 (93), Declaration of a State of Emergency Arising from Heavy Snowfall, High

Winds and Extremely Low Temperatures in All Parts of Virginia and the Need to Operate Shelters.

This Executive Order will become effective July 1, 1993, and will remain in full force and effect until June 30, 1994, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of June, 1993.

/s/ Lawrence Douglas Wilder
Governor

EXECUTIVE ORDER NUMBER SEVENTY-ONE (93)

CONTINUING THE GOVERNOR'S COMMISSION ON VIOLENT CRIME

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 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Commission on Violent Crime.

The Commission, originally created June 15, 1992 by Executive Order Number Forty-Eight (92), is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall continue to have the specific duty of advising the Governor on: how the Commonwealth could further address and reduce the escalating frequency and impact of violent crime, particularly crimes of murder, aggravated assault, rape and other serious sex offenses; the causes of and offenders responsible for violent crime; the role of firearms and firearms trafficking in violent crime; and violent crime committed by juveniles. The Commission shall pay particular attention to violent crime, its causes and impacts for large urban areas and the potential for violent crime to develop into mass violence. The Commission shall also explore opportunities for cooperation among jurisdictions and between the public and the private sectors.

In making its recommendations, the Commission shall consider the following strategies, among others, for the reduction of violent crime and the fear of crime in Virginia: (1) to prevent crime from occurring in the first place; (2) to solve crime when it occurs and to strengthen the criminal justice system through new laws, procedures, resources and techniques which will expedite verdicts, provide meaningful sanctions and protect the rights of all persons; and (3) to reduce criminal recidivism by equipping offenders with skills and perspectives to return to society as productive citizens. The Commission shall make legislative and budget recommendations for the Governor's consideration for the 1994 session of the

General Assembly, having due regard for Virginia's financial projections.

The Secretary of Public Safety shall serve as Chair of the Commission and the Governor's Special Assistant for Drug Policy will serve as Co-Chair. Members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Commission shall consist of no more than 15 members, including state and local representatives of criminal justice agencies and the courts, local officials, corrections officials, a legislative representative, the Office of the Governor, and others.

Such funding as is necessary for the fulfillment of the Commission's responsibilities during the term of its existence shall be provided by federal anti-crime grant funds and by the Secretary of Public Safety. Other support as is necessary for the conduct of the Commission's business during the term of its existence may be provided by such executive branch public safety agencies that have funds appropriated for the same purposes as the Commission. Total expenditures for the Commission's work are estimated to be \$10,000.

Such staff support as is necessary for the conduct of the Commission's business during the term of its existence will be provided by the Office of the Secretary of Public Safety or provided by executive branch agencies with closely and definitely related purposes. An estimated 2,000 hours of staff support will be required to assist the Commission.

Members of the Commission shall be reimbursed only for reasonable and necessary expenses incurred in the performance of their official duties.

The Commission shall complete its examinations of these matters and report to the Governor no later than December, 1993. It may issue interim reports and make recommendations at any time it deems necessary.

This Executive Order shall be retroactively effective to June 15, 1993, upon its signing, and shall remain in full force and effect until December 31, 1993, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of June, 1993.

/s/ Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: VR 672-10-1. Hazardous Waste

Governor

Management 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: June 15, 1993

THE LEGISLATIVE Record

VOLUME 3 NUMBER 1

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

JUNE 1993

HJR 402: Joint Subcommittee to Study Procedural Aspects of the Trial, Appeal and Collateral Proceedings of Capital Cases

May 24, 1993, Richmond

During the 1992 interim, a special subcommittee of the House Courts of Justice Committee was appointed to consider possible modifications to the procedures applicable in the various phases of capital litigation. That subcommittee made substantial progress towards completing its tasks, but discovered that many of the issues raised required an examination more thorough than could be accomplished in a few months. Consequently, the special subcommittee recommended, and the 1993 General Assembly enacted, HJR 402, which mandates a continued study of these topics by a joint subcommittee.

Staff provided an overview of the litigation path of a capital case, reviewed the work of the 1992 special subcommittee, and

identified a number of issues before the subcommittee for its consideration.

Litigation Path for Capital Case

Litigation of the typical capital case begins with the charging decision of the prosecutor. An initial evaluation must be made whether the crime under consideration (1) constitutes first degree murder; (2) is accompanied by at least one of the statutory circumstances defining capital murder (for example, murder in the course of armed robbery); and (3) was actually perpetrated by the defendant, that is, the defendant was the "trigger-man." While affirmative answers to each of these questions will enable the Commonwealth's attorney to properly charge capital murder, more is required to establish that a defendant is death-eligible.

Under Virginia's two-tiered system, a separate sentencing phase of trial is held after the defendant is found guilty of capital murder. At that proceeding, the sentencer can set punishment at death only if the Commonwealth proves beyond a reasonable doubt that the crime was outrageously or wantonly vile, horrible, or inhuman or that the defendant presents a continuing serious threat to society. Moreover, even if one or both of these aggravating factors is found, the sentencer may determine to impose a life sentence rather than the death penalty. Lastly, there is a statutorily required post-sentence report which the court must review prior to

entry of a final order setting punishment at death. If good cause is found, the court may impose a life sentence, notwithstanding the verdict of the sentencer.

There are direct appeal procedures also unique to death sentence cases. The Virginia Supreme Court, rather than the Court of Appeals, automatically hears every case in which a death sentence has been ordered. It is not required that the appellant obtain a writ of error, and at least two issues — arbitrariness and proportionality — will be considered by the court without regard to a failure to object at trial or lack of an appropriate assignment of error. In addition, capital cases

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are given priority on the Supreme Court's docket. Following review by the Virginia Supreme Court, the defendant may seek a writ of certiorari from the United States Supreme Court.

Upon conclusion of the direct appeal procedures, most death-sentenced prisoners will next seek relief in Virginia's state courts through a petition for a writ of habeas corpus. The circuit court which heard the case may review the trial proceedings for constitutional error. Normally, this review will be limited to issues of prosecutorial misconduct or ineffective assistance of defense counsel. Because habeas corpus is a civil proceeding, the decision of the circuit court may be appealed either by the defendant or the Commonwealth. That appeal is through a writ of error process that follows the same procedures as any civil case. After the Virginia Supreme Court has ruled on the habeas appeal, there is another opportunity to seek certiorari from the United States Supreme Court.

The final round of habeas proceedings occurs in the federal court. The petition will initially be filed in the United States district court. Bases for relief are limited to federal constitutional or statutory issues. As in state habeas court, issues which were defaulted at trial or on direct appeal may not ordinarily be heard in federal habeas corpus proceedings. Appeal from the district court's decision is to the United States circuit court and the decision of that court may again be the subject for a petition for writ of certiorari to the United States Supreme Court. At this point, the prisoner will have exhausted all available judicial remedies.

The final relief a death-sentenced prisoner may seek is executive clemency, which may take one of three forms: (1) a reprieve — a delay in the imposition of sentence; (2) a commutation — a reduction in sentence; or (3) a pardon — an elimination of sentence.

Work of the 1992 Special Subcommittee

The joint subcommittee was given information regarding the work of the 1992 special subcommittee of the House Courts of Justice Committee. Legislation recommended by that subcommittee and subsequently passed by the General Assembly included, in addition to HJR 402, HB 1209 and HB 1769. HB 1209 requires the clerk of a circuit court in which a capital murder indictment is returned to forthwith file a copy of that document with the clerk of the Supreme Court of Virginia. The clerk of the Supreme Court will then be responsible for maintaining all such indictments in a single publicly accessible place. The goal of that legislation is to give organizations such as the Virginia Post-Conviction Assistance Project a way to identify pending capital cases so that they may offer their assistance to defense counsel in a timely manner. It will also provide a data base so that information such as the total number of capital charges can be determined.

HB 1769 provides that, upon motion of a capital trial defendant, the Commonwealth's attorney must give notice if he intends to present evidence of unadjudicated criminal conduct at the sentencing phase of the capital trial. The purpose of this legislation

is to ensure that the defense will have an opportunity to prepare for the introduction of such evidence and rebut it, if possible.

Issues Identified for Consideration

A number of issues remain to be studied. Among these are the following recommendations, presented by advocates of change in capital case procedures:

- Amend Virginia Code § 8.01-384 to ensure that no claim of constitutional error in a criminal case will be waived or defaulted on appeal because the defendant failed to sufficiently or accurately state the basis for the objection at trial.
- Amend Virginia Code § 8.01-384 to establish a modified plain error rule for the appellate review of capital cases.
- Amend Virginia Code § 8.01-654 to establish an expanded jurisdiction for habeas corpus courts dealing with a death penalty case, so as to bypass the 21-day restrictions of Rule 1:1.
- Amend Virginia Code § 8.01-654 to expand the situations in which a prisoner might bring a successive petition for writ of habeas corpus in state court.
- Amend Virginia Code §§ 19.2-163 and 19.2-163.4 and add a new section to create a statutory scheme for the compensation of attorneys appointed to represent defendants charged with or convicted of capital murder.
- Amend the Code of Virginia to require, in appropriate circumstances, the appointment of various experts and investigators to assist capital murder defendants, and allow such proceedings to be heard ex parte when necessary.
- Amend Virginia Code § 19.2-163.2 to establish a statewide public defender office for the trial of capital cases.
- Amend Virginia Code § 19.2-264.4 to eliminate alleged problems and confusion with the statutory verdict form for the sentencing phase in capital cases.
- Amend Virginia Code § 19.2-264.4 to require that the jury in the sentencing phase of a capital trial be instructed on the meaning of mitigating evidence and be given a list of statutory mitigating factors and mitigating factors presented by the defendant.
- Amend the Code of Virginia to require that in the sentencing phase of a capital murder trial, the jury be instructed regarding parole eligibility of the defendant if a life sentence is given.

Other issues likely to be discussed by the joint subcommittee include defense counsel's obligations under the rules of criminal discovery, the availability and willingness of competent counsel to represent capital defendants, and the appropriateness of current state habeas corpus procedural bars.

A final issue, which comes before the joint subcommittee as a result of legislation introduced during the 1993 Session, concerns introduction during the sentencing phase of trial of testimony relating to the impact the defendant's acts had upon survivors of the victim and the specific harm caused by his criminal acts.

Schedule of the Subcommittee's Work

The subcommittee elected to apportion review of the various issues among three additional meetings, tentatively scheduled for mid-July, mid-September, and early December. During the interim periods between those meetings, an advisory work group consisting of various proponents and opponents of procedural modifications will meet and attempt to reach some agreements regarding any appropriate changes.

The mid-July meeting is expected to address the appropriate use of the contemporaneous objection rule, the possibility of a modified plain error rule for appeal of capital cases, restrictions on successive state habeas petitions, and the desirability of instructing capital sentencing juries on parole eligibility of a defendant if a life sentence is given. It is expected that at that time, interested parties will be given an opportunity to make presentations on these issues.

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The Honorable Clifton A. Woodrum, *Chairman*
Legislative Services contact: Frank S. Ferguson

HJR 455: Select Committee Studying Repair of Crash-Damaged Motor Vehicles

May 18, 1993, Richmond

Delegate Tata briefly reviewed his reasons for sponsoring the resolution establishing the committee, pointing out the lack of a collision-damage repair inspection program in Virginia and the safety hazard posed to all highway users by improperly repaired collision-damaged vehicles. Committee staff pointed out that, although Virginia law provides for two vehicle inspection programs (the annual vehicle safety inspection program administered by the Department of State Police and the inspection of certain salvage vehicles carried out by the Department of Motor Vehicles), neither of these programs deals with the adequacy or quality of repairs of crash damage.

The meeting's major presentation was made by Robert Cinibulk, who stressed that (i) unibody construction employed in newer model vehicles makes these vehicles susceptible to body deformation from crash impacts and (ii) that such body deformation can impair vehicle handling, structural integrity, and overall safety. Mr. Cinibulk advocated that body repair shops and repair technicians be made accountable to consumers through a state-administered program of examination, licensure, and inspection. He indicated that only about one-half of Virginia body shops and technicians presently have the equipment or training to perform needed collision damage repairs properly. Additionally, Mr. Cinibulk urged that the committee consider requiring specialized training and licensure of motor vehicle insurance appraisers. He recommended that the committee consider legislation enacted in Maryland, Florida, North Carolina, and Michigan as a guide to what should be done in Virginia. Failure to act along these lines, he felt, would increasingly make Virginia a "dumping ground" for crash-damaged vehicles that failed to meet safety standards established in these and other states.

Following a brief discussion with representatives of the Department of State Police and the Department of Motor Vehicles, the committee agreed to have these agencies provide more detailed explanations of the vehicle inspection programs at a subsequent meeting.

The committee will meet again in Richmond at 10 a.m. on August 2.

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The Honorable Robert Tata, *Acting Chairman*
Legislative Services contact: Alan B. Wambold

HJR 712: Blue Ridge Economic Development Commission

April 22, 1993, Roanoke

On April 22, 1993, the Blue Ridge Economic Development Commission and Virginia Tech co-sponsored the Blue Ridge Region Export Conference. At the conference, representatives from local companies that are currently successfully exporting goods and services offered their insights into a changing economic world and shared their expertise on how the small and medium-sized businesses of the Blue Ridge region can successfully expand into exporting. Also, former Governor Gerald Baliles delivered the keynote address on "Unlimited Export Opportunities."

May 26, 1993, Blacksburg

The commission held its second meeting of 1993 at Virginia Tech, in conjunction with Tech's conference on "Business Opportunities with Central America." Secretary of Economic Development Cathleen A. Magennis addressed both the conference participants and the members of the commission.

At the afternoon meeting, the commission received reports from several entities, including the Blue Ridge Education and Training Council, the Blue Ridge Economic Development Advisory Council, and the Blue Ridge Region Tourism Council. The commission also received an update on the status of the region's development bank.

Following these reports, the commission decided to meet in July to discuss the transportation funding formula currently being studied and appointed a transportation task force to research transportation funding.

The Honorable Joan H. Munford, *Chairman*
Legislative Services contact: John A. Garka

SJR 217: Campaign Finance, Lobbying, and Ethics Study

June 3, 1993, Richmond

This joint subcommittee brings a legislative perspective to the proposals made last December by the Governor's Commission on Campaign Finance Reform, Government Accountability, and Ethics.

Several of the Governor's Commission's 37 proposals were enacted into law at the 1993 Session: campaign finance disclosure reports by various political party committees and the legislative caucuses; more frequent campaign reports by PACs; an increase in the income tax check-off for donations to political parties; and year-round disclosure requirements for lobbyists.

The bulk of the Governor's Commission's recommendations failed to pass during the 1993 Session and will be reviewed by the joint subcommittee this year. Major items among more than 30 proposals on the table include:

- a state ethics commission;
- campaign contribution caps;
- regulation of lobbying of executive branch agencies and personnel;
- regulation of lobbying by state and local officials and employees; and
- a computer-accessible data base of campaign finance, lobbying, and personal financial disclosure statements.

As a first step in its deliberations, the joint subcommittee will hold a public hearing at 10:00 a.m. on June 22 in Richmond to gauge the demand for the suggested reforms and solicit advice on which commission proposals merit most consideration.

Judging by the members' questions and expressed opinions at the first meeting, the joint subcommittee will take a hard look at the commission's proposals and not hesitate to look at alternatives to the commission's suggestions for reform.

The Honorable Joseph V. Gartlan, Jr., *Chairman*
Legislative Services contact: Mary R. Spain

SJR 279: Joint Commission on Management of the Commonwealth's Workforce

May 26, 1993, Richmond

Convening the first meeting of the Joint Commission on Management of the Commonwealth's Workforce, Chairman Richard J. Holland outlined the tasks facing the commission as it examines personnel management policies in state government. During the first comprehensive review in over 14 years, the commission will consider strategic planning, hiring practices, employee benefits, job classification and compensation systems, and the organization and operation of the personnel management system.

The Virginia Personnel Act has remained largely unchanged since it was enacted in 1942. Although civil service programs were being established by the federal government and many other states

during the late 1930s, Virginia rejected such a control-based process in favor of a system in which agency heads are the appointing authorities and "appointments, promotions, and tenure are based on merit and fitness."

Virginia's personnel system is big business. With over 200,000 employees, the Commonwealth allocates \$3.6 billion annually, or approximately 60 percent of all funds spent on direct state programs, for salaries and benefits. Classified employees are grouped into 1,888 job classifications whose members share similar duties. The average projected salaries in 1993 are \$23,663 for classified employees, \$32,896 for public education employees, and \$44,829 for college faculty. Sixty-one percent of classified employees are at Grade 7 or below. Professional and clerical are the largest single categories of classified employees. Hundreds of hours are spent each year on the classification of state employees. Last year, the Department of Personnel and Training conducted over 7,000 job classification studies and the average position request required nine days for processing, not including agency preparation.

Dr. James E. Colvard, former Deputy Director of the Federal Office of Personnel Management, highlighted several issues and trends for the commission:

What is the mission of the personnel function? In his view, it is to support the work of the organization through three functions: hiring, maintaining and developing, and managing attrition. Some aspects of personnel systems involve necessary centrality and others involve decentralization. Centralization is necessary to ensure accountability—for example, to determine if persons acted within legal boundaries. But the system must also include sufficient discretionary authority to take advantage of the knowledge, initiative, and creativity of individuals.

How can the system be simplified so that it is understandable by the persons most affected by it, not just by individuals who are specially trained? Post-audit, for example, is more efficient than pre-approval, but that is contingent on clearly stated and well-understood standards. With clear standards, authority can be decentralized without sacrificing accountability. Classification systems should also be simple to understand. An employee should be able to understand why his job is classified the way it is. If the classification is only understood by a few experts, employee morale and motivation may suffer. The trend is to classify the work to be done, not the position. If an employee is paid according to the difficulty of the work and how well it is performed, those are terms that most individuals understand.

How can benefits be customized? The trend in the public and private sectors is toward cafeteria benefits. The employer defines the amount of money that will be available, and the employee chooses from an array of options. As a result, the employer can control costs and the employee has more discretion to meet individual needs.

What are the trends in compensation management? Bonuses are being increasingly used. A bonus is payment for work that has been done. A promotion or salary increase is paid for potential. A bonus can allow an organization to adjust to hard times without freezing pay, which has a very negative effect on morale.

What are the management trends? The pendulum is swinging to provide more balance between the rights of individuals and organizations. Supervisors have been put in defensive positions. For example, managers need to be able to make local decisions about pay and classification. If those decisions are always made centrally, the personnel system is controlling. On the subject of middle management and more authority to the line worker, the amount of hierarchy in organizations can probably be reduced. But those reductions must be made on a case-by-case basis by evaluating the work. It cannot be accomplished in the abstract.

Can the public sector be compared to the private sector? The difference is not the absence of a "bottom line" but the amount of discretionary authority. People in the private sector, for example, can build a missile and find out later that it lost money, but they did not need prior approval to build it. Having discretionary authority leads to higher levels of achievement. While the lack of discretion may result in fewer mistakes, if mistakes are not made, good things are probably not happening either. On the issue of pay comparisons, there is no marketplace in the public arena so private sector surrogates are used in traditional compensation studies. However, finding similar jobs and dealing with issues of size and relatedness make pay comparisons very difficult. In the long haul, the quality of the workforce is the best measure of the equality of the wages. At NASA, direct hire and classification authority allowed that agency to hire quality people from all over the country. Just the number of applicants for a job is not a good measure. The question is, are they capable of performing the job well?

Following Dr. Covard's presentation, the commission heard staff briefings concerning the proposed work plan, the plan for a study of health benefits commissioned by DPT, and an overview of the objectives and planned activities included in JLARC's study of the organization and management of the personnel system. The chairman intends to reconvene the commission in five to six weeks. In the meantime, he asked for nominees to serve on the professional advisory committee, which will be named as soon as possible.

The Honorable Richard J. Holland, *Chairman*
Legislative Services contact: Nancy L. Roberts

1992 Studies

The deliberations of some 40 legislative study commissions, joint subcommittees, and special subcommittees were reported in the 1992 volume of the *Legislative Record*. Several of these studies were completed in 1992, resulting in reports, legislation, or both. Many others were continued by the 1993 General Assembly, and a few were reconstituted as new studies. The activities of new and continued studies will be reported in future issues of this newsletter.

Completed Studies

- HJR 24: Commission on Capital Financing (House Document 82).
- HJR 83: Joint Subcommittee Studying the Uses of Camp Pendleton.
- HJR 147: Subcommittee Study of Proposed Repeal or Revision of U.C.C. Article 6, Bulk Transfer Act (House Document 44).
- HJR 173: Joint Subcommittee Studying Virginia's Statutes of Limitations and the Rules for Accrual in Civil Actions (House Document 83).
- HJR 178: Joint Subcommittee Studying the Necessity for Improvement in Erosion and Sediment Control Programs (House Document 73).
- HJR 191: Joint Subcommittee Studying the Effectiveness of the Management Structure of the Department of Game and Inland Fisheries (House Document 80).
- HJR 205: Joint Subcommittee Studying the Possibility of Having Public and Private Employees Temporarily Switch Workplaces (House Document 68).
- HJR 361: Joint Subcommittee Studying the Imposition of Business License Tax on Nonprofit Hospitals, Colleges, and Universities (House Document 17).
- HB 961/962: Ad Hoc Joint Subcommittee on Medical Malpractice.
- SJR 14: Unemployment Compensation Trust Fund Subcommittee (Senate Document 27).
- SJR 54: Workers' Compensation Claims Processing Times (Senate Document 42).
- SJR 104: Joint Subcommittee to Study Cost-Effective Measures to Enable Virginia to Comply with the 1990 Clean Air Act (Senate Document 21).
- SJR 135: Joint Subcommittee Studying the Need for Restructuring the Commonwealth's Local Social Services Delivery Systems (Senate Document 45).
- SB 160: Companion Animal Laws.
- SB 412/HB 1186 and SB 333/HB642: Workers' Compensation Insurance Subcommittee.
- SB 506: Essential Health Services Panel (Senate Document 46).
- Ad Hoc Study of Legal Ethics, Client Fraud and Embezzlement.
- Ad Hoc Subcommittee Studying the Use of Social Security Numbers for Transaction Identification.
- Special Subcommittee to Review Virginia's Firearms Laws.
- Subcommittee to Study Legalizing Riverboat Gambling.



The Legislative Record summarizes the activities of all Virginia legislative study commissions and joint subcommittees. Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia.

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The Legislative Record is also published in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219. Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

GENERAL NOTICES

NOTICE

Notices of Intended Regulatory Action are published as a separate section at the beginning of each issue of the Virginia Register.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Contract for the Compilation, Storage, Analysis and Evaluation of Patient Level Data

Chapter 638 of the Virginia Acts of Assembly, 1993 Session, requires that the Executive Director of the Virginia Health Services Cost Review Council negotiate and enter into contracts or agreements with a nonprofit, tax-exempt health data organization for the compilation, storage, analysis, and evaluation of patient level data provided by inpatient hospitals in Virginia (see § 9-166.4 of the Code of Virginia, 1993). Chapter 638 also provides that the Executive Director of the Virginia Health Services Cost Review Council may enter into such agreements or contracts without competitive sealed bidding or competitive negotiation if he makes a determination, in advance, after reasonable notice to the public, in writing, that competitive sealed bidding or competitive negotiations for such services is not fiscally advantageous to the public (see § 11-45 (J) of the Code of Virginia, 1993).

The Executive Director of the Virginia Health Services Cost Review Council has determined that he will enter into a contract with Virginia Health Information, Inc., a nonprofit, tax-exempt health data organization, that will compile, store, analyze, and evaluate patient level data provided by inpatient hospitals. The Executive Director has concluded that competitive sealed bidding or competitive negotiations is not fiscally advantageous to the public. His reasons for reaching that determination are as follows:

1. The incorporation of Virginia Health Information is the result of efforts made by individuals from consumer, hospital physician, insurance and business organizations, as well as state officials, who attended a retreat organized by Howard M. Cullum, Secretary of Health and Human Resources, in October, 1992, at which time they discussed the possible establishment of a patient level data base system in Virginia.
2. The legislation contained in Chapter 638 is the result of efforts undertaken by individuals from

organizations who attended the retreat who subsequently worked with the Joint Commission on Health Care and other legislators to draft and enact this legislation.

3. The Board of Directors of Virginia Health Information is comprised of representatives of state government, as well as consumer, hospital, physician, insurance, and business organizations, as required by § 9-166.4 of the Code of Virginia (1993).

4. The articles of incorporation of Virginia Health Information require the nomination of its board members by organizations and associations representing those categories of persons specified for representation on the board of directors.

5. The Executive Director is not aware of any other not-for-profit entity organized to compile, store, analyze, and evaluate patient level data which is governed by individuals from similar organizations that could offer these services in a more fiscally advantageous manner.

Based on the above findings, the Executive Director of the Virginia Health Services Cost Review Council will enter into a contract with Virginia Health Information for the compilation, storage, analysis and evaluation of patient level data for the period between July 1, 1993, and June 30, 1994.

DEPARTMENT OF LABOR AND INDUSTRY

† Notice to the Public

The 1993 General Assembly session passed House Joint Resolution 534 requesting the Department of Labor and Industry, assisted by an appropriate advisory group, to study drug testing in the workplace. The advisory committee established pursuant to HJR 534 to study drug testing in the workplace has been formed and will meet on the call of the chairman.

The purpose of the work sessions is to review research material in order to submit a report to the Governor and the 1994 General Assembly.

Information concerning the meeting dates can be obtained by contacting the chairman, Marilyn Mandel, at the Department of Labor and Industry, Office of Planning and Policy Analysis, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia 23219, telephone (804) 786-2385.

General Notices/Errata

DEPARTMENT OF SOCIAL SERVICES

Notice of Demonstration Project

The Virginia Department of Social Services, as the single state agency, is inviting comments on the Diggs Economic Empowerment Demonstration (DEED) project. DEED is being submitted to the U.S. Department of Health and Human Services, the U.S. Department of Agriculture, and the Health Care Financing Administration for approval. DEED will allow Norfolk's Departments of Redevelopment and Housing and Social Services to concentrate economic and supportive services in the Diggs Town community. Additionally, project participants will receive economic incentives and supportive services that are extended beyond the realm of traditional services.

Some objectives of the DEED project are:

1. To develop a bona fide self-sufficiency program for the residents of Diggs Town;
2. To place Diggs Town residents in upwardly mobile positions that suit newly developed skills and interests;
3. To halt the disintegration of the community by making Diggs Town part of the Campostella neighborhood of Norfolk rather than a "project" in Campostella;
4. To eliminate restrictive forces and barriers that impede both the socio-economic growth and independence of Diggs Town residents through comprehensive counseling; and
5. To identify rules, policies and requirements of HUD and/or HHS that are disincentives for residents seeking self-sufficiency and work to obtain waivers or elimination of these disincentives.

For additional information on the DEED project, contact Mary Vail Ware at (804) 692-1730. Written comments may be submitted by July 28, 1993, to:

Mary Vail Ware
Virginia Department of Social Services
Division of Benefit Programs, 7th Floor
Theater Row Building
730 East Broad Street
Richmond, VA 23219-1849

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

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

GOVERNOR'S EMPLOYMENT AND TRAINING DEPARTMENT

Title of Regulation: VR 350-01-3. JTPA Requirements.

Publication: VA.R. 9:18 3111-3122 May 31, 1993.

Correction to Final Regulation:

Page 3115, § 3.6, subsection A, line 4, change "3.4" to "3.5"

Page 3121, § 6.1, subsection A, line 3, change "637.504" to "627.504"

Page 3121, § 6.1, subsection D, line 2, change "§ 4.1" to "subsection A of this section"

DEPARTMENT OF STATE POLICE

Title of Regulation: VR 545-01-04. Regulations Relating to Standards and Specifications for Motorcycle Windshields and Safety Glasses or Goggles for Motorcycle Operators.

Publication: VA.R. 9:19 3430-3433 June 14, 1993.

Correction to Final Regulation:

Page 3432, § 5.1, line 3, change "5.3" to "5.2"

* * * * *

Title of Regulation: VR 545-01-06. Regulations Relating to Standards and Specifications for Protective Helmets for Motorcycle Operators and Passengers.

Publication: VA.R. 9:19 3433-3434 June 14, 1993.

Correction to Final Regulation:

Page 3434, § 5, last paragraph, line 2, after "7," insert "9,"

* * * * *

Title of Regulation: VR 545-01-10. Regulations Relating to Saddle Mount Coupling for Drive-Away Service.

Publication: VA.R. 9:19 3434-3435 June 14, 1993.

Correction to Final Regulation:

Page 3434, § 1, definition of "Lower-half of a saddle mount," line 2, change "towed vehicle" to "towing vehicle"

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

† July 19, 1993 - 10 a.m. - Open Meeting
† July 20, 1993 - 8 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review and disposition of enforcement cases; and (iv) conduct routine board business.

Contact: Geralde W. Morgan, Acting Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT FOR THE AGING

August 17, 1993 - 1 p.m. - Public Hearing
Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to amend regulations entitled: VR 110-01-02. Grants to the Area Agencies on Aging. The purpose of the proposed amendments are to delete requirements for the operation of local ombudsman entities and make revisions to comply with the 1992 amendments to the Older Americans Act.

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until August 14, 1993.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271 or toll-free 1-800-552-4464.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† July 20, 1993 - 9 a.m. - Open Meeting
Municipal Center, City Council Chamber, Virginia Beach, Virginia. ☒

At this regular meeting, the board plans to discuss legislation, regulations and fiscal matters and will receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward, Secretary of the Board, identified in this notice, at least five days before the meeting date, so that suitable arrangements can be made for any appropriate accommodation.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD ☎

STATE AIR POLLUTION CONTROL BOARD

July 13, 1993 - 7 p.m. - Public Hearing
Osborn High School Lecture Room, 9005 Tudor Lane, Manassas, Virginia.

July 14, 1993 - 7 p.m. - Public Hearing
College of William and Mary, Millington Auditorium, Williamsburg, Virginia.

July 15, 1993 - 7 p.m. - Public Hearing
Virginia Western Community College, 3095 Colonial Avenue, S.W., Whitman Auditorium, Roanoke, Virginia.

July 30, 1993 - Written comments may be submitted until close of business on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: VR 120-01. Regulations for the Control and Abatement of Air Pollution (Rev. HH - §§ 120-05-0601 through 120-05-0618, Standards of Performance for Regulated Medical Waste Incinerators). The regulation amendments concern provisions covering standards of performance for regulated medical waste incinerators. The proposal will require owners of regulated medical waste incinerators to limit emissions of dioxins/furans, particulate matter, carbon monoxide, and hydrogen chloride to a specified level necessary to protect public health and welfare. This will be accomplished through the establishment of emissions limits and process parameters based on control technology; ambient limits to address health impacts; and monitoring, testing, and recordkeeping to assure compliance with the limits. Comparison with federal requirements: No federal requirements affect the proposal; therefore, the proposal is more stringent than federal requirements. The regulation is being promulgated in the absence of a federal requirement because the 1992 General Assembly of Virginia passed legislation to impose a moratorium on the issuance of permits for commercial regulated medical waste incinerators (MWIs) until September 1, 1993, and to require the promulgation of regulations by September 1, 1993. The legislation was proposed in response to health concerns from commercial MWI emissions. This legislation was again submitted to the General Assembly in the 1993 session, and a new version extending the original moratorium for the issuance of permits for commercial infectious waste incinerators (i.e., MWIs) from September 1, 1993, to December 1, 1993, was passed. However, the deadline for promulgation of regulations remains September 1, 1993. Additional issues for public comment: (i) The proposed regulation provides different levels of controls and different requirements for different sizes of units. This is done because the economic burden of greater controls and requirements on smaller sources outweighs the net return of emissions reductions and environmental benefit. Generally, smaller sources do not pollute as much as larger sources; further, a large source is better capable of affording pollution control equipment. The Board seeks input on this practice—is a tiered approach to emission controls based on source size appropriate, or should the standards be uniform, for all source sizes? (ii) The proposed regulation proposes two ways in which dioxins and furans are to be controlled: a stack limit (a certain emissions level measured at the stack) and an ambient limit. The ambient limit provides an expanded view of what happens to the emissions after they have left the stack and dispersed over the local area. In the past, for most facilities emitting toxics, the ambient level has been measured at the place where the public is most likely to come in immediate contact with the emissions: at or beyond the facility's

fenceline. Some facilities, however, provide access to the general public, such as health care facilities. Other facilities may have property located relatively close to public facilities or housing. The Board seeks comment on whether the ambient dioxin/furan level should be measured at or beyond the fenceline, within the facility property, or some place else. (iii) The Board seeks specific comments on implementing the regulation relative to the overall cost of the delivery of medical services to the general public. Location of proposal: The proposal, an analysis conducted by the Department (including: a statement of purpose, a statement of estimated impact of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Air Division Programs Office (Eighth Floor, Ninth Street Office Building, 200-202 North Ninth Street, Richmond, Virginia) and at any of the Department's air regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Regional offices: (i) Southwestern Virginia Air Regional Office, 121 Russell Road, Abingdon, Virginia 24210, Ph: (703) 676-5482; (ii) Valley of Virginia Air Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia 24019, Ph: (703) 561-7000; (iii) Central Virginia Air Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia 24502, Ph: (804) 582-5120; (iv) Northeastern Virginia Air Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia 22401, Ph: (703) 899-4600; (v) State Capital Air Regional Office, Arboretum V, Suite 250, 9210 Arboretum Parkway, Richmond, Virginia 23236, Ph: (804) 323-2409; (vi) Hampton Roads Air Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia 23320-2168, Ph: (804) 424-6707; and (vii) Northern Virginia Air Regional Office, Springfield Corporate Center, Suite 310, 6225 Brandon Avenue, Springfield, Virginia 22150, Ph: (703) 644-0311.

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

Written comments may be submitted until the close of business on July 30, 1993, to Director of Program Development, Air Division, Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia 23240. The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Contact: Karen Sabastanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1624.

† July 23, 1993 - 9 a.m. - Open Meeting
Department of Environmental Quality, Innsbrook, 4900 Cox

Calendar of Events

Road, Richmond, Virginia. ☒

The agenda for this meeting will be available two weeks before the meeting date.

Contact: Dr. Kathleen Sands, Policy Analyst, Department of Environmental Quality, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

ALCOHOLIC BEVERAGE CONTROL BOARD

July 23, 1993 - 9:30 a.m. - Open Meeting
August 2, 1993 - 9:30 a.m. - Open Meeting
August 16, 1993 - 9:30 a.m. - Open Meeting
† August 30, 1993 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

ASAP POLICY BOARD - VALLEY

July 12, 1993 - 8:30 a.m. - Open Meeting
Augusta County School Board Office, Fishersville, Virginia. ☒

A regular meeting of the local policy board which conducts business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Rhoda G. York, Executive Director, Holiday Court, Suite B, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405.

AUCTIONEERS BOARD

† July 13, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

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

AVIATION BOARD

† August 25, 1993 - 9 a.m. - Open Meeting
† August 27, 1993 - 9 a.m. - Open Meeting

Radisson Hotel Hampton, 700 Settlers Landing Road, Hampton, Virginia. ☒

A board meeting held in conjunction with Virginia Aviation Conference. The board will receive applications for state grants on August 24 and announce funding allocations on August 27.

Contact: Nancy Brent, 4508 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284 or fax (804) 786-3690.

Annual Virginia Aviation Conference

† August 25, 1993 - 9 a.m. - Open Meeting
† August 26, 1993 - 9 a.m. - Open Meeting
† August 27, 1993 - 9 a.m. - Open Meeting
Radisson Hotel Hampton, 700 Settlers Landing Road, Hampton, Virginia. ☒

Speakers and panel discussions on matters of interest to the aviation community. Various aviation organizations also hold meetings during this conference.

Contact: Nancy Brent, Department of Aviation, 4508 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284 or fax (804) 786-3690.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Central Area Review Committee

† July 30, 1993 - 10 a.m. - Open Meeting
† August 26, 1993 - 10 a.m. - Open Meeting
† September 29, 1993 - 10 a.m. - Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the central area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440, toll-free 1-800-243-7229 or toll-free 1-800-243-7229/TDD ☒

Northern Area Review Committee

† August 19, 1993 - 2 p.m. - Open Meeting
† September 23, 1993 - 10 a.m. - Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☒ (Interpreter

for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440, toll-free 1-800-243-7229 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† July 22, 1993 - 1 p.m. - Open Meeting

† August 27, 1993 - 1 p.m. - Open Meeting

City of Hampton's Planning Office Conference Room, Harbor Center Building, 2 Eaton Street, 9th Floor, Hampton, Virginia. ☒ (Interpreter for the deaf provided upon request)

† September 24, 1993 - 1 p.m. - Open Meeting

Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440, toll-free 1-800-243-7229 or toll-free 1-800-243-7229/TDD ☎

COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

† July 14, 1993 - 9 a.m. - Public Hearing

State Capitol Building, Capitol Square, House Room 4, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A public hearing on the use of funds for the Child Care and Development Block Grant Plan. Public comments will be received.

Contact: Mary Ellen Verdu, Director, Virginia Council on Child Day Care and Early Childhood Programs, Washington Bldg., 1100 Bank St., Suite 1116, Richmond, VA 23219, telephone (804) 371-8603.

COMMONWEALTH TRANSPORTATION BOARD

† July 14, 1993 - 2 p.m. - Open Meeting

Ramada Oceanside Tower, 57th and Oceanfront, Virginia Beach, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

† July 15, 1993 - 10 a.m. - Open Meeting

Ramada Oceanside Tower, 57th and Oceanfront, Virginia Beach, 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.

STATE BOARD FOR COMMUNITY COLLEGES

† July 21, 1993 - 2:30 p.m. - Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

State board meetings.

† July 22, 1993 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled state board meeting.

Contact: Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126.

COMPENSATION BOARD

† July 28, 1993 - 1 p.m. - Open Meeting

† September 1, 1993 - 1 p.m. - Open Meeting

Ninth Street Office Building, 202 North 9th Street, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A routine meeting to conduct business.

Calendar of Events

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

BOARD FOR CONTRACTORS

† July 14, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A regular quarterly meeting of the board to address policy and procedural issues, review and render decisions on applications for contractors' licensees, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session.

Contact: Florence R. Brassier, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8557.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Liaison Committee

July 22, 1993 - 9:30 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☒

The committee will continue to address and discuss criminal justice issues.

Contact: Vivian T. Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

August 28, 1993 - Written comments may be submitted until this date.

October 6, 1993 - 9 a.m. - Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers. The regulation mandates entry-level training requirements for dispatchers.

Statutory Authority: § 9-170 (1) and (8) of the Code of Virginia.

Contact: L. T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

BOARD OF DENTISTRY

† July 14, 1993 - 8:30 a.m. - Open Meeting
† July 28, 1993 - 8:30 a.m. - Open Meeting
† August 13, 1993 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. ☒

Informal conferences.

† August 6, 1993 - 8:30 a.m. - Open Meeting
Formal hearings.

Contact: Marcia J. Miller, Executive Director, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9906.

DEPARTMENT OF EDUCATION (BOARD OF)

July 17, 1993 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: VR 270-01-0009. Regulations Governing Literary Loan Applications in Virginia. The purpose of the proposed amendments is to (i) include language required by the 1989 and 1990 sessions of the General Assembly relating to the ceiling on indebtedness to the fund and consolidation incentives; (ii) include changes by the 1991 session to § 22.1-140 of the Code of Virginia; and (iii) increase the maximum loan amount available for constructing a new single school from \$2.5 million to \$5 million.

Statutory Authority: §§ 22.1-140 and 22.1-142 of the Code of Virginia, § 8 of Article VIII of the Constitution of Virginia.

Contact: Kathryn S. Kitchen, Division Chief, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2025.

July 29, 1993 - 8:30 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, State Department of Education, P.O. Box 2120, Richmond,

VA 23216-2120, telephone (804) 225-2073 or toll-free 1-800-292-3820.

BOARDS OF EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES

July 16, 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 Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services intend to amend regulations entitled: **VR 270-01-0003, VR 470-02-01, VR 615-29-02, VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children.** This regulation is designed to assure adequate care, treatment, and education are provided by residential facilities for children. The proposed revisions amend and clarify requirements governing intake and service planning.

Statutory Authority: §§ 16.1-311, 22.1-321, 22.1-323.2, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 66-10 and 66-24.

Written comments may be submitted through July 16, 1993, to Rhonda M. Harrell, Office of Interdepartmental Regulation, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: John J. Allen, Jr., Coordinator, Office of Interdepartmental Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960.

STATE EDUCATION ASSISTANCE AUTHORITY

August 5, 1993 - 10 a.m. - Public Hearing
411 East Franklin Street, 2nd Floor, Boardroom, Richmond, Virginia.

August 27, 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 Education Assistance Authority intends to amend regulations entitled: **VR 275-01-1. Regulations Governing Virginia Administration of the Federally Guaranteed Student Loan Programs under Title IV, Part B of the Higher Education Act of 1965 as Amended.** The purpose of the proposed amendments is to incorporate changes to federal statute and regulations, to reduce lender due diligence requirements and to respond to changes in federal interest payments for claims.

Statutory Authority: § 23-38.33:1 C 7 of the Code of Virginia.

Written comments may be submitted through August 27, 1993, to Marvin Ragland, Virginia Student Assistance Authorities, 411 East Franklin Street, Richmond, Virginia, 23219.

Contact: Sherry Scott, Policy Analyst, 411 E. Franklin St., Richmond, VA 23219, telephone (804) 775-4000 or toll-free 1-800-792-5626.

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER COUNTY

July 28, 1993 - 6:30 p.m. - Open Meeting
County Administration Building Conference Room, Gloucester, Virginia. ☒ (Interpreter for the deaf provided upon request)

The summer quarterly meeting will include (i) distribution of recently amended hazardous materials plan; (ii) the annual exercise; and (iii) a briefing from the Public Awareness Committee on a proposed community education program.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042.

LOCAL EMERGENCY PLANNING COMMITTEE - HENRICO

July 27, 1993 - 7 p.m. - Open Meeting
Henrico County Public Safety Building, Division of Fire, Parham and Hungary Spring Roads, 3rd Floor, Richmond, Virginia. ☒

A meeting to satisfy requirements of the Superfund Amendment and Reauthorization Act of 1986.

Contact: W. Timothy Liles, Assistant Emergency Services Coordinator, Division of Fire, P.O. Box 27032, Richmond, VA 23273, telephone (804) 672-4906.

LOCAL EMERGENCY PLANNING COMMITTEE - PORTSMOUTH

† **July 14, 1993 - 9 a.m.** - Open Meeting
St. Julien's Annex, Victory Boulevard at Magazine Road, Building 307, Portsmouth, Virginia. (Interpreter for the deaf provided upon request)

A general meeting.

Contact: Karen Karpowski, Secretary, Local Emergency Planning Committee, 361 Effingham St., Portsmouth, VA 23704, telephone (804) 393-8765.

Calendar of Events

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

† July 21, 1993 - 7 p.m. - Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C,
Salem, Virginia. ☒

A general meeting to (i) receive public comments; (ii) receive reports from community coordinators; and (iii) receive reports from standing committees.

Contact: Chief Dan Hall, Fire Chief, Coordinator of Emergency Services, 105 S. Market St., Salem, VA 24153, telephone (804) 375-3080.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† August 17, 1993 - 10 a.m. - Open Meeting
Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

The Waste Division of the Department of Environmental Quality will receive public comments on its Notice of Intended Regulatory Action proposing to amend VR 672-20-1, Financial Assurance Regulations of Solid Waste Facilities. The purpose is to amend existing regulations to incorporate requirements contained in EPA Guidelines for Municipal Solid Waste Facilities and EPA Financial Assurance Guidelines for local governments. Public comments will be received on the proposed amendment along with recommendations. Public comments will also be received on the costs and benefits of the regulation amendments, any proposed alternatives to be recommended by the public, and the desirability of using an ad hoc committee or group or individuals in the development of the amendment.

Contact: William F. Gilley, Regulatory Service Manager, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2966.

† August 18, 1993 - 10 a.m. - Open Meeting
Department of Environmental Quality, Innsbrook, 4900 Cox Road, Board Room, Richmond, Virginia. ☒

A meeting to inform the public of the intent to promulgate a regulation entitled "Waste Tire End User Partial Reimbursement Regulation." The meeting will consist generally of an informative overview of the intended regulation followed by a public comment and question and answer session.

Contact: Allan Lassiter, Director, Waste Tire Program, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2945.

FUELS TAX STUDY GROUP

† July 19, 1993 - 1 p.m. - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☒

The Senate Joint Resolution 182 Fuels Tax Study Group will review and discuss issues related to fuels tax evasion, including the point of taxation on fuels sales, the need to simplify the present exemption/refund system for tax-exempt sales and the appropriate scheduling of payments of fuel taxes to the Commonwealth. No public comment will be received at this meeting.

Contact: Ralph M. Davis, Assistant Commissioner for Administrative Services, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-6615.

BOARD OF GAME AND INLAND FISHERIES

July 15, 1993 - 9 a.m. - Open Meeting
4010 West Broad Street, Richmond, Virginia.

Committees of the Board of Game and Inland Fisheries will meet as follows: Finance Committee, Planning Committee, Wildlife and Boat Committee, Law and Education Committee, and Liaison Committee. Each committee will discuss topics appropriate to its authority. However, in the Wildlife and Boat Committee, the webless migratory game bird seasons, according to the U.S. Fish and Wildlife Service framework, will be discussed, as well as Sunday shooting of pen-raised game birds on licensed shooting preserves, as authorized by H.B. 186. Other general and administrative matters, as necessary, will be presented for consideration, and possible board action during the Friday meeting.

July 16, 1993 - 9 a.m. - Open Meeting
4010 West Broad Street, Richmond, Virginia.

The board will set the 1993-94 Virginia webless migratory game bird seasons (dove, woodcock, rail and snipe), based on the framework permitted by the U.S. Fish and Wildlife Service. They will also consider final action on their regulation to permit Sunday shooting of pen-raised game birds on licensed shooting preserves, as authorized by H.B. 186. Other general and administrative matters will be discussed as necessary, and the appropriate actions will be taken.

Contact: Belle Harding, Secretary to Bud Bristow, 4010 W. Broad St., P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000.

HAZARDOUS MATERIALS TRAINING COMMITTEE

July 20, 1993 - 10 a.m. - Open Meeting

Department of Emergency Services, Training Center, 308 Turner Road, Richmond, Virginia.

A meeting to discuss curriculum course development, and review existing hazardous materials courses.

Contact: George B. Gotschalk, Jr., Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.



DEPARTMENT OF HEALTH (STATE BOARD OF)

July 20, 1993 - 7 p.m. – Public Hearing
Virginia Highlands Community College, Room 605, Abingdon, Virginia.

July 21, 1993 - 7 p.m. – Public Hearing
Virginia Western Community College, Auditorium, Roanoke, Virginia.

July 22, 1993 - 7 p.m. – Public Hearing
Spotsylvania County Board of Supervisors Meeting Room, Spotsylvania, Virginia.

July 23, 1993 - 7 p.m. – Public Hearing
James City County Board of Supervisors Meeting Room, Kingsmill Office Complex, Williamsburg, Virginia.

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 355-17-02. Sewerage Regulations and adopt regulations entitled VR 355-17-100. Sewerage Collection and Treatment Regulations.** The proposed regulations govern the design, construction and operation of both sewage collection systems and sewage treatment works, including the use of sewage sludge, and will replace existing regulations.

Statutory Authority: §§ 32.1-164 and 62.1-44.19 of the Code of Virginia.

Written comments may be submitted until August 31, 1993.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Virginia Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755.

* * * * *

August 24, 1993 - 9 a.m. – Public Hearing
1500 East Main Street, Room 214, Richmond, Virginia.

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 amend regulations entitled: **VR 355-40-400. Regulations Governing the Virginia Medical Scholarship Program.** The regulation sets forth eligibility criteria, award process, terms, conditions, and circumstances under which Virginia Medical Scholarships will be awarded.

Statutory Authority: § 32.1-122.6 B of the Code of Virginia.

Written comments may be submitted through August 27, 1993.

Contact: E. George Stone, Director, Virginia Medical Scholarship Program, Virginia Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-6970.

Commissioner's Waterworks Advisory Committee

July 15, 1993 - 10 a.m. – Open Meeting
The Francis Land House, 3131 Virginia Beach Boulevard, Virginia Beach, Virginia.

A general business meeting.

Contact: Thomas B. Gray, P.E., Special Project Manager, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-5566.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

July 27, 1993 - 9:30 a.m. – Open Meeting
Blue Cross Blue Shield of Virginia, 2015 Staples Mill Road, Richmond, Virginia.

A monthly meeting.

Contact: Kim Bolden, Public Relations Coordinator, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 3, 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.

Calendar of Events

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† July 20, 1993 - 11 a.m. - Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

The annual meeting of the Board of Commissioners of the Virginia Housing Development Authority. The board will review and, if appropriate, approve the minutes from the prior monthly meeting; will consider for approval and ratification mortgage loan commitments under its various programs; will review the authority's operations for the prior month; and will consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKeellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INFORMATION MANAGEMENT

† July 16, 1993 - 10 a.m. - Open Meeting
Sheraton Inn Park South, 9901 Midlothian Turnpike, Richmond, Virginia. ☒

The council to meet with the agency and Education Advisory Committees.

Contact: Linda Hening, Administrative Staff Specialist, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 371-6670.

VIRGINIA INTERAGENCY COORDINATING COUNCIL EARLY INTERVENTION

July 14, 1993 - 9 a.m. - Open Meeting
Henrico Area Mental Health and Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

The council, according to P.L. 102-119, as amended in 1991, Part H, early intervention program for infants and toddlers with disabilities and their families, is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency, to implement a statewide interagency early intervention program.

Contact: Michael Fehl, Director, Mentally Retarded Children/Youth Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

STATE LAND EVALUATION ADVISORY COUNCIL

† August 24, 1993 - 10 a.m. - Open Meeting
† September 8, 1993 - 10 a.m. - Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☒

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: Ronald W. Wheeler, Acting Assistant Commissioner, Virginia Department of Taxation, Office of Taxpayer Services, 2220 W. Broad St., Richmond, VA 23219, telephone (804) 367-8028.

LIBRARY BOARD

† September 13, 1993 - 10 a.m. - Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Supreme Court Room, 3rd Floor, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

July 21, 1993 - 11 a.m. - Open Meeting
† August 18, 1993 - 11 a.m. - Open Meeting
† September 15, 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.

COMMISSION ON LOCAL GOVERNMENT

† July 13, 1993 - 4 p.m. - Open Meeting
Klotz Building, 18 North Irving Avenue, Colonial Beach, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact

the commission's office.

† July 14, 1993 - 9 a.m. - Open Meeting
Colonial Beach High School Cafeteria, 100 First Street,
Colonial Beach, Virginia.

Oral presentations regarding the Town of Colonial Beach-Westmoreland County settlement agreement. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's office.

† July 14, 1993 - 7 p.m. - Public Hearing
Colonial Beach High School Cafeteria, 100 First Street,
Colonial Beach, Virginia.

A public hearing regarding the Town of Colonial Beach-Westmoreland County settlement agreement. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's office.

Contact: Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

July 26, 1993 - 9:30 a.m. - Open Meeting
Longwood College, East Ruffner Building, Farmville,
Virginia. ☒

A meeting to conduct routine business.

Contact: William F. Dorrill, President, President's Office, Longwood College, 201 High Street, Farmville, VA 23909-1899, telephone (804) 395-2001.

STATE LOTTERY BOARD

July 26, 1993 - 10 a.m. - Open Meeting
August 23, 1993 - 10 a.m. - Open Meeting
2201 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular monthly meeting. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-3106 or (804) 367-3000/TDD ☎

MARINE RESOURCES COMMISSION

† July 27, 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 environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary and sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans, fishery conservation issues, licensing, shellfish leasing. Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: Sandra S. Schmidt, Secretary to the Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 16, 1993 - Written comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: VR 460-02-4.1910. **Methods and Standards for Establishing Payment Rates—Inpatient Hospital Services: Hospital Reporting Requirements.** The purpose of the proposed amendments is to require providers to submit additional financial, statistical and structural information for submission of completed cost reports, and to enable DMAS to make its annual findings and assurances. The regulations will impose a penalty for the failure to submit cost reports and the supplemental information within the required time frames.

The current regulation requires that the provider submit the completed cost report forms, the provider's trial balance, and its financial statements including the balance sheet, income statement, statement of retained earnings, and a statement of changes in financial position together with footnotes to the financial statement. The regulation also requires the submission of a home office cost report, where applicable, and the submission of schedules reconciling the financial

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statements and trial balance to the costs claimed in the cost report. The existing regulation provides that cost reports will not be considered complete by DMAS until all of the required information is received. Also, there is no penalty provision for the late submission of cost reports.

The proposed regulation requires the submission of two classes of information: (i) information that must be received within 90 days after the close of the provider's fiscal year (this information must be received before the filing of the cost report will be deemed complete); and (ii) financial, statistical and structural information that must be received by DMAS within 120 days after the close of the provider's fiscal year.

Section VI(C) of the proposed regulation imposes a penalty for the failure to submit the required information in a timely manner. This provision is being added as the result of a recent audit recommendation from the Health Care Financing Administration (HCFA). Receipt of the information submitted pursuant to this regulatory change is necessary in order for DMAS to complete its analysis of hospital costs necessary for preparation of its structured, federally-mandated findings and assurances.

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

Written comments may be submitted until 5 p.m. on July 16, 1993, to N. Stanley Fields, Director, 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.

BOARD OF MEDICINE

Informal Conference Committee

† July 16, 1993 - 9:30 a.m. - Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. ☐

† July 21, 1993 - 10 a.m. - Open Meeting
Roanoke Airport Marriot, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☐

† July 22, 1993 - 9:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☐

† July 30, 1993 - 8:30 a.m. - Open Meeting
Sheraton Inn, I-95 and Route 3, Fredericksburg, Virginia. ☐

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☐

Credentials Committee

† August 14, 1993 - 8 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Richmond, Virginia. ☐

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., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

Executive Committee

† August 13, 1993 - 9 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☐

The Executive Committee will meet in open and closed session to review cases of files requiring administrative action, review proposed budget, review legislation enacted by the 1993 General Assembly, review proposed regulations which may need administrative action, and consider any other items which may come before the committee. The committee may receive public comments on specific items at the pleasure of the chairperson.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9925.

Legislative Committee

July 16, 1993 - 10 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☐

A meeting to review §§ 54.1-2936, 54.1-2937, and 54.1-2961 of the Code of Virginia and develop regulations to establish requirements to be eligible for a limited license or temporary license to practice or train in specific programs in Virginia.

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)

July 28, 1993 - 10 a.m. - Open Meeting
Roslyn Conference Center, 8727 River Road, Richmond,
Virginia. ☐

A regular monthly meeting. Agenda to be published on
July 21. Agenda may 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
Mental Health, Mental Retardation and Substance Abuse
Services Board, P.O. Box 1797, Richmond, VA 23214,
telephone (804) 786-3921.

State Human Rights Committee

July 23, 1993 - 9 a.m. - Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia.
☐

A meeting to discuss agenda items submitted by
human rights organizations, LHRC and DMHMRSAS
facilities.

Contact: Elsie D. Little, Director, SHR Office, 109
Governor Street, P.O. Box 1797, Richmond, VA 23214,
telephone (804) 786-3988 or fax (804) 371-0092.

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

August 5, 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 (703) 825-4562.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

August 7, 1993 - 8:30 a.m. - Open Meeting
Jefferson Hotel, Richmond, Virginia. ☐

A meeting to (i) conduct election of president; (ii)
make committee appointments; and (iii) receive
committee reports. An opportunity for public comment
will be provided immediately after the
Superintendent's comments (about 9 a.m.).

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the
Board, Superintendent's Office, Virginia Military Institute,
Lexington, VA 24450, telephone (703) 464-7206 or fax (703)
464-7660.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

July 14, 1993 - 1 p.m. - Open Meeting
2300 West Broad Street, Richmond, Virginia. ☐

A regular business meeting open to the public.

Contact: Karen Ruby, Manager, 2300 W. Broad St.,
Richmond, VA 23269, telephone (804) 367-0481.

NORFOLK STATE UNIVERSITY

Board of Visitors

† **July 12, 1993 - 9 a.m. - Open Meeting**
† **July 13, 1993 - 9 a.m. - Open Meeting**
Fort McGruder Inn and Conference Center, Williamsburg,
Virginia.

July 12, 1993 - 9 a.m.: General session, committee
meetings, lunch, meetings resume until 5 p.m.

July 13, 1993 - 9 a.m.: Regular board meeting.

Contact: Gerald D. Tyler, Norfolk State University, 2401
Corprew Ave., Wilson Hall-S340, Norfolk, VA 23504,
telephone (804) 683-8373.

BOARD OF NURSING

† **July 19, 1993 - 9 a.m. - Open Meeting**
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. ☐ (Interpreter for the deaf
provided upon request)

A meeting to conduct formal hearings with licensees
in the morning and a special conference committee,
comprised of three members of the Virginia Board of

Calendar of Events

Nursing, will conduct informal conferences with licensees to determine what, if any, action should be recommended to the board. This conference will begin at 1:30 p.m. Public comment will not be received.

July 19, 1993 - 8:30 a.m. - Open Meeting

July 22, 1993 - 8:30 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A panel will conduct formal hearings with licensees. Public comment will not be received.

July 20, 1993 - 9 a.m. - Open Meeting

July 21, 1993 - 9 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, 5th Floor, 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. Public comment will be received during an open forum session beginning at 11 a.m. on Tuesday, July 20, 1993.

Contact: Corinne F. Dorsey, R.N., Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

BOARD OF OPTOMETRY

July 14, 1993 - 9 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

Informal conferences.

Contact: Cathy M. Reiniers, Assistant Executive Director, Board of Pharmacy, 6606 W. Broad St., Suite 400, Richmond, VA 23230, telephone (804) 662-9911.

July 21, 1993 - 10 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A regulatory review committee meeting to draft responses to comments received on proposed regulations during public comment period for board review and adoption at the August 11, 1993, board meeting.

August 11, 1993 - 9 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A board meeting. The board will consider adopting final regulations and develop responses to comments received during the public comment period.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., Suite 400, Richmond, VA 23230, telephone (804) 662-9911.

BOARD OF PSYCHOLOGY

July 20, 1993 - 11 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Room 1, 5th Floor, Richmond, Virginia. ☒

A meeting to conduct general board business and consider amending regulations related to examination, application and renewal fees.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9913.

August 12, 1993 - 9:30 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will conduct a formal fact finding in accordance with § 9-6.14:12 of the Code of Virginia to determine the eligibility of an applicant for licensing as a clinical psychologist. No public comment will be received.

August 12, 1993 - 9:30 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Room #1, Richmond, Virginia. ☒

A formal credentials hearing to review application for licensure of Cheryl R. Hussey, Ed.D.

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

REAL ESTATE BOARD

† July 15, 1993 - 9 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to conduct board business including review of applications for licensure, disciplinary cases, correspondence, etc., and to publish Notice of Intent to promulgate regulations.

Contact: Joan L. White, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

**SEWAGE HANDLING AND DISPOSAL APPEALS
REVIEW BOARD**

July 14, 1993 - 10 a.m. -- Open Meeting
Ramada Inn, Allegheny Room, 1130 Motel Drive,
Woodstock, 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., Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

July 12, 1993 - 10 a.m. -- Public Hearing
Department of Social Services, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia.

August 27, 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 amend regulations entitled: **VR 615-08-1. Virginia Energy Assistance Program.** The amendments propose several changes to the fuel and cooling assistance components of the Energy Assistance Program. In fuel assistance, households applying for assistance will be allowed to establish or maintain one \$5,000 savings account for education expenses or the purchase of a primary residence without penalty in the calculation of benefit amounts. Households receiving utility subsidies that must pay some heating expenses out-of-pocket will not have their benefit reduced. Additionally, income exempt in Food Stamps, ADC or Medicaid will be considered exempt in the determination of eligibility for fuel assistance. The cooling assistance component would be eliminated in FY 93-94.

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

Written comments may be submitted through August 27, 1993, to Charlene H. Chapman, Department of Social Services, 730 E. Broad St., Richmond, VA 23219.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

* * * * *

July 17, 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 repeal regulations entitled: **VR 615-25-01. Minimum Standards for Licensed Family Day Care Homes.** The existing regulation, Minimum Standards for Licensed Family Day Care Homes, is proposed for repeal while concurrently promulgating Minimum Standards for Licensed Family Day Homes.

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

Written comments may be submitted until July 17, 1993, to Alfreda Redd, Department of Social Services, Division of Licensing Programs, 730 East Broad Street, 7th Floor, Richmond, Virginia 23219.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, Office of Governmental Affairs, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1820.

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July 17, 1993 -- Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **VR 615-25-01:1. Minimum Standards for Licensed Family Day Homes.** The proposed regulation shows major changes in the licensing standards caused by amendments to the Code of Virginia related to a family day home and are necessary to update licensing requirements.

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

Written comments may be submitted until July 17, 1993, to Alfreda Redd, Department of Social Services, Division of Licensing Programs, 730 East Broad Street, 7th Floor, Richmond, Virginia 23219.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, Office of Governmental Affairs, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1820.

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July 30, 1993 - 9 a.m. -- Public Hearing
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

August 28, 1993 -- Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **VR 615-45-5. Investigation of Child Abuse and Neglect In**

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Out of Family Complaints. The regulation establishes policy to be used for investigating child abuse and neglect which occurs in certain situations outside the child's family.

Statutory Authority: §§ 63.1-25 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until August 28, 1993, to Rita Katzman, Program Manager, 730 East Broad Street, Richmond, Virginia.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

VIRGINIA STUDENT ASSISTANCE AUTHORITIES

Board of Directors

† July 15, 1993 - 10 a.m. – Open Meeting
411 East Franklin Street, 2nd Floor Board Room, Richmond, Virginia. ☒

A general business meeting.

Contact: Catherine E. Fields, Administrative Assistant, One Franklin Square, 411 E. Franklin St., Suite 300, Richmond, VA 23219, telephone (804) 775-4648 or toll-free 1-800-792-LOAN.

TREASURY BOARD

† July 21, 1993 - 9 a.m. – Open Meeting
† August 18, 1993 - 9 a.m. – Open Meeting
† September 15, 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: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

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July 15, 1993 - 9 a.m. – Public Hearing
Department of the Treasury, 101 North 14th Street, Richmond, Virginia.

August 13, 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 Treasury Board intends to amend regulations entitled **VR 640-02. Virginia Security for Public Deposits Act Regulations.** The purpose of the proposed amendments

is to provide adequate protection for public funds on deposit in financial institutions by strengthening the ability of the Treasury Board to monitor collateral by identifying criteria for the selection of third-party escrow agents by financial institutions.

Statutory Authority: § 2.1-364 of the Code of Virginia.

Written comments may be submitted through August 13, 1993.

Contact: Robert S. Young, Director of Financial Policy, Department of the Treasury, P.O. Box 1879, Richmond, VA 23215-1879, telephone (804) 225-3131.

VIRGINIA RESOURCES AUTHORITY

July 13, 1993 - 9:30 a.m. – Open Meeting
August 10, 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 (i) approve minutes of its prior meeting; (ii) review the authority's operations for the prior months; and (iii) 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., Mutual Bldg., 909 E. Main St., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or fax (804) 644-3109.

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

July 28, 1993 - 2 p.m. – Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting of the board to receive reports from the department staff and other information that may be presented to the board.

Contact: Joseph A. Bowman, Assistant Commissioner, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155.

Advisory Committee on Services

July 31, 1993 - 11 a.m. – Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee meets quarterly to advise the Virginia Board for the Visually Handicapped on matters related to services for blind and visually impaired citizens of

the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary Sr., 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† August 4, 1993 - 1 p.m. - Open Meeting
New River Community College, Dublin, Virginia. ☒

1 p.m.: On-site visit at New River Community College to observe access to vocational technical programs for students with disabilities

3:30 p.m.: General session.

4 p.m.: Committee meetings.

† August 5, 1993 - 8 a.m. - Open Meeting
New River Community College, Dublin, Virginia. ☒

8 a.m.: Business session.

9 a.m.: Work session - plan of work for FY 94.

Contact: Jerry M. Hicks, Executive Director, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

VIRGINIA VOLUNTARY FORMULARY BOARD

† September 2, 1993 - 10:30 a.m. - Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thompson, Director, Bureau of Pharmacy Services, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

July 13, 1993 - 7 p.m. - Public Hearing
Osborne High School, 9005 Tudor Lane, Lecture Room, Manassas, Virginia.

July 14, 1993 - 7 p.m. - Public Hearing
College of William and Mary, Landrum Drive, Millington Auditorium, Williamsburg, Virginia.

July 15, 1993 - 7 p.m. - Public Hearing
Virginia Western Community College, 3095 Colonial Avenue, S.W., Whitman Auditorium, Roanoke, Virginia.

July 30, 1993 - Written comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: 872-40-01. Regulated Medical Waste Management Regulations. The proposed amendments add flexibility in optional treatment methods and make several technical adjustments to the current regulations.

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

Contact: Robert G. Wickline, Director of Research, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667.

† August 2, 1993 - 10 a.m. - Open Meeting
Lancaster County Public Library, Kilmarnock, Virginia.

This will be a general business meeting. Staff will seek approval to publish the Notice of Intended Regulatory Action for Amendment 12 of the Hazardous Materials Management Regulation and the Vegetative Waste Regulations. The Virginia Waste Management Board will tour waste management facilities at Tangier Island following the board meeting.

† August 3, 1993 - 10 a.m. - Open Meeting
Windmill Point Marine Lodge, Route 695, Windmill Point Virginia.

The Virginia Waste Management Board will hold a workshop. This is a working session only. No formal action will be taken. The public is welcome to attend.

Contact: Loraine Williams, Secretary, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667.

STATE WATER CONTROL BOARD

† July 13, 1993 - 1 p.m. - Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Richmond, Virginia.

The staff is scheduling a series of meetings of the James River Surface Water Management Area Advisory Group. The duties of this advisory group are to assist in determining the appropriateness of a designation, the boundaries of the proposed area, and the adequacy of data. The group must also evaluate the data to determine the minimum instream flow level that will activate the surface water withdrawal permits and sets the various stages of conservation plans. Other tentatively scheduled meetings are August 10 and September 14, 1993, at the same time and place. Contact should be made prior to the meeting date so as to be informed of any changes in time of

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meeting, location or cancellation.

† July 22, 1993 - 1 p.m. - Open Meeting
Municipal Building, 112 North Main Street, Board of
Supervisor's Room, Bridgewater, Virginia.

The staff is scheduling a series of meetings of the North River Surface Water Management Area Advisory Group. The duties of this advisory group are to assist in determining the appropriateness of a designation, the boundaries of the proposed area, and the adequacy of data. The group must also evaluate the data to determine the minimum instream flow level that will activate the surface water withdrawal permits and sets the various stages of conservation plans. Other tentatively scheduled meetings are August 26 and September 23, 1993, at the same time and place. Contact should be made prior to the meeting date so as to be informed of any changes in time of meeting, location or cancellation.

† July 27, 1993 - 1 p.m. - Open Meeting
Clarke County Administration Office, 102 North Church
Street, Board of Supervisors Room, Berryville, Virginia.

The staff is scheduling a series of meetings of the Shenandoah River Surface Water Management Area Advisory Group. The duties of this advisory group are to assist in determining the appropriateness of a designation, the boundaries of the proposed area, and the adequacy of data. The group must also evaluate the data to determine the minimum instream flow level that will activate the surface water withdrawal permits and sets the various stages of conservation plans. Other tentatively scheduled meetings are August 31 and September 28, 1993, at the same time and place. Contact should be made prior to the meeting date so as to be informed of any changes in time of meeting, location or cancellation.

Contact: Thomas Felvey, Department of Environmental
Quality, Water Division, P.O. Box 11143, Richmond, VA
23230, telephone (804) 527-5092.

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July 19, 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 repeal regulations entitled: **VR
680-14-01. Permit Regulation.** The purpose of the
proposed action is to repeal the Permit Regulation
while concurrently considering the adoption of a new
VPDES Permit Regulation and VPA Permit Regulation.

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. Accessibility to persons
with disabilities: 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.
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 Tuesday, June 1, 1993. Request
for comments: The board seeks comments on the
proposal, the issues and the costs and benefits of the
proposal. Applicable federal requirements: The repeal
of this regulation is not subject to federal
requirements. Any federal requirements associated
with the permit programs regulated under this
regulation will be met by the adoption of the VPDES
Permit Regulation (VR 680-14-01:1). Other information:
In addition, the agency has performed certain analyses
on the proposal related to 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 July
19, 1993, to Doneva Dalton, Hearing Reporter, Department
of Environmental Quality, P.O. Box 11143, Richmond,
Virginia 23230.

Contact: Richard Ayers, Department of Environmental
Quality, P.O. Box 11143, Richmond, VA 23230, telephone
(804) 527-5059.

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July 19, 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 adopt regulations entitled: **VR
680-14-01:1. VPDES Permit Program Regulation.** The
purpose of the proposed regulation is to consider
adoption of a new regulation to govern point source
discharges of pollutants to surface water. These
discharges are currently regulated under VR 680-14-01
which will be repealed.

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. Accessibility to persons
with disabilities: 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.
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 Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The proposed regulation contains language prohibiting discharges without a permit and requiring that anyone who does discharge without a permit must notify the SWCB immediately. This proposed regulation also would prohibit the permitting of any discharge when discharge to publicly owned treatment works is reasonably available, unless the owner of the treatment works refuses in writing to accept the wastewater. This is being proposed in order to reduce a proliferation of point source discharges in areas served by central sewers.

Under the section dealing with confidentiality of information, the SWCB has added a reference to the Virginia Toxics Substance Information Act (TSIA) which states that any information obtained through the filings under the TSIA will be subject to the confidentiality requirements of that Act. The alternative of allowing such information to become public information would potentially violate the provisions of the TSIA.

The proposed regulation contains requirements from state law that no application for a permit can be considered complete until the local governing body has certified that the activity applying for a permit is in compliance with all applicable zoning and planning ordinances. The application for a privately owned treatment works must also have a certification that the plant is incorporated with and in compliance with all relevant regulations or orders of the State Corporation Commission.

Unusual or extraordinary discharges from permitted facilities are to be reported within 24 hours. This is in addition to the federal requirement for reporting noncompliance with permit conditions. It is possible that a spill or another event could occur which would adversely affect state waters, but would not technically be considered noncompliance with the permit. This provision makes the permittee responsible for reporting such incidents to the SWCB. If the requirement is not included, certain spills may go unreported and no permit violation would occur.

The SWCB has included language from the current permit regulation which deals with publicly owned treatment works. It specifically addresses action plans which must be submitted when the plant reaches 95% of its design capacity for three consecutive months. This requirement allows the SWCB and the permittee to work out a plan to deal with the amount of sewage being treated at the plant so that the plant does not get into a situation where it is handling more sewage than it can adequately treat.

Another provision requires that the owner hire an

operator for the treatment plant who is licensed as required by the regulations of the Board for Wastewater Works and Waterworks Operators. This will help to ensure that the plant is operated properly by someone with the appropriate amount of experience and training.

The proposed regulation stipulates that when the SWCB decides to deny a permit application, the owner must be notified of the steps to take to obtain approval of the application. This language is from the State Water Control Law and helps to assure that the owner has due process of his request for a permit.

The requirement that the applicant pay the cost of the public notice of a draft permit is included as an addition to the federal language.

The SWCB's Procedural Rule No. 1 is given as the source of procedures for requesting public hearings and for decisions from public hearings. The federal language applies to permit actions only when there are no corresponding state procedures.

The causes for termination of a permit are those listed in the State Water Control Law, instead of the causes listed in the federal regulations. Where the two lists of causes do not overlap substantially, the federal cause is also listed.

The proposed regulation includes language from the existing permit regulation dealing with state enforcement capabilities, delegation of authority to the Department of Mines, Minerals and Energy for permits issued to industrial activity associated with coal mines, the actions and duties of SWCB members and the director, and the processing of applications after the effective date of the regulation. These sections are from the existing Permit Regulation, do not have counterparts in federal NPDES regulations and are considered necessary for the VPDES permit regulation. Deleting them may cause some problems with the SWCB's ability to implement the permit program in Virginia. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

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July 19, 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 repeal regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The purpose of the proposed action is to consider repealing the Toxics Management Regulation in order to eliminate any confusion which may result from the concurrent adoption of the new VPDES Permit Regulation.

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. Accessibility to persons with disabilities: 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. 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 Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The repeal of this regulation is not subject to federal requirements. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5059.

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July 19, 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 adopt regulations entitled: **VR 680-14-16. General Permit for Storm Water Discharges Associates with Heavy Manufacturing Facilities.** The purpose of the proposed regulation is

to adopt a general permit for storm water discharges associated with heavy manufacturing facilities.

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. Accessibility to persons with disabilities: 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. 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 Mrs. Dalton no later than Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The federal general permit for storm water discharges associated with industrial activity was used as a guide for developing this proposed regulation. The federal general permit requires the submittal of an application 2 days prior to the commencement of the industrial activity. This proposed regulation requires the Registration Statement to be submitted at least 30 days prior to the commencement of industrial activity. This was necessary to allow the SWCB staff time to review and approve the Registration Statement and issue the general permit to the registrant. The registrant is not authorized to discharge until a complete Registration Statement has been submitted and a general permit is received from the SWCB. The federal requirements do not require issuance of a storm water general permit to the applicant but authorize an applicant to discharge 2 days after the application has been submitted. The SWCB believes it is necessary to review all Registration Statements for acceptance and to issue the general permit in order to assure consistency and compliance with the storm water regulations. The proposed regulation requires that a site map be developed that identifies the location of certain activities including fueling operations and treatment, storage and disposal of wastes. The federal general permit requires the identification of these activities where they are exposed to precipitation. The SWCB believes the identification of the location of these areas is necessary to determine the extent of industrial activity occurring at the site regardless of their potential for exposure to precipitation. The SWCB believes the remaining provisions of the proposal to be consistent with and no more stringent than applicable federal requirements. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July

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19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

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July 19, 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 adopt regulations entitled: **VR 680-14-17. General Permit for Storm Water Discharges From Light Manufacturing Facilities.** The purpose of the proposed regulation is to adopt a general permit for storm water discharges from light manufacturing facilities.

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. Accessibility to persons with disabilities: 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. 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 Mrs. Dalton no later than Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The federal general permit for storm water discharges associated with industrial activity was used as a guide for developing this proposed regulation. The federal general permit requires the submittal of an application 2 days prior to the commencement of the industrial activity. This proposed regulation requires the Registration Statement to be submitted at least 30 days prior to the commencement of industrial activity. This was necessary to allow the SWCB staff time to review and approve the Registration Statement and issue the general permit to the registrant. The registrant is not authorized to discharge until a complete Registration Statement has been submitted and a general permit is received from the SWCB. The federal requirements do not require issuance of a storm water general permit to the applicant but authorize an applicant to discharge 2 days after the application has been submitted. The SWCB believes it is necessary to review all Registration Statements for acceptance and to issue the general permit in order to assure consistency and compliance with the storm water regulations. The SWCB believes the remaining provisions of the proposal to be consistent with and no

more stringent than applicable federal requirements. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

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July 19, 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 adopt regulations entitled: **VR 680-14-18. General Permit 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 the proposed regulation is to adopt a general permit for storm water discharges from certain covered activities.

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. Accessibility to persons with disabilities: 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. 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 Mrs. Dalton no later than Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The federal general permit for storm water discharges associated with industrial activity was used as a guide for developing this proposed regulation. The federal general permit requires the submittal of an application 2 days prior to the commencement of the industrial activity. This proposed regulation requires the Registration Statement to be submitted at least 30 days prior to the commencement of industrial activity. This was necessary to allow the SWCB staff time to review and approve the Registration Statement and issue the general permit to the registrant. The registrant is not

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authorized to discharge until a complete Registration Statement has been submitted and a general permit is received from the SWCB. The federal requirements do not require issuance of a storm water general permit to the applicant but authorize an applicant to discharge 2 days after the application has been submitted. The SWCB believes it is necessary to review all Registration Statements for acceptance and to issue the general permit in order to assure consistency and compliance with the storm water regulations. The SWCB believes the remaining provisions of the proposal to be consistent with and no more stringent than applicable federal requirements. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

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July 19, 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 adopt regulations entitled: **VR 680-14-19. General Permit for Storm Water Discharges from Construction Sites.** The purpose of the proposed regulation is to adopt a general permit for storm water discharges from construction sites.

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. Accessibility to persons with disabilities: 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. 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 Mrs. Dalton no later than Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The federal general permit for storm water discharges from construction sites was used as a guide for developing

this proposed regulation. The federal general permit requires the submittal of an application 2 days prior to the commencement of the construction. This proposed regulation requires the Registration Statement to be submitted at least 14 days prior to the commencement of construction. This was necessary to allow the SWCB staff time to review and approve the Registration Statement and issue the general permit to the registrant. The registrant is not authorized to discharge until a complete Registration Statement has been submitted and a general permit is received from the SWCB. The federal requirements do not require issuance of a storm water general permit to the applicant but authorize an applicant to discharge 2 days after the application has been submitted. The SWCB believes it is necessary to review all Registration Statements for acceptance and to issue the general permit in order to assure consistency and compliance with the storm water regulations. The SWCB believes the remaining provisions of the proposal to be consistent with and no more stringent than applicable federal requirements. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

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July 19, 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 adopt regulations entitled: **VR 680-14-20. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Nonmetallic Mineral Mining.** The purpose of the proposed regulation is to adopt a general permit for industrial discharges from nonmetallic mineral mining facilities.

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. Accessibility to persons with disabilities: 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. 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 Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the proposal. Applicable federal requirements: The proposed general permit for nonmetallic mineral mining operations contains effluent limits not included in applicable federal technology based limits. However, the general permit effluent limits are no more stringent than individual VPDES permits issued for this category of discharge. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 11143 Richmond, VA 23230, telephone (804) 527-5059.

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July 19, 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 adopt regulations entitled: **VR 680-14-21. Virginia Pollution Abatement (VPA) Permit Program Regulation.** The purpose of the proposed action is to consider adopting a new regulation to govern sources of pollutants that are not point source discharges to surface waters. These sources are currently regulated through the Permit Regulation (VR 680-14-01).

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. Accessibility to persons with disabilities: 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. 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 Tuesday, June 1, 1993. Request for comments: The board seeks comments on the proposal, the issues and the costs and benefits of the

proposal. Applicable federal requirements: There are no federal requirements applicable to the VPA permit program. Other information: In addition, the agency has performed certain analyses on the proposal related to 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 July 19, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 11143 Richmond, VA 23230, telephone (804) 527-5059.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

July 21, 1993 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct board business and other matters which may require board action.

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

VIRGINIA WORKER'S COMPENSATION COMMISSION

July 15, 1993 - 10 a.m. - Public Hearing
1000 DMV Drive, Courtroom, Richmond, Virginia.

August 13, 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 Virginia Worker's Compensation Commission intends to promulgate regulations entitled: **VR 405-01-06. Procedures for Processing Worker's Compensation Claims.** The commission proposes to change its present rules concerning prehearing, hearing and review procedures in accordance with recommendations made by the 1993 General Assembly. The Virginia Worker's Compensation Commission pursuant to § 65.2-201 A of the Code of Virginia, proposes to change its present Rules of Practice and Procedure in accordance with recommendations made by the 1993 General Assembly. Present rules concerning prehearing, hearing and review procedures have been reviewed and proposed new rules are offered for comment by the public, members of the bar and all other interested parties. Copies of the proposed new rules may be obtained from the Office of the Clerk, Worker's Compensation

Calendar of Events

Commission, 1000 DMV Drive, Richmond, Virginia 23220, without cost. A public hearing will be conducted in the commission courtroom beginning at 10 a.m. on July 15, 1993, at which time interested parties will be heard regarding proposed rule changes. Those who wish to have their comments made part of the record must file written comments with the Clerk of the Commission no less than five business days prior to the public hearing. Oral comments to the commission will be heard and shall be limited to eight minutes per person unless extended comments are approved by the commission before the hearing date.

Statutory Authority: § 65.2-201 A of the Code of Virginia.

Contact: Lawrence D. Tarr, Chief Deputy Commissioner, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-8664.

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

† July 18, 1993 - 2 p.m. - Open Meeting
Cora Kelly Rec. Center, Alexandria, Virginia.

† July 19, 1993 - 9:30 a.m. - Open Meeting
George Mason University, Fairfax, Virginia.

Business meetings.

Contact: Linda Ladd, 910 Capitol Square, 9th Floor, Richmond, VA 23219, telephone (804) 786-1837.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† July 23, 1993 - 9:30 a.m. - Open Meeting
General Assembly Building, 910 Capitol Square, House Appropriations Committee Room, 9th Floor, Richmond, Virginia.

A staff briefing on Evaluation of Inmate Mental Health Services. VRS subcommittee meeting: RF & P corporation presentation.

Contact: Phil Leone, General Assembly Building, 910 Capitol Square, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

JOINT COMMISSION TO STUDY MANAGEMENT OF THE COMMONWEALTH'S WORKFORCE AND ITS COMPENSATION, PERSONNEL, AND MANAGEMENT POLICIES, AND TO RECOMMEND IMPROVEMENTS TO VIRGINIA'S SYSTEM

August 4, 1993 - 10 a.m. - Open Meeting

General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia.

An open meeting. SJR 279, 1993.

Contact: John McE. Garrett, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-5742, or Nancy Roberts, Division Manager, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE TO STUDY GOVERNMENTAL ACTIONS AFFECTING PRIVATE PROPERTY RIGHTS

† August 16, 1993 - 1 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

The subcommittee will hold an organizational meeting for studying Virginia governmental actions which may result in taking of private property under current federal or Virginia constitutional law, and the need, if any, for legislation to change current law or procedures in response to such study.

Contact: Jeffrey F. Sharp, Staff Attorney, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

SELECT COMMITTEE TO REVIEW FINDS AND RECOMMENDATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION CONCERNING THE EFFICIENCY AND DISTRIBUTION IN THE TRANSPORTATION TRUST FUND

† July 20, 1993 - 2 p.m. - Public Hearing
Hampton Public Library, 4207 Victoria Boulevard, Hampton, Virginia.

† July 21, 1993 - 10 a.m. - Public Hearing
Center for Innovative Technology, 2214 Rock Hill Road, Herndon, Virginia.

A public hearing. SJR 240/HJR 572

Contact: Thomas C. Gilman, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-5742, or Alan B. Wambold, Research Associate, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING PROCEDURAL ASPECTS OF THE TRIAL, APPEAL AND COLLATERAL PROCEEDINGS OF CAPITAL CASES

† July 21, 1993 - 2 p.m. - Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The subcommittee will meet for the purpose of hearing recommendations. HJR 402

Contact: Frank Ferguson, Division Manager, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

STATE WATER COMMISSION

July 22, 1993 - 10 a.m. - Open Meeting
State Capitol Building, House Room 4, Richmond, Virginia.

The commission will meet for the purpose of formulating the state water policy.

Contact: Marty Farber, Research Associate, or Frank Munyan, Staff Attorney, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

July 12

ASAP Policy Board, Valley
† Norfolk State University
- Board of Visitors

July 13

† Auctioneers Board
† Local Government, Commission on
† Norfolk State University
- Board of Visitors
Virginia Resources Authority
† Water Control Board, State

July 14

† Commonwealth Transportation Board
† Contractors, Board for
† Dentistry, Board of
† Emergency Planning Committee, Local - Portsmouth
Interagency Coordinating Council (VICC) Early
Intervention, Virginia
† Local Government, Commission on
Motor Vehicles, Department of
- Medical Advisory Board
Pharmacy, Board of
Sewage Handling and Disposal Appeals Review Board

July 15

† Commonwealth Transportation Board
Game and Inland Fisheries, Board of
Health, Department of

- Commissioner's Waterworks Advisory Committee
† Real Estate Board
† Student Assistance Authorities, Virginia
- Board of Visitors

July 16

Game and Inland Fisheries, Board of
† Information Management, Council on
† Medicine, Board of
- Informal Conference Committee
- Legislative Committee

July 18

† House Appropriations Committee

July 19

† Accountancy, Board for
† Fuels Tax Study Group
† House Appropriations Committee
† Nursing, Board of

July 20

† Accountancy, Board for
† Agriculture and Consumer Services, Board of
Hazardous Materials Training Committee
† Housing Development Authority, Virginia
Nursing, Board of
Psychology, Board of

July 21

† Community Colleges, State Board for
† Local Emergency Planning Committee - Roanoke
Valley
† Local Debt, State Council on
† Medicine, Board of
Nursing, Board of
Pharmacy, Board of
† Treasury Board
† Trial, Appeal and Collateral Proceedings of Capital
Cases, Joint Subcommittee Studying Procedural Aspects
of the
Waterworks and Wastewater Works Operators, Board
for

July 22

† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
† Community Colleges, State Board for
Corrections, Board of
- Liaison Committee
† Medicine, Board of
† Nursing, Board of
State Water Commission
† Water Control Board, State

July 23

† Air Pollution Control Board
Alcoholic Beverage Control Board
† Joint Legislative Audit and Review Commission
Mental Health, Mental Retardation and Substance
Abuse Services, Department of

Calendar of Events

- State Human Rights Committee

July 26

Longwood College
- Board of Visitors
Lottery Department, State

July 27

† Marine Resources Commission
Health Services Cost Review Council, Virginia
Emergency Planning Committee, Local - Henrico
† Water Control Board, State

July 28

† Compensation Board
† Dentistry, Board of
Emergency Planning Committee, Local - Gloucester
County
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
Visually Handicapped, Board for the

July 29

Education, Board of

July 30

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee
† Medicine, Board of

July 31

Visually Handicapped, Department for the
- Advisory Committee on Services

August 2

Alcoholic Beverage Control Board
† Waste Management Board, Virginia

August 3

Hopewell Industrial Safety Council
† Waste Management Board, Virginia

August 4

Management of the Commonwealth's Workforce and
Its Compensation, Personnel and Management Policies,
and to Recommend Improvements to Virginia's System,
Joint Commission to Study
† Vocational Education, Council on

August 5

Middle Virginia Board of Directors and the Middle
Virginia Community Corrections Resources Board
Military Institute, Virginia
- Board of Visitors
† Vocational Education, Council on

August 6

† Dentistry, Board of

August 10

Virginia Resources Authority

August 11

Pharmacy, Board of

August 12

Psychology, Board of

August 13

† Dentistry, Board of
† Medicine, Board of
- Executive Committee

August 14

† Medicine, Board of
- Credentials Committee

August 16

Alcoholic Beverage Control Board
† Private Property Rights, Joint Subcommittee to
Study Governmental Actions Affecting

August 17

† Environmental Quality, Department of

August 18

† Environmental Quality, Department of
† Local Debt, State Council on
† Treasury Board

August 19

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

August 23

Lottery Department, State

August 24

† Land Evaluation Advisory Council, State

August 25

† Aviation Board

August 26

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee

August 27

† Aviation Board
† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

August 30

† Alcoholic Beverage Control Board

September 1

† Compensation Board

September 2

† Voluntary Formulary Board, Virginia

September 8

† Land Evaluation Advisory Council, State

Calendar of Events

September 13

† Library Board

September 15

† Local Debt, State Council on
† Treasury Board

September 23

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

September 24

† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

September 29

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee

August 5

State Education Assistance Authority

August 17

Aging, Department for the

August 24

Health, Board of

October 6

Criminal Justice Services, Board of

PUBLIC HEARINGS

July 13

Air Pollution Control Board, State
Waste Management Board, Virginia

July 14

Air Pollution Control Board, State
† Child Day Care and Early Childhood Programs,
Council on
† Local Government, Commission on
Waste Management Board, Virginia

July 15

Air Pollution Control Board, State
Treasury Board
Waste Management Board, Virginia
Workers' Compensation Commission, Virginia

July 20

Health, Board of
† Transportation Trust Fund, Select Committee to
Review Finds and Recommendations of the Virginia
Department of Transportation Concerning the
Sufficiency and Distribution of Funds in the

July 21

Health, Board of
† Transportation Trust Fund, Select Committee to
Review Finds and Recommendations of the Virginia
Department of Transportation Concerning the
Sufficiency and Distribution of Funds in the

July 22

Health, Board of

July 23

Health, Board of

Calendar of Events
